



CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
P.O. BOX 1627
PARKERSBURG, WV 26102

April 3, 2019

Honorable Members of the Home Rule Board
West Virginia Home Rule Pilot Program
West Virginia Department of Commerce
State Capitol Complex, Building 6, Room 525
Charleston, West Virginia 25303

Dear Members of the Board:

Thank you for allowing our community to participate in the Home Rule Pilot Program. Since being admitted to the program in 2014, the City has implemented a one percent sales tax and reduced and/or eliminated business and occupations taxes on several industries. As a result, the City has been able to initiate community improvements projects, while making our community more attractive to prospective businesses. The City also authorized licensed establishments to sale alcoholic beverages after 10 a.m. on Sundays in 2017.

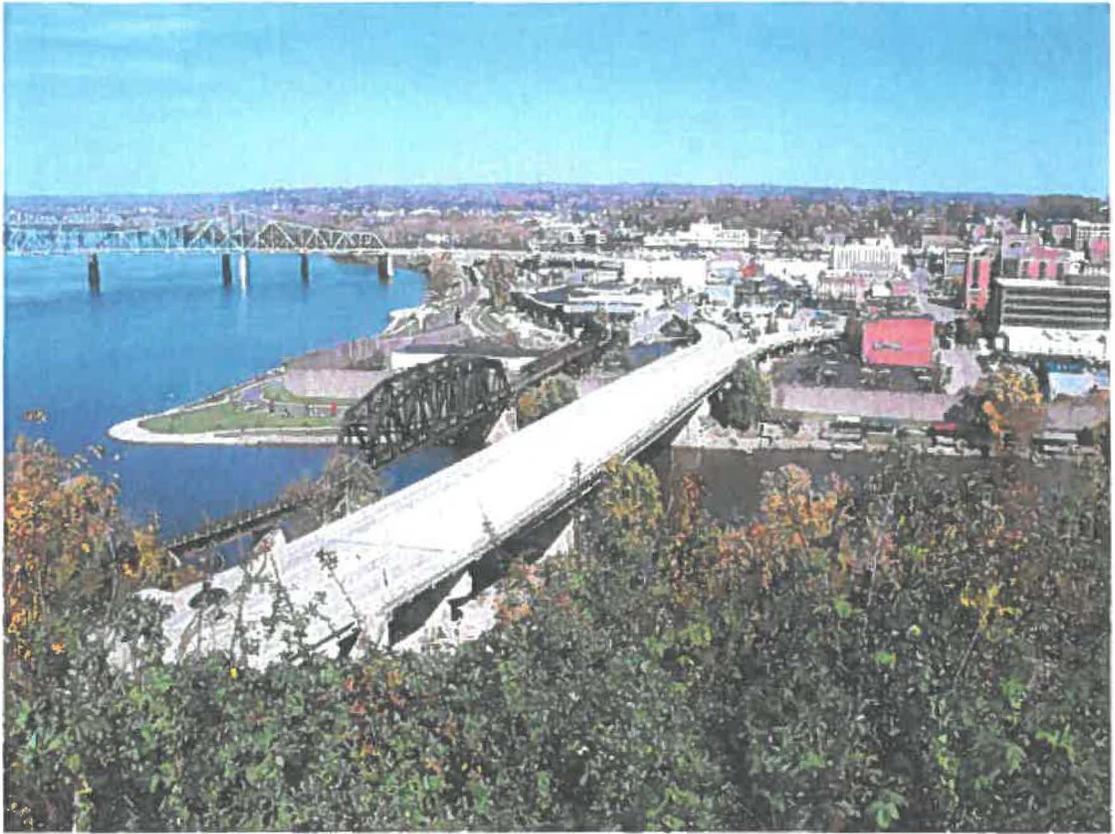
At this time, the City of Parkersburg is seeking to amend its Home Rule Plan. The City's proposal would establish minimum requirements and standards for the upkeep and maintenance of residential properties and structures in the community by expanding on and/or clarifying portions of West Virginia State Code. This legislation is necessary in order to help the City abate and prevent the spread of slum and blight in our community. If approved, the City will take all reasonable steps to responsibility enact such legislation.

Thank you for considering the City's proposal. If you have any questions, please contact Joe Santer, City Attorney at 304.424.8520. I appreciate your time and attention and look forward to discussing the matter with you further on April 10.

Sincerely,

Tom Joyce
Mayor

City of Parkersburg, West Virginia



2019 Home Rule Plan Amendment Proposal

SECTION I: APPLICATION INFORMATION

A. General Information

Name of Municipality: City of Parkersburg
 Certifying Official: Tom Joyce, Mayor
 Contact Persons: Joseph Santer, City Attorney
 Address: One Government Square, P.O. BOX 1627
 City, State, Zip: Parkersburg, West Virginia, 26101
 Telephone Number: (P): 304.424.8520
 Email Address: jts-atty@suddenlink.net
 2010 Census Population: 31,492

B. Municipal Classification

Please identify municipal class/metro government: (check one)

Class I Class II Class III Metro-Government

C. Category of Issues to Addressed

Please identify areas to be addressed through Home Rule: (check all that apply)

Taxing Organization Administrative Personnel

Executive Summary

Pursuant to the authority provided by West Virginia State Code § 8-1-5a, the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program in October 2014. Since then, the City has enacted two pieces of legislation. They include implementing a one percent sales tax on eligible goods and services sold in the community and permitting authorized establishments to sale alcoholic beverages after 10 a.m. on Sundays.

The purpose of this written plan amendment is to establish minimum requirements and standards for the upkeep and maintenance of residential properties and structures within the City of Parkersburg. The proposed amendment and subsequent ordinance (attached hereto) would expand on and/or clarify portions of West Virginia State Code.

SECTION II: NARRATIVE

AMENDING THE STATE BUILDING CODE (PROPERTY MAINTENANCE) TO ALLOW FOR THE REGULATION OF OPEN COLLECTION AND STORAGE OF MATERIALS, MERCHANDISE, AND OTHER ITEMS UPON RESIDENTIAL PROPERTIES WITHIN THE CITY

Introduction and Issue:

Municipalities are currently permitted to regulate and control, to some limited extent, common public nuisances and the accumulation of debris, junk and other objects in open (exterior) areas of residential properties. [WV Code Section 8-12-5(10),(13),(23), and (44), General and Specific Powers of Municipalities; and through the state building code (International Property Maintenance Code) as promulgated and adopted by the State Fire Commission]. However, such grant of authority does not adequately provide for the proper upkeep and maintenance of residential properties and of the city neighborhoods at large. Further, state law (WV Code Section 8-12-13(b) and (c), state building code) requires and restricts the City, if it chooses to implement a property maintenance code, to adopt the state building code without any variation. The City is, therefore, limited in its ability to fully and effectively manage this problem, due to the necessity of strictly adhering to that which is contained and set forth in the state building code property maintenance section.

Problem and Solution:

Part of the City of Parkersburg is comprised of aging residential neighborhoods as such it faces many of the same issues that other cities experience when it comes to arresting the growth and expansion of blight and deterioration especially in its older residential areas. This problem is exacerbated by the loss of owner occupied residences in these same districts. The City, through its Code Enforcement Division, and utilizing the International Property Maintenance Code contained in the state building code has and continues to try to clean up and improve the City. However, the property maintenance section of the code as presently enacted is insufficient to fully address and correct the proliferation of open storage and accumulation of material, merchandise, junk and other objects in open areas of residential properties and which substantially affects and contributes to the properties and the adjoining neighborhoods decline and pending decay.

In order to assist the City in its efforts to clean up, maintain and improve its residential properties the City proposes certain amendments to the International Property Maintenance section of the state building code thereby allowing it to more effectively address this problem. The suggested amendments further define and expand the meaning of "open" to include unenclosed porches, carports, and unenclosed garages as well as specifically including certain items or categories of items/objects the storage and accumulation of which in open areas of residential properties within the City would be restricted.

Conclusion:

Therefore the City of Parkersburg respectfully requests that it be permitted, through Home Rule, to enact an ordinance amending the section of the state building code (International Property Maintenance Code) regulating and controlling the open collection and storage of materials, merchandise and other objects upon residential properties within the City.

SECTION III: AFFIDAVITS AND ATTACHMENTS

PUBLIC HEARING MANDATE VERIFICATION

Legal Notice

Classified/Legal Advertising Invoice
The Parkersburg News and Sentinel

PO Box 1787
 519 Juliana St
 Parkersburg, WV
 26101
 (304) 485-1891

CITY OF PARKERSBURG
ATTN: ACCOUNTS PAYABLE
PO BOX 1627
PARKERSBURG, WV

03/01/2019 9:15:19AM

26102-1627

No: 142459

Phone: 304 424-8434

Ad No 142459	Customer No: L02474	Start Date 02-22-2019	Stop Date 03-01-2019	Category: Legals		Classification: Legals				
Order No 19-2030	Rate: LE	Lines: 45	Words: 320	Inches: 4.48		Cost 104.38	Payments .00	Balance 104.38		
Publications ... Runs News Legals ... 2		Solicitor: TP	Origin: 10	Sales Rep: 114	Credit Card	Credit Card Number	Card Expire			
<table border="1" style="width: 100%;"> <thead> <tr> <th align="center">Identifier</th> </tr> </thead> <tbody> <tr> <td align="center"> PUBLIC HEARING NOTICE CITY OF PARKERSBURG, WEST VIRGINIA HOME RULE PLAN AMENDMENT Notice is hereby given by City </td> </tr> </tbody> </table>									Identifier	PUBLIC HEARING NOTICE CITY OF PARKERSBURG, WEST VIRGINIA HOME RULE PLAN AMENDMENT Notice is hereby given by City
Identifier										
PUBLIC HEARING NOTICE CITY OF PARKERSBURG, WEST VIRGINIA HOME RULE PLAN AMENDMENT Notice is hereby given by City										
P-Extend Expiration Date										

Legal Affidavit – Darla Lott 304-485-1891 Ext 301

**PUBLIC HEARING NOTICE
CITY OF PARKERSBURG, WEST VIRGINIA
HOME RULE PLAN AMENDMENT**

Notice is hereby given by City Council of the City of Parkersburg, WV, that it will hold a public hearing on Tuesday, March 26th at 7:30 p.m. at the Parkersburg Municipal Building (City Council Chambers – 2nd Floor), located at One Government Square, Parkersburg, WV 26101. The purpose of this public hearing is to discuss a proposed amendment to the City of Parkersburg's Home Rule Plan that would allow the City to establish minimum requirements and standards for the upkeep and maintenance of residential properties and structures within the community, and regulate the operation and use of motorized bicycles in the City.

The City of Parkersburg's proposed amendment to its Home Rule written plan and application to the Municipal Home Rule Board will be made available for review 30 days prior to the public hearing, in the Office of the City Clerk and Development Department, located in the Parkersburg Municipal Building, One Government Square, Parkersburg, WV 26101, beginning February 22, 2019, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. as well as online at www.parkersburgcity.com.

All interested citizens are invited to attend the public hearing scheduled on March 26, 2019 at 7:30 p.m. in the City Council Chambers to discuss the City's written plan and application. Written comments may be addressed to the City Clerk of the City of Parkersburg, One Government Square, Parkersburg, WV 26101.

The first reading of the ordinance approving the proposed amendment and subsequent application to the Municipal Home Rule Board will be held at the Parkersburg City Council meeting on March 26, 2019 at 7:30 p.m. in the Parkersburg Municipal Building (City Council Chambers – 2nd Floor). A second reading on the City's amendment and application will be held on a Special Council Meeting on April 2, 2019 at the same time and location.

Feb 22, Mar 1

.....Darla Lott.....

Being first duly sworn, says that the

.....PUBLIC HEARING NOTICE.....
.....HOME RULE PLAN AMENDMENT.....
Hereto attached was printed in the

...XX...The Parkersburg News and Sentinel,
A daily newspaper published in the City of Parkersburg,
Wood County, West Virginia, for ...2...successive day(s),
The first publication and posting thereon being on
the22ndday(s) ofFebruary....2019, and
subsequent publications on the1st.....day(s) of
March, ...2019.

Printer's Fee: \$....102.38....
Notarized Signature: \$.....2.00....
Additional Copy Fee: \$.....
Total Due: \$....104.38....

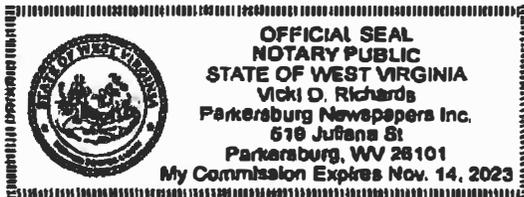
By: Darla Lott

Subscribed and sworn to before me this

1st day of March, 2019.....

Vicki D. Richards

Notary Public for Wood County, West Virginia



HEARING MANDATE VERIFICATION

City Council Agendas

**AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, MARCH 26, 2019, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING**

- I. **CALL TO ORDER – Council President, Mike Reynolds**
- II. **ROLL CALL**
- III. **MINUTES – budget minutes from March 7th, 11th, and 13th, 2019;
Regular Council meeting March 12, 2019**
- IV. **REPORTS FROM STANDING OR SPECIAL COMMITTEES**
- V. **MESSAGE FROM THE EXECUTIVE**
 - A. **Communication from Mayor Tom Joyce appointing Mr. Sean Francisco, #4 South Lake Drive, to the Municipal Planning Commission for a term to expire March 26, 2022; and reappointing Seldon Wigal, Charlie Matthews, Luke Peters, Francis Angelos, and Eric Gumm, to the Planning Commission for terms to expire December 31, 2021. (requires Council's confirmation)**
- VI. **PUBLIC FORUM**
- VII. **CITY COUNCIL FORUM**
- VIII. **RESOLUTIONS**
 1. **Resolution stating that the dates for meetings in April for City Council shall be April 2nd and April 16th, 2019. (Sponsored by Councilmen Reynolds, Kuhl, and Reed)**
 2. **Resolution amending the CDBG budget \$21,231.38 for refinancing fees for the Section 108 Riverfront Loan. (Councilmen McCrady, Kuhl, and Carpenter)**
 3. **Resolution authorizing Mayor Tom Joyce to accept and administer a grant from Homeland Security, \$31,000.00 to purchase 4 ballistic shields for S.W.A.T. (2 for City of Parkersburg; one for Wood County; one for Vienna) (Sponsored by Councilmen Kuhl, McCrady, and Reed)**
- IX. **ORDINANCE, FINAL READING:**
 4. **Ordinance amending Article 955, Solid Waste Disposal, to require dumpsters to be fenced or screened. (Sponsored by Councilmen Reed, Kuhl, and McCrady)**

"next page"

X. ORDINANCE, FIRST READING:

5. Ordinance authorizing Mayor Tom Joyce to submit proposals to the Municipal Home Rule Board amending the City's Home Rule Plan allowing for the impounding of motorized bicycles in circumstances; and amending the State Building Code permitting additional regulation of open collection and accumulation of materials and objects on residential property. (Sponsored by the Public Works Committee)

PUBLIC HEARING

XI. ADJOURNMENT

NOTE – next meeting Tuesday, April 2nd; then April 16th, 2019.

**AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, APRIL 2, 2019, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING**

- I. CALL TO ORDER – Council President, Mike Reynolds
- II. ROLL CALL
- III. MINUTES – (none for this meeting)
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE - Proclamation, April as Fair Housing Month
- VI. PUBLIC FORUM
- VII. CITY COUNCIL FORUM
- VIII. RESOLUTIONS
 - 1. Resolution requesting a budget revision to move \$5,225.00 within the Code Department for a part-time prisoner work detail supervisor. (Sponsored by Councilmen Reed, Fox, Kuhl, and McCrady)
 - 2. Resolution re-appointing Greg Herrick, 1711 Washington Avenue, to the Parkersburg Utility Board for a term to expire May 24, 2022. (Sponsored by Councilmen McCrady, Kuhl, and Reynolds)
- IX. ORDINANCE, FINAL READING:
 - 3. Ordinance amending Article 955, Solid Waste Disposal, stating that trash in dumpsters is not allowed to overflow, escape or be blown away at any time. (amended by Council March 26, 2019)
 - 4. Ordinance authorizing the Mayor to submit a proposal to the Home Rule Board amending the State Building Code permitting additional regulation of open collection and accumulation of materials and objects on residential property. (Sponsored by Public Works Committee)
- X. ORDINANCE, FIRST READING:
 - 5. Ordinance amending Article 373, adding Section 373.17, Motorized Bicycle; and establishing a penalty in Section 373.99 (d) of not less than \$25.00 or more than \$100.00. (amendment from City Council March 26, 2019)
 - 6. An ordinance establishing rates for the City of Parkersburg Swimming Pools, and includes the waterslide and splash pad. (Sponsored by the Public Works Committee)

Next page

Page two
Council agenda April 2, 2019

7. **An ordinance to approve current replacement pages to the City Code through February 2019. (Sponsored by Councilmen Reed, Kuhl, and Reynolds)**

XI. ADJOURNMENT

NOTE – next meeting Tuesday, April 16th, 2019.

PUBLIC HEARING MANDATE VERIFICATION

Approved Ordinance and City Council Meeting Minutes

Mayor Tom Joyce



CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
P.O. BOX 1627
PARKERSBURG, WV 26102

CERTIFICATION

I, Connie Shaffer, City Clerk of the City of Parkersburg, West Virginia, do hereby certify that the attached is a true and accurate copy of an ordinance adopted by Parkersburg City Council on final reading April 2, 2019.

Dated this 3rd day of April, 2019.



City Clerk

CITY SEAL

PROPOSED ORDINANCE

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PARKERSBURG TO SUBMIT PROPOSALS TO THE MUNICIPAL HOME RULE BOARD AMENDING THE CITY'S HOME RULE PLAN, BY AMENDING THE STATE BUILDING CODE, PERMITTING ADDITIONAL REGULATION OF OPEN COLLECTION AND ACCUMULATION OF MATERIALS AND OBJECTS ON RESIDENTIAL PROPERTY

WHEREAS, the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program by the Municipal Home Rule Board in October 2014;

WHEREAS, the City is permitted to initiate certain innovative and novel legislation by amending its written plan with the West Virginia Home Rule Board in accordance with West Virginia Code Section §8-1-5a;

WHEREAS, the City of Parkersburg finds it necessary, proper and beneficial to the health, safety and welfare of its residents and visitors to further regulate and control the open collection and accumulation of materials and objects upon residential property in the City; and

WHEREAS, the City finds that in order to accomplish these objectives it is necessary to amend its Home Rule Plan.

14
14
NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG, WEST VIRGINIA, that, Mayor Tom Joyce is hereby authorized to submit to the West Virginia Home Rule Board the proposed amendment, attached hereto and made a part hereof, to the City of Parkersburg's Home Rule Plan all as consistent with West Virginia Code Section §8-1-5a, and requesting approval as follows:

An Ordinance amending the State Building Code (Property Maintenance Provisions) to allow for the further regulation and control of the open collection and accumulation of materials and objects on residential property in the City.

See also attached Section I: Application Information including the Executive Summary and Section II: Narrative (outline and explanation of proposal) of the City's offered Home Rule application.

SPONORED BY CITY COUNCIL PUBLIC WORKS COMMITTEE

0-1615

Ord. authorizing Mayor Tom Joyce
to submit proposal to Home Rule
Board amending the State Building
Code permitting additional
regulation of open collection and
accumulation of materials and
objects on residential property.

Adopted first reading Mar. 26, 2019

Adopted final reading Apr 2, 2019



Mayor Tom Joyce

§302.10 Open Collection or Storage of Materials, Merchandise, Furniture and Furnishings On Residential Properties (Home Rule)

No person shall openly store or keep in any yard, unenclosed porch, carport, unenclosed garage or other exterior of any residential premises any household appliances, indoor furniture, furnishings, other goods, merchandise or materials or any other item that creates an unsightly condition or one that promotes urban blight or a public nuisance. This shall include, but not limited to, indoor furniture, household appliances, household furnishings, auto parts, shopping carts, building materials, or the placement of storage containers such as vaults, shipping containers, or other vehicles for storage.

This section shall not apply to enclosed porches, outdoor patio and lawn furniture for residential use or building material neatly stacked and stored for no more than sixty (60) days for a construction project permitted with the City. The building material shall be weather protected and shall not be placed within property setbacks or placed in such manner that would create a danger to property, health or safety.

The collection and storage of such items may be permitted in side and back yards if the same is weather protected and screened so as to completely conceal its view from public right of way. Such screening shall consist of a permitted continuous solid fence, landscape planting of sufficient density that is not affected by seasonal change, a continuous wall, chain-link fence combined with commercially designed and manufactured fence slats rated at 90% plus sight obscuring or chain-link fence combined with commercially designed and manufactured privacy/windscreen material rated at 90% plus sight obscuring or combination thereof that is 6-feet in height that would effectively screen a property from public view in which it encloses. Any dead or dying portion of the hedge shall be replaced. Fencing and screening materials must be maintained in good repair or replaced if worn or damaged.

For purposes of this section the following definitions shall apply:

- (a) **ENCLOSED PORCH.** A structure, adjoining an entrance to a building, that is fully enclosed by permanent walls, windows, screens, or other material, and that cannot be accessed from the outside except through a door that is capable of being locked.
- (b) **EXTERIOR.** The exterior of any structure that is exposed to the weather or subject to and in contact with elements, including, but not limited to sidings, facings, veneers, masonry, roofs, foundations, porches, decks, balconies, screens, shutters, windows, doors, or signs.
- (c) **OUTDOOR FURNITURE.** Weather-resistant furniture designed and manufactured for outdoor use.
- (d) **PORCH.** A structure, adjoining an entrance to a building that is not fully enclosed by permanent walls, windows, screens, or other similar material.

- (e) Merchandise refers to manufactured goods or commodities bought and sold by any business. This also refers to any items, regardless of value, which are intended to be kept, sold, or donated.**
- (f) Open or outdoor area refers to any area that is visible to the public, including neighbors of a given property owner. This includes, but is not limited to: front yards, back yards, carports, unenclosed garages, adjoining public or private alleyways, porches and decks.**
- (g) STORAGE CONTAINERS refer to vaults, shipping containers, buckets, or anything that is used for the storage of other items, regardless of the nature of the stored items. Storage containers may or may not have a lid, and may be made of any material. If a storage container is considered waterproof, weatherproof, or designed to be used outdoors, it is still not exempt from this ordinance.**

**AMENDING THE STATE BUILDING CODE (Property Maintenance) TO ALLOW FOR THE
REGULATION OF OPEN COLLECTION AND STORAGE OF MATERIALS, MERCHANDISE, AND OTHER
ITEMS UPON RESIDENTIAL PROPERTIES WITHIN THE CITY**

Introduction and Issue:

Municipalities are currently permitted to regulate and control, to some limited extent, common public nuisances and the accumulation of debris, junk, and other objects in open (exterior) areas of residential properties. [WV Code Section 8-12-5(10),(13),(23) and (44), General and Specific Powers of Municipalities; and through the state building code (International Property Maintenance Code) as promulgated and adopted by the State Fire Commission]. However, such grant of authority does not adequately provide for the proper upkeep and maintenance of residential properties and of the city neighborhoods at large. Further, state law (WV Code Section 8-12-13(b) and (c), state building code.) requires and restricts the city, if it chooses to implement a property maintenance code, to adopt the state building code without any variation. The City is, therefore, limited in its ability to fully and effectively manage this problem due to the necessity of strictly adhering to that which is contained and set forth in the state building code property maintenance section.

Problem and Solution:

Part of the city of Parkersburg is comprised of aging residential neighborhoods as such it faces many of the same issues that other cities experience when it comes to arresting the growth and expansion of blight and deterioration especially in its older residential areas. This problem is exacerbated by the loss of owner occupied residencies in these same districts. The City, through its Code Enforcement Division, and utilizing the International Property Maintenance Code contained in the state building code has and continues to try to clean up and improve the city. However, the property maintenance section of the codes as presently enacted is insufficient to fully address and correct the proliferation of open storage and accumulation of material, merchandise, junk and other objects in open areas of residential properties and which substantially affects and contributes to the property's and the adjoining neighborhood's decline and pending decay.

In order to assist the City in its efforts to clean up, maintain and improve its residential properties the City proposes certain amendments to the International Property Maintenance section of the state building code thereby allowing it to more effectively address this problem. The suggested amendments further define and expand the meaning of "open" to include unenclosed porches, carports, and unenclosed garages as well as specifically including certain items or categories of items/objects, the storage and accumulation of which in open areas of residential properties within the City would be restricted.

Conclusion:

Therefore the City of Parkersburg respectfully requests that it be permitted, through Home Rule, to enact an ordinance amending the section of the state building code (International Property Maintenance Code) regulating and controlling the open collection and storage of materials, merchandise and other objects upon residential properties within the City.

SECTION I: APPLICATION INFORMATION

A. General Information

Name of Municipality: City of Parkersburg
 Certifying Official: Tom Joyce, Mayor
 Contact Persons: Joseph Santer, City Attorney
 Address: One Government Square, P.O. BOX 1627
 City, State, Zip: Parkersburg, West Virginia, 26101
 Telephone Number: (P): 304.424.8520
 Email Address: jts-atty@suddenlink.net
 2010 Census Population: 31,492

B. Municipal Classification

Please identify municipal class/metro government: (check one)

Class I Class II Class III Metro-Government

C. Category of Issues to Addressed

Please identify areas to be addressed through Home Rule: (check all that apply)

Taxing Organization Administrative Personnel

Executive Summary

Pursuant to the authority provided by West Virginia State Code § 8-1-5a, the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program in October 2014. Since then, the City has enacted two pieces of legislation. They include implementing a one percent sales tax on eligible goods and services sold in the community and permitting authorized establishments to sale alcoholic beverages after 10 a.m. on Sundays.

The purpose of this written plan amendment is to establish minimum requirements and standards for the upkeep and maintenance of residential properties and structures within the City of Parkersburg. The proposed amendment and subsequent ordinance (attached hereto) would expand on and/or clarify portions of West Virginia State Code.

SECTION II; NARRATIVE

AMENDING THE STATE BUILDING CODE (Property Maintenance) TO ALLOW FOR THE REGULATION OF OPEN COLLECTION AND STORAGE OF MATERIALS, MERCHANDISE, AND OTHER ITEMS UPON RESIDENTIAL PROPERTIES WITHIN THE CITY

Introduction and Issue:

Municipalities are currently permitted to regulate and control, to some limited extent, common public nuisances and the accumulation of debris, junk, and other objects in open (exterior) areas of residential properties. [WV Code Section 8-12-5(10),(13),(23) and (44), General and Specific Powers of Municipalities; and through the state building code (International Property Maintenance Code) as promulgated and adopted by the State Fire Commission]. However, such grant of authority does not adequately provide for the proper upkeep and maintenance of residential properties and of the city neighborhoods at large. Further, state law (WV Code Section 8-12-13(b) and (c), state building code.) requires and restricts the city, if it chooses to implement a property maintenance code, to adopt the state building code without any variation. The City is, therefore, limited in its ability to fully and effectively manage this problem due to the necessity of strictly adhering to that which is contained and set forth in the state building code property maintenance section.

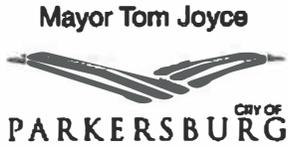
Problem and Solution:

Part of the city of Parkersburg is comprised of aging residential neighborhoods as such it faces many of the same issues that other cities experience when it comes to arresting the growth and expansion of blight and deterioration especially in its older residential areas. This problem is exacerbated by the loss of owner occupied residences in these same districts. The City, through its Code Enforcement Division, and utilizing the International Property Maintenance Code contained in the state building code has and continues to try to clean up and improve the city. However, the property maintenance section of the code as presently enacted is insufficient to fully address and correct the proliferation of open storage and accumulation of material, merchandise, junk and other objects in open areas of residential properties and which substantially affects and contributes to the property's and the adjoining neighborhood's decline and pending decay.

In order to assist the City in its efforts to clean up, maintain and improve its residential properties the City proposes certain amendments to the International Property Maintenance section of the state building code thereby allowing it to more effectively address this problem. The suggested amendments further define and expand the meaning of "open" to include unenclosed porches, carports, and unenclosed garages as well as specifically including certain items or categories of items/objects the storage and accumulation of which in open areas of residential properties within the City would be restricted.

Conclusion:

Therefore the City of Parkersburg respectfully requests that it be permitted, through Home Rule, to enact an ordinance amending the section of the state building code (International Property Maintenance Code) regulating and controlling the open collection and storage of materials, merchandise and other objects upon residential properties within the City.

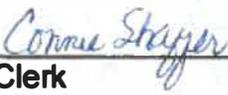


CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
P.O. BOX 1627
PARKERSBURG, WV 26102

CERTIFICATION

I, Connie Shaffer, City Clerk of the City of Parkersburg, West Virginia, do hereby certify that the attached is a true and accurate copy of minutes from the Parkersburg City Council meeting held March 26, 2019.

Dated this 3rd day of April, 2019.



City Clerk

CITY SEAL

March 26, 2019

The Council of the City of Parkersburg met in regular session Tuesday, March 26, 2019 at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg.

The meeting was called to order by Council President, Mike Reynolds, who presided over the meeting.

The Clerk noted those members attending as Councilmen Dave McCrady, Sharon Kuhl, Bob Mercer, Eric Barber, JR Carpenter, John Reed, Zach Stanley, Jeff Fox, and Mike Reynolds.

MINUTES – the minutes for the meetings held March 7th, March 11th, March 13th, and March 12th, 2019 were approved as previously distributed with no additions or corrections.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – there were no reports.

MESSAGE FROM THE EXECUTIVE – Acting Mayor, Joseph Santer, told City Council that Governor Jim Justice has signed the Home Rule Bill for municipalities, and it now becomes permanent. Also, he stated that resolution #2 on the agenda will be replaced with an amended version due to a recent notification to us; and Mr Santer is recommending that Council adopt the ordinance on first reading, concerning proposals going to the Home Rule Board, as presented, as the two items would have no effect until after two readings at a later time

The Clerk then presented a communication from Mayor Joyce re appointing Mr. Sean Francisco, #4 South Lake Drive, to the Municipal Planning Commission for a term to expire March 26, 2022; and reappointing Seldon Wigal, Charlie Matthews, Luke Peters, Francis Angelos, and Eric Gumm, to the Planning Commission for terms to expire December 31, 2021.

MOTION – Ms. Kuhl moved, seconded by Mr. Mercer, to confirm the appointments and the motion was adopted by unanimous vote.

At this time, Councilwoman Sharon Kuhl explained a recent fundraiser to purchase a new canine for the Parkersburg Police Department, and turned the floor over to Debbie Jeffries, who presented a check to the City for \$6,805.00. They are both members of the Ladyburgs, a group who volunteers at our Police Substation. She mentioned all the businesses who contributed to the bingo fundraiser and several other volunteers, including 66 donors. Chief Joe Martin told them that he and the department were very appreciative, as did Acting Mayor Santer

PUBLIC FORUM – Kim VanRijn, 13th Street, spoke concerning the motorized bicycles; Debbie Shahan, Plum Street, said she liked the police department having a bike patrol; she appreciates the work being done at Point Park clean-up; she does not like the idea of fencing around dumpsters because of possible assaults;

Jennifer Bryant, Market Street, stated that Parkersburg Pride is joining with others for a community clean-up, and invited all to help. They are concentrating on 7th Street this year. Concerning the fencing around dumpsters, she thinks we may not get the results we want as some fencing could be unsightly, also;

Rina Goins, Staunton Turnpike, supports the yard art, Yarn Bombing, around our City, with 45 local businesses supporting them. The art will be removed after Easter;

Andrew Lamb, 902 Lubeck Avenue, is not in favor of the fencing around the dumpsters as it could make another place for homeless to sleep. Fences will not fix the problem, he said;

CITY COUNCIL FORUM – Councilwoman Sharon Kuhl reported that she and husband, Joe Kuhl, participated in a Soap Box Derby this past weekend at the Grand Central Mall, and won the first place trophy. The City of Vienna had eight people participating, and the races were averaged for their times. She presented the trophy to Acting Mayor, Joseph Santer.

Mr. Carpenter announced a monthly neighborhood clean-up in his district for March 30th, beginning at 9:00 AM, and they will be working on the sidewalks on 18th Street and 19th Street.

Mr. McCrady recognized Public Works Director, Everett Shears, and Code Director, Bobby McClung, for their part in two buildings coming down safely in the 800 block of Market Street.

Mr. Fox stated that funding for the waterslide at the City Park had been reported incorrectly – that the funds were to come from capital outlay and capital reserve, not out of the public works budget or storm sewer funds.

Mr. Reed stated that he had received calls about the funding for the slide, but it was not about where the funds were coming from, but rather that Council gave pay increases and funding for street resurfacing was cut this year.

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that City Council meetings for the month of April shall be Tuesday, April 2, 2019 and Tuesday, April 16, 2019.

MOTION – Mr. Reed moved, seconded by Mr. Barber, to adopt the resolution, and the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Fox, who voted "no".

March 26, 2019

RESOLUTION

A resolution was presented amending the CDBG budget \$21,231.38 for refinancing fees for the Section 108 Riverfront Loan.

MOTION – Mr. Reed moved, seconded by Mr. Barber, to amend the revision, as follows:

PARKERSBURG COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET REVISION

Be it resolved by the City Council of the City of Parkersburg that the City of Parkersburg's Community Development Block Grant (CDBG) Program Annual Action Plan and Budget be hereby amended as follows:

2017 CDBG Adjustment of Funds

	Current	Proposed	Change
1082 Section 108 Loan Repayment - 2017	70,029.80	66,115.05	(3,914.75)
1124 Section 108 Loan Refinance Fee - Riverfront Park		3,914.75	3,914.75
Totals	70,029.80	70,029.80	

2018 CDBG Adjustment of Funds

Activity	Current Budget	Proposed Budget	
1124 Section 108 Loan Refinance Fee - Riverfront Park	5,690.00	5,772.26	
1123 Section 108 Loan Repayment - 2018	64,340.00	64,257.74	82.26
Totals	70,030.00	70,030.00	(0.00)

VOTE – the amendment was adopted by unanimous vote.

VOTE – the motion, as amended, was adopted by unanimous vote.

RESOLUTION:

**RESOLUTION AUTHORIZING MAYOR JOYCE TO ACCEPT
A GRANT FROM THE UNITED STATES DEPARTMENT
OF HOMELAND SECURITY AND THE WV DIVISION
OF HOMELAND SECURITY AND EMERGENCY
MANAGEMENT FOR FISCAL YEAR 2018**

WHEREAS, the Homeland Security Grant Program (HSGP) is to provide funds to eligible entities to support state, local, tribal, and territorial efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States; and

WHEREAS, the HSGP funds a variety of efforts to ensure that local communities have the tools and equipment necessary to build safer communities; and

WHEREAS, the City of Parkersburg's Police Department has been awarded \$31,000 from the HSGP for FY 2018 to make upgrades to S.W.A.T. team equipment.

NOW THEREFOR BE IT RESOLVED by the City Council of the City of Parkersburg that Mayor Tom Joyce be and hereby is authorized to accept and administer a grant from the HSGP to purchase 4 ballistic shields for the S.W.A.T. team.

MOTION – Mr. Reed moved, seconded by Mr. Stanley, to adopt the resolution, and the motion was adopted by unanimous vote.

ORDINANCE, FINAL READING:

**AN ORDINANCE AMENDING ARTICLE 955,
SOLID WASTE DISPOSAL, OF THE CODIFIED
ORDINANCES OF THE CITY OF PARKERSBURG TO REQUIRE
DUMPSTERS TO BE FENCED OR SCREENED**

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that Article 955, Solid Waste Disposal, be and it is hereby amended with the inclusion of Section 955.15a, Dumpster to be fenced or screened, as follows:

March 26, 2019

§955.15a Dumpster to be Fenced or Screened.

Where the property owner, person, business or other entity utilizes a dumpster as a trash and refuse collection container said dumpster shall be fenced, screened and surrounded so as to completely conceal its view. Such fence or screen shall consist of a continuous solid fence, landscape planting of sufficient density that is not affected by a seasonal change, a continuous wall, chain-link fence combined with commercially designed and manufactured fence slats rated at 90% plus sight obscuring or chain-link fence combined with commercially designed and manufactured privacy/windscreen material rated at 90% plus sight obscuring or combination thereof that is 6-feet in height that would effectively screen a property from public view in which it encloses. Any dead or dying portion of the hedge shall be replaced. Fencing and screening materials must be maintained in good repair or replaced if worn or damaged. All gates leading into the enclosed area must also effectively screen the property and be kept closed.

There is excepted from the fencing and screening requirements herein any dumpster that is so utilized as a temporary trash and refuse collection container for a period not to exceed fourteen (14) days.

In addition the fencing and screening requirements may be modified or waived by the Director of the Department of Public Works, with the approval of the City Planner, if such fencing and screening is determined to be impractical, unwarranted or unnecessary due to the configuration of the lot or the building, the attendant placement of the dumpster or when alternate and satisfactory means are employed to diminish and obstruct the dumpster from public view.

In all cases, with the exception of the use of a temporary dumpster (not exceeding 14 days), a dumpster shall be placed on a solid area surfaced with asphalt or cement binder.

MOTION – Mr. Reed moved, seconded by Ms. Kuhl, to adopt the ordinance on final reading.

MOTION TO AMEND – Mr. Reed moved, seconded by Ms. Kuhl, to amend the ordinance, as follows:

Where the property owner, person, business or other entity utilizes a dumpster as a trash and refuse collection container said dumpster shall be fenced, screened and surrounded so as to completely conceal its view, and the gate leading into the enclosed area shall be kept locked as well as closed. In addition, if the property owner upon which the dumpster is placed abuts or adjoins a residential property or a property utilized as a primary residence, the dumpster shall be set back a minimum of ten feet (10') from the said adjacent residential property, and shall be fenced or screened from view of the residential property.

VOTE ON AMENDMENT – the amendment failed with all members voting "no" with the exception of Ms. Kuhl and Mr. Reed, who voted "yes".

MOTION TO AMEND – Mr. Stanley moved, seconded by Mr. Fox, to amend the ordinance by removing all language except the first paragraph, and would read as follows:

Any property owner, person, business or other entity that utilized a dumpster to store or hold trash, refuse, garbage or solid waste for removal, whether by the City or a private collector, shall at all times keep such trash, refuse, garbage and solid waste contained therein and not allow the same to overflow, escape or be blown away.

VOTE ON AMENDMENT – the amendment was adopted by majority vote with all members voting "yes" with the exception of Mr. Reed, who voted "no".

VOTE ON MOTION, AS AMENDED – the amendment was adopted by majority vote with all members voting "yes" with the exception of Ms. Kuhl and Mr. Reed, who voted "no".

ORDINANCE. FIRST READING.

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF
PARKERSBURG TO SUBMIT PROPOSALS TO THE MUNICIPAL
HOME RULE BOARD AMENDING THE CITY'S HOME RULE PLAN ALLOWING
FOR IMPOUNDING OF MOTORIZED BICYCLES IN CERTAIN CIRCUMSTANCES
AND AMENDING THE STATE BUILDING CODE PERMITTING ADDITIONAL
REGULATION OF OPEN COLLECTION AND ACCUMULATION OF MATERIALS AND
OBJECTS ON RESIDENTIAL PROPERTY

MOTION – Mr. Reed moved, seconded by Ms. Kuhl, to adopt the ordinance on first reading.

PUBLIC HEARING – at 8:40 PM, Council President Reynolds opened the floor for a public hearing concerning this ordinance.

Several citizens spoke concerning allowing motorized bicycles, with rules, included Kim VanRijn, 13th Street; Lara Petty, 1703 Spring Street; Rex Johnson, 1414 Hazel Street, Steven Ramsey, 2609 New York Avenue; Calvin Kirby, 818 15th Street; James Cornell, 646 Liberty Street, apt 2, Robert Dabbs, 1417 Lynn Street; Adam Roach, 1701 17th Street; Crystal Meeks, 1507 Lynn Street; Roger Sheppard, 481 Highland Meadows Road; Debbie Shahan, 2307 Plum Street.

March 26, 2019

Some of the concerns were that some of the bicyclists don't have a driver's license and can't afford a vehicle; that the fines were too much; the logistics of storing the bikes; the ordinance is too harsh on impounding; they did not like the portion about the "officer's discretion"; some bikers follow all the rules; a few had disabilities and it was difficult to ride a regular bike; fear their bikes will be auctioned; it appears they are against poor people; the penalty is taking away their transportation

Ms. Shahan, concerning trash accumulation, stated that there is a residence on New York Avenue and their front yard looks like a junk yard, but asks where this all stops

The hearing was declared closed at 9:20 PM.

MOTION TO DIVIDE THE QUESTION – Mr. Barber moved, seconded by Mr. Carpenter, to divide the question and vote on these ordinances separately.

VOTE – the motion was adopted by majority vote as follows

VOTING 'YES'	VOTING 'NO'
Mr. Mercer	Mr. McCrady
Mr. Barber	Ms. Kuhl
Mr. Carpenter	Mr. Reed
Mr. Stanley	Mr. Reynolds
Mr. Fox	

ORDINANCE, FIRST READING:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PARKERSBURG TO SUBMIT PROPOSALSS TO THE MUNICIPAL HOME RULE BOARD AMENDING THE CITY'S HOME RULE PLAN ALLOWING FOR IMPOUNDING OF MOTORIZED BICYCLES IN CERTAIN CIRCUMSTANCES

MOTION – Mr. Reed moved, seconded by Ms. Kuhl, to adopt the ordinance on first reading.

MOTION TO AMEND – Mr. Barber moved to strike 'electric' powered from the definitions, but there was no second to the motion.

MOTION TO AMEND – Mr. Carpenter moved, seconded by Mr. Fox, to eliminate article 373.99 Paragraph (2) concerning impounding, and the amendment was adopted by majority vote with all members voting "yes" with the exception of Mr. McCrady, Ms. Kuhl, and Mr. Reed, who voted "no".

VOTE ON MOTION AS AMENDED – the motion, as amended, was adopted by majority vote with all members voting "yes" with the exception of Mr. McCrady, Ms. Kuhl, and Mr. Reed, who voted "no"

ORDINANCE, FIRST READING:

AMENDING THE STATE BUILDING CODE PERMITTING ADDITIONAL REGULATION OF OPEN COLLECTION AND ACCUMULATION OF MATERIALS AND OBJECTS ON RESIDENTIAL PROPERTY

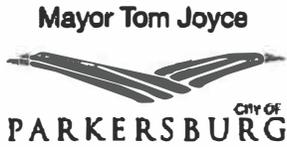
MOTION – Mr. Reed moved, seconded by Mr. Barber, to adopt the ordinance on first reading to submit the proposal to the Home Rule Board to amend the State Building Code permitting additional regulation of open collection and accumulation of materials and objects on residential property.

VOTE – the motion was adopted by majority vote with all members voting "yes" with the exception of Mr Stanley, who voted "no".

The meeting adjourned at 9:55 PM.

City Clerk

Council President



CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
P.O. BOX 1627
PARKERSBURG, WV 26102

CERTIFICATION

I, Connie Shaffer, City Clerk of the City of Parkersburg, West Virginia, do hereby certify that the attached is a true and accurate copy of minutes from the Parkersburg City Council meeting held April 2, 2019.

Dated this 3rd day of April, 2019.



City Clerk

CITY SEAL

April 2, 2019

The Council of the City of Parkersburg met in regular session Tuesday, April 2, 2019 at 7 30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg.

The meeting was called to order by Council President, Mike Reynolds, who presided over the meeting.

The Clerk noted those members attending as Councilmen Dave McCrady, Sharon Kuhl, Eric Barber, JR Carpenter, John Reed, Zach Stanley, Jeff Fox, and Mike Reynolds. Councilman Bob Mercer was absent.

There were no minutes for approval this evening.

There were no reports from standing or special committees.

MESSAGE FROM THE EXECUTIVE

At this time, Mayor Tom Joyce called forward for recognition members of Parkersburg South High School Wrestling Team, who have been State Champions for five years in a row. Their coach Smith introduced each of them saying they were an outstanding group of kids in the classroom and the community. With applause and a standing ovation, we welcomed the team and wished them well for the future.

The clerk read in full a Proclamation for Fair Housing Month for the month of April 2019, and with no objections it was received and will be filed.

PUBLIC FORUM – Mr. Clifton Reed, Jr., 130 Earnhardt Lane, told Council that he rides a motorcycle and has to have a license and insurance, and it does not seem fair to him that the motorized bikes to not have that requirement. If there would be an accident, the one with insurance would have to pay, he said.

Debbie Shahan, 2307 Plum Street, said she was concerned about the lower amount allocated in the budget for Parkersburg Homecoming, and that a lot of people look forward to that time. She also asked why we were not televising our Council meetings; she asked why the Code Department couldn't write more tickets, and they should have more teeth in their ordinances. She was also concerned about the ordinance going to the Home Rule Board and said we should concentrate on big trash problems as well as smaller problems.

Kim VanRijn, 13th Street, thanked Council for removing the provision to impound the motorized bikes. Concerning insurance for those bikes, she said those bikes shouldn't make much damage and would be similar to a regular bike. There have not been a lot of those accidents, but if there are, we should take a look at it at that time.

Jennifer Bryant, Market Street, reminded all of a community clean-up April 13th on 7th Street at the entrance to our City. She also asked Council to remember the high level of poverty in our City when they set the pool rates, and she does not want people priced out of something that Parkersburg has. The non-profits cannot afford the after-hour rental rates, she said. Ms. Bryant also asked why \$40,000.00 had been set aside for a bicentennial when there was a celebration in 1985 with a monument at Bicentennial Park. She was also interested in the Ladyburgs group meetings, as others may be interested in joining. In another matter, she said that Steven Smith would be having a meet and greet tomorrow at 6:00 PM – he's running for Governor. Still, there is no social media policy for the City, she said.

CITY COUNCIL FORUM – Ms. Kuhl stated that April 20th is the date set for the Fishing Derby at both of our parks, and will be our 39th year for the derby. Concerning the Ladyburgs group, they are a group of women who joined together to make improvements in our community and they are not part of City Council in any way.

Mr. Carpenter said the Avery Street Historic Group clean-up was a success, as they removed 60 bags of trash from 16th to 19th Streets. He thanked the Solid Waste Authority and the City for helping them, and said they would continue monthly. Mayor Joyce added that the Department of Correction employees helped with another 30 bags of trash.

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to revise the Adopted Budget for 2018-2019 Fiscal Year to reflect the following changes:

GENERAL FUND

Account	Description	Current Budget	Proposed Adjustment	Revised Budget		Comments
CODE ADMINISTRATION						
436-103-315	OTHER SALARIES & WAGES	213,394	4,750	218,144	PRISONER REALLOCATION	SUPERVISOR
436-104-000	FICA EXPENSE	20,305	363	20,668	PRISONER REALLOCATION	SUPERVISOR
436-226-005	WORKERS COMP PREMIUM	6,230	112	6,342	PRISONER REALLOCATION	SUPERVISOR
436-230-000	CONTRACTUAL SERVICES	119,180	(5,225)	113,955	PRISONER REALLOCATION	SUPERVISOR

April 2, 2019

The above resolution proposed to revise the FY 19 General Fund Code Administration Division budget to accommodate a part-time prisoner work detail supervisor for the spring 2019 season through June 30, 2019.

MOTION – Ms. Kuhl moved, seconded by Mr. Reed, to adopt the resolution, and the motion was adopted by unanimous vote.

RESOLUTION – the clerk presented a resolution re-appointing Greg Herrick, 1711 Washington Avenue, Parkersburg, WV to the Parkersburg Utility Board for a term to end May 24, 2023.

MOTION – Mr. Carpenter moved, seconded by Ms. Kuhl, to adopt the resolution, and the motion was adopted by unanimous vote.

ORDINANCE, FINAL READING:

**AN ORDINANCE AMENDING ARTICLE 955,
SOLID WASTE DISPOSAL, OF THE CODIFIED
ORDINANCES OF THE CITY OF PARKERSBURG, TO REQUIRE
DUMPSTERS TO BE MAINTAINED**

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that Article 955, Solid Waste Disposal, be and it is hereby amended with the inclusion of Section 955.15a; Dumpster to be maintained.

955.15a DUMPSTER TO BE MAINTAINED

Any property owner, person, business or other entity that utilized a dumpster to store or hold trash, refuse, garbage or solid waste for removal, whether by the City or a private collector, shall at all times keep such trash, refuse, garbage and solid waste contained therein and not allow the same to overflow, escape or be blown away.

MOTION – Ms. Kuhl moved, seconded by Mr. Stanley, to adopt the ordinance on final reading.

Mayor Joyce stated that at one of our last meetings, we had pictures of five different locations where the trash and other materials was taking over the property, and he said that all of those locations were owned by people out of town, or out of WV. In order to properly serve someone, the owner has to sign for it, and we can also use a process server, when we can find them. This is the number one complaint the Mayor receives, he said.

When Mr. Stanley asked if it would have been the same if we required them to have a fence or screen, Mayor Joyce said in that case we would not have to look at the accumulation of trash if there was a fence

Mr. Fox said there is a difference in hauler to hauler. Some of them leave mattresses behind, and some don't. He asked if we could tell the haulers what we expect from them. Mr. Reed stated that the independent haulers are regulated by the Public Service Commission with their own rules, and municipalities are exempt from being under PSC.

Mr. Barber stated, and had stated earlier, that most of it is a property management problem.

Mr. McCrady asked if the independent haulers could charge extra, and Mr. Reed said the owners have 30 days to clean it up. Mr. Santer stated that you pay extra for overflows and it is the owner's responsibility.

VOTE - the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. McCrady, Ms. Kuhl, and Mr. Reed, who voted "no".

ORDINANCE, FINAL READING:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PARKERSBURG TO SUBMIT
PROPOSALS TO THE MUNICIPAL HOME RULE BOARD AMENDING THE CITY'S HOME RULE PLAN, BY
AMENDING THE STATE BUILDING CODE, PERMITTING ADDITIONAL REGULATION OF OPEN
COLLECTION AND ACCUMULATION OF MATERIALS AND OBJECTS ON RESIDENTIAL PROPERTY**

WHEREAS, the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program by the Municipal Home Rule Board in October 2014;

WHEREAS* the City is permitted to initiate certain innovative and novel legislation by amending its written plan with the West Virginia Home Rule Board in accordance with West Virginia Code Section §8-1-5a;

WHEREAS, the City of Parkersburg finds it necessary, proper and beneficial to the health, safety and welfare of its residents and visitors to further regulate and control the open collection and accumulation of materials and objects upon residential property in the City; and

April 2, 2019

WHEREAS, the City finds that in order to accomplish these objectives it is necessary to amend its Home Rule Plan

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG, WEST VIRGINIA, that, Mayor Tom Joyce is hereby authorized to submit to the West Virginia Home Rule Board the proposed amendment, attached hereto and made a part hereof, to the City of Parkersburg's Home Rule Plan all as consistent with West Virginia Code Section §8-1-5a, and requesting approval as follows:

An Ordinance amending the State Building Code (Property Maintenance Provisions) to allow for the further regulation and control of the open collection and accumulation of materials and objects on residential property in the City.

See also attached Section I: Application Information including the Executive Summary and Section II: Narrative (outline and explanation of proposal) of the City's offered Home Rule application.

MOTION – Mr. Reed moved, seconded by Ms. Kuhl, to adopt the ordinance on final reading.

Mr. Stanley asked for clarification on page 2, paragraph 3 – and said we are trying to make our City more pleasant, but we are allowing them to have a dump in their yard. This is not cleaning our City, it's just blocking it, he said.

Mr. Santer said it does not involve anything you can smell, but rather like furniture, and it does say "may" These will be on a case by case basis. Mayor Joyce stated this section is for the individual owner who has several washing machines, or lawn mowers, etc. that are taking over the yard. Regular trash is separate. This is for the things that are visual and a real blight to the neighborhoods. He knows there are people who can't sell their property because of this blight near their property, but if you can screen it, it will be out of view.

VOTE - the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Stanley, who voted "no".

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING ARTICLE 373 OF THE
CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG
TO REGULATE THE OPERATION AND USE OF MOTORIZED BICYCLES

MOTION – Mr. Carpenter moved, seconded by Mr. Stanley, to adopt the ordinance on first reading, and the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Reed, who voted "no".

ORDINANCE, FIRST READING.

AN ORDINANCE ESTABLISHING RATES FOR THE CITY
OF PARKERSBURG SWIMMING POOLS AND INCLUDING THE
WATERSLIDE AND SPLASH PAD

MOTION – Mr. Reed moved, seconded by Mr. Carpenter, to adopt the ordinance on first reading, and the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Fox, who voted "no".

ORDINANCE, FIRST READING:

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT
PAGES TO THE CODIFIED ORDINANCES OF
THE CITY OF PARKERSBURG

MOTION – Mr. Reed moved, seconded by Ms. Kuhl, to adopt the ordinance on first reading, and the motion was adopted by unanimous vote.

The meeting adjourned at 8:20 PM.



City Clerk

Council President

**LETTER FROM CITY ATTORNEY CERTIFYING THAT PROPOSED
AMENDMENT COMPLIES WITH W. VA. CODE §8-1-5a HERE**

Mayor Thomas T.
Joyce



CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
PO BOX 1627
PARKERSBURG, WV 26102

Joseph T. Santer
City Attorney
(304) 424-8520

April 3, 2019

West Virginia Home Rule Pilot Program
West Virginia Department of Commerce
State Capitol Complex, Building 6, Room 525
Charleston, West Virginia 25303

RE: Opinion for the City of Parkersburg's proposed amendment
to the Home Rule Plan.

Dear Members of the Home Rule Board,

I have in accordance with West Virginia State Code §8-1-5a(f)(4) reviewed the City of Parkersburg's Application and written Proposed Home Rule Plan Amendment and find as follows:

1. The Plan Amendment does not contain any changes to any ordinances, acts, resolutions, rules or regulations that are contrary to or in contravention of the following:
 - a. Environmental law;
 - b. Laws governing bidding on government construction and other contracts;
 - c. The Freedom of Information Act;
 - d. The Open Governmental Proceedings Act;
 - e. Laws governing wages for construction of public improvements;
 - f. The provisions of W.V. Code §8-1-5a;
 - g. The provisions of section five-a, article twelve of this chapter;
 - h. The municipality's written plan;
 - i. The Constitution of the United States or the Constitution of the state of West Virginia;
 - j. Federal law or crimes and punishment;
 - k. Chapters sixty-a, sixty-one and sixty-two of the West Virginia code or state crimes and punishment;
 - l. Laws governing pensions or retirement plans;
 - m. Laws governing annexation;
 - n. Laws governing taxation;
 - o. Laws governing tax increment financing;
 - p. Laws governing extraction of natural resources;
 - q. Marriage and divorce laws;
 - r. Persons or property outside the boundaries of the municipality;

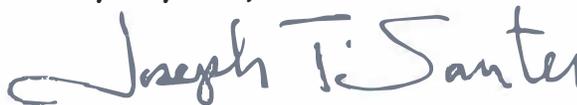
- s. An occupation tax, fee or assessment payable by a nonresident of a municipality.

In addition and in compliance with the notice requirements under WV Code 58-1-5a(g), I certify the following:

1. Notice that the City Council of the City of Parkersburg would hold a public hearing on Tuesday, March 26, 2019 at 7:30 p.m. in the City Council Chambers, Parkersburg Municipal Building concerning the City's Proposed Amendment to its Home Rule written plan, as well as the availability of said proposed plan in the Office of the City Clerk, and Development Department, beginning February 22, 2019, Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m., was published in the Parkersburg News and Sentinel once each week for two consecutive weeks beginning February 22, 2019 as a Class II Legal ad. The City's plan was also made available on its website at www.parkersburgcity.com.
2. Following said 30 day review period City Council at its regular meeting, 7:30 p.m. March 26, 2019 as stated in the Public Notice, and in conjunction with Council's consideration of the Ordinance Authorizing the Mayor of the City of Parkersburg to submit a proposed amendment to the City's written plan to the West Virginia Municipal Home Rule Board, held a public hearing on the matter. In addition and as set forth in the Public Hearing Notice, all interested citizens were given notice that they could file written comments on the plan and application with the City Clerk.
3. Further, City Council by its rules and procedures invites citizens to comment on any matter of interest during the Public Hearing of its meeting and which included the meetings of both March 26, 2019 and April 2, 2019 thus allowing the public an additional opportunity to speak and be heard.

It is therefore my opinion that in accordance with West Virginia Code §8-1-5a the City of Parkersburg provided proper and adequate opportunity to the public to review and comment on the City's proposed amendment and during the public hearing of March 26, 2019 and which public hearing was declared open and held on said date.

Very Truly Yours,



Joseph T. Santer
City Attorney

JTS:bh

PROPOSED ORDINANCE

§302.10 Open Collection or Storage of Materials, Merchandise, Furniture and Furnishings On Residential Properties (Home Rule)

No person shall openly store or keep in any yard, unenclosed porch, carport, unenclosed garage or other exterior of any residential premises any household appliances, indoor furniture, furnishings, other goods, merchandise or materials or any other item that creates an unsightly condition or one that promotes urban blight or a public nuisance. This shall include, but not limited to, indoor furniture, household appliances, household furnishings, auto parts, shopping carts, building materials, or the placement of storage containers such as vaults, shipping containers, or other vehicles for storage.

This section shall not apply to enclosed porches, outdoor patio and lawn furniture for residential use or building material neatly stacked and stored for no more than sixty (60) days for a construction project permitted with the City. The building material shall be weather protected and shall not be placed within property setbacks or placed in such manner that would create a danger to property, health or safety.

The collection and storage of such items may be permitted in side and back yards if the same is weather protected and screened so as to completely conceal its view from public right of way. Such screening shall consist of a permitted continuous solid fence, landscape planting of sufficient density that is not affected by seasonal change, a continuous wall, chain-link fence combined with commercially designed and manufactured fence slats rated at 90% plus sight obscuring or chain-link fence combined with commercially designed and manufactured privacy/windscreen material rated at 90% plus sight obscuring or combination thereof that is 6-foot in height that would effectively screen a property from public view in which it encloses. Any dead or dying portion of the hedge shall be replaced. Fencing and screening materials must be maintained in good repair or replaced if worn or damaged.

For purposes of this section the following definitions shall apply:

- (a) **ENCLOSED PORCH.** A structure, adjoining an entrance to a building, that is fully enclosed by permanent walls, windows, screens, or other material, and that cannot be accessed from the outside except through a door that is capable of being locked.
- (b) **EXTERIOR.** The exterior of any structure that is exposed to the weather or subject to and in contact with elements, including, but not limited to sidings, facings, veneers, masonry, roofs, foundations, porches, decks, balconies, screens, shutters, windows, doors, or signs.
- (c) **OUTDOOR FURNITURE.** Weather-resistant furniture designed and manufactured for outdoor use.
- (d) **PORCH.** A structure, adjoining an entrance to a building that is not fully enclosed by permanent walls, windows, screens, or other similar material.

- (e) Merchandise refers to manufactured goods or commodities bought and sold by any business. This also refers to any items, regardless of value, which are intended to be kept, sold, or donated.**
- (f) Open or outdoor area refers to any area that is visible to the public, including neighbors of a given property owner. This includes, but is not limited to: front yards, back yards, carports, unenclosed garages, adjoining public or private alleyways, porches and decks.**
- (g) STORAGE CONTAINERS refer to vaults, shipping containers, buckets, or anything that is used for the storage of other items, regardless of the nature of the stored items. Storage containers may or may not have a lid, and may be made of any material. If a storage container is considered waterproof, weatherproof, or designed to be used outdoors, it is still not exempt from this ordinance.**

ATTACHMENT

Applicable State Laws, Rules and Regulations

- I. City Request Concerning Open Collection or Storage on Residential Property:
 1. WV Code Section 8-12-5. General powers of every municipality and governing body thereof.
 2. WV Code Section 8-12-13, Building regulation; general and special codes; state building code.
 3. WV Code Section 29-3-5b, Promulgation of Rules and statewide building code
 4. Title 87, Legislative Rule, State Fire Commission, Series 4, State Building Code (87CSR4).
 5. State Building Code (International Property Maintenance Code section):
 - a. Chapter 2, Definitions: Purpose:
Section 201, General (scope and meaning);
Section 202, General Definitions:
 - i. Exterior property;
 - ii. Garbage;
 - iii. Rubbish; and
 - iv. Yard
 - b. Chapter 3: General Requirements (governing maintenance of structures, equipment and exterior property):
Section 301, General (scope);
Section 302, Exterior Property Areas:
Subsections 302.1 Sanitation;
302.3 Sidewalks and Driveways; and
302.5 Rodent Harborage.

Section 308, Rubbish and Garbage:
Subsections 308.1 Accumulation of rubbish and garbage

- (17) To arrest, convict and punish any person for importing, printing, publishing, selling or distributing any pomographic publications;
- (18) To arrest, convict and punish any person for keeping a house of ill fame, or for letting to another person any house or other building for the purpose of being used or kept as a house of ill fame, or for knowingly permitting any house owned by him or her or under his or her control to be kept or used as a house of ill fame, or for loafing, boarding or loitering in a house of ill fame, or frequenting same;
- (19) To prevent and suppress conduct and practices which are immoral, disorderly, lewd, obscene and indecent;
- (20) To prevent the illegal sale of intoxicating liquors, drinks, mixtures and preparations;
- (21) To arrest, convict and punish any individual for driving or operating a motor vehicle while intoxicated or under the influence of liquor, drugs or narcotics;
- (22) To arrest, convict and punish any person for gambling or keeping any gaming tables, commonly called "A, B, C," or "E, O," table or faro bank or keno table, or table of like kind, under any denomination, whether the gaming table be played with cards, dice or otherwise, or any person who shall be a partner or concerned in interest, in keeping or exhibiting the table or bank, or keeping or maintaining any gaming house or place, or betting or gambling for money or anything of value;
- (23) To provide for the elimination of hazards to public health and safety and to abate or cause to be abated anything which in the opinion of a majority of the governing body is a public nuisance;
- (24) To license, or for good cause to refuse to license in a particular case, or in its discretion to prohibit in all cases, the operation of pool and billiard rooms and the maintaining for hire of pool and billiard tables notwithstanding the general law as to state licenses for any such business and the provisions of section four, article thirteen of this chapter; and when the municipality, in the exercise of its discretion, refuses to grant a license to operate a pool or billiard room, mandamus may not lie to compel the municipality to grant the license unless it shall clearly appear that the refusal of the municipality to grant a license is discriminatory or arbitrary; and in the event that the municipality determines to license any business, the municipality has plenary power and authority and it shall be the duty of its governing body to make and enforce reasonable ordinances regulating the licensing and operation of the businesses;
- (25) To protect places of divine worship and to preserve peace and order in and about the premises where held;
- (26) To regulate or prohibit the keeping of animals or fowls and to provide for the impounding, sale or destruction of animals or fowls kept contrary to law or found running at large;
- (27) To arrest, convict and punish any person for cruelly, unnecessarily or needlessly beating, torturing, mutilating, killing, or overloading or overdriving or willfully depriving of necessary sustenance any domestic animal;

- (28) To provide for the regular building of houses or other structures, for the making of division fences by the owners of adjacent premises and for the drainage of lots by proper drains and ditches;
- (29) To provide for the protection and conservation of shade or ornamental trees, whether on public or private property, and for the removal of trees or limbs of trees in a dangerous condition;
- (30) To prohibit with or without zoning the location of occupied house trailers or mobile homes in certain residential areas;
- (31) To regulate the location and placing of signs, billboards, posters and similar advertising;
- (32) To erect, establish, construct, acquire, improve, maintain and operate a gas system, a waterworks system, an electric system or sewer system and sewage treatment and disposal system, or any combination of the foregoing (subject to all of the pertinent provisions of articles nineteen and twenty of this chapter and particularly to the limitations or qualifications on the right of eminent domain set forth in articles nineteen and twenty), within or without the corporate limits of the municipality, except that the municipality may not erect any system partly without the corporate limits of the municipality to serve persons already obtaining service from an existing system of the character proposed and where the system is by the municipality erected, or has heretofore been so erected, partly within and partly without the corporate limits of the municipality, the municipality has the right to lay and collect charges for service rendered to those served within and those served without the corporate limits of the municipality and to prevent injury to the system or the pollution of the water thereof and its maintenance in a healthful condition for public use within the corporate limits of the municipality;
- (33) To acquire watersheds, water and riparian rights, plant sites, rights-of-way and any and all other property and appurtenances necessary, appropriate, useful, convenient or incidental to any system, waterworks or sewage treatment and disposal works, as aforesaid, subject to all of the pertinent provisions of articles nineteen and twenty of this chapter;
- (34) To establish, construct, acquire, maintain and operate and regulate markets and prescribe the time of holding the same;
- (35) To regulate and provide for the weighing of articles sold or for sale;
- (36) To establish, construct, acquire, maintain and operate public buildings, municipal buildings or city halls, auditoriums, arenas, jails, juvenile detention centers or homes, motor vehicle parking lots or any other public works;
- (37) To establish, construct, acquire, provide, equip, maintain and operate recreational parks, playgrounds and other recreational facilities for public use and in this connection also to proceed in accordance with the provisions of article two, chapter ten of this code;
- (38) To establish, construct, acquire, maintain and operate a public library or museum or both for public use;

- (39) To provide for the appointment and financial support of a library board in accordance with the provisions of article one, chapter ten of this code;
- (40) To establish and maintain a public health unit in accordance with the provisions of section two, article two, chapter sixteen of this code, which unit shall exercise its powers and perform its duties subject to the supervision and control of the West Virginia Board of Health and State Bureau for Public Health;
- (41) To establish, construct, acquire, maintain and operate hospitals, sanitariums and dispensaries;
- (42) To acquire, by purchase, condemnation or otherwise, land within or near the corporate limits of the municipality for providing and maintaining proper places for the burial of the dead and to maintain and operate the same and regulate interments therein upon terms and conditions as to price and otherwise as may be determined by the governing body and, in order to carry into effect the authority, the governing body may acquire any cemetery or cemeteries already established;
- (43) To exercise general police jurisdiction over any territory without the corporate limits owned by the municipality or over which it has a right-of-way;
- (44) To protect and promote the public morals, safety, health, welfare and good order;
- (45) To adopt rules for the transaction of business and the government and regulation of its governing body;
- (46) Except as otherwise provided, to require and take bonds from any officers, when considered necessary, payable to the municipality, in its corporate name, with such sureties and in a penalty as the governing body may see fit, conditioned upon the faithful discharge of their duties;
- (47) To require and take from the employees and contractors such bonds in a penalty, with such sureties and with such conditions, as the governing body may see fit;
- (48) To investigate and inquire into all matters of concern to the municipality or its inhabitants;
- (49) To establish, construct, require, maintain and operate such instrumentalities, other than free public schools, for the instruction, enlightenment, improvement, entertainment, recreation and welfare of the municipality's inhabitants as the governing body may consider necessary or appropriate for the public interest;
- (50) To create, maintain and operate a system for the enumeration, identification and registration, or either, of the inhabitants of the municipality and visitors thereto, or the classes thereof as may be considered advisable;
- (51) To require owners, residents or occupants of factory-built homes situated in a factory-built rental home community with at least ten factory-built homes, to visibly post the specific numeric portion of the address of each factory-built home on the immediate premises of the factory-built home of sufficient size to be visible from the adjoining street: Provided, That in the event no numeric or other specific designation of an address exists for a factory-built home subject to the authorization granted

by this subdivision, the municipality has the authority to provide a numeric or other specific designation of an address for the factory-built home and require that it be posted in accordance with the authority otherwise granted by this section.

(52) To appropriate and expend not exceeding twenty-five cents per capita per annum for advertising the municipality and the entertainment of visitors;

(53) To conduct programs to improve community relations and public relations generally and to expend municipal revenue for such purposes;

(54) To reimburse applicants for employment by the municipality for travel and other reasonable and necessary expenses actually incurred by the applicants in traveling to and from the municipality to be interviewed;

(55) To provide revenue for the municipality and appropriate the same to its expenses;

(56) To create and maintain an employee benefits fund which may not exceed one tenth of one percent of the annual payroll budget for general employee benefits and which is set up for the purpose of stimulating and encouraging employees to develop and implement cost-saving ideas and programs and to expend moneys from the fund for these purposes;

(57) To enter into reciprocal agreements with governmental subdivisions or agencies of any state sharing a common border for the protection of people and property from fire and for emergency medical services and for the reciprocal use of equipment and personnel for these purposes;

(58) To provide penalties for the offenses and violations of law mentioned in this section, subject to the provisions of section one, article eleven of this chapter, and such penalties may not exceed any penalties provided in this chapter and chapter sixty-one of this code for like offenses and violations; and

(59) To participate in a purchasing card program for local governments authorized and administered by the State Auditor as an alternative payment method.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-13. Building regulation; general and special codes; state building code.

(a) The governing body of every municipality shall have plenary power and authority by ordinance or a code of ordinances to:

(1) Regulate the erection, construction, repair or alteration of structures of every kind within the corporate limits of the municipality, prohibit, within specified territorial limits, the erection, construction, repair or alteration of structures of wood or other combustible material, and regulate excavations upon private property;

(2) Regulate electric wiring by prescribing minimum specifications to be followed in the installation, alteration or repair; and

(3) Regulate plumbing by prescribing the minimum specifications to be followed in the installation, alteration or repair of plumbing, including equipment, water and sewer pipe, traps, drains, cesspools and septic tanks.

(b) Notwithstanding the provisions of subsection (a) of this section, all existing municipal building codes are void one year after the promulgation of a state building code by the State Fire Commission as provided under section five-b, article three, chapter twenty-nine of this code.

Upon the voidance of the municipality's existing building code, if the municipality votes to adopt a building code, it must be the state building code promulgated under section five-b, article three, chapter twenty-nine of this code.

(c) The governing body of every municipality shall have plenary power and authority by ordinance or a code of ordinances to adopt such state building code promulgated by the State Fire Commission.

(d) Unless otherwise authorized by state law, any misdemeanor prosecution of a violation of an ordinance adopted under this section before a municipal judge or other municipal official lawfully authorized to hear and determine violations of municipal code shall be initiated by a complaint presented to and sworn or affirmed before a municipal judge or other municipal official with lawful authority to hear and determine violations of municipal code in the municipality where the offense is alleged to have occurred. Unless otherwise provided by statute, the presentation and oath or affirmation shall be made by a code enforcement department official or municipal attorney showing reason to have reliable information and belief. If the municipal judge or other municipal official with lawful authority to hear and determine violations of municipal code finds probable cause, the complaint becomes the charging instrument initiating a criminal proceeding.

A complaint lawfully authorized by this subsection together with a summons setting forth the date, time and place of appearance before a municipal judge or other municipal official with lawful authority to hear and determine violations of municipal code, shall be served in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that personal service of a summons and complaint may be made by a code enforcement department official. If service is made by certified mail under Rule 4(d)(1)(D) of the West Virginia Rules of Civil Procedure and delivery of the summons and complaint is refused, the code enforcement department official, promptly upon the receipt of the notice of the refusal, shall mail to the person or entity being noticed, by first class mail, postage prepaid, a copy of the summons and complaint. If the first class mailing is not returned as undeliverable by the U. S. Postal Service, service of the summons and complaint is presumed to have been effectuated. Upon service of the summons and complaint consistent with this subsection, the violation may be prosecuted consistent with state and local law.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-5b. Promulgation of rules and statewide building code.

(a) The State Fire Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this state through the adoption of a State Building Code. The rules shall be in accordance with standard safe practices so embodied in widely recognized standards of good practice for building construction and all aspects related thereto and have force and effect in those counties and municipalities adopting the State Building Code: Provided, That each county or municipality may adopt the code to the extent that it is only prospective and not retroactive in its application.

(b) The State Fire Commission may propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code, regarding building construction, renovation and all other aspects as related to the construction and mechanical operations of a structure. The rules shall be known as the State Building Code.

(c) The State Fire Commission shall propose a rule for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to include building energy codes in the State Building Code.

(d) (1) The State Fire Commission may propose rules for legislative approval, in accordance with the provisions of §29A-3-1 et seq. of this code, establishing state standards and fee schedules for the licensing, registration, certification, regulation and continuing education of persons which will conduct inspections relating to the State Building Code, which include, but are not limited to, building code officials, inspectors, plans examiners and home inspectors.

(2) The State Fire Commission shall propose rules for legislative approval requiring applicants for home inspector licensing, registration or certification to submit to a state and national criminal history record check as set forth in this section and may deny licensing, registration or certification based upon the results of the criminal history record check.

(e) The State Fire Commission may establish advisory boards as it considers appropriate to encourage representative participation in subsequent rulemaking from groups or individuals with an interest in any aspect of the State Building Code or related construction or renovation practices.

(f) For the purpose of this section, the term "building code" is intended to include all aspects of safe building construction and mechanical operations and all safety aspects related thereto. Whenever any other state law, county or municipal ordinance or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the State Building Code, the provisions of the state law, county or municipal ordinance or regulation of any agency thereof governs if they are not inconsistent with the laws of West Virginia and are not contrary to recognized standards and good

engineering practices. In any question, the decision of the State Fire Commission determines the relative priority of any such state law, county or municipal ordinance or regulation of any agency thereof and determines compliance with State Building Code by officials of the state, counties, municipalities and political subdivisions of the state.

(g) Enforcement of the provisions of the State Building Code is the responsibility of the respective local jurisdiction. Also, any county or municipality may enter into an agreement with any other county or municipality to provide inspection and enforcement services: Provided, That any county or municipality may adopt the State Building Code with or without adopting the BOCA National Property Maintenance Code.

(h) After the State Fire Commission has promulgated rules as provided in this section, each county or municipality intending to adopt the State Building Code shall notify the State Fire Commission of its intent.

(i) The State Fire Commission may conduct public meetings in each county or municipality adopting the State Building Code to explain the provisions of the rules.

(j) The provisions of the State Building Code relating to the construction, repair, alteration, restoration and movement of structures are not mandatory for existing buildings and structures identified and classified by the State Register of Historic Places under the provisions of section eight, article one of this chapter or the National Register of Historic Places, pursuant to 16 U. S. C. §470a. Prior to renovations regarding the application of the State Building Code, in relation to historical preservation of structures identified as such, the authority having jurisdiction shall consult with the Division of Culture and History, State Historic Preservation Office. The final decision is vested in the State Fire Commission. Additions constructed on a historic building are not excluded from complying with the State Building Code.

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Do Not Mark In This Box

FILED

2016 MAY -3 P 3:28

Form #6

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia State Fire Commission TITLE NUMBER: 87

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: State Building Code

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

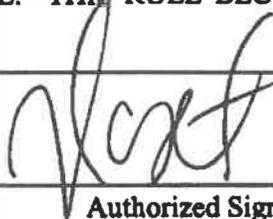
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4060

SECTION 64-6-3(b), PASSED ON March 12, 2016

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: Monday, August 1, 2016



Authorized Signature

**TITLE 87
LEGISLATIVE RULE
STATE FIRE COMMISSION**

**SERIES 4
STATE BUILDING CODE**

FILED
2016 MAY -3 P 3:28
OFFICE WEST VIRGINIA
SECRETARY OF STATE

§87-4-1. General.

1.1. **Scope.** -- This rule establishes the standards considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure compliance with the minimum standards of safe construction of all structures erected or renovated throughout this state.

1.2. **Authority.** -- W. Va. Code §29-3-5b.

1.3. **Filing Date.** -- May 3, 2016.

1.4. **Effective Date.** -- August 1, 2016.

1.5. **Incorporation of Other Documents.** -- This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Subsection 4.1 of this rule. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

§87-4-2. Definitions.

2.1. "ANSI" means American National Standards Institute, 25 West 43rd St., Fourth Floor, New York, NY 10036.

2.2. "ASTM" means American Society of Testing and Materials.

2.3. "Fire Commission" means the thirteen (13) appointed members of the West Virginia State Fire Commission.

2.4. "Fire Marshal" means the West Virginia State Fire Marshal and/or his or her designated representatives.

2.5. "ICC" or "International" means International Code Council.

2.6. "Local jurisdiction" means municipal, county, or other local government.

2.7. "NFPA" means National Fire Protection Association.

2.8. "State Building Code" means the entire contents of this rule and the referenced

national standards and codes.

2.9. "State Fire Code" means the entire contents of the State Fire Code, 87CSR1, and the referenced standards and codes.

§87-4-3. Conflicts.

3.1. Whenever there is a conflict between the State Fire Code and the State Building Code, the State Fire Code takes precedence.

3.2. Whenever there is a conflict between the International Plumbing Code requirements of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources, the rules of the Department of Health and Human Resources take precedence.

3.3. Whenever there is a conflict between the State Building Code and statutory laws of the State of West Virginia, the laws of the State of West Virginia take precedence.

§87-4-4. National Standards and Codes.

4.1. The standards and requirements as set out and as published by the International Code Council, and American National Standards Institute, and the National Fire Protection Association as listed in this subsection, have the same force and effect as if set out verbatim in this rule.

4.1.a. The 2015 edition, International Building Code, with the following exceptions:

4.1.a.1. Provided; that the section entitled "Fire Prevention" and identified as Section 101.4.5 is deleted and not considered to be a part of this rule.

4.1.a.2. Further provided that the entire subsection entitled "Qualifications" and identified as Section 113.3 is deleted and replaced with the following:

"Section 113.3. Board of Appeals

113.3 Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years experience, five of which shall be in responsible charge of work. No less than one of the members of such Board of Appeals shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor."

4.1.b. The 2015 edition of the International Plumbing Code.

4.1.c. The 2015 edition of the International Mechanical Code.

4.1.d. The 2015 edition of the International Fuel Gas Code, with the following exception:

4.1.d.1. Section 404.10 Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.e. The 2015 edition of the International Property Maintenance Code. This code may be rejected at the option of the local jurisdiction.

4.1.e.1. *Provided*, that Section 110.3 Failure to Comply, shall be modified as follows:

“Unless authorized by W.Va. Code §8-12-16, or absent the express consent of the owner, if the owner of a premises fails to comply with a demolition order within the time prescribed, the legal counsel of the jurisdiction shall institute appropriate action in the Circuit Court of the County in which the property is located against the owner of the premises where the structure is or was located seeking an Order causing the structure to be demolished and removed. Thereafter, the local jurisdiction, through an available public agency or by contract or arrangement with private persons, shall demolish and remove the structure and the costs thereof, as well as all fees and costs incurred in the legal action, shall be a lien upon such real estate.”

4.1.e.2. This code may be adopted by the local jurisdiction without requiring adoption of the other national codes and standards listed in this rule.

4.1.f. The 2009 edition of the International Energy Conservation Code for residential buildings.

4.1.g. The ANSI/ASHRAE/IESNA Standard 90.1-2007 edition for commercial buildings.

4.1.h. The 2015 edition of the International Residential Code for One and Two Family Dwellings, with the following exceptions:

4.1.h.1. Chapter 11 of the 2015 edition of the International Residential Code for One and Two Family Dwellings, Seventh Printing, entitled “Energy Efficiency”, is exempt from this rule.

4.1.h.2. Section G2415.12 (404.10) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.h.2. Section R311.7.5 Stair Treads and Risers

4.1.h.2.A. 311.7.5.1 Riser Heights -- The maximum riser height shall be eight and one-quarter (8 ¼) inches.

4.1.h.2.B. 311.7.5.2 Tread Depth -- The minimum tread depth shall be nine (9) inches.

4.1.h.3. Section R403.1.7.1: Building Clearances From Ascending Slopes is not applicable to this rule.

4.1.h.4. Section R403.1.7.2: Footings Setbacks From Descending Slope Surfaces is not applicable to this rule.

4.1.i. The 2009 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities.

4.1.j. The 2015 International Existing Building Code, with the following exception:

4.1.j.l. Omit reference to International Fire Code and substitute NFPA Life Safety Code 2015 edition.

4.1.k. The 2014 edition of the National Electric Code, NFPA 70.

4.1.l. The 2015 edition of the International Swimming Pool and Spa Code.

4.2. Wherever referenced in the several ICC codes adopted above, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2015 edition.

4.3. Whenever a certificate of occupancy is required of a commercial structure greater in size than 7,600 feet, the project documents shall be designed by an Architect licensed by the WV Board of Architects, or a Professional Engineer licensed by the WV State Board of Registration for Professional Engineers.

§87-4-5 Fire Protection of Floors in Residential Buildings

5.1 New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement, and New One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A 1/2 inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings: *Provided*, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One

and Two Family Dwellings are exempt from this requirement.

5.2. Townhouses meeting the Fire Resistant Construction Standard R302.2 will be treated as New One and Two Family Dwellings and shall comply with Section 5.1 above.

§87-4-6. Exceptions.

6.1. The following structures are not subject to inspection by local jurisdictions:

6.1.a. Group U utility structures and storage sheds comprising an area not more than 200 sq. ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

§87-4-7. Adoption by Local Jurisdiction.

7.1. Each local jurisdiction adopting the State Building Code shall notify the State Fire Commission in writing. The local jurisdiction shall send a copy of the ordinance or order to the State Fire Marshal, West Virginia State Fire Commission, 1207 Quarrier Street, 2nd floor, Charleston, West Virginia 25301, within thirty (30) days of adoption.

7.2. Each local jurisdiction which adopts the State Building Code is responsible for the enforcement of the building code as provided in West Virginia Code 7-1-3n and 8-12-13.

7.3. Throughout the national codes, adopted in subsection 4.1 of this rule, there are discretionary provisions or amendments which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. The appendices are not a part of the code and must also be adopted by the local jurisdiction to be enforceable. It is therefore the intent of this rule to further authorize each local jurisdiction to further complete, by order or ordinance, those respective areas which are indicated to be completed by the adopting "jurisdiction" and any of the appendices the local jurisdiction wishes to adopt.

7.4. Within the penalty sections of each of the national codes, adopted in Section 4.1 of this rule, there is a penalty for imprisonment. The provision of imprisonment for any violation of this rule is optional with each adopting local jurisdiction.

7.5. Each of the national codes adopted in subsection 4.1 of this rule provides for a separate appeals board. However, the intent and requirements for an appeal board may be met with the creation by the local jurisdiction of a single appeals board for the entire "State Building Code."

7.6. Each local jurisdiction adopting the State Building Code shall comply with the requirements set forth in Title 87, Series 7 "Standards for the Certification and Continuing Education of Municipal, County, and Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners."

7.7. The local jurisdiction shall submit an annual report to the State Fire Commission indicating the number of employees in their respective code enforcement department, their job title, whether the employee is or is not certified by the State Fire Commission in their respective discipline, as well as a verification that the entity has adopted the current version of the State Building Code. The municipality, county or local governmental entity, shall also report what ICC codes are being enforced respectively.

7.8. This annual report shall be filed with the State Fire Commission no later than the thirtieth day of June of each year.

7.9. All questions of interpretation and enforcement of the State Building Code are delegated to the local jurisdiction unless expressly provided by State Code, by this Rule, or by the incorporated codes and standards referenced in this Rule.

§87-4-8. Existing Building Codes.

8.1. All building codes previously adopted by local jurisdictions are null and void.

State Building Code

International Property Maintenance Code

112.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

CHAPTER 2

DEFINITIONS

SECTION 201

GENERAL

201.1 Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts.

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202

GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner (s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way , including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301

GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302

EXTERIOR PROPERTY AREAS

302.1 Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds.

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

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

302.5 Rodent harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be

injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303

6.10. Excessive cutting and notching.

Exceptions:

- 1. When substantiated otherwise by an approved method.**
- 2. Demolition of unsafe conditions shall be permitted when approved by the code official.**

SECTION 307

HANDRAILS AND GUARDRAILS

307.1 General.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308

RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.









09/01/2018
01:55



05/01/2018
01:55









09/20/2018
01:55



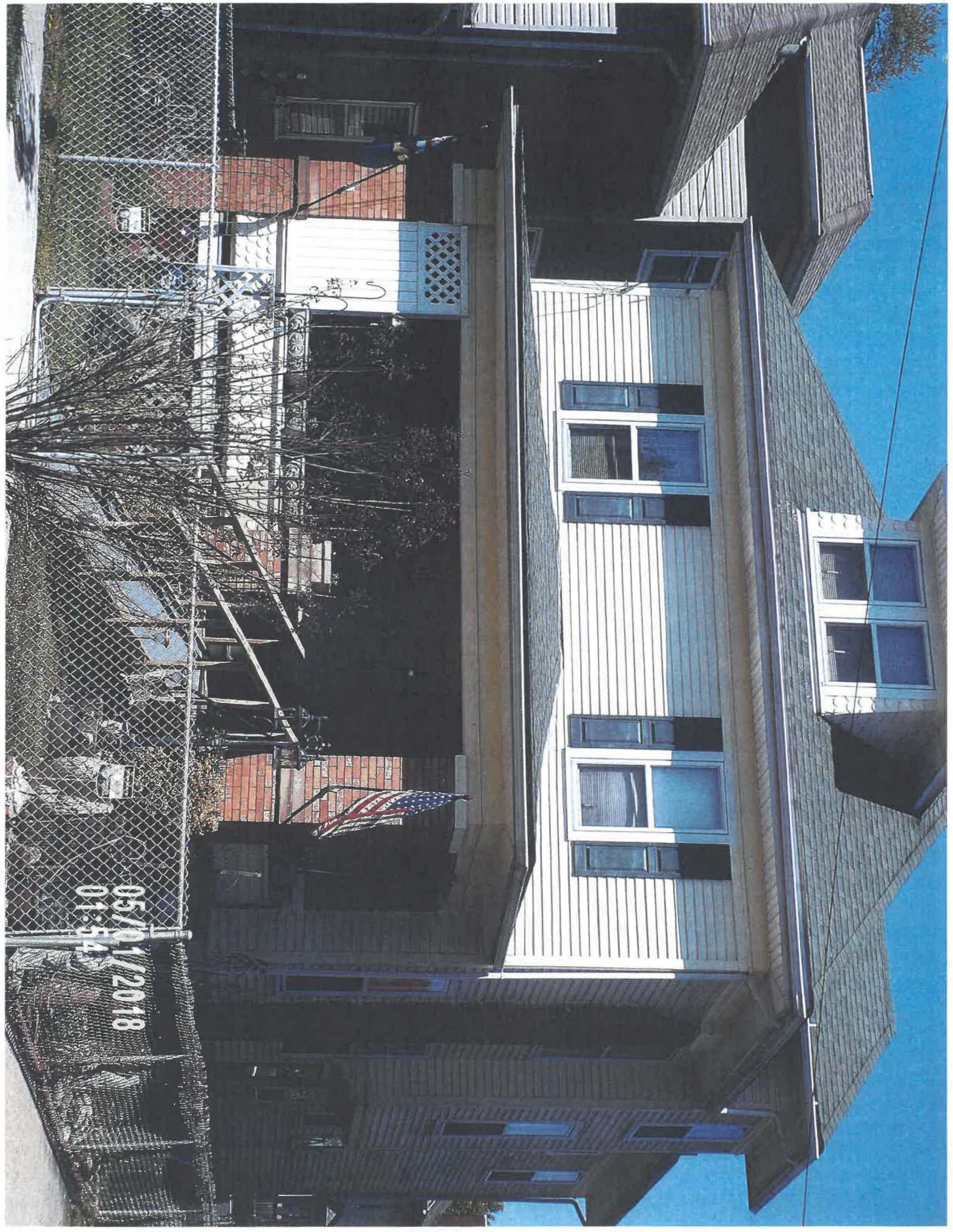
05/01/2018
01:55



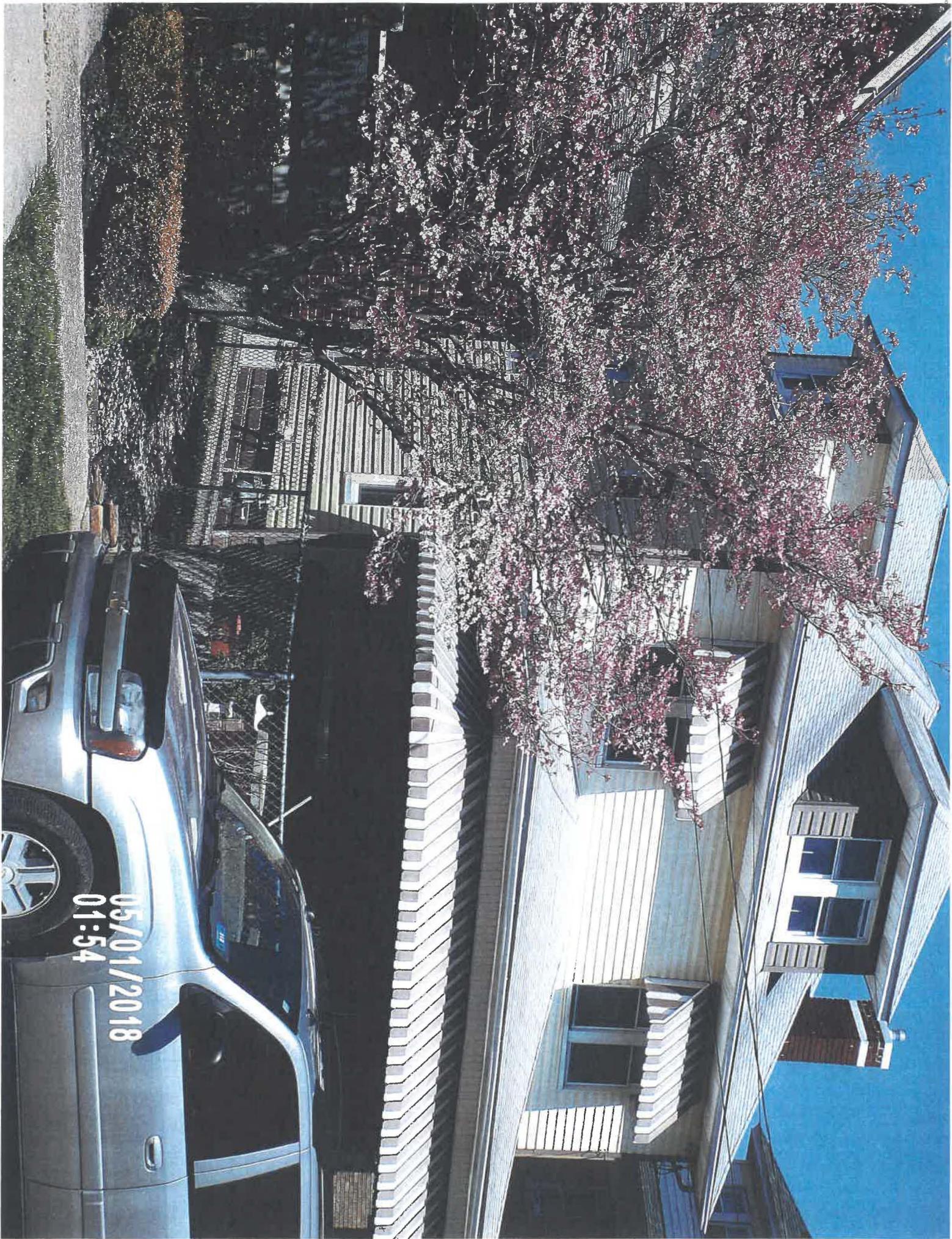
05/03/2016
01:53



05/01/2018
01:54



05/01/2018
01:54



05/01/2018
01:54

Shamblin, Courtney D

From: Dillon, Leslie
Sent: Tuesday, April 16, 2019 12:34 PM
To: Shamblin, Courtney D
Subject: FW: MHRB - City of Parkersburg

From: Nowicki, Stacy L <Stacy.L.Nowicki@wv.gov>
Sent: Tuesday, April 9, 2019 11:31 AM
To: Dillon, Leslie <Leslie.Dillon@wv.gov>
Cc: Tyree, Kenneth E <Kenneth.E.Tyree@wv.gov>
Subject: RE: MHRB - City of Parkersburg

From a Building Code perspective this is no problem.

Stacy L. Nowicki, Esq.
Deputy General Counsel
Department of Military Affairs and Public Safety
1900 Kanawha Blvd., East
Building 1, Suite 400-W
Charleston, WV 25305
Phone- (304)558-2930
Cell- (304)206-0509
Fax- (304)558-1141

CONFIDENTIAL: ATTORNEY - CLIENT PRIVILEGED COMMUNICATION

The information contained in this electronic message is legally privileged and confidential under applicable law and is intended for the use of the individual/s or entity named above. If the recipient of this message is not the above-named recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify the sender at 304. 558.2036.

From: Dillon, Leslie <Leslie.Dillon@wv.gov>
Sent: Tuesday, April 9, 2019 11:15 AM
To: Nowicki, Stacy L <Stacy.L.Nowicki@wv.gov>
Subject: MHRB - City of Parkersburg

Stacy,

I have attached the proposed ordinance from the City of Parkersburg. Thank you!

Leslie Dillon
Deputy General Counsel
WEST VIRGINIA DEPARTMENT OF REVENUE
Office of the Cabinet Secretary
Leslie.Dillon@wv.gov

(304) 558-0756 – Office
(304) 767-1532 – Cell

IMPORTANT NOTICE: *This electronic mail transmission is from the Office of the General Counsel of the West Virginia Department of Revenue, and may contain confidential and privileged attorney-client communication and/or confidential taxpayer information. This e-mail is not intended for transmission to or receipt by any unauthorized person. If you are not the intended recipient, you are hereby notified that the disclosure, copying, or distribution of the contents of, or any attachments to this e-mail are strictly prohibited; and that the attorney-client privilege is not waived as a result of your receipt of this transmission. If you have received this e-mail in error, please immediately delete it from your system and notify the sender by reply e-mail. Thank you.*