

**PUBLIC HEARING NOTICE  
CITY OF MORGANTOWN, WEST VIRGINIA**

Notice is hereby given by the City of Morgantown, WV, that it will hold a public hearing on Friday, December 19, 2014 at 6:00 p.m. at the Morgantown City Hall Council Chambers (2<sup>nd</sup> floor), 389 Spruce Street, Morgantown, WV 26505.

**AN ORDINANCE BY THE CITY OF MORGANTOWN, AND PURSUANT TO AUTHORITY GRANTED TO IT AS A HOME RULE MUNICIPALITY, CREATING A NEW SECTION 1713.04 WITHIN ITS BUILDING AND HOUSING CODE, AS THE SAME APPLIES TO PROPERTY MAINTENANCE REQUIREMENTS AND ITEMS FALLING WITHIN THE DEFINITION OF UPHOLSTERED FURNITURE.**

Copies of the proposed ordinances are available for public inspection in the Office of the City Clerk as well as the Office of the City Manager, Morgantown City Hall, 389 Spruce Street, Morgantown, WV 26505 during regular business hours or call the City Manager's Office at (304) 284-7405.

AN ORDINANCE BY THE CITY OF MORGANTOWN, AND PURSUANT TO AUTHORITY GRANTED TO IT AS A HOME RULE MUNICIPALITY, CREATING A NEW SECTION 1713.04 WITHIN ITS BUILDING AND HOUSING CODE, AS THE SAME APPLIES TO PROPERTY MAINTENANCE REQUIREMENTS AND ITEMS FALLING WITHIN THE DEFINITION OF UPHOLSTERED FURNITURE.

The City of Morgantown hereby ordains, pursuant to authority granted to it as a Home Rule Municipality, that a new Section 1713.04 of its Building and Housing Code is created which reads as follows (new matter underlined, deleted matter struck through):

1713.04 UPHOLSTERED FURNITURE

(A) The International Property Maintenance Code, State Building Code, which has been adopted by this municipality is hereby amended by adding Section 202.1, which reads as follows:

202.1 Additional Definitions. For the purposes of this Article, the following terms shall be defined as follows:

(a) ENCLOSED PORCH. A structure, adjoining an entrance to a building, that is fully enclosed by permanent walls, windows, screens, or other similar material, and that cannot be accessed from the outside except through a door that is capable of being locked.

(b) EXTERIOR. The exterior of any structure that is exposed to the weather or subject to and in contact with the elements, including, but not limited to sidings, facings, veneers, masonry, roofs, foundations, porches, decks, balconies, screens, shutters, windows, doors, or signs.

(c) OUTDOOR FURNITURE. Weather-resistant furniture designed and manufactured for outdoor use.

(d) PORCH. A structure, adjoining an entrance to a building, that is not fully enclosed by permanent walls, windows, screens, or other similar material.

(B) The International Property Maintenance Code, State Building Code, which has been adopted by this municipality is hereby amended by adding Sections 302.11 and 302.12, which read as follows:

302.11 Furniture. It shall be unlawful for any person to allow on any yard, or other exterior area of any premises, furniture, other than Outdoor Furniture, as that term is defined in this Article.

302.12 Upholstered Furniture. It shall be unlawful for any person to allow on any yard, unenclosed porch, deck, balcony, or other exterior area of any premises, upholstered furniture, including but not limited to upholstered chairs, upholstered couches, mattresses, or other similar items. This section does not apply to Outdoor Furniture or to Enclosed Porches, as those are defined in this Article.

(C) If any section, clause, sentence, or phrase of this Section 1713.04 found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of Section 1713.04.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

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MAYOR

ADOPTED:

FILED:

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CITY CLERK

RECORDED: