



Office of the City Clerk

The City of Morgantown

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AGENDA
MORGANTOWN CITY COUNCIL
COMMITTEE OF THE WHOLE
February 26, 2013
7:00 p.m.

NOTE: Committee of the Whole Meetings of the Morgantown City Council are intended to provide an opportunity for the Council to receive information, ask questions, and identify policy options in an informal setting. No official action is taken at these meetings. At this Committee of the Whole Meeting the following matters are scheduled:

PRESENTATIONS:

- Partners In Education Certificates
- Downstream Strategies
- Youth Commission Update for 2013
- Public Portion

ITEMS FOR DISCUSSION:

1. Food Vendors Downtown
2. Code Enforcement Resources Dealing with Trash Compliance Effort
3. Alley D (University Place) Annulment
4. FY 2013-2014 Budget Discussion

Hawker and Peddler food vendors in the downtown area

Currently there are three regular food vendors operating in the downtown area. There locations are marked on the attached map. There are two vendors that operate sporadically and their locations are marked on the attached map.

Officers that are assigned to the downtown area during high during the time that these vendors are allowed to operate in the area have assisted in the preparation of this assessment.

The two hot dog vendors are operating at either end of High Street are operating in a manner so as to allow the free flow of pedestrian traffic and the sidewalks remain clear, except when individuals are being served from the carts or are waiting in line for service.

The Hot Dog Vendor located on High Street near Wall Street, operates directly in front of the Cool Ridge business. This vendor has moved his operation into the alcove, away from the public sidewalk and does not open the attached umbrella on the cart so as to not interfere with pedestrian traffic. Currently the business formerly known as Club Kharna is not open and the crowds that typically congregate in and around the Wall Street area have been greatly diminished. However, at such time as this particular club re-opens, increased crowds in this particular area should be anticipated.

The Second Hot Dog Vendor operates near the Daniels Parking Lot on the Northern End of High Street. This vendor is located in fairly close proximity to brick and mortar food vendors.

The Taco Truck parks on High Street, in Parking Authority Controlled Parking Spaces in the area that was formerly used as a Cab Stand. Although the sidewalk is available for the free passage of pedestrians, lines that form near the truck create congestion problems similar to those on the southern side of Wall Street.

The BBQ Cart is typically located in a parking lot and has no direct impact on pedestrian traffic. However, any time there are crowds and intoxicated individuals there is potential for disturbances and fights.

The Jersey Mike's truck occasionally operates on Chestnut Street in the same manner as the Taco Truck. However, if there are vehicles already parked in the parking spaces, this particular vendor often opts to leave the area.

Recommendations for consideration:

1. Repeal City Code 361.09 OR
2. Designate an area, such as assigned Spaces, to be rented by vendors, in the Daniels Lot or the Farmer's Market Lot for the sale of food stuffs.

3. HAWKERS AND PEDDLERS

No person without a City license therefore shall act as a hawker or **peddler** within the City; but bona-fide farmers vending farm products shall not be required to have such license.

On every license to act as hawker or **peddler**, if the person licensed travels without a vehicle, the annual license fee shall be ten dollars (\$10.00); if he travels with a vehicle of not more than one-half ton capacity, fifteen dollars (\$15.00); if he travels with a vehicle of not more than one ton capacity, twenty-five dollars (\$25.00); if he travels with a vehicle of more than one ton capacity, but not exceeding two tons capacity, seventy-five dollars (\$75.00); if he travels with a vehicle of more than two tons capacity, but not exceeding three tons capacity, one hundred dollars (\$100.00); and if he travels with a vehicle of more than three tons capacity, two hundred fifty dollars (\$250.00), plus one hundred dollars (\$100.00) for each additional ton or fraction thereof over four tons capacity; and the person so licensed shall pay at the same rates for each vehicle. Such person shall carry his license in some conspicuous place in his vehicle or about his pack.

All persons who shall carry goods, wares or merchandise from place to place, either in person or by agent or employee, and offer to sell or barter, or actually sell or barter, and at the same time deliver, any of such goods, wares or merchandise to any purchaser, at wholesale or retail, shall be deemed a hawker or **peddler** under this section; except, that nothing in this section shall be construed as levying a license tax on an agent or traveling salesman of a manufacturer or wholesaler who may directly supply articles manufactured or handled by such manufacturer or wholesaler to customers engaged in merchandising at retail at bona-fide, fixed and stationary places of business.

All persons who do have and keep a regular place of business in this State with a stock of goods, wares or merchandise thereat for sale, and whether or not such place is open at all times during the usual business hours for business, who shall, elsewhere than at such regular place of business, personally, or through their agents, offer for sale or sell, and at the same time of such offering for sale, deliver goods, wares and merchandise within the City, shall also be deemed hawkers or **peddlers** as aforesaid; and all persons who do not have and keep a regular place of business in this State as aforesaid and who in person or by agent offer for sale or sell, and at the same time of such sale have for delivery, and deliver, goods, wares or merchandise within the City, shall also be deemed hawkers or **peddlers** as aforesaid; but nothing contained in this section shall apply to those who sell or offer for sale, in person or by their employees, petroleum products, ice, wood, meats, milk, bread, cakes, pies or other bakery products, butter, eggs, poultry, vegetables, fruits or other family or farm supplies, grown or produced by them, and not purchased by them for sale. Nothing in this section shall be construed as requiring a license of persons engaged in the business or calling of agriculture, horticulture or grazing, to sell or offer to sell individually or collectively, one or more for the other or others, the products derived from their business or calling aforesaid; nor of a person engaged in the business of operating a retail merchandise store in a rural community to exchange goods from such store for agricultural products acquired by such store in the due course of business of

barter or sale; nor as requiring a license of a wholesaler or jobber engaged in the sale of soft drinks, ice cream or non-intoxicating beer duly licensed under other provisions of the City Code or other ordinances relating thereto; nor of a mechanic or others to sell or offer to sell articles of his own production

Each farmer or other person exempt from license as herein provided shall obtain from the Director of Finance a license receipt, without cost, showing that he is so exempt, which shall be for the period of one year as other licenses hereunder; but to obtain such license receipt he shall make an affidavit as to the facts entitling him to such exemption on a form to be prescribed by the Director.

Such licenses under this section shall be for the period of one year, beginning on July 1 and ending on June 30 of the year following. If any part of the license year has expired when application for license is made, the license fee shall be reduced on a quarterly basis accordingly.

(1967 Code Sec. 19-18.)

905.02 DISPLAYING MERCHANDISE OR MOVEABLE SIGNS.

(a) No person shall place any merchandise, sign or obstruction of any kind upon any street or sidewalk within the City for the purpose of advertising, display or sale except as provided and authorized by this article, and the Zoning Ordinance of the City.

(b) Wherever a business is conducted and maintained, on property adjacent to any public sidewalk, street or alley, no owner of any such property or business or agent thereof shall set or place any goods, wares or merchandise by way of exposing them for sale, in any street or alley, or on the sidewalks of any such street or alley, to project more than two feet from the wall or front of the place of business in question. This shall also apply to approved moveable signs. A five-foot wide clear passage for pedestrians on any sidewalk shall be maintained at all times.

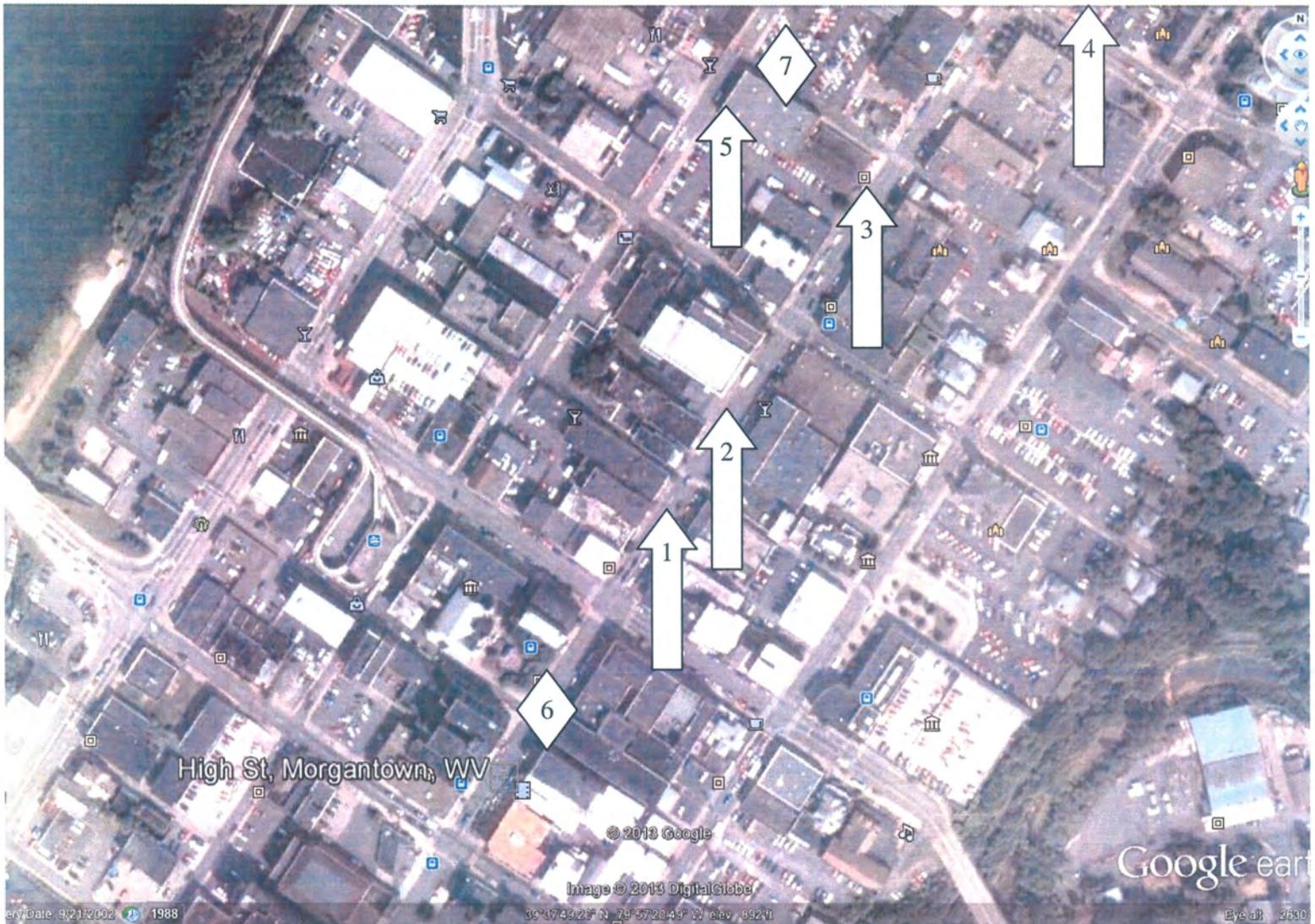
(c) No person shall place any newspaper or similar vending machine on a public sidewalk without first obtaining the approval of the City Manager. The specific location of all such machines shall be subject to recommendations by the City's Engineering Department and shall always take into consideration the safety of the general public.

(Ord. 99-19. Passed 5-18-99.)

361.09 PARKING TO DISPLAY OR SELL MERCHANDISE.

No vehicle shall be parked in the business or congested district of the City for the purpose of displaying or selling therefrom any produce or merchandise of any kind, except between the hours of 11:00 p.m. and 6:00 a.m.

(Ord. 04-20. Passed 6-15-04.)



1. Hot Dog Cart located on the sidewalk of High Street just south of Wall Street.
2. Taco Truck, located in parking spaces between “Joe Mama’s” and Met Theatre.
3. Hot Dog Cart, located on the Sidewalk North of the Daniels Street Parking Lot.
4. Barbeque Cart, usually located in the parking lot North of Willey Street and High Street. This vendor has not been open since 1/1/2013.
5. Jersey Mike’s Sub Truck, located in parking spaces on Chestnut Street near “Chikin Bones”.
6. Bus Stop.
7. Taxi Stand.

BUSINESS NAME	LICENSE NUMBER	ALL LICENSE ACTIVE UNTIL 6/30/1:
ALBASHA INC	183	
ALMOST HEAVEN KONA ICE	146	
CAROLINA BARBEQUE	159	
DAVES FAMOUS T&L HOT DOGS	40	
JERSEY SUBS AND SANDWICHES	184	
MCCORMLEY ENTERPRISES	71	
MOORES HOT DOGS	173	
RAYS MORGANTOWN TACOS LLC	165	
RICHELS CLASSIC CANDY AND CLOTHES	119/143	
SUMMERTIME HOT DOGS	141	
ZULS INC	145	

Nighttime Food Vendors in the Downtown Parking Authority Related Experiences

Tom Arnold, Executive Director

From time to time the Morgantown Parking Authority receives requests for reserving parking spaces for nighttime vendors to park their vehicles to distribute their products. The Authority has adopted a policy against reserving parking spaces for the purpose allowing any commercial sales of any kind in any designated parking space. The exception would be for a City approved fair, festival, or other social gatherings.

There is an ordinance that does permit vendors to set up in the Downtown parking spaces from 11 PM until 4 am, which the Authority does not reserve parking spaces for that allotted time. If a vendor pulls in and feeds the meter, we cannot deny them access during the specified time.

The biggest problem we face with street vendors is the litter and debris created by the sale, which ends up on our streets and parking lots. This does add significantly to our daily cleanup efforts. Inclement weather further increases the problem with paper products blowing out of litter baskets and the affected area grows larger. Also, their cleanup of their carts (at the conclusion of their sales) usually end up in our litter baskets and storm drains

Another problem that our officers observe is the congestion on the sidewalks where these vendors are located. The sidewalks are already loaded with pedestrians and lines of people to make purchases. This does compound the security problems for our Police Department.

Hopefully, this information has assisted you with your process.



Development Services
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: Thursday, February 21, 2013
To: Jeff Mikorski, Interim City Manager*via email*
RE: Ordinance amending Article 523 "Litter"
City Council Committee of the Whole – February 26, 2013

At your direction, the Development Services Department, the Police Department, and Tom Arnold, in his capacity as the Solid Waste Contract Compliance Officer, have been discussing potential strategies of advancing overall community appearance and quality of life.

One of the strategies discussed was revising Article 523 "Litter" of the City's General Offenses Code to incorporate existing provisions contained within Article 1139 "Solid Waste Collection" of the City's Health and Sanitation Code that specifically pertain to the proper placement and collection of authorized private receptacles.

In so doing, "Special Litter Prevention Officers" would be authorized to assist the Morgantown Police Department and augment the Administration's capacity to further present policies and efforts of abating litter and addressing factors that contribute to the scattering of litter.

As such, the attached ordinance is respectfully submitted for City Council's consideration during its February 26, 2013 Committee of the Whole meeting.

Please note that the suggested revision to Article 523.99 "Penalty" is to provide consistency with related provisions set forth in Article 1139.12 "Accessibility of Solid Waste and Recycling Containers".

cc: Stephen Fanok, City Attorney
(via email) Mike Stone, Chief Building Code Official
Tom Arnold, Solid Waste Contract Compliance Officer
Chief Ed Preston, Morgantown Police Department
Sgt. J.R. Robinson, Morgantown Police Department

AN ORDINANCE AMENDING SECTIONS 523.01, 523.03, and 532.99 OF THE CITY OF MORGANTOWN GENERAL OFFENSES CODE, LITTER ARTICLE, AS THEY PERTAIN TO DEFINITIONS, THE PLACEMENT OF RECEPTACLES, AND PENALTIES.

The City of Morgantown hereby ordains that Sections 523.01, 523.03, and 532.99 of its General Offenses Code, Litter Article, are amended as follows (deleted matter struck through; new matter underlined):

ARTICLE 523

Litter

523.01 DEFINITIONS.

For the purpose of this article, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number.

- (a) "Aircraft" means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air.
- (b) "Authorized private receptacle/container" means a litter, solid waste, or recyclable materials storage and curbside or edge of pavement collection receptacle/container as required and authorized in Article 1139 of the Health and Sanitation Code.
- (c) "City" means the City of Morgantown, West Virginia.
- (d) "Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:
 - (1) Which advertises for sale any merchandise, product or thing; or
 - (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
 - (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to

authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or

- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.
- (e) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (f) "Litter" means garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- (g) "Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, means any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
- (h) "Noncommercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper.
- (i) "Park" means a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.
- (j) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (k) "Private premises" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.
- (l) "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- (m) "Recyclable materials" means bi-metal beverage cans, aluminum beverage cans, glass bottles, steel cans, newspaper, corrugated cardboard and plastics, and other materials as may be defined as recyclable materials under the West Virginia Code, or applicable local, state and federal laws and regulations and under Code 1-7 of the Society of Plastics Industries.

- ~~(m)~~(n) "Refuse" means all putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles and solid market and industrial wastes.
- ~~(n)~~(o) "Rubbish" means nonputrescible solid wastes consisting of both combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (p) "Solid waste" means those items included within the definition of the solid waste as now or hereafter set forth in West Virginia Code 22-15-2(31) and in Article 1139 of the Codified Ordinances of the City.
- ~~(o)~~(q) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.
- ~~(p)~~(r) "Open lot" means a lot upon which no building, structure or other improvement has been constructed.
- ~~(q)~~(s) "Vacant lot" means a lot upon which there is an uninhabited, unoccupied or unused building, structure or other improvement.

523.02 LITTER IN PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection or in official City dumps.

523.03 PLACEMENT IN RECEPTACLES TO PREVENT SCATTERING.

Persons placing litter, solid waste, or recyclable materials and storing same for collection in public receptacles or authorized private receptacles/containers shall do so in such a manner as to prevent it from being carried or deposited by the elements or passersby upon any street, sidewalk or other public place or upon private property.

- (a) Lids shall be kept on authorized private receptacles/containers at all times.
- (b) Unless otherwise exempt as provided in Article 1139 of the Codified Ordinances of the City, authorized private receptacles/containers may be placed at their curbside or edge of pavement collection site no earlier than 6:00 PM on the day before the scheduled day of collection and all empty authorized private receptacles/containers shall be removed by 9:00 PM on the day of collection.
- (c) Authorized private receptacles/containers may not be stored in front yards or on front porches of residences on a regular basis, where said receptacles/containers can be viewed by the general public, unless a special waiver has been issued to a residence, in writing, by the City Manager as provided in Article 1139 of the Codified Ordinances of the City.

523.04 SWEEPING LITTER INTO GUTTERS PROHIBITED.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

523.05 MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

523.06 LITTER THROWN BY PERSONS IN VEHICLES.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.

523.07 TRUCK LOADS CAUSING LITTER.

No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

523.08 LITTER IN PARKS.

No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter shall be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

523.09 LITTER IN LAKES AND FOUNTAINS.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the City.

523.10 THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

523.11 PLACING HANDBILLS ON VEHICLES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

523.12 DEPOSITING HANDBILLS ON UNINHABITED OR VACANT PREMISES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

523.13 PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance there thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement" or any similar notice, indicating in any matter that the occupants of such premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

523.14 DISTRIBUTING HANDBILLS AT INHABITED PRIVATE PREMISES.

- (a) No person shall throw, deposit or distribute any commercial or noncommercial handbills in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.
- (b) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers, as defined herein, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

523.15 DROPPING LITTER FROM AIRCRAFT.

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object.

523.16 POSTING NOTICES PROHIBITED.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

523.17 LITTER ON OCCUPIED PRIVATE PROPERTY.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

523.18 OCCUPANT TO MAINTAIN PREMISES FREE OF LITTER.

The occupant or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

523.19 LITTER ON VACANT LOTS.

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.

523.20 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY CITY.

- (a) Notice to Remove. The City Manager is hereby authorized to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property. Such notice shall be served in accordance with the laws of this State concerning the service of process in civil actions.
- (b) Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner so notified to properly dispose of such litter within ten days after the date of service of such notice, the City Manager may cause the same to be removed by employees of the City, or otherwise as he may decide or direct, and the City Manager shall report the cost of such removing to the City Clerk who shall forthwith mail by certified mail a statement of the cost of removal to the owner of such property. At the same time the Clerk shall also inform the property owner that a lien will be filed against the owner's property unless such statement of cost is paid in full within ten days from the date of statement. Should the owner fail to make payment within the time specified above, the City Clerk is authorized to file a notice of lien against the owner's property and which such notice of lien shall briefly describe the property affected and shall include a statement of costs, a clerical fee not to exceed fifty dollars (\$50.00) and a fee for the search of the records to ascertain the owner of such property not to exceed fifty dollars (\$50.00) and recordation of such lien. A copy of such notice of lien shall also be sent to the owner of such property by certified mail. Upon recordation of such notice of lien in the Trust Deed Book in the office of the Clerk of the County Court of Monongalia County, West Virginia, such notice of lien shall constitute a valid lien from the date of its recordation.

523.21 SPECIAL LITTER PREVENTION OFFICERS.

In addition to those municipal employees already authorized by law to enforce this article, the Municipality shall also utilize Special Litter Prevention Officers who are authorized to enforce the provisions of this article.

The specific municipal employees who are authorized to perform the duties of Special Litter Prevention Officers shall include the Chief Code Official of the City's Building Inspection Department, Code Enforcement Officers within the Building Inspections Department, Rental Housing Inspectors within the Building Inspections Department, and Morgantown Parking Authority Parking Meter Attendants.

The Special Litter Prevention Officers are authorized to issue Article 523 citations, and issue summons and sign complaints as a result of Article 523 violations, and shall display at all times either a badge or other sign of authority, issued by the Municipality, evidencing their authority to enforce Article 523.

Prior to performing the duties of a Special Litter Prevention Officer, all such municipal employees shall be required to complete a Litter Enforcement Training Program, which shall be conducted by City Administration.

523.99 PENALTY.

Whoever violates any provision of this article shall be fined ~~not less than one hundred dollars (\$100.00)~~ a minimum of twenty-five dollars (\$25.00) but not more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 15' WIDE RIGHT-OF-WAY KNOWN AS ALLEY D, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY FOUR HUNDRED AND NINETY THREE FEET FROM HOUSTON DRIVE TO THIRD STREET, IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

WHEREAS, It appears to the Common Council of the City of Morgantown, West Virginia that a 15' wide right-of-way, known as Alley D running a distance of approximately four hundred and ninety-three feet from Houston Drive to Third Street in the Fourth Ward of the City of Morgantown, Monongalia County, West Virginia, and as laid down, designated and dedicated to public use as a street on a map or plat, as shown on the Exhibit hereto attached, is not useful for street purposes, is not needed for street purposes, nor for any other public uses and purposes and it further appearing that it is in the interests of the City of Morgantown and of the public generally that a 15' wide right-of-way known as Alley D running a distance of approximately four hundred and ninety three feet from Houston Drive to Third Street, be vacated, abandoned, and annulled as a public street within said City, and it further appearing that the property of no person, firm, or corporation will be injured or damaged thereby, and that the owners of property abutting on said Alley D have petitioned the Common Council to vacate, abandon and annul said portion of the street.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MORGANTOWN, WEST VIRGINIA, IN REGULAR SESSION ASSEMBLED AS FOLLOWS:

- Section 1. That for the reasons hereinbefore set forth that a 15' wide right-of-way known as Alley D running a distance of approximately four hundred and ninety three feet from Houston Drive to Third Street in the City of Morgantown, West Virginia, is hereby vacated, abandoned and annulled and from and after the date of the adoption of this ordinance the same shall cease to be a public way or public street within the City of Morgantown, and the easement of the City of Morgantown therein, thereon, and thereover for street purposes is hereby vacated, abandoned and annulled, and all right, titles and interests of the City of Morgantown therein as an easement for street purposes are hereby expressly released.
- Section 2. That as set forth in Section 1 of this ordinance the easement and right-of-way of the City of Morgantown for street purposes on and over a 15' wide right-of-way known as Alley D and running a distance of approximately four hundred and ninety-three feet from Houston Drive to Third Street, as shown on the Exhibit hereto attached, is hereby vacated, abandoned and annulled.
- Section 3. That upon the adoption of this ordinance the City Clerk of the City of Morgantown shall cause a duly certified copy thereof to be recorded in the

appropriate deed book in the office of the Clerk of the County Commission of Monongalia County, West Virginia, as evidence of the vacating, abandoning, and annulling of said four hundred and ninety three foot right-of-way for public uses and public purposes as a public street or public way within the City of Morgantown, and said Clerk shall also file with said certified copy of said ordinance an exhibit showing the location of said street so vacated, abandoned and annulled.

Section 4. Prior to adoption of this ordinance the adjacent land owners shall pay to the City Clerk the cost of this proceeding.

Section 5. This ordinance shall be effective from the date of its adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

STATE OF WEST VIRGINIA
MONONGALIA COUNTY, to wit:

I, _____, a Notary Public of said County, do hereby certify that
Linda L. Little and James Manilla, whose names are signed to the foregoing document,
bearing the _____ day of _____, 2013 have this day acknowledged
the same before me in my said County.

Given under my hand this _____ day of _____, 2013.

My Commission expires _____

Notary Public

This document was prepared by:

Stephen R. Fanok, Esquire
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Morgantown, WV 26505
WV State Bar I.D. # 1158