MUNICIPAL HOME RULE PROGRAM

City of Ranson

2023 PROGRESS REPORT

Westvogene Municipa dome Rule Board F. O. Box 11360 Charleston, W. 25539, 1360 Micropalison (Bule 2) VIV 200 301553,2355

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

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

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

Annual Progress Reports must be submitted electronically as an individual file in PDF format no later than the close of business on the first business day of December, by emailing to WV Municipal Home Rule Board at MunicipalHomeRule@wv.gov.

A. General Info	rmation			
Name of Municipa	ality:			
Certifying Official:	Todd Wilt	Title	e: City Manager	
Contact Person: T	odd Wilt	Title	e: City Manager	
Address: 312 S. M	ildred Street			
Ranson, WV 2543	8			
304-724-1010		304	-725-5163	
E-Mail Address: tw	vilt@ransonwv.us		W.12=	
2020 Census Popu	ulation:			
B. Municipal Cl	assification			
☐ Class I	☐ Class II	X Class III	☐ Class IV	
C. Attest				
submitted herein initiative included	and attached heret	o is true and ac e Rule Pilot Progr able.	curate and that this am Plan Application	ertify that the information is report addresses every for this municipality and
Type Name of Certif	fying Official	Signature of Cer	AND THE PERSON OF THE PERSON O	Date

Initiative: Citation Authority for Property Maintenance and Nuisance Violations.
Was this non-tax initiative a part of your original plan application X or a plan amendment □?
Has the ordinance(s) needed to implement this initiative been enacted? X Yes \square No
If yes, when was the ordinance enacted? December 16, 2014
If no, please describe challenges faced in enacting the related ordinance(s).
There were no Challenges in enacting the Ordinance. Once the Ordinance was enacted. Administrative staff had to develop a citation process. There was a workshop with the surrounding towns to discuss process, and Challenges.
SUCCESSES — In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance. Citation authority for property maintenance and nuisance violations have sped up the process for enforcement. Immediate citation authority has and will continue to increase property values by taking care of problem properties if not the issue spreads to other neighborhoods. In 2023 the City has used citation authority to Streamline resolution if Property maintenance and code
compliance cases. Our citation ordinance allows the fine and citation to be removed if the violation is resolved within 10 days of the citation. This provision incentivizes property owners to resolve the problem rather than pay a fine. Resolution of the violation is the goal of the city.
In 2023, the city has initiated 225 Code Enforcement actions during the 2023 Calendar year.

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

Reached out to other surrounding local governments who have implemented this tool and used the techniques, forms and enforcement process that have been proven to work.

Initiative: Conveyance of City Property Without Auction
Category of Issues Addressed (check all that apply)
☐ Organization
Was this non-tax initiative a part of your original plan application X $$ or $$ a plan amendment $\square ?$
Has the ordinance(s) needed to implement this initiative been enacted? XYes □No
If yes, when was the ordinance enacted? December 16, 2014
If no, please describe challenges faced in enacting the related ordinance(s)
There were no challenges in enacting the ordinance.
SUCCESSES - In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.
The City has used this tool for the first time in 2017 for economic development purposes resulting in the construction of a new adaptive reuse building with new businesses on unutilized City property and increased property tax collection. This tool will be important because it will allow for expedited and arms-length transactions to spur economic development and neighborhood revitalization. The enactment of this ordinance allows the City to sell the property directly through the City Council rather than having to convey the property through a building commission, redevelopment agency and economic development authority. This streamlines the process, cuts out bureaucracy and allows for the City's vision to be carried out without being diluted by outside agencies.
In 2022 the City utili7cd this too I to convey property to a developer to further economic
development within the urban core of Ranson. This property was a former industrial site that had closed in the early 2000s employing hundreds of local citizens. The City acquired, demolished and cleaned the property to put it back into productive use. The property was entered into the WV DEP voluntary remediation program and in consideration of the economic development impacts of the development project, the City Council decided to use this tool and an arms- length transaction to transfer the property.
The City foresees using this for more economic development projects in the future.
LESSONS LEARNED - In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.
This tool allows the City to directly control it property, control economic development incentives and reduces the need to create separate entities or branches of the government (i.e. building commission, economic development authority) because the City can enter into direct negotiations for land purchases.

Initiative: Building Code	e Official Certification					
Category of Issues Addre	essed (check all that apply)					
X Organization	☐ Administration	☐ Perso	nnel		☐ Other	
Was this non-tax initiation	ve a part of your original plan a	pplication 🗆	or	a plan	amendment X	,
Has the ordinance(s) neo	eded to implement this initiativ	e been enacte	d?	X Yes	□ No	
If yes, when was the ord	linance enacted? October 18, 20	016				
If no, please describe ch	allenges faced in enacting the r	elated ordinan	ce(s)			
There were no challenge	es in enacting the ordinance.					

SUCCESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.

- a. Problem: The Eastern Panhandle of West Virginia is experiencing residential and commercial growth including the City of Ranson. The City of Ranson has adopted the West Virginia State Building Code and many of its appendices. The City of Ranson has on staff a full-time Building Code Official and at times needs to supplement the Building Code Official's duties with part-time contractual assistance or staff. The City, comparable to the City of Bridgeport and Clarksburg, proposes to permit local certification and supervision of code enforcement and building inspectors. This amendment will exempt Ranson from the code official/inspector licensing authority delegated to the State Fire Commission under the current W. Va. Code. City personnel are tested and certified by the International Code Commission (ICC) which also provides continuing education for individuals it certifies. The Fire Commission's process is additional layer of bureaucracy which causes smaller cities like Ranson problems obtaining qualified inspectors who have passed the ICC courses but have not met WV Fire Commission requirements. The City of Ranson would continue to adopt and follow the State Building Code.
- b. Authority: The specific statutes and regulations from which the City of Ranson asks the Home Rule Board to exempt the City from are:
 - Subsections (d) and (f) of Section 5b, Article 3, Chapter 29, (§ 29-3-5b(d) and (f) of the code;
 - 2. Subsection (d) of Section 16, Article 12, Chapter 8, (§ 8-12-16(d)) of the code; and
 - 3. All of the provisions of Title 87, Series 7 of the Code of State Regulations.

By way of explanation, Subsection (d) authorizes and empowers the Fire Commission to "propose legislative rules establishing State standards and fee schedules for the licensing, registration, certification, regulation, and continuing education of persons who will conduct inspections relating to the State Building Code, which include, but are not limited to, building code officials, inspectors, plans, examiners and home inspectors."

Subsection (f) of § 29-3-5b provides that "for the purposes of this section the term "building code" is intended to include all aspects of safe building construction and mechanical operations and all safety

aspects related thereto. In any question of priority (of conflict between any local ordinance and the State Building Code) the decision of the State Fire Commission determine the relative priority of such state law, county of municipal ordinance or regulation of any agency thereof and determine compliance with the State Building Code by officials of the State, Counties, Municipalities and political subdivisions of the State."

Based on the above provisions, the State Fire Commission asserts that legislative "pre-emption" of municipalities' plenary power to regulate the construction, repair of buildings and their closure, demolition or removal under W. Va. Code § 8-12-16, and that to fulfill its statutory purpose, the State Fire Commission has been empowered with the ability to review and oversee "all aspects" of every municipality's code enforcement practices.

c. Solution: The legislature has tasked the State Fire Commission with determining and defining the State Fire Code, and with licensure of code officials, inspectors and plans examiners, there is no explicit authority for direct regulation of municipalities. Moreover, while the State Fire Commission is authorized to license code officials and inspectors, the actual testing is generally done through national organizations, such as the International Code Commission rather than the State Fire Commission. The City of Ranson would like the authority to make the decisions for our municipality. The City of Ranson adopted an ordinance specifically exempting the City from the laws and regulations cited above in paragraph (b) of this section and will require inspectors and building code officials working for the City of Ranson to be certified by the ICC and maintain the necessary continuing education units.

The City utilized this ordinance in 2017 when hiring a new inspector.

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

This ordinance will reduce administrative burden while still ensuring that building code officials and inspectors are held to a high standard. This tool has proven effective and continues to be utilized as needed by the city

Category of Issues Addressed (check all that apply) Organization X Administration Personnel Other Was this non-tax initiative a part of your original plan application or a plan amendment X? Has the ordinance(s) needed to implement this initiative been enacted? Yes X No If yes, when was the ordinance enacted? October 18, 2016 If no, please describe challenges faced in enacting the related ordinance(s) There were no public comment or opposition during the approval of the Home Rule Plan Amendment Home Rule Board rejected proposal and ordinance was not enacted. The proposed ordinance would have allowed retailers, grocers, wineries to sell off-premises alcohol on Sundays at 10:00 a.m. SUCCESSES – Home Rule Board denied the request. a. Problem: The West Virginia Code prohibits retail licensees, wineries, and manufacturers from selling off-premises beer and wine before 1:00 p.m. on Sunday. See W. Va. Code 11-16-18(a)(1). Several of the City's retailers (grocery and liquor stores) have informed the City that they are losing business on Sundays – especially between the hours of 11:00 a.m. and 1:00 p.m. b. Authority: The "Nonintoxicating Beer Act," W. Va. Code 11-16-18(a)(1) states, "it shall be unlawful for any licensee, his, her, its or their servants, agents or employees to sell, give or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected therewith, nonintoxicating beer or cooler on weekdays between the hours of two o'clock a.m., and seven o'clock a.m., or between the hours of two o'clock a.m. and one o'clock p.m., on any sunday, except in private clubs hensed under the provisions of article seven, chapter sixty of this code, where the hours shall conform with the hours of sale of alcoholic liquors." W. Va. Code 60-8-34 states, "It shall be unlawful for a retailer, farm, winery, wine specialty shop, retailer, private wine bed and breakfast, private wine restaurant or private wine spa licensee, his or her servants, agents or employees to sell or d		space below, please provide a is revenue initiative that woul		
□ Organization	restaurant, farm, winery, wi or private wine spa licensee 10:00 a.m. on Sundays cons	ne specialty shop, private win or private wine bed and break istent with the hours off-pren	e bed and breakfast, pri	vate wine restaurant i
□ Organization	retailer, private wine bed an servants, agents or employ o'clock p.m. on Sundays, or	nd breakfast, private wine rest ees to sell or deliver wine bet	aurant or private wine s ween the hours of two	pa licensee, his or her o'clock a.m. and one
□ Organization	b. Authority: The "unlawful for any licensee, or any individual to drink o therewith, nonintoxicating seven o'clock a.m., or bettexcept in private clubs licensee.	lers (grocery and liquor storest recially between the hours of a Nonintoxicating Beer Act," Whis, her, its or their servants, reconsume, in or on any license beer or cooler on weekdays ween the hours of two o'clocensed under the provisions of a	s) have informed the Ci 11:00 a.m. and 1:00 p.m. Va. Code 11-16-18(a) agents or employees to d premises or in any roo between the hours of k a.m. and one o'clock rticle seven, chapter six	(1) states, "it shall be sell, give or dispense, ms directly connected two o'clock a.m. and p.m., on any Sunday,
☐ Organization X Administration ☐ Personnel ☐ Other Was this non-tax initiative a part of your original plan application ☐ or a plan amendment X? Has the ordinance(s) needed to implement this initiative been enacted? ☐ Yes X No If yes, when was the ordinance enacted? October 18, 2016 If no, please describe challenges faced in enacting the related ordinance(s) There were no public comment or opposition during the approval of the Home Rule Plan Amendment Home Rule Board rejected proposal and ordinance was not enacted. The proposed ordinance would have allowed retailers, grocers, wineries to sell off-premises alcohol on Sundays at 10:00 a.m.	a. Problem: The We	est Virginia Code prohibits reta		
☐ Organization	Home Rule Board rejecte have allowed retailers, gr	d proposal and ordinance wa ocers, wineries to sell off-prer	s not enacted. The proj	posed ordinance would
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☐ Organization	If yes, when was the ordi	nance enacted? October 18, 2	016	
☐ Organization X Administration ☐ Personnel ☐ Other	Has the ordinance(s) nee	ded to implement this initiati	ve been enacted?	Yes X No
	Was this non-tax initiativ	e a part of your original plan	application or	a plan amendment X?
Category of Issues Addressed (check all that apply)	☐ Organization	X Administration	☐ Personnel	□ Other
A CONTRACTOR OF THE PROPERTY O	Category of Issues Addre	essed (check all that apply)		

The Home Rule Board denied this proposal. The enacting legislation does not specifically exempt the proposal that was presented so it was not clear as to what the standard of legal review was for denying the request. It was the City of Ranson's understanding that the Home Rule Act provided any and all power that was not specifically exempted in the enabling legislation.

Initiative: Expansion of	Authority to Use Communit	y Enhancement D	istricts	
Category of Issues Addres	ssed (check all that apply)			
X Organization	☐ Administration	☐ Person	nel	□ Other
Was this non-tax initiative	a part of your original plan	application X	or	a plan amendmen
Has the ordinance(s) need	led to implement this initiat	ive been enacted?	X	Yes 🗆 No
If yes, when was the ordin	ance enacted? December 1	6, 2014		
If no, please describe chall There were no challenges in a	lenges faced in enacting the enacting the ordinance.	related ordinance	e(s)	
SUCCESSES – In the space	e below, please provide a	brief narrative h	ighlight ock perf	ing successes real
A Community Enhancement commercial developer with	nt District (CED) has not bee thin the City limits has ex has made to the existing legi	n established in t opressed much in	he City	yet. However, a la
roperty owners in the a	rate assessment (which are area of the district to sup and other amenities targete	pport public bor	ds for	the construction
			y?	
SONS LEARNED – In the s	pace below, please provide	a brief narrative l	highligh	iting lessons learne
	s revenue initiative that wou			
not yet comfortable with be competitive in the n	r to utilize the advantages of the tool and developers are narket. It is the City's role D tool is effective and benef	concerned that to to continue to	an extra	a "assessment" ma

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Initiative: Sunday On-Premises Alcohol Sales (Brunch Bill)
Category of Issues Addressed (check all that apply)
☐ Organization X Administration ☐ Personnel ☐ Other
Was this non-tax initiative a part of your original plan application □ or a plan amendment X?
Has the ordinance(s) needed to implement this initiative been enacted? X Yes 🗆 No
If yes, when was the ordinance enacted? October 18, 2016
If no, please describe challenges faced in enacting the related ordinance(s) There were no challenges in enacting the ordinance.
SUCCESSES — In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.
Even though Jefferson County adopted a county-wide reference during the General Election a few weeks after the adoption of the ordinance, the City of Ranson adopted the "Brunch Bill" allowing for the sale of on-premises alcohol at 10:00 a.m. on Sunday. On October 23, 2016, eligible businesses within the City served alcohol for the first time on Sunday making the businesses more competitive in the market.
Originally, the City wanted to adopt an ordinance allowing on-premises sales and consumption at 7:00 a.m., consistent with every other day of the week, but the Home Rule Board denied the 7:00 a.m. request.
LESSONS LEARNED — In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.
No objections were filed to this ordinance. Several businesses requested this amendment.

Category of Issues Addressed (check all that apply) Organization X Administration Personnel Other Was this non-tax initiative a part of your original plan application X or a plan amendment of the state ordinance of the part of your original plan application X or a plan amendment of the state ordinance or a plan amendment of the state ordinance ordinance ordinance ordinance ordinance. SUCCESSES — In the space below, please provide a brief narrative highlighting successes realize through the implementation of this initiative and any metrics used to track performance. The City has already used this tool a few times. The City has utilized this ordinance to enter intontracts and agreements the Jefferson County PSD, Charles Town and Jefferson County for intergovernmental agreements and contracts. This is a simple tool that saves time and cost an achieves the same result as if the agreements were approved by ordinance. In 2018, the City of Ranson utilized this power to effectuate and carry out the consolidation of the Charles Town/Ranson sewer systems.	C	and foliate and the		
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	is a simple ordinance th	at streamlines the process.		

Initiative: Regulation of	of Feral Cat		
Category of Issues Addr	essed (check all that apply)		7.5
☐ Organization	X Administration	☐ Personnel	☐ Other
Was this non-tax initiati	ve a part of your original plan applica	ation 🗆 or	r a plan amendment
Has the ordinance(s) ne	eded to implement this initiative bee	n enacted?	X Yes No
If yes, when was the ord	inance enacted? October 18, 2016		
If no, please describe ch	allenges faced in enacting the related	d ordinance(s)) .
There were no challenges in	enacting the ordinance.		

through the implementation of this initiative and any metrics used to track performance.

- Problem: The West Virginia Code only allows municipalities to adopt and enforce ordinances as it considers necessary or convenient for the control and management of all dogs. The West Virginia Code does not allow municipalities to adopt and enforcement ordinances as it considers necessary or convenient for the control and management of cats. The City of Ranson has many issues with feral cats and would like to enter into cooperative agreements with non-profits or other agencies to help solve the feral cat issue in Ranson. Feral cats are born and raised in the wild. They can also be stray cats that survived long enough to adapt to feral life. Either way, ferals are wary of humans and will not approach them willingly. Ranson is interested in partnering with a Trap-Neuter-Return (TNR) organization. TNR is the practice of humanely trapping feral cats, spaying/neutering, vaccinating ferals against rabies and then returning the ferals to their colony. TNR often involves eartipping which is not painful but is a method used to identify feral cats that have already been fixed. TNR drastically reduces the birthrate of feral kittens.
- Authority: W. Va. Code 19-20-8 only grants the authority to municipalities to adopt ordinances the City considers necessary or convenient to control and manage to dogs. W. Va. Code § 19-20A-8 is silent as to cats. The statute states, "Dogs or cats vaccinated in compliance with the provisions of this article may run at large in any area or locality: Provided, That the Commissioner of Agriculture may, pursuant to article nine [§§ 19-9-1 et seq.] of this chapter, exercise his discretion to establish a quarantined area or locality and to require all dogs and cots within the limits of any quarantined area or locality to be confined as provided in article nine: Provided, however, That a county commission or a municipality may adopt and enforce ordinances not inconsistent with the provisions of article twenty [§§ 19-20-1 et seq.] of this chapter of the code, as it considers necessary or convenient for the control and management of all dogs in the county, or a portion thereof, vaccinated or not, except as further provided herein: Provided further, That any county commission or municipality may not adopt any ordinance which purports to keep any vaccinated dog from running at large while engaged in any lawful hunting activity; from running at large while engaged in any lawful training activity; or from running at large while engaged in any lawful herding or other farm related activity: And provided further, That the provisions of this section shall not exempt any dog from any quarantine established by or any confinement order required by the commissioner relating to the establishment of a quarantine.

to 15

c. Solution: The City enacted an ordinance amending W. Va. Code 19-20-6a be amended to allow the City of Ranson to have the same power as the counties to contract with others for the care and control of dogs or cats. W. Va. Code §19-20-6a gives the authority to the county commission to contract with private society, other county or municipality for the care and control of dogs and cats. The statute states, "In addition to the powers granted to county commissions by section six of this article, the county commission of each county may contract with or reimburse any private incorporated society or association, county commission or municipality for the care, maintenance, control or destruction of dogs and cats." Ranson's ordinance would state "the City of Ranson may contract with or reimburse any private incorporated society or association, county commission for the care, maintenance, control, regulation or destruction of dogs and cats."
LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.
The City has no interest in trapping cats. The City does have interest in entering into a contract with a third-party to assist with the issue.

Initiative: Reduction of B&O Tax and Imposition of 1% Sales and Use	Тах			
Was this tax initiative a part of your original plan application X	or	a plan	amendmen	t 🗆 ?
Has the ordinance(s) needed to implement this initiative been enacted	?	X Yes	□ No	
If yes, when was the ordinance enacted? January 20, 2015				
If no, please describe challenges faced in enacting the related ordinance	e(s)			
There were no challenges or objections in enacting the ordinance. ordinance, the challenge was figuring out the best method of providing Tax Department.				T/4

REVENUES – In the space below, please provide a brief narrative highlighting revenue amounts and revenue categories realized; revenue amounts and revenue categories reduced; net revenue gain; and, any metrics used to track performance.

The City reduced B&O tax by 10% on retail and has provided a 50% tax credit on all businesses located within the Old Town Business District in an attempt to encourage growth and development within the urban core. The City then imposed a 1% sales and use tax effective July 1, 2015. The City is collecting approximately \$300,000 per quarter, which has been utilized to offset the drastic decrease in lottery revenues. Without the enactment of sales tax, the City's general operations would have seen a serious cut which would have adversely affected public safety and essential services.

SUCCESSES – In the space below, please provide a brief narrative highlighting projects, improvements, programming, etc. realized through the implementation of this revenue initiative and any metrics used to track performance.

The City of Ranson receives direct tax payments from Hollywood Casino in Charles Town from table games and video lottery. With gaming revenues in steep decline over the last several years, increased unfunded mandates and aging infrastructure, and growth pressures, sales tax revenue helps the City keep public services and investments moving forward. Without sales tax and with the continued forecast of declining gaming revenue, the challenge of maintaining essential government services, public safety and necessary investments to move our community forward would have become even more daunting. Sales tax broadens the tax base and alleviates reliance upon one industry, which can now be fully utilized for one-time capital improvements to improve our City and community.

The imposition of sales tax has allowed the City to control is own destiny and expand its tax base without major reliance upon one industry. Video lottery and table games will be shifted in totality to a much-needed capital improvement fund and sales tax will be used for general fund operations. Imposition of sales tax was/is essential to the City of Ranson.

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

With the legislature capping property taxes and B&O taxes; ever increasing unfunded mandates; and requirements placed on small towns and cities; and dilapidated infrastructure, the imposition of a sales tax became essential. If the legislature eliminates or reduces B&O, it will have no choice but to allow municipalities to increase sales tax even more or cities and town will not be able to meet their obligations. Sales tax is essential.