City of Ranson

312 South Mildred Street
Ranson, West Virginia 25438-1621
Phone (304) 724-3872 FAX (304) 728-8579
E-mail: ablake@cityofransonwv.net

A. David Hamill - Mayor

Stacey A. Dodson Pfaltzgraff – City Clerk

Council Members
Mike Anderson
Dave Cheshire
Scott Coulter
Donnie Haines
Duke Pierson
James Watson

West Virginia Home Rule Board
Attn: Debbie Browning
West Virginia Development Office
Building 6, Room 553
State Capitol Complex
Charleston, WV 25305-0311

Dear Ms Browning:

Please find enclosed the following documents as requested:

1) Evidence of 30 day notice to hold a public hearing related to the proposed ordinances by a Class II legal advertisement;

2) Eight hard copies of the following ordinances:
   a. (Resolution #2014-027) – Ordinance #2014-263 – Consumer Sales Tax
   b. (Resolution #2014-028) – Ordinance #2014-264 – Property Maintenance and Nuisance on the Spot Violations
   c. (Resolution #2014-029) – Ordinance #2014-265 – Contracts With Other Jurisdictions
   d. (Resolution #2014-030) – Ordinance #2014-266 – Conveyance of Property Without Auction
   e. (Resolution #2014-031) – Ordinance #2014-267 – Community Enhancement Districts

3) Public hearing comments; and

4) A letter from an attorney licensed to practice law in WV certifying that the proposed ordinances complies with W. Va. Code §8-1-5a

Please let me know if you have any questions or concerns.

Sincerely,

Andrew P. Blake, Esq.
City Manager
WVSB # 9405

NOTICE OF PUBLIC HEARING

CITY OF RANSON PROPOSED ORDINANCES PURSUANT TO THE APPROVED HOME RULE PLAN

A public hearing will be held on the following ordinances as part of the City of Ranson's Municipal Home Rule Plan pursuant to West Virginia Sect. 8-1-5a(i) at the regular meeting of the Council of the City of Ranson to be held on Tuesday the 18th day of November 2014, at 7:00 p.m., in the Council Chambers at the Ranson City Hall, 312 S. Mildred Street, Ranson, WV, and at such hearing all objections and suggestions shall be heard by the Council and it shall then take such actions as it shall deem proper concerning the following ordinances:

1. An Ordinance of the City of Ranson Amending, Modifying and Re-Enacting Chapter 5 Article 3 of the Ranson Municipal Code Relating to the Grant Of Authority To City Code Enforcement Officials To Immediately Issue Citations For the International Property Maintenance Code Violations, External Sanitation Violations And Common Nuisance Violations by Adding Section 5-55.
2. An Ordinance of the City of Ranson Permitting the Conveyance of City Property Without Auction by Adopting Chapter 9, Article V, Section 9-93 of the Ranson Municipal Code.
3. An Ordinance of the City of Ranson Providing for the Reduction of Business & Occupation Tax and Imposing a 1% Consumer Sales Tax by Amending Chapter 6, Article III, Section 6-56(a) and Adopting Chapter 6, Article IV, Section 5-56 et seq., Imposing a Consumer Sales Tax.
4. An Ordinance of the City of Ranson Permitting Contracts with Other Jurisdictions Via Resolution by Adopting Chapter 9, Article V, Section 9-94 of the Ranson Municipal Code.
5. An Ordinance of the City of Ranson Expanding the Authority to Utilize Community Enhancement Districts by Adopting Chapter 20, Article IV, Section 20-60 through Section 20-62.

A copy of the said ordinances are available for review at the Ranson City Hall, 312 S. Mildred Street, Ranson WV and online at *www.cityofransonwv.net.*

Dated: October 17, 2014.

/s/ Stacey A. Dodson
Pfaltzgraff
City Clerk

10:17,24 (2t)

Certificate of Publication

This is to certify the annexed advertisement

CITY OF RANSON
NOTICE

appeared for 2 consecutive days/weeks in The Journal Publishing Company, a newspaper in the City of Martinsburg, WV in it's issue beginning:

10-17-14 and ending

10-24-14

The Journal
207 W. King Street
Martinsburg, WV 25401

Fee ($) 107.84

THE STATE OF WEST VIRGINIA
COUNTY OF BERKELEY

The foregoing instrument was acknowledged before me this 24th of Oct. 2014 by

Wanita Hilkins

My commission expires Apr 29 2018

Carol Bush
Notary Public

OFFICIAL SEAL
STATE OF WEST VIRGINIA
NOTARY PUBLIC
Carol Bush
23 Armstrong Way
Martinsburg, WV 25403
My Commission Expires April 29, 2018

City of Ranson
Office of the City Clerk

312 South Mildred Street
Ranson, West Virginia 25438-1621
Phone (304) 724-3863 Fax (304) 728-8579
E-mail: spfaltzgraff@ransonwv.us

David Hamill - Mayor

Stacey A. Dodson Pfaltzgraff– City Clerk

Council Members
Michael Anderson
David Cheshire
Scott Coulter
Donnie Haines
Keith "Duke" Pierson
James Watson

I, Stacey A. Dodson Pfaltzgraff, City Clerk for the City of Ranson, do hereby acknowledge that during the Public Hearings held at the Regular Ranson City Council meeting on Tuesday, November 18th, 2014, at 7:00 pm, there were no comments presented from the public on the following proposed ordinances:

Consumer Sales Tax
Property Maintenance and Nuisance on the Spot Violations
Contracts with Other Jurisdictions
Conveyance of Property without Auction
Community Enhancement Districts

Stacey A. Dodson Pfaltzgraff
Stacey A. Dodson Pfaltzgraff
City Clerk

November 18, 2014
Dated

City of Ranson

312 South Mildred Street
Ranson, West Virginia 25438-1621
Phone (304) 724-3872 FAX (304) 728-8579
E-mail: ablake@cityofransonwv.net

A. David Hamill - Mayor

Stacey A. Dodson Pfaltzgraff – City Clerk

Council Members
Mike Anderson
Dave Cheshire
Scott Coulter
Donnie Haines
Duke Pierson
James Watson

West Virginia Home Rule Board
Attn: Debbie Browning
West Virginia Development Office
Building 6, Room 553
State Capitol Complex
Charleston, WV 25305-0311

Dear Ms Browning:

This letter is to certify that the enclosed ordinances submitted by the City of Ranson to the West Virginia Home Rule Board for its December 1, 2014, meeting complies with W. Va. Code § 8-1-5a. I make this certification as an attorney licensed to practice law in the State of West Virginia.

Please let me know if you have any questions or concerns.

Sincerely,

Andrew P. Blake, Esq.
City Manager
WVSB # 9405

RESOUTION #2014-027

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANSON AUTHORIZING THE MAYOR TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN ORDINANCE OF THE CITY OF RANSON PROVIDING FOR THE REDUCTION OF BUSINESS & OCCUPATION TAX AND IMPOSING A 1% CONSUMER SALES TAX BY AMENDING CHAPTER 6, ARTICLE III, SECTION 6-56(A) AND ADOPTING CHAPTER 6, ARTICLE IV, SECTION 5-56 ET SEQ. OF THE RANSON MUNICIPAL CODE IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A.

Be it resolved by the City Council of The City of Ranson West Virginia, that the Mayor is hereby authorized to submit the following ordinance to the Municipal Home Rule Board:

AN ORDINANCE OF THE CITY OF RANSON PROVIDING FOR THE REDUCTION OF BUSINESS & OCCUPATION TAX AND IMPOSING A 1% CONSUMER SALES TAX BY AMENDING CHAPTER 6, ARTICLE III, SECTION 6-56(A) AND ADOPTING CHAPTER 6, ARTICLE IV, SECTION 5-56 ET SEQ. OF THE RANSON MUNICIPAL CODE IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A.

The Mayor is further directed to forward to the Municipal Home Rule Board all comments received by the City Council.

THE CITY OF RANSON,
WEST VIRGINIA, a Municipal corporation

By: A. David Hamill
A. David Hamill, Mayor

Attest:

Stacey A. Dodson Pfaltzgraff
Stacey A. Dodson Pfaltzgraff, City Clerk

6505252.1

ORDINANCE #2014-263

AN ORDINANCE OF THE CITY OF RANSON PROVIDING FOR THE REDUCTION OF BUSINESS & OCCUPATION TAX AND IMPOSING CONSUMER SALES TAX BY AMENDING CHAPTER 6, ARTICLE III, SECTION 6-56(a) AND ADOPTING CHAPTER 6, ARTICLE IV "CONSUMER SALES TAX".

The City of Ranson does ordain as follows:

Section 1. Amend Chapter 6, Article III, Section 6-56(a) as follows:

Sec. 6-56. - Selling tangible property.

(a) Upon every person engaging or continuing within the municipality in the business of selling any tangible property whatsoever, real or personal, including the sale of food in hotels, restaurants, cafeterias, confectioneries and other public eating houses and wholesale sales from a rolling stockpile, except sales of any person engaging or continuing in the business of horticulture, agriculture or grazing, or selling stocks, bonds, or other evidence of indebtedness, there is hereby levied, and shall be collected, a tax equal to forty-five one-hundredths (0.45%) of ~~one-half~~ of one percent of the gross income of the business; except, therein the case of selling at wholesale, the tax shall be equal to fifteen one-hundredths of one percent of the gross income of the business.

Section 2: Adopt Chapter 6, Article IV, as follows:

Sec. 6-100 Council Findings.

The Municipal Home Rule Board on December 1, 2014, approved the City's proposed Ordinance submitted originally under the City's approved Home Rule Application approved on October 6, 2014, to reduce business & occupation tax on certain tax classifications and enact a 1% consumers sales and service tax and a use tax pursuant to W. Va. Code§ 8-1-5a without the limiting restrictions in W.Va. Code § 8-13C-1 et seq. In accordance with Ranson's approved Home Rule Plan Application; the City Council hereby finds and declares that the adoption by this City for its consumers sales and service tax and use tax provisions of the Code of West Virginia, 1931, as amended relating to imposition, administration, collection and enforcement of the state consumers sales and service tax codified in W.Va. Code§ 11-15-1 et seq., the state use tax codified in W. Va. Code § 11-15A-1 et seq., and the streamlined sales and use tax act codified in W. Va. Code § 11-15B-1 et seq. will:

(a) Simplify collection of the taxes,
(b) Simplify preparation of consumers sales and use tax returns by taxpayers,
(c) Assist with generating additional revenue to alleviate the financial consequences of falling gaming revenues

(d) Improve enforcement of the City's sales and use taxes.

Sec. 6-101 Definitions.

(a) Terms used in this article or in the administration, collection and enforcement of the taxes imposed by this article and not otherwise defined in this article shall have the meanings ascribed to them in articles nine, ten, fifteen, fifteen-a and fifteen-b, chapter eleven of the Code of West Virginia, 1931, as amended. In the event of any conflict between the definitions set forth herein and those definitions set forth in articles nine, ten, fifteen, fifteen-a and fifteen-b, chapter eleven of the Code of West Virginia, 1931, as amended, the definitions set forth in articles nine, ten, fifteen, fifteen-a and fifteen-b, chapter eleven of the Code of West Virginia, 1931, as amended shall supersede those set forth herein.

(b) As used in this section:

(1) "Business" includes all activities engaged in or caused to be engaged in by any person with the object of gain or economic benefit, direct or indirect, and all activities of the state and its political subdivisions which involve sales of tangible personal property or the rendering of services when those service activities compete with or may compete with the activities of other persons.

(2) "City" or "this City" means the City of Ranson, West Virginia.

(3) "Code of West Virginia" means the Code of West Virginia, 1931, as amended.

(4) "Person" means any individual, partnership, association, corporation, limited liability company, limited liability partnership or any other legal entity, including this State or its political subdivisions or an agency of either, or the guardian, trustee, committee, executor or administrator of any person.

(5) "Purchase" means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration;

(6) "Purchase price" means the measure subject to the taxes imposed by this article and has the same meaning as sales price;

(7) "Purchaser" means a person who purchases tangible personal property, custom software or a service taxed by this article.

(8) "Sale," "sales" or "selling" have the meaning ascribed to those terms in article fifteen-b, chapter eleven of the Code of West Virginia.

(9) "Sales price" has the meaning ascribed to that term in article fifteen-b, chapter eleven of the Code of West Virginia.

(10) "Sales tax" means the tax levied under Section 6-102 of this article.

(11) "Service" or "selected service" have the meaning ascribed to those terms in article fifteen-b, chapter eleven of the Code of West Virginia.

(12) "State sales tax" means the tax levied by article fifteen, chapter eleven of the Code of West Virginia.

(13) "State use tax" means the tax levied by article fifteen-a, chapter eleven of the Code of West Virginia.

(14) "Tax" means the taxes imposed by this article and includes additions to tax, interest and penalties levied under article ten, chapter eleven of the Code of West Virginia, 1931, as amended.

(15) Tax Commissioner" means the chief executive officer of the Tax Division of the Department of Revenue of this State, as provided in W.Va. Code § 11-1-1.

(16) "Ultimate consumer" or "consumer" means a person who uses or consumes services or tangible personal property or custom software.

(17) "Use" for purposes of the tax imposed by Section 6-103 of this article means and includes:

a. The exercise by any person of any right or power over tangible personal property or custom software incident to the ownership, possession or enjoyment of the property, or by any transaction in which possession of or the exercise of any right or power over tangible personal property, custom software or the result of a taxable service is acquired for a consideration, including any lease, rental or conditional sale of tangible personal property or custom software; or

b. The use or enjoyment in this State of the result of a taxable service. As used in this definition, "enjoyment" includes a purchaser's right to direct the disposition of the property or the use of the taxable service, whether or not the purchaser has possession of the property.

The term "use" does not include the keeping, retaining or exercising any right or power over tangible personal property, custom software or the result of a taxable service for the purpose of subsequently transporting it outside the City for use thereafter solely outside this City.

(18) "Use tax" means the tax imposed by Section 6-103 of this article.

(19) "Vendor" means any person engaged in this City in furnishing services taxed by this article or making sales of tangible personal property or custom software. "Vendor" and "seller" are used interchangeably in this article.

Sec. 6-102 Imposition of Consumer Sales and Service Tax.

For the privilege of selling tangible personal property or customer software and for the privilege of furnishing certain selected services, a vendor doing business in this City shall collect from the purchaser the taxes imposed by this section and pay the amount of taxes collected to the Tax Commissioner at the same time and in the same manner as the consumers sales and service tax imposed by article fifteen, chapter eleven of the Code of

West Virginia, 1931, as amended, in accordance with procedures and processes prescribed by the Tax Commissioner. The rate of tax shall be one-half of one percent of the sales price, as defined in section two, article fifteen b, chapter eleven of the Code of West Virginia, 1931, as amended, of the tangible personal property, custom software or taxable service purchased.

Sec. 6-103 Imposition of Use Tax.

An excise tax is hereby levied and imposed on the use in this City of tangible personal property, custom software and the results of taxable services, to be collected and paid to the Tax Commissioner as agent for the City in the same manner that state use tax is collected under article fifteen-a and article fifteen-b, chapter eleven of the Code of West Virginia, 1931, as amended. The rate of tax shall be one percent of the purchase price, as defined in article fifteen-b, chapter eleven of the Code of West Virginia, of the tangible personal property, custom software or taxable service used within the City.

Sec 6-104 Calculation of Tax on Fractional Parts of a Dollar.

The tax computation under Section 6-102 and Section 6-103 shall be carried to the third decimal place and the tax rounded up to the next whole cent whenever the third decimal place is greater than four and rounded down to the lower whole cent whenever the third decimal place is four or less. The vendor may elect to compute the tax due on a transaction on a per item basis or on an invoice basis provided the method used is consistently used during the reporting period but the method used shall be the same as that used for purposes of computing the state sale or use tax.

Sec. 6-105 State and Local Sales and Use Tax Bases.

The taxable base of the taxes imposed by Section 6-102 and 6-103 of this article shall be identical to the sales and use tax base of this State except as provided in Section 6-106 of this article unless otherwise prohibited by federal law as required by W.Va. Code§ 11-15B-34.

Sec. 6-106 Exceptions.

The taxes imposed by this article do not apply to:

(a) The sale or use of motor fuel, as defined in article fourteen-c, chapter eleven of the Code of West Virginia, 1931, as amended, upon which the tax imposed by that article is collected.
(b) The sale or use of motor vehicles upon which the tax imposed by section three-c, article fifteen, chapter eleven of the Code of West Virginia, 1931, as amended, is paid
(c) The purchase or use of any tangible personal property, custom software or service that the City is prohibited from taxing under the laws of this State.

(d) The tax imposed by Section 6-102 does not apply to any transaction that is exempt from the tax imposed by article fifteen, chapter eleven of the Code of West Virginia.

(e) The tax imposed by Section 6-103 does not apply to any purchase upon which the tax imposed by Section 6-102 has been paid, nor to any transaction that is exempt from the tax imposed by article fifteen-a, chapter eleven of the Code of West Virginia.

Sec. 6-107 Credit for Local Sales Tax Lawfully Paid to Another Municipality.

(a) A person is entitled to a credit against the use tax imposed by Section 6-103 of this article on the use of a particular item of tangible personal property, custom software or results of a taxable service equal to the amount, if any, of sales tax lawfully paid to another municipality for the acquisition of that property, custom software or service: Provided, That the amount of credit allowed may not exceed the amount of use tax imposed by Section 6-103 on the use of the tangible personal property, custom software or results of the taxable service in this City.

(b) For purposes of this section

1. "Sales tax" includes a sales tax or compensating use tax imposed on the sale or use of tangible personal property, custom software or the results of a taxable service by the municipality in which the sale occurred; and
2. "Municipality" includes municipalities of this state or of any other state of the United States.

(c) No credit is allowed under this section for payment of any sales or use taxes imposed by this state or any other state. For purposes of this paragraph, "state" includes the fifty states of the United States and the District of Columbia but does not include any of the several territories organized by Congress.

Sec. 6-108 Local Rate and Boundary Changes.

(a) The Tax Commissioner is required by W.Va. Code § 11-15B-35 to maintain a database for all jurisdictions levying a sales or use tax in this State. The City shall furnish the Tax Commissioner with information the Tax Commissioner requires for that database that will allow the Tax Commissioner to maintain a database that assigns each five-digit and nine-digit zip code within the city to the proper rate of tax. If any nine-digit zip code area includes area outside this City, the single state and local rate assigned to that area in the Tax Commissioner's database will be the lowest rate applicable to that area: Provided, That, when sales occur at and are sourced to a physical location of the seller located in the City in that nine digit zip code area, the seller shall collect the tax imposed by Section 6-102 of this article.

(b) Whenever boundaries of the City change, whether by annexation or de-annexation, the City Collector shall promptly notify the Tax Commissioner in writing of the change in boundaries and provide the Tax Commissioner with the nine-digit zip code or codes for the area annexed or de-annexed any other information the Tax Commissioner may require to maintain the database.

Sec. 6-109 State Level Administration.

(a) The Tax Commissioner is responsible for administering, collecting and enforcing the taxes imposed by this article as provided in W. Va. Code § 8-1-5a, § 8-13C-6 and§ 11-15B-33. The City may enter into an agreement with the Tax Commissioner that will allow employees of the City auditing a vendor with a physical location in the City for compliance with the City's business and occupation tax to also audit that location for compliance with the sales and use tax laws of this State and this City and to share that information with the Tax Commissioner.

(b) The Tax Commissioner may retain from collections of the taxes imposed by this article a fee of up to one percent of the amount of the taxes collected by the Tax Commissioner prior to the effective date of the legislative rule setting the fee pursuant to W. Va. Code § 11-10-11 c. The fee retained from taxes collected on and after that date shall be the fee allowed by W.Va. Code§ 11-10-11c or by any other state law or legislative rule.

(c) The Tax Commissioner shall deposit all the proceeds from collection of the taxes imposed by this article, minus any fee for collecting, enforcing and administering taxes retained under this section, in the sub-account for this city established in Municipal Sales and Service Tax and Use Tax Fund, an interest bearing account created in the State Treasury pursuant to W. Va. Code § 8-13C-7. All moneys collected and deposited in the sub-account for the city shall be remitted at least quarterly by the State Treasurer to the City Treasurer, as provided W. Va. Code § 8-13C-7.

Sec. 6-110 Administrative Procedures.

Each and every provision of the West Virginia Tax Procedure and Administration Act set forth in article ten, chapter eleven of the Code of West Virginia applies to the administration, collection and enforcement of the sales and use taxes imposed pursuant to this article, except as otherwise expressly provided in article thirteen-c, chapter eight of the Code of West Virginia, with like effect as if that act were applicable only to the taxes imposed by this article and were set forth in this article, as provided in W.Va. Code§ 8-13C-6.

Sec. 6-111 Criminal Penalties.

Each and every provision of the West Virginia Tax Crimes and Penalties Act set forth in article nine, chapter eleven of the Code of West Virginia applies to the administration, collection and enforcement of the sales and use taxes imposed pursuant to this article with like effect as if that act were applicable only to the taxes imposed pursuant to this article and were set forth in in this article, as provided in W.Va. Code§ 8-13C-6: Provided, That the criminal penalties imposed upon conviction for a criminal violation of this article may not exceed the maximum penalties allowed by law for that violation.

Sec. 6-112 Automatic Updating.

Any amendments to articles nine, ten, fifteen, fifteen-a and fifteen-b, chapter eleven of the Code of West Virginia shall automatically apply to a sales or use tax imposed pursuant to this article, to the extent applicable, as provided in W. Va. Code § 8-13C-6.

Sec. 6-113 Deposit of Taxes Collected and Received in a Special Revenue Fund.

(a) There is hereby established a special revenue fund in the City Treasury which shall be designated and known as the City Sales and Use Tax Fund. The City Sales and Use Tax Fund shall consist of:
   a. All revenues received from collection of the City's sales and use taxes, including any interest, additions to tax and penalties deposited with the City Treasurer;
   b. All appropriations to the fund;
   c. All interest earned from investment of the fund; and
   d. Any gifts, grants or contributions received and placed by the City into the City Sales and Use Tax Account.

   Revenues in the City Sales and Use Tax Fund shall not be treated by any person to be a general revenue of the City. Revenues in the City Sales and Use Tax Fund shall be disbursed in the manner and consistent with the priorities set forth for in subsection (b) below.

(b) Revenues in the City Sales and Use Tax Fund shall be used:
   a. First, to satisfy the debt service requirements each fiscal year on any bonds issued by, or other obligations incurred by, the City, from time to time, allocated or tied to such dedicated revenue account including any refunding bonds; to finance municipal civic and convention center improvement projects; as well as City-wide infrastructure and economic development projects; and, for any other economic development or public safety projects, including the funding of any reserve funds relating to any such bonds or

other obligations, and/or to make lease payments which secure bonds issued to finance improvements to such projects; and

b. Second, after providing for payment of first priority items, any unencumbered revenue in the City Sales and Use Tax Fund may periodically be transferred as necessary or convenient to the City's General Revenue Account.

Section 3: Severability and Savings Clause

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 4: Repeal

(c) All ordinances in conflict with this Ordinance are hereby repealed.

Section 5: Effective Date.

This Ordinance shall be forwarded to the West Virginia State Tax Department immediately upon adoption and sales tax shall be effective upon the date noticed by the West Virginia State Tax Department. In no case, however, shall the imposition of sales and use tax pursuant Sections 6-102 and 6-103 be collected earlier than July 1, 2015.

Amendments to Section 6-56 shall not be effective until July 1, 2015.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

Adopted by the City Council of the City of Ranson after a 1st reading on _____, 2014 and a 2nd reading on _____, 2014 by a vote of _____ in the affirmative, _____ in the negative with _____ abstentions.

_____

A. David Hamill
Mayor

ATTEST:

AFFIX CITY SEAL

_____

Stacey A. Dodson Pfaltzgraff, City Clerk

RESOLUTION #2014-028

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANSON AUTHORIZING THE MAYOR TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN ORDINANCE OF THE CITY OF RANSON AMENDING, MODIFYING AND RE-ENACTING CHAPTER 5 ARTICLE 3 OF THE RANSON MUNICIPAL CODE RELATING TO THE GRANT OF AUTHORITY TO CITY CODE ENFORCEMENT OFFICIALS TO IMMEDIATELY ISSUE CITATIONS FOR THE INTERNATIONAL PROPERTY MAINTENANCE CODE VIOLATIONS, EXTERNAL SANITATION VIOLATIONS AND COMMON NUISANCE VIOLATIONS BY ADDING SECTION 5-55 IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A

Be it resolved by the City Council of The City of Ranson West Virginia, that the Mayor is hereby authorized to submit the following ordinance to the Municipal Home Rule Board:

AN ORDINANCE OF THE CITY OF RANSON AMENDING, MODIFYING AND RE-ENACTING CHAPTER 5 ARTICLE 3 OF THE RANSON MUNICIPAL CODE RELATING TO THE GRANT OF AUTHORITY TO CITY CODE ENFORCEMENT OFFICIALS TO IMMEDIATELY ISSUE CITATIONS FOR THE INTERNATIONAL PROPERTY MAINTENANCE CODE VIOLATIONS, EXTERNAL SANITATION VIOLATIONS AND COMMON NUISANCES VIOLATIONS BY ADDING SECTION 5-55IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A

The Mayor is further directed to forward to the Municipal Home Rule Board all comments received by the City Council.

THE CITY OF RANSON,
WEST VIRGINIA, a Municipal corporation

By: A. David Hamill
A. David Hamill, Mayor

Attest:

Stacey A. Dodson Pfaltzgraff
Stacey A. Dodson Pfaltzgraff, City Clerk

ORDINANCE #2014-264

AN ORDINANCE OF THE CITY OF RANSON AMENDING, MODIFYING AND RE-ENACTING CHAPTER 5 ARTICLE 3 OF THE RANSON MUNICIPAL CODE RELATING TO THE GRANT OF AUTHORITY TO CITY CODE ENFORCEMENT OFFICIALS TO IMMEDIATELY ISSUE CITATIONS FOR THE INTERNATIONAL PROPERTY MAINTENANCE CODE, EXTERNAL SANITATION VIOLATIONS AND COMMON NUISANCE VIOLATIONS BY ADDING SECTION 5-55.

The City of Ranson does ordain and enact:

Sec. 5-55.1 Authority. Alternative Enforcement of the International Property Maintenance Code and Common Nuisances.

This Section is enacted pursuant to the authority of West Virginia Code § 8-1-5(a), Home Rule Pilot Program Act and pursuant to the approved City of Ranson Home Rule Plan approved by the West Virginia Home Rule Board on October 6, 2014.

Sec. 5-55.2 Purpose and Applicability.

(1) The purpose of this section is to provide additional and alternative methods and processes to enforce the municipal code provisions regarding International Property Maintenance Code, as adopted by the City of Ranson, sanitation and common nuisances related to property located within the city in a fair, speedy and inexpensive manner, and to improve compliance with such provisions. To the extent this article conflicts with an existing ordinance identified below, Section 5-55, et seq., shall be controlling.

(2) This section shall be in addition to those methods and processes otherwise contained in the Codified Ordinances of the City of Ranson and shall be applied at the discretion of the enforcement officer enforcing the provisions of this section.

(3) This section shall apply to the following violations contained in the Codified Ordinances of the City of Ranson:

a. International Property Maintenance Code Violations, as adopted and amended by the City of Ranson;
b. Public Nuisances as defined in Sec. 14-7, Sec. 14-8, of the Ranson Municipal Code.
c. Solid Waste Collection and Disposal Violations, pursuant to Article 3, Chapter 13 of the Ranson Municipal Code.
d. Any and all planning, zoning, building, and law enforcement officers shall have authority to enforce the provisions of this section and shall be referred to herein collectively as enforcement officials.

Sec. 5-55.3 Investigations.

Upon receipt of information or upon investigation indicating the likelihood of a violation of any provision of the Codified Ordinances of the City of Ranson regarding the violations set forth in Sec. 5-55.2, the enforcement official shall investigate the facts and may, to the extent permitted by law, make an inspection of the premises.

Sec. 5-55.4 Issuance of Citations.

(1) If an investigation reveals that a code violation exists, the enforcement official may issue a citation for such violation to the person having either ownership or control of any land, building, structure, sign, property, licensed or permitted business or operation which violation, and shall order that violation be corrected. Nothing within this Section shall prohibit the enforcement officer in his or her discretion from issuing a warning prior to issuing a citation.

(2) A citation may be served by personal or substituted service in accordance with the West Virginia Rules of Civil Procedure, by either delivering the notice to the person in violation personally or by delivering the notice to a member of that person's family who is above the age of 16 years and by advising such person of the purpose of the citation. Proof of personal service shall be made at the time of service by a written declaration executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made. If personal service cannot be effectuated, the enforcement official may send the citation to the person via certified mail, return receipt requested, to the person's last known address. If the return receipt is not returned, a citation shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service.

a. The citation shall be in writing and shall contain the following:
    i. The date the citation is issued;
    ii. The name and address of the person(s) charged with the violation;
    iii. The section of the ordinance that has been violated;
    iv. The nature of the violation;
    v. The place and time the violation occurred;
    vi. The amount of the fine imposed for the violation;
    vii. The name, address and telephone number of the enforcement official issuing the citation;
    viii. The time period allowed for the violation to be corrected.
    ix. The time period allowed shall take into consideration the threat posed by the violation to the health, safety and welfare of the public and the nature of the work required to correct the violation, provided that no such time period for correction shall be less than ten days; and
    x. The name, address and telephone number of the office of the city collector, where fines are to be paid, and of the municipal court, where citations may be appealed.

Sec. 5-55.5 Penalties.

(1) Any person issued a citation pursuant to section 502.04 shall be punished by a fine as follows: within any 12-month period, $100.00 for the first citation, $200.00 for the second citation $300.00 for the third citation, and $500.00 for each citation thereafter.
(2) Any person issued a citation pursuant to section 5-55.4 shall be found not guilty of the offense prOVIded that the defendant produces evidence that the code violation hat caused the citation to be issued has been corrected within ten days of the date of receipt.

Sec. 5-55.6 Nonpayment of Fines.

All fines imposed by citations under this section shall be due within ten days of service of the citation. The failure to pay when due any fine imposed under this section shall result in the issuance of a warrant and notification of the Department of Motor Vehicles.

Sec. 5-55.7 Appeal.

(1) Issuance of a citation under the provisions of this section shall be deemed to be prima facie evidence of the violation indicated on the face of the citation. As such, any person who is issued a citation shall pay the fine indicated for the violation, as set forth in section 5-55.5, in full to the office of the municipal court clerk and payable to the City of Ranson within ten days of service of the citation. Any person alleging he or she was improperly issued such citation may, within ten days of service of such citation, file a petition for appeal of the citation or payment thereof, along with the required bond, with the municipal court clerk in accordance with the following:
    a. In order to properly and timely appeal his or her citation, within ten days of service of the citation, the alleged violator shall pay the required amount of the applicable fine in full to the municipal court clerk, which amount will be held by the municipal court as bond pending evidentiary hearing before and resolution of the case by the municipal court; the municipal court clerk shall issue a receipt to the alleged violator showing the amount of the bond paid. In addition to the bond, the alleged violator shall file with the municipal court clerk a petition for appeal of the citation. If any petition for appeal filed in accordance with this section is not timely filed or is not accompanied with the required bond, the alleged violator shall be deemed to have waived his or her right to appeal the citation, and such petition shall be summarily denied as untimely filed; provided, however, that nothing set forth hereinabove shall prevent the municipal court judge from finding, upon a proper showing, that an alleged violator suffers from financial hardship, and, as a result, waiving the requirement that the bond be posted as a prerequisite to filing a petition for appeal.

b. Any petition for appeal filed with the municipal court clerk must be in writing, on the form to be provided by the municipal court clerk, and must be signed by the alleged violator affirming that the contents of the petition are true and accurate to the best of the alleged violator's knowledge at that time. Such petition for appeal shall state the facts and reasons in support of the petition. Upon filing any such petition for appeal with the municipal court clerk, the alleged violator shall serve a copy of the petition and receipt showing proof of bond or waiver thereof upon the city attorney.

(2) Upon filing of a petition for appeal with the municipal court clerk, the clerk or his or her designee shall place the case on the municipal court docket, set the case for evidentiary hearing within 30 days from the date of the filing of the petition for appeal, provide a notice of hearing to the alleged violator, and forward a copy of the petition to the enforcement officer. Upon receipt of the petition, the enforcement officer shall cause a copy of the citation at issue to be forwarded to the municipal court clerk who shall file it as the original complaint alleging the violation indicated therein.

(3) The municipal court shall treat the citation itself as the original complaint before the court, and shall treat it as prima facie evidence of the violation alleged therein. At the close of all of the evidence, should the municipal judge find against the alleged violator, the bond posted by the alleged violator shall be applied as payment for the fine imposed for the violation. In the event the municipal court judge finds that a violator suffers from financial hardship, the municipal court judge may permit alternative sentencing. Should the court find in favor of the alleged violator, the bond shall be refunded to the alleged violator by the municipal court clerk.

Sec. 55-5.8 Effective Date.

This Ordinance shall become effective immediately upon its adoption by the City Council and the West Virginia Home Rule Board.

Sec 5-55.9 Severability and Savings Clause.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Sec 5.55.10 Repeal.

(a) All ordinances in conflict with this Ordinance are hereby repealed. All other articles, section and sub-sections of the Ranson Municipal Code, as amended, shall remain in full force and effect.

Adopted by the City Council of the City of Ranson after a 1st reading on _____, 2014 and a 2nd reading on _____, 2014 by a vote of _____ in the affirmative, _____ in the negative with _____ abstentions.

_____
A. David Hamill
Mayor

ATTEST:

AFFIX CITY SEAL

_____
Stacey A. Dodson Pfaltzgraff, City Clerk

RESOLUTION #2014-029

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANSON AUTHORIZING THE MAYOR TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN ORDINANCE OF THE CITY OF RANSON PERMITTING CONTRACTS WITH OTHER JURISDICTIONS VIA RESOLUTION BY ADOPTING CHAPTER 9, ARTICLE V, SECTION 9-94 OF THE RANSON MUNICIPAL CODE IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A.

Be it resolved by the City Council of The City of Ranson West Virginia, that the Mayor is hereby authorized to submit the following ordinance to the Municipal Home Rule Board:

AN ORDINANCE OF THE CITY OF RANSON PERMITTING CONTRACTS WITH OTHER JURISDICTIONS VIA RESOLUTION BY ADOPTING CHAPTER 9, ARTICLE V, SECTION 9-94 OF THE RANSON MUNICIPAL CODE IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A.

The Mayor is further directed to forward to the Municipal Home Rule Board all comments received by the City Council.

THE CITY OF RANSON,
WEST VIRGINIA, a Municipal corporation

By: A. David Hamill
A. David Hamill, Mayor

Attest:

Stacey A. Dodson Pfaltzgraff
Stacey A. Dodson Pfaltzgraff, City Clerk

ORDINANCE #2014-265

AN ORDINANCE OF THE CITY OF RANSON PERMITTING CONTRACTS WITH OTHER JURISDICTIONS VIA RESOLUTION BY ADOPTING CHAPTER 9, ARTICLE V, SECTION 9-94

The City of Ranson does ordain as follows:

Section 1: Add the following Section 9-94 to the Ranson Municipal Code pursuant to WV Code § 8-1-5(a), Home Rule Pilot Program Act, and pursuant to the approved City of Ranson Home Rule Plan approved by the West Virginia Home Rule Board on October 6, 2014.

Sec. 9-94. Contracts with other jurisdictions via resolution.

For any action providing for a contractual or other agreement with another jurisdiction, the City of Ranson may enter into such agreement by passage of a resolution by council.

Under this section and pursuant to authority granted under W. Va. Code § 8-1-5a, the city is exempt from the requirement imposed by W. Va. Code § 8-11-3(10).

Section 2: Severability and Savings Clause

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 3: Repeal

(a) All ordinances in conflict with this Ordinance are hereby repealed.

Section 4: Effective Date.

This Ordinance shall be effective immediately upon its adoption by the Ranson City Council and approval by the West Virginia Home Rule Board.

Adopted by the City Council of the City of Ranson after a 1st reading on _____, 2014 and a 2nd reading on _____, 2014 by a vote of _____ in the affirmative, _____ in the negative with _____ abstentions

_____
A. David Hamill
Mayor

ATTEST:

AFFIX CITY SEAL

_____
Stacey A. Dodson Pfaltzgraff, City Clerk

RESOUTION #2014-030

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANSON AUTHORIZING THE MAYOR TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN ORDINANCE OF THE CITY OF RANSON PERMITTING THE CONVEYANCE OF CITY PROPERTY WITHOUT AUCTION BY ADOPTING CHAPTER 9, ARTICLE V, SECTION 9-93 OF THE RANSON MUNICIPAL CODE IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A

Be it resolved by the City Council of The City of Ranson West Virginia, that the Mayor is hereby authorized to submit the following ordinance to the Municipal Home Rule Board:

AN ORDINANCE OF THE CITY OF RANSON PERMITTING THE CONVEYANCE OF CITY PROPERTY WITHOUT AUCTION BY ADOPTING CHAPTER 9, ARTICLE V, SECTION 9-93 OF THE RANSON MUNICIPAL CODE.

The Mayor is further directed to forward to the Municipal Home Rule Board all comments received by the City Council.

THE CITY OF RANSON,
WEST VIRGINIA, a Municipal corporation

By: A. David Hamill
A. David Hamill, Mayor

Attest:

Stacey A. Dodson Pfaltzgraff
Stacey A. Dodson Pfaltzgraff, City Clerk

ORDINANCE #2014-266

AN ORDINANCE OF THE CITY OF RANSON PERMITTING THE CONVEYANCE OF CITY PROPERTY WITHOUT AUCTION BY ADOPTING CHAPTER 9, ARTICLE V, SECTION 9-93 OF THE RANSON MUNICIPAL CODE.

The City of Ranson does ordain as follows:

Section 1: Add the following Section 9-93 to the Ranson Municipal Code pursuant to WV Code § 8-1-5(a), Home Rule Pilot Program Act, and pursuant to the approved City of Ranson Home Rule Plan approved by the West Virginia Home Rule Board on October 6, 2014.

Sec. 9-93. Conveyance of city property without auction.

(a) The City of Ranson may sell its real or personal property valued in excess of $1,000.00 for fair market value, but without public auction, provided that city council has made a factual determination that the property is to be used to facilitate specific economic development projects and/or to provide a specific necessary and convenient resource for the benefit of the citizenry.

(b) Any proposed conveyance of city property pursuant to this section shall be published as a Class II legal advertisement in compliance with the provisions of W. Va. Code § 59-3-1 et seq., and the publication area for the publication shall be the City of Ranson.

(c) Prior to the approval by city council of any conveyance of city property pursuant to this section, city council shall be provided with documentation evidencing that all project plans have been approved by all necessary and relevant state and/or municipal committees and departments, all necessary and relevant state and/or municipal permits are in place or are approved subject to purchase of the property, and funding for the project secured.

Under this section and pursuant to authority granted under W. Va. Code § 8-1-5a, the city is exempt from the auction requirement imposed by W. Va. Code § 8-12-18(b) under the circumstances stated herein.

Section 2: Severability and Savings Clause

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof

and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 3: Repeal

(a) All ordinances in conflict with this Ordinance are hereby repealed.

Section 4: Effective Date.

This Ordinance shall be effective immediately upon its adoption by the Ranson City Council and approval by the West Virginia Home Rule Board.

Adopted by the City Council of the City of Ranson after a 1st reading on _____, 2014 and a 2nd reading on _____, 2014 by a vote of _____ in the affirmative, _____ in the negative with _____ abstentions.

_____
A. David Hamill
Mayor

ATTEST:

AFFIX CITY SEAL

_____
Stacey A. Dodson Pfaltzgraff, City Clerk

RESOLUTION #2014-031

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANSON AUTHORIZING THE MAYOR TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN ORDINANCE OF THE CITY OF RANSON EXPANDING THE AUTHORITY TO UTILIZE COMMUNITY ENHANCEMENT DISTRICTS BY ADOPTING CHAPTER 20, ARTICLE IV, SECTION 20-60 THROUGH SECTION 20-62 IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5A.

Be it resolved by the City Council of The City of Ranson West Virginia, that the Mayor is hereby authorized to submit the following ordinance to the Municipal Home Rule Board:

AN ORDINANCE OF THE CITY OF RANSON EXPANDING THE AUTHORITY TO UTILIZE COMMUNITY ENHANCEMENT DISTRICTS BY ADOPTING CHAPTER 20, ARTICLE IV, SECTION 20-60 THROUGH SECTION 20-62.

The Mayor is further directed to forward to the Municipal Home Rule Board all comments received by the City Council.

THE CITY OF RANSON,
WEST VIRGINIA, a Municipal corporation

By: A. David Hamill
A. David Hamill, Mayor

Attest:

Stacey A. Dodson Pfaltzgraff
Stacey A. Dodson Pfaltzgraff, City Clerk

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ORDINANCE #2014-267

AN ORDINANCE OF THE CITY OF RANSON EXPANDING THE AUTHORITY TO UTLIZE COMMUNITY ENHANCEMENT DISTRICTS BY ADOPTING CHAPTER 20 OF THE RANSON MUNICIPAL CODE BY ADDING ARTICLE IV, SECTIONS 20-60 THROUGH 20-62.

The City of Ranson does ordain as follows:

Section 1: Add the following Article and Sections to Chapter 20 of the Ranson Municipal Code pursuant to WV Code § 8-1-5(a), Home Rule Pilot Program Act, and pursuant to the approved City of Ranson Home Rule Plan approved by the West Virginia Home Rule Board on October 6, 2014.

Article IV. Community Enhancement District Board.

Sec. 20-60. Amending W. Va. Code 16-13E-3 "Petition for Creation or Expansion of Community Enhancement District; petition requirements"; Authority to Permit Ranson to create or expand Community Enhancement District by Ordinance.

(a) The City Council may create and/or establish a Community Enhancement District pursuant to W. Va. Code 16-13E-4 by majority vote of the City Council by ordinance, after public notice and hearing.

(b) If, within 30 days of adoption by City Council, 25% or more of affected property owners in the established Community Enhancement District, as measured by percentage of acreage, file a verified petition with the City Clerk, such a petition would invalidate the adopted Ordinance and prohibit the City from establishing a Community Enhancement District by Ordinance pursuant to this section.

(c) If 25% or more of affected property owners in the established Community Enhancement District file a verified petition with the City Clerk, the adopted Ordinance creating such District shall not be effective. The City Council may decide by Resolution to put the Ordinance establishing the Community Enhancement District on the next regularly scheduled election or call a special election for voter consideration or revoke the proposed ordinance.

(d) If the City Council, by Resolution, decides to put the establishment of the Community Enhancement District on the public ballot at a regular or special election after receiving a verified petition from 25% or more of affected property owners in the established Community Enhancement District, as measured by percentage of acreage, the Community Enhancement District shall be established pursuant to the approved Ordinance if the ballot measure passes by a majority vote of more than 50% of the participating voters.

Under this section and pursuant to authority granted under W. Va. Code § 8-1-5a, the city is exempt from the requirement imposed by W. Va. Code 16-13E-4 requiring the creation or expansion of Community Enhancement Districts, such CEDs can only be initiated when owners of at least sixty-one percent (61%) of the real property, determined by acreage, located within the boundaries of the proposed CED, petition a City Council for the creation or expansion of the district. *See* Section 16-13E-4(a), (b), (b)(12) & (c), and Section 16-13E-5(e).

Sec. 20-61. Amending W. Va Code 16-13E-6(c) "Creation of community enhancement district; community enhancement district to be a public corporation and political subdivision; powers thereof; community enhancement boards."; Authority to Permit the Ranson City Council and Mayor to Designate Themselves as a Community Enhancement Board.

(a) The Ranson City Council, may in its discretion, declare the City Council and Mayor to be the Community Enhancement Board described within W. Va Code 16-13E-6(c) and shall be vested with all the powers, duties and responsibilities of such Board described in W. Va. Code 16-16-E.

(b) The declaration by the City Council designating itself as the Community Enhancement Board shall be placed within the Ordinance creating the Community Enhancement Board authorized by Sec. 20-60.

Under this section and pursuant to authority granted under W. Va. Code § 8-1-5a, the city is exempt from the requirement imposed by W. Va. 16-13E-6(c) requiring the formation of a separate Community Enhancement District Board.

Sec. 20-62. Amending W. Va. Code 16-13E-3 "Power and authority of counties and municipalities to create and establish community enhancement districts."; Permitting a Joint Community Enhancement Board between the cities of Ranson and Charles Town.

(a) The Ranson City Council shall have the authority by Ordinance creating the Community Enhancement District set forth in Sec. 20-60 to create, modify, expand and govern a joint Community Enhancement Board between the cities of Charles Town and Ranson for Community Enhancement Districts that cross the municipal boundaries and lay in both municipal jurisdictions. Such Board shall have the powers, duties and responsibilities as set forth in Sec. 20-61 and W. Va. Code 16-16E.

Under this section and pursuant to authority granted under W. Va. Code § 8-1-5a, the City is permitted to establish a multi-jurisdictional community enhancement board and not follow the restriction provided in W. Va. Code 16-13E-3.

Section 2: Severability and Savings Clause

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 3: Repeal

(a) All ordinances in conflict with this Ordinance are hereby repealed.

Section 4: Effective Date.

This Ordinance shall be effective immediately upon its adoption by the Ranson City Council and approval by the West Virginia Home Rule Board.

Adopted by the City Council of the City of Ranson after a 1st reading on _____, 2014 and a 2nd reading on _____, 2014 by a vote of _____ in the affirmative, _____ in the negative with _____ abstentions.

_____
A. David Hamill
Mayor

ATTEST:

AFFIX CITY SEAL

_____
Stacey A. Dodson Pfaltzgraff, City Clerk