

ORDINANCE NO. ____

**TOWN OF ROMNEY, WEST VIRGINIA
AN ORDINANCE STREAMLINING JUDICIAL ENFORCEMENT AND
REMEDICATION OF UNSAFE STRUCTURES AND NUISANCES, AND AUTHORIZING
MUNICIPAL-COURT JUDGMENTS AND LIENS**

Section 1. Purpose and Authority

1.1 **Purpose.** To establish a unified process enabling the Municipal Judge to:

- (a) issue inspection warrants, condemnation, and remediation orders under *W. Va. Code § 8-12-16*;
- (b) enter and certify civil monetary judgments for unpaid fines or costs arising from any Town ordinance; and
- (c) approve and record civil enforcement liens against property for abatement costs or unpaid judgments.

1.2 **Authority.** Adopted pursuant to the Town's Home Rule powers under *W. Va. Code § 8-1-5a* and municipal powers under *§ 8-12-1 et seq.* This ordinance does not alter laws governing taxation, crimes, or courts of record.

Section 2. Findings

2.1 Unsafe buildings and public nuisances endanger health, safety, and welfare.

2.2 Lengthy circuit-court filings impede remediation and cost recovery.

2.3 The Municipal Judge can provide due-process hearings, issue lawful orders, and ensure recordable judgments within local jurisdiction.

Section 3. Definitions

- a) **Municipal Court/Judge** – as established by *W. Va. Code ch. 8, art. 10*.
- b) **Unsafe/Dangerous Structure** – as defined in *§ 8-12-16* and Romney's Dangerous Structures Ordinance.
- c) **Public Nuisance** – as defined in Romney Ordinance No. 2024.04 § 2.
- d) **Civil Enforcement Costs** – inspection, posting, administrative, demolition, cleanup, and related expenses.
- e) **Lien Order** – a written order of the Municipal Judge approving recordation of a lien.

PART I — Inspection and Condemnation of Unsafe Structures and Nuisances

Section 4. Inspection and Warrants

4.1 Upon sworn affidavit by the Code Enforcement Officer (CEO) or Police Officer showing probable cause that a structure or property constitutes a nuisance or danger, the Municipal Judge may issue an administrative inspection warrant under *§ 8-12-16(c)*.

4.2 If immediate entry is necessary to prevent loss of life or property, the Judge may authorize emergency entry or securing pending hearing.

§ 5. Notice Requirements

- a) 5.1 **Written Notice.** When an officer determines a violation exists, written notice shall be served upon:
- i. the occupant(s);
 - ii. the record owner; and
 - iii. any lienholder of record, if known.

5.2 **Method of Service.** Notice shall be by: personal service or certified mail (return receipt); if unclaimed, by posting conspicuously on the property and publication once in a local newspaper.

5.3 **Content of Notice.** Each notice shall:

- a) describe the premises and nature of the violation (referencing the relevant ordinance section);
- b) specify the corrective action required;
- c) state the deadline to abate (not less than 10 days unless emergency);
- d) advise that failure to comply may result in Town abatement and assessment of all costs as a lien; and
- e) state the right to appeal within 30 days to the Municipal Court.

Section 6. Hearing and Order

6.1 Upon request or expiration of the notice period, the Municipal Judge shall hold a hearing with evidence and sworn testimony.

6.2 After the hearing, the Judge may issue a Condemnation/Remediation Order requiring repair, securing, or demolition.

6.3 Orders shall include compliance deadlines and notice that noncompliance will authorize Town abatement under § 7.

PART II — Town Abatement and Cost Assessment

Section 7. Town Action and Integration with Nuisance Ordinance

7.1 If the nuisance or unsafe condition is not abated by the deadline, or the responsible parties cannot be located, the Mayor, Chief of Police, or Town Administrator may cause the abatement or removal of the nuisance or hazard, consistent with § 8-12-16(g) and Romney Ordinance No. 2024.04 § 3 “Abatement by Town.”

7.2 Actions may include, but are not limited to: demolition, debris removal, securing structures, mowing, draining standing water, removing abandoned vehicles, or remedying any act defined as a nuisance under § 2 of Ordinance No. 2024.04.

7.3 All such work shall be documented with photos, invoices, and an itemized Statement of

Costs filed with the Municipal Court.

7.4 The Municipal Judge shall review the statement, determine reasonableness, and issue a Cost Assessment Order.

7.5 The Judge may approve a Civil Enforcement Lien for the costs, following the notice process in § 10.

PART III — Civil Judgments and Liens for Unpaid Fines or Costs

Section 8. Conversion of Unpaid Fines to Judgment

8.1 When an ordinance fine or cost remains unpaid 30 days after adjudication, the Municipal Judge may convert it to a Civil Monetary Judgment.

8.2 The judgment shall include principal, administrative fees, and lawful interest, enforceable under *W. Va. Code § 8-10-2b* and shall be docketable as a civil judgment.

8.3 The Town may also pursue driver's-license suspension under *§ 8-10-2b* in addition to lien remedies.

Section 9. Lien Authority and Scope

9.1 The Municipal Judge may approve liens for:

- (a) unpaid civil judgments; and
- (b) abatement costs assessed under § 7.

9.2 Liens shall attach to the affected parcel or other property owned by the violator within Town limits.

Section 10. Lien Notice and Hearing

10.1 Notice of Proposed Lien. Before approval, the Clerk shall send certified notice to the owner and any recorded lienholders, stating the amount, property description, and right to object within 10 days.

10.2 Hearing. If objection is filed, the Municipal Judge shall hold a hearing and issue findings.

10.3 Lien Order. Upon finding validity, the Judge shall issue a written Lien Order authorizing recordation.

10.4 Recordation. The Clerk shall prepare a certified abstract for filing with the Hampshire County Clerk in both the judgment docket and land-records index.

Section 11. Priority and Release

11.1 A recorded lien shall have equal priority with municipal tax liens for Town-imposed costs.

11.2 Upon full payment, the Clerk shall issue and record a Satisfaction and Release.

PART IV — Appeals and Safeguards

Section 12. Appeals

12.1 Orders under §§ 4–7 (unsafe structures/nuisances) are appealable to the Hampshire County Circuit Court within 30 days per § 8-12-16(k).

12.2 Judgments or liens under §§ 8–11 are appealable to Circuit Court under § 8-10-2 *et seq.* within 20 days.

12.3 A supersedeas bond may be required to stay enforcement.

Section 13. Due Process Protections

13.1 All notices shall specify the violation, location, required correction, deadlines, right to appeal, and potential lien consequences.

13.2 The Municipal Court shall maintain a full administrative record.

13.3 All hearings are public, recorded, and governed by rules of evidence as practicable for municipal proceedings.

Section 14. Construction and Severability

14.1 This ordinance supplements, and shall be read consistently with, *W. Va. Code § 8-12-16* and Romney Dangerous Structures Ordinance No. 2024.04.*

14.2 If any part is held invalid, the remainder remains in effect.

14.3 Effective upon Home Rule Board approval of the Town’s amended plan.



TOWN OF ROMNEY

"First in West Virginia - Est. 1762"

340 E. Main Street
Romney, WV 26757

Main: 304-822-5118
Fax: 304-822-5793

Exhibit M – Ordinance: “New Construction and Renovation Tax Rebate Ordinance”

Town of Romney

New Construction and Renovation Tax Rebate Ordinance

WHEREAS, the Town Council finds that municipalities in other states can offer various tax and development incentives that municipalities in West Virginia are unable or limited to offer under current state law, putting West Virginia communities at a competitive disadvantage in attracting new or expanded businesses; and

WHEREAS, the Town Council further finds that a temporary, graduated rebate of municipal property taxes on new development and substantial renovations will encourage capital investment, job creation, and overall economic growth in the Town of Romney, while only impacting the Town's own revenue in the short term;

NOW, THEREFORE, be it ordained by the Council of the Town of Romney that a property tax rebate program is hereby established as follows:

Section 1. Purpose

The purpose of this Ordinance is to stimulate economic development and property improvements in the Town of Romney by providing a graduated multi-year rebate of the municipal property tax increment attributable to qualifying new construction and substantial renovation projects. This incentive will lessen the initial tax impact of improvements and encourage both new and existing residential and commercial property owners to invest in the Town.

Section 2. Definitions

For purposes of this Ordinance, the following terms shall have the meanings defined below:

- **“New Construction”** – The creation of an entirely new building or structure on a property, or the expansion of an existing building, that results in an increase in the assessed value of the property. This includes new buildings on previously vacant land or complete reconstruction of a demolished structure on the same site.
- **“Substantial Renovation”** – A significant rehabilitation, modernization, or improvement of an existing building or structure, with project costs totaling at least Thirty Thousand Dollars (\$30,000). A substantial renovation must be of such scope that it increases the assessed value of the property or significantly extends the building's useful life. Cosmetic repairs or routine maintenance do not qualify.
- **“Base Value”** – The assessed value of a property for ad valorem tax purposes in the tax year immediately before the commencement of a New Construction or Substantial Renovation project. The Base Value is the benchmark against which any increase in assessed value is measured.
- **“Incremental Assessed Value”** – The difference between the current assessed value of a property and its Base Value, determined after completion of a qualifying project. In any given tax year of the rebate period, the Incremental Assessed Value equals the portion of assessment attributable to the improvements made by the qualifying project.

- **“Municipal Property Tax”** – The portion of ad valorem property taxes levied by and payable to the Town of Romney. For clarity, this program’s rebate applies only to the municipal share of property taxes, and does not affect county, school district, or state property tax levies.
- **“Qualifying Project” or “Qualified Property”** – A New Construction or Substantial Renovation project, on either residential or commercial property within the Town, that meets the minimum investment threshold of \$30,000 in project costs and complies with the requirements of this Ordinance. The property that is improved by the project is referred to as a Qualified Property once approved for the rebate.
- **“Property Owner”** – The legal owner(s) of record of a property, or their authorized designee, who applies for and/or receives the tax rebate under this Ordinance.

Section 3. Establishment of Tax Rebate Program

3.1. Program Created: The Town of Romney hereby establishes a Property Tax Rebate Program to encourage new development and significant property improvements. Under this program, the Town will provide a graduated multi-year rebate of municipal property taxes attributable to the increased value from Qualifying Projects. The program shall apply to qualifying residential and commercial projects throughout the Town, potentially including designated development or “enterprise” zones as may be identified by the Town Council in the future.

3.2. Nature of Rebate: The rebate is a refund of a portion of municipal property tax paid on the Incremental Assessed Value resulting from a Qualifying Project. The rebate will effectively allow the Property Owner to temporarily pay reduced net property taxes on the improvements, while the Town foregoes a portion of its new tax revenue for the incentive period. Importantly, this program does not alter the assessment or collection of property taxes by the County; all taxes will be assessed and paid in the usual manner, and the Town will then refund the qualifying portion to the Property Owner. The rebate is a commitment of Town funds and operates entirely under Town authority, requiring no special action by county or state tax officials.

3.3. Funding and Cap: The rebates granted under this program shall be paid from the general revenues of the Town (specifically from the Town’s share of property tax receipts). The Town Council may establish an annual budget or cap for the program if needed to ensure fiscal soundness. However, once a rebate is approved for a specific project, the Town is obligated to honor the rebate schedule for that project for the full term, subject to the project’s continued compliance with this Ordinance.

Section 4. Eligibility Criteria

To be eligible for the Property Tax Rebate Program, a project and property must meet all the following criteria:

- a) **Minimum Investment:** The project involves an investment in New Construction or Substantial Renovation with total verifiable project costs of at least \$30,000. Project costs may include expenditures for building construction, materials, labor, architectural or

engineering services, and related permit fees. The applicant shall provide documentation (e.g. building permits, contracts, invoices) to demonstrate this threshold.

- b) **Qualifying Improvement:** The project must constitute either New Construction (adding a new building or expanding an existing structure) or a Substantial Renovation of an existing structure, as defined above. Routine maintenance, minor repairs, or cosmetic upgrades (without significant structural or system improvements) are not eligible.
- c) **Location:** The property must be located within the corporate limits of the Town of Romney and properly zoned or authorized for the use that is being constructed or renovated. All required building permits and approvals must be obtained for the project.
- d) **Completion and Assessment:** The project must be completed in a manner deemed satisfactory by the Town's building inspector or code official, evidenced by a certificate of occupancy or final inspection approval (if applicable). Furthermore, the improvement should be substantial enough to be reflected as an increase in assessed value by the County Assessor. (The post-improvement assessed value will be compared to the Base Value to determine the Incremental Assessed Value for the rebate.)
- e) **Current Taxes and Compliance:** The property owner must be current on all municipal fees and taxes (e.g. property taxes, B&O taxes if applicable, municipal service fees) both at the time of application and throughout the rebate period. Properties with any delinquent taxes or outstanding liens are not eligible until such issues are remedied.
- f) **Application Timing:** To qualify, the property owner must submit a Rebate Program Application to the Town before commencing construction or renovation, or by a deadline established (such as prior to issuance of a building permit). The Town may, at its discretion, consider applications for projects already underway or recently completed (within the same calendar year) if all other criteria are met, but no rebate shall be granted for any tax year prior to the application approval.

Section 5. Rebate Schedule and Amount

5.1. Base Year Determination: Upon approval of a project for the program, the Town shall record the Base Value of the property (the assessed value in the tax year before project start). This Base Value is the foundation for calculating the tax increment. For example, if a project is approved in 2025, the property's 2024 assessed value is the Base Value.

5.2. Incremental Value Calculation: After project completion, the property's assessed value will be determined each year by the County Assessor in the normal course. The Incremental Assessed Value for a given year equals the current assessed value minus the Base Value. If in any year the assessed value is at or below the Base Value (e.g. due to a market decline or valuation adjustment), then no increment exists for that year, and no rebate will be applicable for that year.

5.3. Five-Year Graduated Rebate: A qualifying project shall receive an annual property tax rebate on the Town's municipal tax levy portion of the Incremental Assessed Value, for a period of five (5) consecutive years, beginning with the first tax year after the project is completed and assessed. The rebate shall be **graduated** as follows:

- **Year 1: 100%** of the municipal property tax on the Incremental Assessed Value is rebated to the property owner. (Effectively, the owner pays full taxes for Year 1, but the Town refunds an amount equal to the Town's tax levy on the new improvement value in Year 1.)
- **Year 2: 80%** of the municipal property tax on the Incremental Assessed Value is rebated.
- **Year 3: 60%** of the municipal property tax on the Incremental Assessed Value is rebated.
- **Year 4: 40%** of the municipal property tax on the Incremental Assessed Value is rebated.
- **Year 5: 20%** of the municipal property tax on the Incremental Assessed Value is rebated.

After the fifth year, the rebate period ends and the property owner will be responsible for the full municipal property tax on the then-current assessed value thereafter.

5.4. Example: (For illustration purposes) If the Base Value of a residential property is \$100,000 and the owner builds a new addition, raising the assessed value to \$140,000, the Incremental Assessed Value is \$40,000. Assuming the Town's municipal levy rate translates to \$0.50 per \$100 of assessed value (hypothetical rate), the Town's tax on the increment is \$200 per year. In Year 1, 100% of that increment (\$200) would be rebated; Year 2 rebate would be 80% (\$160); Year 3 \$120; Year 4 \$80; Year 5 \$40. These rebates would effectively reduce the owner's net tax cost attributable to the new improvement during the incentive period. (The owner continues to pay taxes on the Base Value normally throughout.)

5.5. Multiple Projects / Additions: If additional qualifying improvements are made to the same property during an ongoing rebate period, the Town Council may treat them as a new application or may adjust the existing rebate schedule. In no case will any single property's improvements receive overlapping or compounded rebates exceeding 100% of the Town's levy on the incremental value. New phases of development on a property can be considered for a separate 5-year rebate term (with a new Base Value benchmark set after prior improvements), at the discretion of the Town and subject to the Home Rule plan allowances.

Section 6. Application and Approval Process

6.1. Application Submission: A property owner seeking the tax rebate must submit an application to the Town's designated official or committee (e.g. the Town Clerk or Economic Development Committee) prior to project commencement whenever possible. The application shall be on a form prescribed by the Town and shall include:

- a) Property identification (address, tax map parcel number).
- b) Description of the project (scope of work for construction or renovation).
- c) Estimated project timeline and expected completion date.
- d) Itemized project budget or cost estimate demonstrating the \$30,000 minimum investment.
- e) Any architectural plans, building permit applications, or approvals (if available).
- f) Affirmation that the property owner is current on all taxes and liens.

- g) Agreement to comply with all program requirements and to timely pay all property taxes in full each year before seeking a rebate.

6.2. Review and Approval: The application will be reviewed by the Town's administrative staff and/or a designated committee for completeness and eligibility. The Town Council (or an authorized committee) shall approve or deny the application by a resolution or written decision. Approval may be conditional upon the project being completed as described. If an application is denied, the applicant shall be informed of the reasons and may resubmit if deficiencies (e.g. under investment or missing information) are corrected.

6.3. Agreement: Upon approval, the property owner and the Town shall enter into a simple **Rebate Agreement** acknowledging the terms: the Base Value, the rebate schedule, the owner's obligations (such as maintaining current tax payments and providing proof of payment), and the Town's obligations to issue rebates. This agreement ensures both parties understand the commitments and it provides a record for future reference (since rebates will span multiple years and potentially different Town budgets).

6.4. Recording Base Value: After approval and project commencement, Town officials will confirm the Base Value from county assessment records (typically the prior year's assessed valuation). The Base Value and the start of construction date shall be documented in the agreement or the project file.

6.5. Post-Completion Verification: The property owner must notify the Town upon project completion and issuance of occupancy permit/final inspection. Town officials will verify that the project was completed in substantial accordance with the application. The Town will also note when the County Assessor updates the property's assessed value to include the improvements (usually the next tax assessment cycle). The first year in which the new value appears on the tax rolls will be considered Year 1 of the rebate schedule.

Section 7. Rebate Administration

7.1. Payment of Taxes: The property owner is required to pay the full amount of property taxes owed (including Town, county, school, etc.) each year by the normal deadlines. The rebate will not reduce the tax bill sent by the County – instead, it is a refund from the Town after payment. The owner must provide proof of timely payment of taxes (e.g. a receipt from the Sheriff's Office) to claim the rebate each year.

7.2. Annual Rebate Process: After receiving proof of payment, the Town's Finance Department or Treasurer shall calculate the rebate amount for that year according to the schedule (Section 5.3) and process a payment to the property owner. The rebate should be issued within a reasonable time (for example, within 30 days of the owner providing proof of tax payment). The rebate is typically paid by check from the Town's general fund, and records of rebate payments shall be maintained.

7.3. Calculation: Each year's rebate is calculated by first determining the Town's municipal tax attributable to the property's Incremental Assessed Value. This can be done by taking the

difference between the current assessed value and the Base Value, then applying the Town's levy rate. That amount is then multiplied by the rebate percentage for the given year. Example: If the Town's levy rate is \$1.25 per \$100 and the increment is \$40,000 assessed, the Town's tax on that increment is \$500. If it is Year 2 (80% rebate), the Town would rebate \$400 to the owner and retain \$100 as net new revenue for that year.

7.4. Adjustments: In the event that the property's assessed value changes due to factors other than the project (e.g. general revaluation or depreciation) during the 5-year period, the rebate will still be based on the actual Incremental Assessed Value each year (using the original Base Value as a constant baseline). The Town is only obligated to rebate based on actual assessed values and the specified percentages. If, for instance, the improvement does not increase value as much as expected, the rebate will correspondingly be smaller since it's a function of the incremental value.

7.5. Transfer of Ownership: If a property receiving a rebate is sold or transferred during the 5-year rebate period, the rebate for subsequent years will transfer to the new owner, provided the new owner continues to meet all program conditions (including keeping taxes current). The rebate is tied to the property and the qualifying improvements, not to the original applicant owner. However, the new owner must notify the Town and may be required to sign an acknowledgement of the rebate terms to continue receiving it. If a new owner does not wish to participate or fails to meet the conditions, the Town may terminate the rebate for the remaining term.

7.6. Multiple Tax Years in One Calendar Year: Because property taxes in West Virginia are paid semi-annually (with tax tickets for the first and second half of the tax year), the Town may, at its discretion, issue the rebate in two installments corresponding to the first and second half tax payments, or as one combined annual rebate. The method can be clarified in the Rebate Agreement.

Section 8. Compliance, Violations, and Termination

8.1. Continued Compliance: Participation in the rebate program is conditioned on the property owner's continued compliance with all Town ordinances, including zoning, building, and property maintenance codes, throughout the rebate period. The property owner must also remain current on all taxes and municipal charges.

8.2. Revocation of Rebate: The Town reserves the right to revoke or cancel the remaining term of a rebate if:

- a) The property taxes (or any portion of the taxes) become delinquent for more than a specified grace period (e.g. 60 days past due) in any year – in such case the rebate for that year is forfeited and the Town may terminate the program for subsequent years,
- b) The property owner provided false or misleading information on the application or failed to disclose material facts,
- c) The improvements for which the rebate was granted are removed, substantially destroyed, or otherwise not in use (for example, if a new building is demolished or left unoccupied without

- maintenance during the rebate period, the Town may cancel future rebates since the intended public benefit – improved property – is not being realized), or
- d) The property or use has become a public nuisance or violates ordinances (e.g. chronic serious code violations that undermine the program’s purpose).

In the event of revocation, the Town shall provide written notice to the property owner stating the reason and the effective date of termination. The property owner may be given an opportunity to cure the default (for example, pay the taxes owed within a short period) at the Town’s discretion. If the issue is resolved, the Town may reinstate the rebate.

8.3. No Retroactive Penalty: If a rebate is revoked, the property owner will not be required to repay rebates already received for past years in which they were in compliance. However, the property will cease to receive any further rebates going forward.

8.4. Appeal: A property owner may appeal a decision of the Town to deny an application or to revoke an existing rebate by submitting a written appeal to the Town Council within a specified time (e.g. 30 days of notice). The Council may schedule a hearing or review the matter and issue a final decision. The Council’s decision on such appeal shall be final.

Section 9. Miscellaneous Provisions

9.1. Administration: The Mayor is authorized to establish any additional rules or administrative procedures necessary to implement this Ordinance, including application forms, guidelines for evaluation, and interdepartmental coordination to track improvements and assessments.

9.2. Interpretation: This Ordinance shall be interpreted and applied in harmony with West Virginia law and the Town’s Home Rule authority. It is the Town’s intent that this incentive be applied only to the Town’s portion of property tax revenue, in compliance with state requirements. Nothing in this Ordinance shall be construed as an attempt to exempt property from taxation; rather, it is the Town’s voluntary economic development incentive providing a rebate after taxes are paid.

9.3. Severability: If any section, subsection, clause, or provision of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, such finding shall not affect the validity of the Ordinance as a whole or any part thereof other than the portion so determined to be invalid. The Council declares that it would have adopted this Ordinance and each section, subsection, sentence, or clause thereof, irrespective of the fact that any one or more parts might be declared invalid.

9.4. Effective Date: This Ordinance shall become effective immediately upon passage and shall be submitted as part of the Town of Romney’s Home Rule Plan/application for approval by the West Virginia Municipal Home Rule Board. Rebate incentives under this Ordinance shall be available to qualifying projects commenced on or after the effective date and upon any required approval by the Home Rule Board.



TOWN OF ROMNEY

"First in West Virginia - Est. 1762"

340 E. Main Street
Romney, WV 26757

Main: 304-822-5118
Fax: 304-822-5793

Exhibit N – Town of Romney Municipal License Application Form



MUNICIPAL LICENSE APPLICATION

Town of Romney

340 E Main Street, Romney WV 26757 Phone (304) 822-5118
https://www.townofromney.com

Please Print or Type

OFFICIAL USE ONLY

Fiscal Year _____

License No. _____

New _____ Renewal _____

License Fee \$ _____

Date Issued _____

FULL NAME OF BUSINESS: _____

CORPORATION NAME: (if applicable) _____

BUSINESS PHYSICAL ADDRESS: (Do not use PO Box) _____

MAILING ADDRESS: _____

BUSINESS PH # _____ CELL PH # _____ OWNER'S HOME OR CORPORATE HEADQUARTERS PH # _____

TYPE OF BUSINESS ENTITY: Individual Partnership Corporation LLC Other _____

BUSINESS CLASSIFICATIONS: (Check all that apply) NOT FOR PROFIT (provide IRS determination letter)

MANUFACTURING RETAIL WHOLESALE SERVICE UTILITY BANKING OR OTHER FINANCIAL INSTITUTION AMUSEMENT CONTRACTOR

RENTAL (Residential Property) RENTAL (Commercial Property) RENTAL (Other Type - Specify) _____ OTHER (Describe) _____

STANDARD LICENSE FEE: \$45.00 CONTRACTOR LICENSE FEE: \$75.00 VIDEO LOTTERY LICENSE FEE: \$200.00 VENDOR DAY \$15.00

BEER, WINE, LIQUOR (must provide copy of West Virginia license from ABCC (license fees, as follows)) VENDOR FULL YEAR: \$45.00

<input type="checkbox"/> BEER (Distributor)	\$ 150.00	<input type="checkbox"/> PRIVATE CLUB (Non-Profit Fraternal)	\$375.00
<input type="checkbox"/> BEER (Dispenser)	\$ 100.00	<input type="checkbox"/> PRIVATE CLUB (less than 1000 members)	\$375.00
<input type="checkbox"/> BEER (Private Club)	\$ 50.00		
<input type="checkbox"/> WINE (Retail)	\$ 150.00	<input type="checkbox"/> RETAIL LIQUOR SALES - CLASS A OR B	\$1,000.00
<input type="checkbox"/> WINE (Distributor)	\$ 150.00		

TOTAL FEE FOR ALL CATEGORIES CHECKED \$ _____

NOTICE: Your license will expire June 30th. Failure to secure new license on or before July 1 may result in a \$50.00 penalty for each month delinquent, or fraction thereof.

List Names of all Owners, Partners, or Corporate Officers: (Use separate sheet of paper if necessary)

Name	Title	Home Address	Social Security # (last 4 digits only)	Home / Cell Phone #
1. _____	/	/	/	/
2. _____	/	/	/	/
3. _____	/	/	/	/

Date Business Began or Will Begin in Romney: _____

REQUIRED: Attach Copy of WV Business Certificate/WV Contractor's License - (VENDORS OPTIONAL): License No. _____

REQUIRED: RESTAURANTS/ FOOD VENDORS - Attach Health DEPT Permit(s): Permit No. _____

Do you or will you own the structure where your business is conducted? Yes No

If no, give name, address and telephone number of owner _____

DESCRIBE THE BUSINESS ACTIVITY, THE TYPE OF PRODUCT SOLD OR SERVICE OFFERED, AND THE SPECIFIC LOCATION OR AREA/S WITHIN THE CITY LIMITS WHERE BUSINESS ACTIVITY WILL BE CONDUCTED (if applicable). MUST BE COMPLETED IN DETAIL LISTING ALL ASPECTS OF YOUR BUSINESS.

Complete the section below if the business activity for which you are requesting a license involves property that you rent to others. (Use separate sheet of paper if necessary)

Address of Rented Property	Commercial or Residential	Current Tenant's Name	Estimated Annual Rental Income	Date Rented
1. _____	/	/	/	/
2. _____	/	/	/	/
3. _____	/	/	/	/

SIGNATURE OF APPLICANT / PRINT NAME / TITLE / DATE



TOWN OF ROMNEY

"First in West Virginia - Est. 1762"

340 E. Main Street
Romney, WV 26757

Main: 304-822-5118
Fax: 304-822-5793

Exhibit O – Ordinance No. 2026. __ “Business License and Vendor Permit Ordinance”

ORDINANCE NO. 2026.____
TOWN OF ROMNEY
BUSINESS LICENSE AND VENDOR PERMIT ORDINANCE

Section 1. Adoption

Pursuant to W. Va. Code § 8-1-5a, the West Virginia Municipal Home Rule Program, and the approval of the Town of Romney’s Home Rule Application at the January 7, 2026 meeting of the West Virginia Municipal Home Rule Board, the Town hereby enacts this ordinance updating its business and vendor licensing regulations.

Section 2. Purpose

This ordinance simplifies and modernizes the business and vendor licensing system in the Town of Romney. State law imposes multiple classifications and individualized license fee rates that create unnecessary administrative burden for small municipalities. The Town now seeks to:

- a. Establish a standardized, equitable fee system;
- b. Clearly distinguish between vendors and permanent business entities;
- c. Define license classes for clarity and transparency;
- d. Provide a uniform and efficient application process for both business entities and vendors;
- e. Implement regulatory language aligned with applicable West Virginia State Code and Alcohol Beverage Control Administration (WVABCA) rules.

Section 3. Definitions

For the purposes of this ordinance:

- a. **Business:** Any activity carried out with the intent to generate profit or economic gain, directly or indirectly.
- b. **Business Entity:** Any individual, partnership, corporation, LLC, firm, or association conducting business as defined above, with a fixed place of business or regular presence within the Town limits.
- c. **Vendor:** Any individual, group, or business not based in the Town who temporarily enters Town limits to sell goods, services, food, merchandise, or other commodities for profit. Vendors may operate from mobile setups, vehicles, tents, booths, or temporary facilities.
- d. **Host:** The landowner, tenant, event organizer, or other person legally responsible for the premises where a vendor conducts business.
- e. **License Year:** July 1 through June 30 of the following year.

Section 4. License Categories

The following license categories are hereby established.

- a. **Standard Business License:** For general business activity not otherwise categorized in this ordinance, including retail, office, professional services, and other non-specialty enterprises.
- b. **Contractor License:** For contractors, subcontractors, and other construction-related trades.

- c. Video Lottery License: For establishments operating video lottery terminals.
- d. Retail Alcohol Licenses: Defined per applicable WVABCA classifications and include:
 - i. Class A Retail Liquor License – For private retail sale of liquor for off-premises consumption.
 - ii. Class B Retail Liquor License – For wine and beer sales, including on-premises consumption.
 - iii. Private Club License – For establishments qualified under W. Va. Code § 60-7-1 et seq.
 - iv. Beer Distributor/Dispenser License – For wholesale and retail sale of beer per W. Va. Code § 11-16-1 et seq.
 - v. Wine Distributor/Retailer License – As defined under W. Va. Code § 60-8-1 et seq.
- e. Daily Vendor License: For vending activity lasting one calendar day.
- f. Annual Vendor License: For vendors who operate within Town limits intermittently over the course of a license year.

Section 5. License Requirement

- a. On or after the date on which this Ordinance is adopted:
- b. No Business Entity, unless otherwise exempted from this requirement, shall engage in any Business within the Romney town limits without having procured a business license from the Town of Romney first.
- c. No Vendor shall engage in any business/act of vending within the Romney town limits without having procured a vendor’s license from the Town of Romney first.
- d. No Host shall permit a vendor to engage in any business / act of business/act of vending within the Romney town limits without having verified that said Vendor has either procured a vendor’s license from the Town of Romney first or qualified as exempt under this ordinance; provided that A Host shall not be deemed in violation of this Ordinance if:
 - i. The Host obtains written confirmation from the Vendor that a valid license has been secured;
 - ii. The Host relies in good faith upon the provided confirmation; and
 - iii. The Vendor’s confirmation is later determined to be incorrect, invalid, or fraudulent.
- e. Exemptions. There is no license requirement for individuals selling personally owned goods of any sort such as yard sale items or registered charities exempt from taxation under the applicable provisions of the Internal Revenue Service Code.

Section 6. Business License Application Process

- a. Business Entities shall make application, in writing, upon a form to be furnished by the Town to the Town Clerk at least five business days prior to first engaging in any business within the Town of Romney town limits.
- b. Vendors shall make application, in writing, upon a form to be furnished by the Town to the Town Clerk at least three business days prior to first engaging in any business act/act of vending within the Town of Romney town limits.
- c. Upon the filing of a license application and the payment by the licensee of the required fee amount, the Town Clerk will, upon verification that all required information on the application form is correctly provided, issue a Business or Vendor license to the Business Entity or Vendor authorizing them to conduct business within the Town of Romney for the period specified in the application. The Town Clerk may deny any incomplete application or any application not received within the required timeframe.

Section 8. License Fees

- a. Business Entities and Vendors shall be permitted to conduct business within the Town of Romney subject to license fees stated on the following schedule:
 - i. Standard License \$45
 - ii. Contractors License \$75
 - iii. Video Lottery License \$200
 - iv. Annual Vendor \$45
 - v. Daily Vendor \$15
- b. In addition to the applicable licenses required above, alcohol specific fees are as follows:
 - i. Beer | Distributor \$150
 - ii. Beer | Dispenser \$100
 - iii. Wine | Distributer \$150
 - iv. Wine | Retailer \$150
 - v. Private Club | Fraternal \$375
 - vi. Private Club | Other \$375
 - vii. Retail Liquor A- B \$1000

Section 9. Transferability

All licenses issued under this ordinance are non-transferable. Any change in ownership or operation requires a new license.

Section 10. Violations and Penalties

- a. It shall be unlawful for any person to knowingly violate any portion of this Ordinance.
- b. Any Vendor or Business Entity that violates any provision of this ordinance shall be subject to a fine not to exceed one hundred dollars (\$100) per violation.
- c. Any Host that violates any provision of this ordinance shall additionally be subject to a fine not to exceed one hundred dollars (\$100) per violation.
- d. Any person that knowingly provides false information to the Town of Romney in relation to the enforcement of this ordinance shall be subject to a fine of two hundred dollars (\$200).
- e. Each week in which any business is carried on by any Business Entity without complying with the requirements set forth hereunder shall constitute a separate offense.
- f. Each day in which any business is carried on by any Vendor without complying with the requirements set forth hereunder shall constitute a separate offense.
- g. In addition to the fines described above, the Town may compel that any Vendor not in conformance with the provisions of this ordinance cease any and all business/acts of vending, whether such action be on the day of an event or ahead of time.
- h. Any Vendor or Business Entity that has been fined in accordance with this ordinance must either pay the subject fines or perfect an appeal with the Town prior to obtaining a vendor's license or other license to conduct business within the Town of Romney.
- i. Any Host that has been fined in accordance with this ordinance must either pay the subject fines or perfect an appeal with the Town of Romney prior to any Vendor being permitted to conduct business/acts of vending on any property at which said Host is acting as a Host as defined by this Ordinance.
- j. Until such time as any fine imposed under this ordinance is paid in full or appealed as authorized, the Town may deny issuance or renewal of any license associated with the fined individual or business.

Section 11. Appeals

Persons fined or penalized under this ordinance may appeal the enforcement action to the Romney Municipal Judge within thirty (30) days. Appeals from the Municipal Judge may be filed with the Hampshire County Circuit Court within twenty (20) days.

Section 12. Severability

If any part of this ordinance is found to be invalid or unconstitutional, the remainder shall remain in effect.

Section 13. Effective Date and Repeal

All conflicting provisions of prior Town ordinances are hereby repealed. This ordinance shall become effective immediately upon adoption.

1st Reading:

2nd Reading / Final Passage:



TOWN OF ROMNEY

"First in West Virginia - Est. 1762"

340 E. Main Street
Romney, WV 26757

Main: 304-822-5118
Fax: 304-822-5793

Exhibit P – Ordinance: “Municipal Claim on Fire Insurance Proceeds and Authorization of Cleanup and Lien Enforcement for Damaged Structures”

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF ROMNEY, WEST VIRGINIA ESTABLISHING A MUNICIPAL CLAIM ON FIRE INSURANCE PROCEEDS AND AUTHORIZING CLEANUP AND LIEN ENFORCEMENT FOR DAMAGED STRUCTURES

WHEREAS, the Town Council of Romney has determined that structures destroyed or damaged by fire, whether in whole or in part, frequently remain unrepaired or uncleaned for extended periods, creating safety hazards, blight, and economic stagnation;

WHEREAS, under W. Va. Code §§ 33-17-9b and 38-10E-1 through 38-10E-2, municipalities have the authority to claim a lien on fire insurance proceeds for structures sustaining total loss by fire;

WHEREAS, the Town of Romney seeks to expand this authority under its Home Rule powers to address not only total loss but also partially fire-damaged structures that remain unrepaired beyond a defined period;

NOW, THEREFORE, be it ordained by the Council of the Town of Romney:

Section 1. Purpose and Intent

The purpose of this ordinance is to:

- a. Protect the public health, safety, and welfare by ensuring timely remediation of fire-damaged structures;
- b. Secure and utilize insurance proceeds to fund cleanup and demolition where necessary;
- c. Prevent prolonged abandonment of partially damaged properties;
- d. Establish due process procedures for affected property owners;
- e. Utilize the Town's Home Rule authority to go beyond the limitations of existing state law as necessary.

Section 2. Definitions

- a. Total Loss: A structure rendered a total loss by fire, as determined by the insurer or municipal building official.
- b. Partial Loss: A structure with fire-related damage that does not constitute a total loss but which remains unrepaired or unsecured for more than 90 days.
- c. Insurance Proceeds: Payments made under a fire insurance policy for damage to real property, including amounts designated for debris removal.
- d. Lien Amount: The greater of \$5,000 or 10% of the fire insurance policy's structure and debris coverage, not to exceed policy limits.
- e. Town Official: The Town Recorder or any other officer designated by the Mayor to carry out this ordinance.

Section 3. Municipal Lien on Insurance Proceeds (Total Loss)

In accordance with W. Va. Code §38-10E-1:

- a. Upon notice that a structure in the Town has sustained a total loss by fire, the Town shall have a lien on the applicable insurance proceeds up to the lien amount.
- b. Within ten (10) days of determining a total loss, the insurer shall notify the Town in writing via certified mail to the designated Town Official. This notice shall include:
 - i. The address of the damaged property;
 - ii. The name and contact information of the insured;
 - iii. The amount of coverage applicable to the structure and any debris removal allowance;
 - iv. Any time limitations for repair or debris removal under the policy.
- c. The Town shall perfect the lien within thirty (30) days of receiving notice by filing a cost estimate and lien notice with the Hampshire County Clerk. The lien shall be indexed and recorded as required by law.
- d. The insurer shall withhold from the final proceeds the lesser of:
 - i. The amount necessary to cover the Town's estimated costs;
 - ii. Ten percent (10%) of the applicable structure and debris coverage;
 - iii. Or \$5,000, whichever is greater, not to exceed the policy limits for structure and debris removal.
- e. No portion of withheld proceeds shall be released unless and until the Town issues a Certificate of Satisfactory Cleanup or Repair.
- f. If the Town incurs costs related to demolition or cleanup, the insurer shall pay the withheld proceeds directly to the Town.
- g. If cleanup is completed by the owner or a third party to the Town's satisfaction, the Town shall release the lien and authorize disbursement.
- h. Any funds not required for cleanup shall be returned to the insurer or policyholder per W. Va. Code §38-10E-2.

Section 4. Municipal Claim on Insurance Proceeds (Partial Loss)

Pursuant to Home Rule authority:

- a. Where a structure suffers partial fire damage and is not substantially repaired or secured within ninety (90) days from the date of fire, the Town may serve a written Notice of Partial Loss Noncompliance to the owner and insurer.
- b. Within ten (10) days of receipt of this notice, the insurer shall provide the Town the same information as required in Section 3.2.