



West Virginia Municipal Home Rule Program

Application of the Town of Paw Paw

January 8, 2025

West Virginia Municipal Home Rule Program 2025

Application of the Town of Paw Paw

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Section I: Applicant Information

A. General Information

Name of Municipality: Town of Paw Paw
Certifying Official: Darlene Abe, Mayor
Contact Person: Logan Mantz, Outside Counsel
Address: 122 Winchester St,
City, State, Zip: Paw Paw, WV 25434
Telephone: (304) 947-7476
Email Address: lmantz@caponbridgelegal.com

2020 Census Population: 410
Municipal Classification: Class IV

Paw Paw Town Council

Ricki Armel
Angela Newlon
John Pritchard
Johnathan Paramore
Devin Abe

B. Categories of Issues to Be Addressed

Tax Organization Administrative Personnel Other

Executive Summary

The Town of Paw Paw respectfully submits this Municipal Home Rule application to the West Virginia Municipal Home Rule Board. This application seeks narrowly tailored authority to adopt ordinances that address enforcement, property disposition, and administrative limitations that cannot be resolved under existing state law. The proposed authorities are designed to help Paw Paw address blight, streamline code enforcement, and modernize internal operations using practical tools proven in other small towns.

Paw Paw is a Class IV municipality in Morgan County with a 2020 Census population of just 410 residents. The Town's small size presents unique challenges. It operates with minimal staff, a limited tax base, and no specialized legal or administrative departments. As a result, nuisance abatement, property enforcement, and blight remediation are often difficult and time-consuming.

Blight remediation and revitalization are the Town's top priorities. Paw Paw currently lacks formal policies or resources to address abandoned, vacant, or unsafe structures. The ordinances included in this application would allow the Town to respond to these conditions using more efficient administrative and judicial processes. Modeled on ordinances adopted by Romney, Wardensville, and Marlinton, these reforms will allow Paw Paw to issue administrative citations, certify liens and judgments through its Municipal Judge, and enforce dangerous structure remediation orders with due process safeguards.

Other ordinances improve internal governance. The board size modification ordinance permits the Town to seat three to five (3–5) members on several statutory boards, reducing appointment burdens while preserving functionality. A property disposition ordinance allows Paw Paw to lease or sell municipal property through brokered listings or negotiated sale, without the delays and limitations of mandatory public auction under W. Va. Code § 8-12-18(b). These changes are essential for a town with limited staff and urgent revitalization needs.

Each ordinance in this application is adapted to Paw Paw's current conditions and legal constraints. None expands criminal authority or taxation, and each preserves notice, hearing, and appeal procedures. All provisions of state law remain in effect except where modified by the ordinance and authorized through this Home Rule application.

This proposal provides Paw Paw with a focused, cost-effective governance framework. It will allow the Town to manage abandoned properties, attract investment, and support long-term revitalization with tools that are affordable, proven, and legally sound.

1. Issue: Administrative Citation Authority for Code Enforcement (On-The-Spot-Citations)

Issue Category: Administrative

Overview:

The Town of Paw Paw seeks authority to issue administrative citations for code enforcement violations directly at the time of violation discovery (“on-the-spot citations”) for offenses under local nuisance laws, the International Property Maintenance Code (IPMC), the State Building Code, and W. Va. Code § 8-12-16, which governs the demolition and abatement of unsafe structures. Through this authority, Paw Paw intends to create an efficient and fair enforcement mechanism that improves compliance while upholding due process. This proposal includes integration with the Town’s Municipal Judge structure, adopted by ordinance, and follows successful models established by other Home Rule municipalities, including the Town of Fairmont and the Town of Romney.

Legal Barrier:

W. Va. Code § 8-12-16 authorizes municipalities to abate unsafe structures and public nuisances but requires formal notice and a hearing process before enforcement actions such as demolition or cost assessments can be taken. The Code does not currently authorize municipalities to issue citations for these violations without a prior warning and hearing. Similarly, while the International Property Maintenance Code (IPMC) allows local enforcement of maintenance standards, it requires a compliance period and notice process before enforcement penalties may be imposed. These procedural requirements, while important for due process, can delay abatement of dangerous conditions and diminish deterrence for recurring violations.

Problem Created:

The procedural delays embedded in the current enforcement scheme under W. Va. Code § 8-12-16 and the IPMC significantly limit the Town’s ability to ensure prompt compliance. Under § 8-12-16, municipalities must issue a written notice and provide a minimum 10-day period for the property owner to respond, even in cases where imminent danger to life or property exists. If the owner fails to act, the Town must then conduct a hearing before ordering demolition or repair. This timeline may stretch for weeks, even months, particularly where notice is delayed by certified mail refusals or address uncertainties. During this time, hazards persist unmitigated—posing risks to public safety and discouraging investment.

Moreover, in the case of recurring violations or absentee property owners, the lack of intermediate enforcement tools means that fines are only assessed after adjudication and appeal. This delays revenue collection, undermines deterrence, and burdens court and administrative resources. The same inefficiencies apply under the IPMC, which prescribes notice and appeal timelines before penalties or repair orders can be enforced. The combination of rigid warning procedures and delayed judicial hearings frustrates enforcement goals and allows deteriorating conditions to worsen.

Proposed Solution:

Paw Paw proposes to adopt on-the-spot citation authority as a streamlined enforcement option for violations of nuisance ordinances, property maintenance codes, and building regulations. The authority would allow code enforcement officers to issue citations contemporaneously upon observing violations, subject to discretion and procedural fairness. The Town will preserve all due process protections by

aligning the process with the (included below) Municipal Judge ordinance, allowing violators to contest citations before a neutral hearing officer within 30 days, as permitted under W. Va. Code § 8-10-2 and § 8-12-16(k).

This strategy draws on a large number of successful models from Home Rule cities. The majority of approved Home Rule applications now provide for discretionary issuance of citations without a prior warning period, while preserving judicial appeal rights and compliance hearing timelines. Paw Paw's ordinance mirrors this approach and explicitly incorporates the following legal safeguards:

- **Notice Requirements:** A written citation must state the nature of the violation, reference the applicable code (IPMC, State Building Code, or § 8-12-16), and advise the violator of their appeal rights.
- **Discretionary Warnings:** Officers may issue warnings in lieu of citations where they deem appropriate. The warning period shall comply with statutory baselines (e.g., not less than 10 days under § 8-12-16 unless emergency).
- **Appeal and Hearing:** Violators may contest citations within 30 days before the Municipal Judge, whose powers and procedures are established under the Town's Municipal Judge Ordinance and W. Va. Code § 8-10-2.
- **Integration with Nuisance Enforcement:** Citations may serve as independent enforcement tools or as predicates to further action under the existing dangerous structures ordinance and abatement provisions in § 8-12-16(g).

This expanded enforcement authority will reduce the Town's reliance on demolition proceedings alone and provide early intervention capacity, especially for property maintenance and repeat nuisance violations. It balances enforcement efficiency with procedural fairness, enhancing community safety and supporting revitalization goals.

Attachments for This Section

- Ordinance: Paw Paw Administrative Citation Ordinance
- Ordinance: Paw Paw Municipal Judge Ordinance

PROPOSAL #1 AMENDED TO REMOVE IPMC CHANGES.

2. Issue: Enforcement of Judgements, Liens, and Warrants by Municipal Judge

Issue Category: Administrative / Other – Judicial Efficiency

Overview:

The Town of Paw Paw seeks authority to enforce administrative liens and unpaid fines through its Municipal Judge, to streamline code enforcement and ensure recovery of public costs. Under current state law, municipal courts have limited capacity to convert unpaid fines or abatement costs into liens or enforceable civil judgments. This limits the Town’s ability to ensure compliance with nuisance abatement actions, dangerous structure removals, and other code enforcement penalties. By enacting a comprehensive ordinance under Home Rule, Paw Paw proposes to formalize the Municipal Judge’s authority to (1) certify liens, (2) issue monetary judgments for unpaid fines, and (3) ensure enforceable recordation in the county courthouse.

Legal Barrier:

West Virginia Code § 8-10-2 limits municipal courts to adjudicating ordinance violations and imposing fines, but lacks clear provisions for enforcement of unpaid fines through liens or civil judgment procedures without initiating an entirely separate civil action in magistrate or circuit court. Additionally, W. Va. Code § 8-12-16 allows municipalities to recover the cost of dangerous structure abatements, but provides no explicit enforcement mechanism for unpaid charges other than pursuing a lien in circuit court, a process that is resource-intensive and inaccessible for smaller cities.

Problem Caused:

First, when the Town abates a nuisance or demolishes a dangerous structure under W. Va. Code § 8-12-16, the property owner is invoiced for the cost of abatement. In the event of nonpayment, current law offers only limited tools—typically requiring initiation of a separate action in Circuit Court to docket the cost as a lien. This creates delays, legal expenses, and imposes disproportionate burden on municipal staff and budgets.

Second, when a resident is fined by municipal court—for example, for repeated code violations or violations of fire code, housing standards, or zoning—the unpaid amount may remain outstanding for months or years. Without the ability to convert these unpaid fines into enforceable monetary judgments or liens, violators frequently disregard penalties, eroding public respect for Town enforcement actions.

Finally, failure to efficiently enforce fines and cost assessments creates fiscal strain on the Town. Without a dependable mechanism for securing payment, particularly where multiple nuisance properties are involved, Paw Paw must shift enforcement costs to the general fund, reducing available resources for core services such as fire protection and public infrastructure.

Proposed Solution:

The Town of Paw Paw seeks Home Rule approval for its Municipal Judge to convert unpaid fines and abatement costs into civil judgments and recordable liens, in accordance with the procedures outlined in the “Paw Paw Municipal Judge Ordinance.” This authority would enable the following key functions:

Judgment Entry for Unpaid Fines: After 30 days without payment, the Municipal Judge may enter a Civil Monetary Judgment, which includes the fine, administrative costs, and lawful interest. This process

complies with W. Va. Code § 8-10-2b, which permits the use of municipal court orders for judgment enforcement and driver's license suspension where appropriate.

Cost Assessment and Liens: When the Town abates a nuisance, removes a dangerous structure, or performs other corrective actions under § 8-12-16(g), the costs will be documented and submitted to the Municipal Court. The Judge shall review and, if deemed reasonable, approve a cost order. If unpaid, a lien may then be issued and recorded with the Morgan County Clerk.

Due Process and Notice: Before any lien is recorded, notice is sent to the owner and known lienholders, with an opportunity to contest the amount or validity of the charge. A formal hearing is held before the Judge if objections arise. Upon determination, a certified Lien Order may be entered and recorded against the property.

Appeals and Safeguards: All adverse judgments or liens may be appealed by the property owner to the Circuit Court under the procedures of W. Va. Code § 8-10-2 and § 8-12-16(k). The ordinance includes full due process protections, including required notice, right to hearing, and judicial oversight. The ordinance also preserves supplemental administrative appeal procedures.

Lien Priority and Release: Once recorded, liens under this ordinance will have the same priority as municipal tax liens, protecting the Town's position in the event of foreclosure or sale. Upon payment, a formal Satisfaction and Release is recorded.

This system balances judicial due process and administrative efficiency, and mirrors mechanisms already approved in other Home Rule cities.

Some Comparable Home Rule Precedents include the following:

Romney (2022): Romney's Dangerous Structures Ordinance authorizes its Municipal Judge to issue citations and certify liens and judgments after unsafe structures are abated and invoices remain unpaid. Martinsburg and Clarksburg utilize home rule authority for lien and fine enforcement by municipal court under similar provisions. Fairmont (2021) likewise incorporated expanded municipal court functions into its Home Rule application for civil judgment enforcement in code matters.

In Conclusion, the proposed Municipal Judge ordinance allows the Town of Paw Paw to recover enforcement costs, deter noncompliance, and protect public safety. It ensures parity with larger Home Rule municipalities while preserving full procedural safeguards.

Attachments:

- Paw Paw Municipal Judge Ordinance

6. Issue: Sale and Lease of Property Without Mandatory Auction

Issue Category: Administrative / Other – Asset Management

Overview

The Town of Paw Paw seeks the authority to sell or lease municipal property without the requirement for public auction or sealed bid and to allow for below-market dispositions when such transactions serve a public purpose or economic development goal. This authority will allow the Town to more efficiently and flexibly manage its municipal assets to better serve public and financial interests.

Legal Barrier:

West Virginia Code § 8-12-18(b) and (c) require that municipal real estate be sold or leased only by public auction or sealed bid unless a specific statutory exception applies. These restrictions do not permit direct negotiation, use of real estate brokers, or tailored transactions designed to maximize value or encourage public-benefit uses. The statute allows for exceptions only in narrowly defined circumstances, making it cumbersome for municipalities to achieve optimal or strategic property dispositions.

Problem Caused:

First, the existing statute imposes unnecessary transactional rigidity. Public auctions are not always the most effective mechanism for realizing full value for real property. In many instances, municipalities—particularly smaller Class IV cities like Paw Paw would lose substantial value from a sale at public auction and may otherwise see greater financial return and community benefit by negotiating with private developers, nonprofit organizations, or agencies with specific use cases aligned with public needs or simply selling through brokers. The inability to transact by negotiation forces the Town to pursue auction processes even when it is not commercially sound.

Second, the current statute frustrates public-purpose development. Under § 8-12-18(c), a municipality is not permitted to lease or sell property for less than market value unless a narrow statutory exemption applies, which excludes innovative uses for community betterment. For example, a Town may wish to lease or donate a vacant building for a youth center or business incubator, but would be barred from doing so without legislative or procedural workarounds. As a result, properties sit idle, cost the Town maintenance funds, and degrade in value. The statute undermines strategic land-use planning and impedes timely revitalization efforts.

Proposed Solution

The Town of Paw Paw proposes adoption of an ordinance pursuant to W. Va. Code § 8-1-5a (Municipal Home Rule) that authorizes the Town to sell, lease, exchange, or otherwise dispose of real or personal property by negotiated sale, listing, or brokered transaction, without public auction. This ordinance would permit the Council to determine the method and terms of disposition that best serve the Town's interests, including direct negotiation with buyers or tenants.

The ordinance includes procedural safeguards, including:

- City Council approval by resolution;
- Publication of a Class I legal notice 15 days prior to the vote (per W. Va. Code § 59-3-1);
- Required investigation into fair market value (via broker opinion, comparable sales, or market analysis);
- Express findings when below-market dispositions are made for public purpose or economic development.

Notably, the ordinance does not require formal appraisals—only reasonable due diligence—allowing Paw Paw to avoid unnecessary transaction costs. Proceeds from transactions will be recorded in Council minutes and directed to the general fund or as otherwise authorized by resolution.

Other cities with similar Home Rule authorizations include Wheeling, Morgantown, Parkersburg, and Charles Town, which have also received authority to bypass public auction requirements in favor of negotiated or brokered sales when consistent with financial prudence or community objectives.

Attachment(s)

- Town of Paw Paw Ordinance Authorizing the Sale and Lease of Municipal Property Without Public Auction

THIS PROPOSAL AMENDED TO INCLUDE A CAP OF \$150,000 ON REAL PROPERTY AND A CAP OF \$25,000 ON ALL OTHER PROPERTY

4. Issue: Modification of Municipal Board Sizes

Issue Category: Organization

Overview

The Town of Paw Paw seeks to improve the efficiency and responsiveness of its appointed boards by reducing the statutory minimum number of members required to constitute each board or commission. In accordance with its Home Rule authority, the Town proposes to restructure the following boards—Development Authority, Sanitary Board, Building Commission, Parks and Recreation Board, to operate with three to five (3–5) members, supported by optional alternates. These reforms will preserve the boards’ statutory responsibilities while ensuring that quorum and functional continuity can be maintained with limited community resources.

Legal Barrier:

West Virginia law mandates fixed or minimum board sizes that often exceed the staffing capacity of small municipalities. The following boards are governed by specific size requirements:

- Development Authority: W. Va. Code § 7-12-3a requires boards to consist of 5 to 15 members.
- Building Commission: W. Va. Code § 8-33-3 requires at least three members and imposes political affiliation restrictions.
- Parks and Recreation Board: W. Va. Code § 8-21-1 et seq. allows board formation but anticipates a membership size that may exceed local capacity.
- Sanitary Board: W. Va. Code § 16-13-18 allows for three members, but no alternatives are permitted.

These structural constraints do not account for the limited availability of eligible and willing participants in small communities, creating functional and procedural delays when vacancies or absences occur.

Problem Caused:

Statutory mandates requiring boards of five or more members present logistical and operational challenges for the Town of Paw Paw. Limited population size, overlapping volunteer commitments, and statutory residency or party-affiliation requirements make it difficult to fill all seats, especially on boards requiring regular meetings, training, or fiduciary oversight.

As a result, several Paw Paw boards have historically struggled to maintain quorum or carry out their responsibilities, leading to delayed action on zoning matters, development approvals, and project oversight. When board actions are postponed due to lack of quorum or vacant seats, residents and

applicants face increased wait times and uncertainty. These recurring delays impede neighborhood improvements, discourage participation in civic processes, and reduce community confidence in local government functions.

Proposed Solution:

The Town of Paw Paw proposes to adopt individual ordinances under W. Va. Code § 8-1-5a to modify the membership structure of each board referenced above. Each ordinance sets the board size to three to five (3-5) members, allowing for greater flexibility in appointments while maintaining legitimacy and continuity. Optional alternate members may also be appointed to cover absences.

Each ordinance preserves the original powers and duties set forth in the enabling statutes and explicitly affirms that all other provisions of state law remain in effect. Quorum, term length, eligibility, and appointment procedures are defined in accordance with best practices and local needs. Bylaw authority and officer election requirements are also retained. This restructuring ensures that all boards are better positioned to carry out their statutory responsibilities with consistent participation and streamlined governance.

Some Comparable Home Rule Precedents include the following:

- Wardensville (2019): Approved to reduce zoning and parks board membership through Home Rule; Marlinton (2024 Application): Requested similar board size flexibility in response to local vacancy challenges; Philippi and Harpers Ferry: Adopted board restructuring ordinances using Home Rule authority to maintain functional civic bodies.

Attachments

- Ordinance Packet: Board Reorganization Ordinances (Sanitary Board, Building Commission, Development Authority, Parks Board)



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434
Phone: (304) 947-7476 – Incorporated 1891



Exhibit A – Affidavit of Hearing Notice Verification (Notice & Publication)

Town of Paw Paw


122 Winchester Street Paw Paw, West Virginia 25434
Phone: (304) 947-7476 – Incorporated 1891

Affidavit – Hearing Notice Verification (Notice & Publication)

I, Connie Adams, after being first duly sworn, state as follows:

1. I am the duly appointed Town Clerk of the Town of Paw Paw, West Virginia, and in that capacity I am familiar with the procedures followed in connection with the Town's Municipal Home Rule Application.
2. I am familiar with the requirements of W. Va. Code § 8-1-5a(g)(2), which require that, on or before the first day of publication of the notice of public hearing on a municipal home rule plan, a copy of the notice be sent by certified mail to the West Virginia Municipal Home Rule Board and to the cabinet secretary of every state department.
3. A public hearing on the Town of Paw Paw's Municipal Home Rule Application was scheduled for December 1st during the Town Council Regular Meeting at 6:00 PM at the Paw Paw Town Hall.
4. On or before the first day of publication of the notice of public hearing in the Morgan Messenger, The Town caused a copy of the Town's Notice of Public Hearing to be sent by certified mail, return receipt requested, to:
 - o The West Virginia Municipal Home Rule Board; and
 - o The cabinet secretary of each executive department of state government, at their official business addresses, as listed on the model notice attached hereto.
5. A true and correct copy of the Notice of Public Hearing that was mailed is attached hereto.
6. The newspaper will provide a separate affidavit of publication regarding the Class II legal advertisement of the public hearing.
7. The foregoing statements are true and correct to the best of my knowledge, information, and belief.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Connie Adams
Town Clerk, Town of Paw Paw, West Virginia

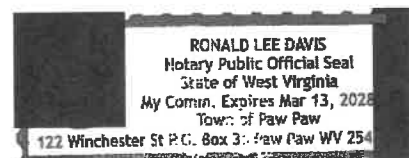
NOTARY ACKNOWLEDGMENT

State of West Virginia, County of Morgan, to-wit:

Subscribed and sworn (or affirmed) before me this 5th day of December, 2025, by Connie Adams, Town Clerk of the Town of Paw Paw, West Virginia.

Notary Public 

My commission expires: MARCH 13, 2028





Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit B – Certified-Mail Notice to Municipal Home Rule Board and Cabinet Secretaries

(with Recipient List and Cover Letter)



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



To: West Virginia Municipal Home Rule Board
c/o Department of Revenue
State Capitol Complex, Building 1, Room W-100
Charleston, WV 25305

And to: Cabinet Secretary of Each State Department

Department	Cabinet Secretary	Mailing Address
Department of Administration	Eric Householder	1900 Kanawha Blvd. E., Building 1, Room E-119, Charleston, WV 25305
Department of Revenue	Eric Nelson	State Capitol, Building 1, Room W-300, Charleston, WV 25305
Department of Commerce	Matthew Herridge	State Capitol Complex, 1900 Kanawha Blvd. E., Charleston, WV 25305
Department of Transportation (Division of Highways)	Stephen Todd Rumbaugh	Building 5, 1900 Kanawha Blvd. E., Charleston, WV 25305
Department of Tourism	Chelsea Ruby	1900 Kanawha Blvd. E., Charleston, WV 25305-0300
Department of Agriculture	Kent Leonhardt	1900 Kanawha Blvd. E., State Capitol, Room E-28, Charleston, WV 25305-0170
Department of Environmental Protection	Harold D. Ward	601 57th Street SE, Charleston, WV 25304
Department of Veterans Assistance	Edward "Ryan" Kennedy	1900 Kanawha Blvd., Building 5, Room 205, Charleston, WV 25301

Re: *Notice of Public Hearing on Initial Municipal Home Rule Plan Application – Town of Paw Paw*

Dear Secretaries and Members of the Board:

Pursuant to W. Va. Code § 8-1-5a(g)(2), the Town of Paw Paw hereby provides certified-mail notice that the Town Council will conduct a public hearing to discuss the Town's proposed written plan for participation in the West Virginia Municipal Home Rule Program.

The hearing, and final reading of an ordinance authorizing the Mayor to submit the Town's Home Rule Plan, will be held on December 1, 2025 at 6:00 p.m. in the Paw Paw Municipal Building, 122 Winchester Street, Paw Paw, West Virginia 25434.

A copy of the published Class II legal advertisement is enclosed. The proposed Home Rule Plan is available for public inspection beginning November 1, 2025 at the Paw Paw Municipal Building during regular business hours.

Sincerely,

Darlene Abe
Mayor, Town of Paw Paw
P.O. Box 21 Paw Paw, WV 25434
Enclosure: Published Notice of Public Hearing



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit C – Certificate of Publication and Class II Legal Advertisement (Morgan Messenger)

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY that a legal publication

Notice of Public Hearing &
Council Meeting

placed by

Town of Paw Paw

appeared for 2 consecutive weeks in
THE MORGAN MESSENGER, a newspaper
published in Berkeley Springs, WV, in its issue
beginning

October 29, 2025

and ending

November 5, 2025



Inches 9.5"

Charge \$ 152.00

**NOTICE OF PUBLIC HEARING &
TOWN COUNCIL MEETING
TOWN OF PAW PAW MUNICIPAL HOME
RULE PROGRAM PLAN APPLICATION**

Notice is hereby given by the Town Council of Paw Paw, West Virginia, that it will conduct a public hearing to discuss the Town's proposed written plan for participation in the West Virginia Municipal Home Rule Program.

Information from the hearing will be used by Council in preparing its initial application for acceptance into the West Virginia Municipal Home Rule Program, established by §8-1-5a of the West Virginia Code, as amended.

The public hearing on the plan and the final reading of an ordinance authorizing the Mayor to make application to the Municipal Home Rule Program shall take place on December 1 at 6:00 p.m. in the Paw Paw Municipal Building, 122 Winchester Street, Paw Paw, West Virginia 25434.

Any interested party may appear before Council during the hearing to be heard with respect to the proposed plan and ordinance.

The proposed Home Rule Plan for the Town of Paw Paw will be available for public inspection beginning November 1, 2025 at the Paw Paw Municipal Building during regularly posted business hours.

Written comments may be addressed to: Town of Paw Paw, P.O. Box 35, Paw Paw, WV 25434.



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit D – Notice of Public Hearing on Municipal Home Rule Plan (Clean Copy of Published Notice)

NOTICE OF PUBLIC HEARING & TOWN COUNCIL MEETING
TOWN OF PAW PAW MUNICIPAL HOME RULE PROGRAM PLAN APPLICATION

Notice is hereby given by the Town Council of Paw Paw, West Virginia, that it will conduct a public hearing to discuss the Town's proposed written plan for participation in the West Virginia Municipal Home Rule Program.

Information from the hearing will be used by Council in preparing its initial application for acceptance into the West Virginia Municipal Home Rule Program, established by § 8-1-5a of the West Virginia Code, as amended.

The public hearing on the plan and the final reading of an ordinance authorizing the Mayor to make application to the Municipal Home Rule Program shall take place on December 1st at 6:00 p.m. in the Paw Paw Municipal Building, 122 Winchester Street, Paw Paw, West Virginia 25434.

Any interested party may appear before Council during the hearing to be heard with respect to the proposed plan and ordinance.

The proposed Home Rule Plan for the Town of Paw Paw will be available for public inspection beginning November 1st, 2025 at the Paw Paw Municipal Building during regularly posted business hours.

Written comments may be addressed to: Town of Paw Paw, P.O. Box 21, Paw Paw, WV 25434.



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit E – Minutes of December 1, 2025 Town Council Meeting and Home Rule Public Hearing (Second Reading and Adoption of Home Rule Authorization Ordinance)

COUNCIL OF THE TOWN OF PAW PAW, WEST VIRGINIA

COUNCIL MEETING MINUTES December 1, 2025

1. Call to Order PM 6.00 PM

2. Attendance: Mayor Darlene Abe, Recorder Mary Parker Marcus, Councilors: Angela Newlon, John Pritchard, Johnathan Paramore, Ricki Armel. Others in attendance include: Ron Davis, Town Business Manager; Connie Adams, Water & Sewer Clerk; Ernest Crouse, Town Water Employee; Officer Aaron Leatherman, Police: David Abruzzi, John Stump/Steptoe&Johnson Attorney

Attendance Sign-ins: Mike Malaska, Larry Brown, Greg Norris, Ken Hogan, Maria & Carroll Gloyd, Greg & Jenniferr Norris, Tracy Eaton, Kate Shunney/media, Larry Brown, Bonnie Carkeak, Gloria Robison

3. Approval of the Minutes of the November 3, 2025 Meeting

a. Motion: Paramore, Second: Newlon Yay: All Nay: None

4. Approval of Bills as presented:

a. Motion: Newlon, Second: Pritchard Yay: All Nay: None

5. Old Business/unfinished business:

• a. Final approval steps for issuing Water Revenue Bonds Series 2025A & 2025B, John Stump

• **Bond Details:**

• Series 2025A: \$950,000, 40-year term, 0.5% interest, 0.25% admin fee.
Motion: Pritchard, Second: Paramore Yay: All, Nay: _____

• Series 2025B: \$1,500,000, *forgivable bond* (equivalent to a grant, as per Clean Water Act structures).

Motion: Newlon, Second: Pritchard Yay: All, Nay: _____

• Previous financing noted:

• \$200,000 design loan (2022).

• \$696,250 grant from Western Infrastructure Jobs Development Council.

• **Repayment:** \$950,000 to be repaid. First payment: December 1, 2026, to the Western Municipal Bond Commission, at \$2,561.87/month. Final payment: December 1, 2065.

• **Financing closes December 18, 2025;** funds wired (\$269,553.71). All documentation prepared for signature; no need for council members to travel.

Motion: Pritchard, Second: Newlon Yay: All, Nay: _____

b. Second Reading of Planning Commission Ordinance

- **Objective:** Formally create a Town of Paw Paw Planning Commission (3–5 members, up to 2 alternates), as required for initiating a Comprehensive Plan (per contract with WVU Law’s Land Use and Sustainable Development Clinic).
- **Comprehensive Plan’s Significance:**
 - Prerequisite for land use ordinances, zoning, subdivision regulations, and eligibility for most federal grants.
 - Public input critical; all meetings open to the public.
- **Discussion:**
 - Clarification: Tonight’s vote is to create the commission only; appointments made later.
 - Statutory requirements on member eligibility discussed (must be residents for previous three years).
 - Concerns raised regarding process, including transparency and member selection.
 - Inquiry from Morgan Messenger about statutory membership requirements; draft ordinance confirmed to follow state code.
- **Outcome:**
 - Motion made; robust discussion about necessity and member eligibility.
 - Ordinance to create planning commission **fails**.

Motion: Paramore Second: Parker Marcus Yay: Nay: Pritchard,
Newlon, Armel

c. Second Reading Vacant and Uninhabitable Structure Program Ordinance

Purpose: Establish vacant/uninhabitable structure registry and fee system, as tool for addressing absentee-owned, vacant, and dilapidated properties.

- **Mechanism:**
 - Registry created; properties entered by town officers.
 - Fees accrue after initial notification and waiting period, increasing over time to encourage remediation.
 - State code authorizes; administrative cost is “comparatively low.”
- **Extended Discussion:**
 - Concerns raised about fairness, timing given economic hardship, and the current absence of a building inspector.
 - Historical context: Town’s previous building code provisions were nullified by changes in state code as of August 2022; currently no building code in effect.

- Discussion about code enforcement options: internal designation, provisional state certification, or inter-local agreements.

- **Outcome:**

After extended debate, motion to pass the ordinance failed for lack of a second.

- d. Proposal to name the municipal park "Paw Paw Riverfront Park. Alternate proposal to name after Ron Davis declined by Mr. Davis.

Motion: Newlon, Second: Armel Yay: All, Nay: None

- **Future Expansion:** Discussed possible expansion into adjacent town-owned acreage (outside current municipal boundaries); plans to seek grants for park and children's amenities. Issue of formal annexation raised but deemed potentially unnecessary.

- e. Park Maintenance - Pigeon Proofing: Discussion on closing in the picnic area to prevent pigeon infestation; cost estimates needed.

- Motion tabled until next meeting for price research.

- f. Speaking Time for Nonprofits - Motion and approval to grant nonprofits an extra minute for public comment during meetings.

Motion: Paramore, Second: Armel Yay: All, Nay: None

- g. Proposal to purchase a key lot (owned by Tim and Betty Mose) at the park for \$15,000.

Funding recommended from general/ARPA funds.

First reading of the ordinance to authorize purchase passed; resolution to start purchase process approved.

Motion: Newlon, Second: Pritchard Yay: All, Nay: None

Second reading and final approval to be scheduled; potential for special meeting if necessary for closing timelines.

Motion: Paramore, Second: Pritchard Yay: All, Nay: None

6. Committee Reports:

- Ordinances: No new reports.
- Cemetery: Looks good General maintenance ongoing.
- Finance: Mayor, Recorder: No printed report; income ahead, expenses below budgeted levels.

- d. Personnel Committee: None to report.
- e. Police: Police officer experiencing personal vehicle issues—request to use police vehicle for commuting; additional information needed before decision, delegated to police chief.
 - Secondary issue: Potential vehicle staging in Springfield to facilitate shift transitions.
- f. Streets and Alleys: 911 addressing audit yielded 159 correct, 139 incorrect/missing addresses; pending direction from county for next steps (notices to residents planned). Historical confusion over address assignment; process to be clarified.
- g. Water & Sewer: River depth being monitored; no significant issues reported.

7. Commissions

Parks and Recreation Commission: Pigeon issue discussed above.

Expansion plans underway with support from Seely Foundation grant.

Social Commission: First event scheduled: Christmas cookie competition, December 20 (lack of participation may lead to alternate event format).

Sidewalks Commission: On hold due to upcoming waterworks project and related construction.

8. Administrative Reports: **Ron Davis:** Budget update—strong financial position.

9. New Business:

a. Background:

- Home Rule application enables municipality to request powers to legislate beyond general state code in specified areas (local ordinances/adaptations).
- Public hearing properly noticed via Class 2 legal ad and on agendas for last 3 meetings.
- **Public Comment:**
 - Several citizens voiced strong concerns:
 - Home rule seen as government overreach; fears of adverse impact on residents and disadvantaged property owners.
 - Requests for more community outreach, more education, and time for public feedback (suggested posted notices beyond newspaper ads).

- Calls for comparative feedback from other municipalities—both positive and negative experiences with home rule.
- Staff/consultant offered to provide contacts for other towns using home rule.
- **Council Deliberation:**
 - Emphasized that application merely requests specific authorities; enactment of actual ordinances would still require separate, public processes.
 - Debate over whether it was appropriate to proceed with key members absent (one due to a family emergency); explained that a majority present suffices unless otherwise specified by code.
 - Town business manager strongly recommended moving forward.
- **Outcome:**
 - Motion and second; Mayor broke the tie, ordinance **passed** (note: Arnel absent due to personal emergency).

Motion: Paramore Second: Parker Marcus Yay: Mayor Abe broke tie
 Nay: Pritchard, Newlon

10. Communication from the Mayor: Annual Employee Holiday Gifts - noted standard \$25 gift card (maximum allowable) for employees.

11. Business License Applications: Allied Fence & Deck, Paw Paw, West Virginia
 Motion: Newlon, Second: Paramore, Yay: All, Nay: _____

12. Building Permit Applications:

Green Ridge Canoe Outfitter shed installation (after resolving minor placement/query).

Motion: Newlon, Second: Paramore, Yay: All, Nay: _____

13. Public Comment:

- Davis Abruzzi – Recommend residents Brown & Barb Norton nomination for The West Virginia Hero award. December 19 will submit. Unanimously approved.
- Mike Malaska – Adding bicycle rentals to his place of business.
- Jenn Norris – did not finish per breach of decorum.

14. Move to Executive Session (if needed) @ _____ PM

Agenda Item: _____ Grounds for Executive Session: _____

Motion _____, Second _____ Yay ___ Nay ___

15. Return from Executive Session (if needed) and return to General Session @ ___ : ___ PM

16. Adjournment @ 7:25 PM

Motion: Paramore , Second: Pritchard Yay: All , Nay:

17. The next meeting of the Council for the Town of Paw Paw will be January 5, 2026.

Respectfully submitted on December 1, 2025

Mary Parker Marcus, Recorder

Date

Darlene Abe, Mayor

Date



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891

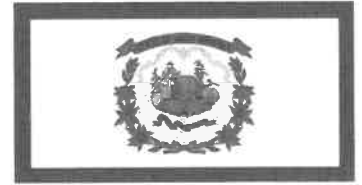


Exhibit F – Ordinance No. 2025. __ “Home Rule Amendment Application Authorization Ordinance”

Ordinance No. 2025.##
Town of Paw Paw
Home Rule Amendment Application Authorization Ordinance

An ORDINANCE pursuant to the provisions of W.Va. Code 8-1-5a, authorizing the Town of Paw Paw to submit a written home rule proposal to the Municipal Home Rule Board in order to permit participation by Paw Paw in the Municipal Home Rule Program.

Section 1: Authorization to Submit a Written Home Rule Proposal

WHEREAS, in 2007, the West Virginia Legislature enacted WV Code §8-1-5a, known as the Municipal Home Rule Pilot Program; and

WHEREAS, in 2026, the Town of Paw Paw wishes to participate in the Municipal Home Rule Program; and

WHEREAS, participation in the Home Rule Program under an application by the Town of Paw Paw, a Class IV municipality, would give the Town unique flexibility to apply local solutions to local problems, benefitting the greater community, including residents, visitors, and businesses.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF PAW PAW THAT the Mayor is hereby authorized and directed to submit a home rule proposal to the Municipal Home Rule Board on January 7, 2026, in accordance with WV Code §8-1-5a in order for the Town of Paw Paw to be considered for authorization to participate in the Municipal Home Rule program.

Section 2: EFFECTIVE DATE

This ordinance shall become effective upon passage after second reading.

1st Reading: November 3, 2025

Public Hearing: December 1, 2025

2nd and Final Reading: December 1, 2025

Attested: _____


 **Marcus, Recorder**



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit G – Affidavit: State of West Virginia Fees and Obligations (Good-Standing Statement)



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434



Affidavit – State of West Virginia Fees and Obligations

I, Connie Adams, after being first duly sworn, state as follows:

1. I am the duly appointed Town Clerk of the Town of Paw Paw, West Virginia, and I am familiar with the Town's financial records and its obligations to agencies of the State of West Virginia.
2. As part of the preparation of the Town's Municipal Home Rule Application, I have reviewed available records and consulted with the Town's Treasurer/financial officer regarding fees, taxes, and assessments owed by the Town to the State of West Virginia and its agencies.
3. To the best of my knowledge, information, and belief, as of the date of this affidavit:
 - o The Town of Paw Paw is not delinquent in the payment of any fees, taxes, or assessments due to the State of West Virginia or any of its departments or agencies; and
 - o There are no outstanding judgments, tax liens, or state-imposed payment plans in default that would disqualify the Town from participation in the Municipal Home Rule Program.
4. If any minor reconciliations or routine payables are identified prior to submission of the application, the Town will promptly satisfy such obligations in the ordinary course of business and will notify the Municipal Home Rule Board if any issue arises that materially affects this affidavit.
5. I make this affidavit in support of the Town of Paw Paw's Municipal Home Rule Application and to meet the requirement that participating municipalities be in good standing with the State of West Virginia.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Connie Adams

Connie Adams
Town Clerk, Town of Paw Paw, West Virginia



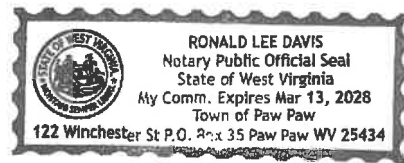
NOTARY ACKNOWLEDGMENT

State of West Virginia, County of Morgan, to-wit:

Subscribed and sworn (or affirmed) before me this 5th day of December, 2025, by Connie Adams, Town Clerk of the Town of Paw Paw, West Virginia.

Notary Public Ronald Lee Davis

My commission expires: March 13, 2028





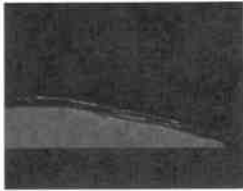
Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



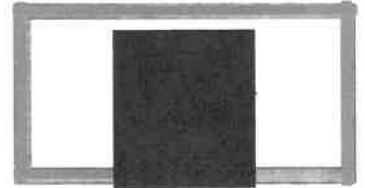
Exhibit H – Affidavit: Fiscal Impact of Home Rule Components



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Affidavit – Fiscal Impact Home Rule Components

I, Connie Adams, after being first duly sworn, state as follows:

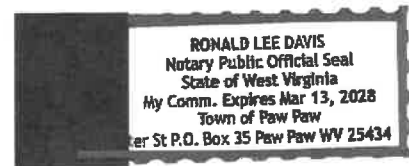
1. I am the duly appointed Town Clerk of the Town of Paw Paw, West Virginia. As part of my duties, I am familiar with the Town’s budgeting procedures and with the proposed ordinances included in the Town’s Municipal Home Rule Application.
2. The Town’s Home Rule Application for 2025 includes the following component ordinances:
 - o Administrative Citation Authority for Code Enforcement (On-the-Spot Citations);
 - o Enforcement of Judgments, Liens, and Warrants by Municipal Judge;
 - o Sale and Lease of Municipal Property Without Mandatory Auction; and
 - o Modification of Municipal Board Sizes.
3. None of these ordinances imposes a new municipal tax or increases any existing municipal tax rate. The ordinances are administrative and organizational in nature and are intended primarily to improve efficiency, reduce blight, and modernize internal procedures under W. Va. Code § 8-1-5a(i).
4. Based on review of the ordinances and projected implementation procedures, the Town anticipates that:
 - a. Administrative citation authority and municipal-judge lien/judgment authority may involve minor training and administrative costs that will be absorbed within the Town’s existing budget, and are expected over time to reduce net enforcement costs by improving collection of fines and abatement expenses.
 - b. The property sale and lease ordinance is expected to be revenue-neutral or modestly revenue-positive, as it authorizes more flexible disposition of surplus property without reducing any existing revenue source.
 - c. The board size modification ordinance will not materially affect Town revenues or expenditures and is expected to reduce administrative burden associated with filling and maintaining larger statutory boards.
5. To the best of my knowledge and belief, implementation of these four ordinances will be cost-neutral or cost-saving to the Town of Paw Paw over time. No ordinance in the Town’s Home Rule Application is projected to decrease the Town’s general-fund revenues or to increase long-term debt obligations.
6. This affidavit is provided in support of the Town’s Municipal Home Rule Application to demonstrate that, aside from incidental administrative costs, the proposed Home Rule authorities are expected to be fiscally neutral or beneficial to the Town.



I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Connie Adams

Connie Adams
Town Clerk, Town of Paw Paw, West Virginia

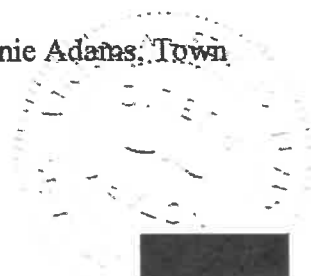


NOTARY ACKNOWLEDGMENT

State of West Virginia, County of Morgan, to-wit:

Subscribed and sworn (or affirmed) before me this 5th day of December, 2025, by Connie Adams, Town Clerk of the Town of Paw Paw, West Virginia.

Notary Public Ronald Davis





Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit I – West Virginia Tax Division Letter of Good Standing (Effective December 4, 2025)



Taxpayer Services Division
P.O. Box 3784
Charleston, WV 25337-3784



WEST VIRGINIA
TAX DIVISION

Matthew R. Irby, Tax Commissioner

Letter ID: L0335402400
Issued: 12/04/2025

TOWN OF PAW PAW
PO BOX 35
PAW PAW WV 25434-0035

West Virginia Tax Division

Letter of Good Standing

EFFECTIVE DATE: 12/04/2025

A review of tax accounts indicates that TOWN OF PAW PAW is in good standing as of the effective date of this document.

Please note, this Letter of Good Standing expires on **March 4, 2026**.

The issuance of this Letter of Good Standing shall not bar any audits, investigations, assessments, refund or credits with respect to the taxpayer named above and is based only on a review of the tax returns and not on a physical audit of records.

Sincerely,



Nicole Grant, Tax Unit Supervisor
Taxpayer Services Division



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit J – Attorney Opinion Letter Regarding Compliance of Town of Paw Paw Home Rule Application

(J. Logan Mantz)



Attorney Opinion
2026 Town of Paw Paw Home Rule Application

December 1, 2025
West Virginia Municipal Home Rule Board
West Virginia Development Office
West Virginia Department of Commerce
Capitol Complex, Building 6, Room 525
Charleston, WV 25305-0311

Re: Application of the Town of Paw Paw to Participate in the Municipal Home Rule Program

Dear Home Rule Board Members,

Please be advised that I serve as legal counsel for the Town of Paw Paw. I have reviewed West Virginia Code § 8-1-5a, the Application Guidelines for Participation in the Municipal Home Rule Program, and all documents comprising the Town's 2025 application and related ordinance materials.

Based on my examination of the application and applicable provisions of law, it is my opinion that the application meets the procedural and substantive requirements of West Virginia Code § 8-1-5a and all applicable program guidelines.

The Town of Paw Paw is a Class IV municipality that has prepared its application in good faith, focusing on effective blight remediation, structural enforcement, and revitalization planning—areas where the existing general law framework offers limited utility to small towns with constrained administrative capacity. The ordinances included—governing administrative citations, judicial enforcement of liens, board size adjustment, and sale of municipal property without auction—are consistent with the Town's statutory authority under Home Rule and designed to integrate with existing nuisance and code enforcement processes.

Accordingly, it is my opinion that the Town of Paw Paw's proposed Home Rule initiatives do not conflict with the Constitution or general laws of the State and are suitable for submission to the Municipal Home Rule Board for review and approval.

Sincerely,

J. Logan Mantz
WV Bar ID 13901
Counsel for the Town of Paw Paw
lmantz@caponbridgelegal.com



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit K – Ordinance: Administrative Citation Procedures for Code Enforcement

TOWN OF PAW PAW, WEST VIRGINIA

ORDINANCE ESTABLISHING ADMINISTRATIVE CITATION PROCEDURES FOR CODE ENFORCEMENT

WHEREAS, the Town of Paw Paw is a participant in the West Virginia Municipal Home Rule Program pursuant to *W. Va. Code § 8-1-5a*, which authorizes municipalities to adopt local procedures that improve governance and enforcement efficiency; and

WHEREAS, under *W. Va. Code § 8-10-2*, the Town 's Municipal Court has jurisdiction over ordinance violations and may impose fines, costs, and other remedies; and

WHEREAS, the Town Council finds that certain property-maintenance, building-code, nuisance, fire-safety, and sanitation violations are observable, recurring, and capable of immediate verification, such that traditional notice-and-hearing procedures cause delay, prolong unsafe conditions, and reduce compliance; and

WHEREAS, the Town 's recently adopted ordinance establishing the Office of Municipal Judge authorizes that judge to issue warrants, certify judgments, and approve enforcement liens, and the Town desires to integrate administrative citations into that process;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PAW PAW:

Section 1. Authority and Purpose

This ordinance is enacted under *W. Va. Code §§ 8-1-5a, 8-10-2, and 8-12-16* to establish an administrative citation procedure for enforcing the Town 's codes and ordinances through direct citation by authorized officers.

Its purpose is to:

- a. Provide an efficient means of addressing violations posing immediate public-health, safety, or welfare concerns;
- b. Promote consistent enforcement and timely abatement of violations; and
- c. Integrate citation enforcement with the Town 's Municipal Court for due-process review, judgment, and collection.

Section 2. Scope of Application

Administrative citations may be issued for violations of:

- a. The Town 's Dangerous Structures Ordinance enacted under *W. Va. Code § 8-12-16*;
- b. The International Property Maintenance Code and State Building Code as adopted by the Town;
- c. The Town 's Nuisance Ordinance and related environmental or sanitation provisions;
- d. Fire-prevention and life-safety codes adopted under *W. Va. Code § 29-3-5b*;

- e. Zoning, licensing, and property-use ordinances designated by Council resolution; and
- f. Any other ordinance that expressly incorporates this citation procedure by reference.

Section 3. Authorized Officers

- a. The following officers are authorized to issue administrative citations under this ordinance:
 - i. Building Official;
 - ii. Code Enforcement Officer;
 - iii. Fire Marshal or Fire Inspector;
 - iv. Police Officer;
 - v. Health or Sanitation Officer; and
 - vi. Any other officer or employee designated by the Mayor with Council approval.
- b. Each authorized officer shall complete citation-procedure training approved by the Municipal Judge and Mayor.

Section 4. Citation Issuance and Content

- a. A citation may be issued at the time a violation is observed or following an inspection confirming non-compliance.
- b. Each citation shall include:
 - i. The date, time, and location of the violation;
 - ii. The ordinance section violated;
 - iii. A brief description of the offense;
 - iv. The amount of the fine or range of penalties;
 - v. Instructions for correction, payment, or contest; and
 - vi. The name and badge or identification number of the issuing officer or official.
- c. The citation shall be personally served on the violator or, if the violator cannot be personally served, posted conspicuously on the property and mailed to the owner or responsible party's last known address.
- d. Each citation shall state clearly that failure to respond may result in judgment and lien under Section 9.

Section 5. Civil Penalties

- a. Fines imposed through administrative citations shall be civil penalties, recoverable through the Municipal Court.
- b. All fines shall be specified in the ordinance violated for each offense; no standard fine is created by this ordinance.

Section 6. Payment and Correction Option

the Mu.

- a. Subject to additional administrative appeal processes contemplated in Section 8 below, Within ten (10) days after issuance, a cited person may:
 - i. Pay the fine at Town Hall or through an authorized online portal, constituting an admission of liability or no contest plea; or
 - ii. Provide written proof of correction to the issuing officer, who may, at his sole discretion, dismiss the citation if compliance is verified.
- b. If payment or correction is not made within ten (10) days, the citation shall be transmitted to the Municipal Judge for adjudication.

Section 7. Municipal Court Hearing and Judgment

- a. Upon filing, the Municipal Judge shall docket the citation and issue notice of hearing pursuant to *W. Va. Code § 8-10-2b*.
- b. At hearing, the cited party may appear, present evidence, or be represented by counsel.
- c. If liability is established, the Municipal Judge may:
 - i. (a) Impose the scheduled fine and court costs;
 - ii. (b) Order abatement or corrective measures; and
 - iii. (c) Certify judgment for unpaid fines and costs as provided in the Town 's Judicial Enforcement Ordinance.
- d. Judgments rendered under this section shall constitute monetary judgments of record enforceable through the lien and collection procedures previously adopted by the Town.

Section 8. Appeals

Nothing in this Ordinance restricts the Town 's ability to establish administrative appeal processes prior to a citation being referred to the Municipal Judge for hearing. A person aggrieved by a municipal-court judgment issued under this ordinance may appeal to the Circuit Court of Morgan County within twenty (20) days of judgment entry, as provided by *W. Va. Code § 8-10-3*.

Section 9. Enforcement and Lien Authority

- a. If a fine or penalty remains unpaid after judgment, the Municipal Judge may, pursuant to *W. Va. Code § 8-10-2b* and the Town 's Judicial Enforcement Ordinance, certify the amount due to the Clerk of the Morgan County Circuit Court for recordation as a lien against the responsible party's property.
- b. The lien shall bear interest at the legal rate and may be released upon full payment.

Section 10. Integration with Existing Enforcement Ordinances

- a. This ordinance provides the administrative mechanism for issuing, processing, and enforcing citations.

- b. Each substantive ordinance (Dangerous Structures, Nuisance, IPMC, Fire Code, etc.) may incorporate this procedure by stating:
- c. “Violations of this article may be enforced by administrative citation pursuant to the Town of Paw Paw Administrative Citation Procedure Ordinance.”
- d. Upon such incorporation, the Municipal Judge shall have concurrent jurisdiction over those violations.

Section 11. Severability and Effective Date

If any section of this ordinance is held invalid, the remaining provisions shall continue in full force and effect.

This ordinance shall become effective upon approval of the Town of Paw Paw’s Home Rule Amendment by the West Virginia Municipal Home Rule Board and adoption by the Town Council.



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit L – Ordinance: Streamlining Judicial Enforcement and Remediation of Unsafe Structures and Nuisances (Municipal-Court Judgments and Liens)

ORDINANCE NO. ____

TOWN OF PAW PAW, WEST VIRGINIA
AN ORDINANCE STREAMLINING JUDICIAL ENFORCEMENT AND
REMEDICATION OF UNSAFE STRUCTURES AND NUISANCES, AND AUTHORIZING
MUNICIPAL-COURT JUDGMENTS AND LIENS
(Home Rule Implementation Ordinance)

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 Paw Paw's Dangerous Structures Ordinance.
- c) **Public Nuisance** – as defined in Paw Paw Nuisance Ordinance.
- 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 Paw Paw 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 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 Morgan 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 Morgan 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* .

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 Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit M – Ordinance: Authorizing the Sale and Lease of Municipal Property Without Public Auction

TOWN OF PAW PAW, WEST VIRGINIA

ORDINANCE AUTHORIZING THE SALE AND LEASE OF MUNICIPAL PROPERTY WITHOUT PUBLIC AUCTION UNDER THE MUNICIPAL HOME RULE PROGRAM

WHEREAS, *W. Va. Code § 8-12-18(b)* authorizes municipalities to sell, convey, or lease municipal property but generally requires public auction or sealed bids unless otherwise permitted by law; and

WHEREAS, the Town of Paw Paw finds that the ability to dispose of property by negotiated sale or lease, with or without brokers, is necessary to ensure the Town may obtain fair market value and promote the efficient management of municipal assets; and

WHEREAS, the Town further finds that certain sales, transfers, or leases made for public purposes or economic development may justify consideration below fair market value, consistent with public benefit objectives; and

WHEREAS, the West Virginia Municipal Home Rule Program, *W. Va. Code § 8-1-5a*, grants municipalities flexibility to adopt procedures differing from general law where authorized, to improve local governance and community outcomes; and

WHEREAS, the Town Council deems it in the public interest to authorize negotiated sale, lease, or conveyance of municipal property without public auction, subject to procedural safeguards and Council approval.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PAW PAW:

Section 1. Authority and Purpose

This ordinance is enacted pursuant to *W. Va. Code §§ 8-1-5a* and *8-12-18(b-c)* to permit the Town of Paw Paw to sell, lease, exchange, or otherwise dispose of municipal property without public auction or sealed bid, when such disposition is determined by Council to be in the best interest of the Town or to serve a public purpose.

Section 2. Property Subject to Disposition

This ordinance applies to all real and personal property owned by the Town of Paw Paw, except for property:

- a. Dedicated or restricted by state or federal law for specific governmental use; or
- b. Acquired with grant funds imposing disposition conditions inconsistent with this ordinance.

Section 3. Sale and Lease Authority

- a. The Town Council may, by resolution, authorize the sale, lease, exchange, or conveyance of any municipal property by direct negotiation, public listing, or brokered transaction when it determines such action serves the Town's financial or public interest.
- b. Property may be sold, leased, or conveyed:
 - i. At fair market value or such consideration as the Council determines reasonable following investigation; or

- ii. Below fair market value when the Council expressly finds that the transfer serves a public purpose, economic development objective, or community benefit.
- c. Disposition may be made to private individuals, businesses, nonprofit entities, or governmental agencies.
- d. Lease terms exceeding five (5) years shall require Council approval by resolution following public notice as set forth in Section 5.

Section 4. Determination of Fair Market Value

- a. Before authorizing any sale or lease, the Town shall conduct a reasonable investigation of fair market value, which may include:
 - i. A written broker's opinion of value;
 - ii. Comparative sales data; or
 - iii. Review of recent market activity for similar property.
- b. A formal appraisal is not required unless specifically requested by Council.

Section 5. Public Notice

At least fifteen (15) days prior to final action, the Town shall publish a Class I legal advertisement under *W. Va. Code § 59-3-1 et seq.* stating:

- a. A general description of the property;
- b. The nature of the intended sale or lease; and
- c. The date, time, and place of the Council meeting at which final approval will be considered.

Nothing in this section shall require publication of proprietary or confidential negotiation details.

Section 6. Execution of Conveyances

All conveyances, deeds, leases, and related documents shall be executed by the Mayor and attested by the Town Clerk following adoption of a Council resolution approving the disposition. Documents conveying title shall be recorded in the Morgan County Clerk's Office when required by law.

Section 7. Use of Proceeds

All proceeds from the sale or lease of municipal property shall be deposited in the Town's general fund or another fund designated by Council resolution for capital improvements or economic development.

Section 8. Recordkeeping

All approved sales and leases shall be documented through Council meeting minutes, resolutions, and supporting materials retained by the Town Clerk in accordance with applicable records retention laws.

Section 9. Compliance and Conflicts of Interest

No Town officer or employee having a financial interest in any sale or lease under this ordinance shall participate in deliberations or vote on such transaction, in accordance with *W. Va. Code § 6B-1-1 et seq.*

Section 10. Preservation of State Law

Except as expressly modified by this ordinance pursuant to *W. Va. Code § 8-1-5a*, all other provisions of *W. Va. Code § 8-12-18* and related statutes governing municipal property remain in full force and effect.

Section 11. Severability and Effective Date

If any provision of this ordinance is declared invalid, the remaining provisions shall remain effective.

This ordinance shall take effect upon passage.



Town of Paw Paw

122 Winchester Street Paw Paw, West Virginia 25434

Phone: (304) 947-7476 – Incorporated 1891



Exhibit N – Board Reorganization Ordinances (Development Authority, Building Commission, Parks and Recreation Board, and Sanitary Board)

ORDINANCE – ESTABLISHING THE TOWN OF PAW PAW DEVELOPMENT
AUTHORITY

WHEREAS, W. Va. Code § 7-12-3a authorizes municipalities to create development authorities to foster commercial, industrial, and civic development; and

WHEREAS, W. Va. Code § 8-1-5a authorizes municipalities with approved Home Rule Plans to enact ordinances that would otherwise require modification of state code requirements; and

WHEREAS, the Town of Paw Paw finds that a development authority consisting of fewer than eleven members will encourage regular attendance, reduce quorum issues, and improve effectiveness;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PAW PAW:

Section 1. Establishment. There is hereby created the Town of Paw Paw Development Authority pursuant to W. Va. Code § 7-12-3a and the Town's Home Rule authority under W. Va. Code § 8-1-5a.

Section 2. Membership. (a) The Authority shall consist of three to five (3–5) members, appointed by the Town Council. (b) Up to two (2) alternates may be appointed to serve in the absence of regular members. (c) Members shall serve three-year staggered terms and may be reappointed. (d) At least a majority of members must be residents of Paw Paw; others may reside in Morgan County.

Section 3. Powers and Duties. The Authority shall have all powers conferred under W. Va. Code § 7-12-1 et seq., including the authority to promote industrial, commercial, and civic development; acquire property; and apply for state or federal grants.

Section 4. Bylaws, Officers, and Rules. (a) The Authority shall adopt bylaws to govern its operation. (b) Officers shall include a chair and secretary, elected from among the members. (c) A majority of appointed members shall constitute a quorum.

Section 5. Application of State Law. All provisions of W. Va. Code Chapter 7, Article 12 remain in effect except as modified by this ordinance.

Section 6. Effective Date. This ordinance shall take effect upon approval of the Home Rule Amendment and adoption by the Town Council.

ORDINANCE – ESTABLISHING THE TOWN OF PAW PAW BUILDING COMMISSION

WHEREAS, W. Va. Code § 8-33-3 permits the creation of building commissions to acquire, finance, and manage municipal facilities, with political affiliation restrictions on membership; and

WHEREAS, W. Va. Code § 8-1-5a allows Home Rule cities to waive political-affiliation requirements to facilitate service;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PAW PAW:

Section 1. Establishment. The Town of Paw Paw Building Commission is hereby created pursuant to W. Va. Code § 8-33-3 and W. Va. Code § 8-1-5a.

Section 2. Membership. (a) The Commission shall consist of three to five (3–5) members appointed by the Council. (b) Up to two (2) alternates may be appointed. (c) No political-party affiliation requirements shall apply. (d) Members shall serve four-year terms and may be reappointed.

Section 3. Powers and Duties. The Commission shall exercise the powers in W. Va. Code § 8-33-4, including facility financing and lease-back structures.

Section 4. Rules and Officers. The Commission shall adopt bylaws and elect a chair and other officers from among its members.

Section 5. Application of State Law. All provisions of W. Va. Code Chapter 8, Article 33 remain applicable unless modified by this ordinance.

Section 6. Effective Date. This ordinance shall become effective upon Home Rule Board approval and Council adoption.

ORDINANCE – ESTABLISHING THE TOWN OF PAW PAW PARKS AND RECREATION BOARD

WHEREAS, W. Va. Code § 8-21-1 et seq. authorizes municipalities to create parks and recreation boards; and

WHEREAS, W. Va. Code § 8-1-5a permits Home Rule cities to modify board size to promote participation;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PAW PAW:

Section 1. Establishment. The Town of Paw Paw Parks and Recreation Board is hereby established under W. Va. Code § 8-21-1 et seq. and § 8-1-5a.

Section 2. Membership. (a) The Board shall consist of three to five (3–5) members, appointed by Council. (b) Up to two (2) members may reside outside Town limits but within the park service area. (c) Members shall serve three-year terms and may be reappointed.

Section 3. Powers and Duties. The Board shall operate and maintain parks and recreational programs pursuant to W. Va. Code § 8-21-3.

Section 4. Bylaws and Meetings. The Board shall adopt bylaws and meet monthly or as needed. A majority shall constitute a quorum.

Section 5. Application of State Law. All applicable provisions of W. Va. Code Chapter 8, Article 21 remain in force except as modified.

Section 6. Effective Date. This ordinance takes effect upon Home Rule approval and Council adoption.

ORDINANCE – MODIFICATION OF THE TOWN OF PAW PAW SANITARY BOARD

WHEREAS, W. Va. Code § 16-13-18 provides for municipal sanitary boards to manage sewer and waste systems; and

WHEREAS, W. Va. Code § 8-1-5a permits Home Rule cities to modify the size and structure of such boards;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PAW PAW:

Section 1. Modification. The Town of Paw Paw Sanitary Board, established under W. Va. Code § 16-13-18, is hereby reconstituted to include three to five (3–5) members appointed by Council.

Section 2. Terms and Eligibility. (a) Members shall serve four-year terms and may be reappointed. (b) One alternate may reside in Morgan County outside the Town limits.

Section 3. Powers and Duties. The Board shall operate and maintain the Town's sanitary sewer systems consistent with W. Va. Code § 16-13-18 et seq.

Section 4. Rules. The Board shall adopt operating rules and procedures consistent with applicable law.

Section 5. Application of State Law. All provisions of W. Va. Code Chapter 16, Article 13 remain effective unless expressly modified.

Section 6. Effective Date. Effective upon approval of the Town's Home Rule amendment and Council adoption.

