



Office of the City Clerk

# The City of Morgantown

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**AGENDA**  
**MORGANTOWN CITY COUNCIL**  
**COMMITTEE OF THE WHOLE**  
**April 29, 2014**  
**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:**

- Snake Hill Wildlife Management Area
- Runway Extension Update
- Public Portion

**ITEMS FOR DISCUSSION:**

1. Gun Law
2. Youth Commission Request
3. Town and Gown "Welcome to Morgantown Document"

**\*If you need an accommodation contact us at 284-7439\***

## **Snake Hill Wildlife Management Area and Forest Management Activities**

- Snake Hill Wildlife Management Area (WMA) comprises 3,092 acres which lies along the Cheat River in Monongalia and Preston Counties. The property is owned and managed by the West Virginia Division of Natural Resources (WVDNR), Wildlife Resources Section.
  
- The State acquired the surface rights with a timber reservation on 2,000 acres in 1996 for \$1,975,166 which included an \$800,000 legislative appropriation during the Governor Caperton Administration. The additional \$1,175,166 which funded the original 2,000 acre acquisition came from WVDNR hunting and fishing license funds and conservation stamp proceeds. The timber reservation which Allegheny Wood Products held on the property expired on February 14, 2009, and subsequently timber ownership has reverted to the West Virginia Division of Natural Resources. An additional 1,092 acres of property was acquired from the Conservation Fund in 2004 utilizing WVDNR hunting and fishing license funds and conservation stamp proceeds.
  
- The ESH #1 Timber Sale, which is currently being harvested, is 115 acres in size (comprises less than 4% of WMA) and is made up of nine cutting units. Five units have residual leave trees designated with variable retention and deferment cutting methods being applied. Four units, which exhibit advanced oak regeneration, will be clearcut to promote oak regeneration. The entire sale area was previously logged approximately 6-10 years ago by Allegheny Wood Products utilizing a diameter limit cut. All skid roads and log landings are pre-existing and are being utilized during current logging operations. Landings and critical areas will be seeded with wildlife-friendly seed mixes.
  
- As outlined in WV Natural Resources Laws (§20-2-1) - "It is declared to be the public policy of the State of West Virginia that the wildlife resources of this State shall be protected for the use and enjoyment of all citizens of this State. All species of wildlife shall be maintained for values which may be intrinsic or ecological or of benefit to man. Such benefits shall include (1) hunting, fishing and other diversified recreational uses; (2) economic contributions in the best interests of the people of this State; and (3) scientific and educational uses." Forest management which includes the use of commercial timber sales utilizing various silvicultural techniques is necessary for the WVDNR to meet our agency's mission. The forest management practices implemented throughout this timber sale area will help improve forage and habitat for species such as white-tailed deer, ruffed grouse, woodcock and Appalachian cottontails. Also, the early successional forested habitat created by this timber sale will improve feeding, nesting and escape cover for several non-game species, including many songbirds—many of which have experienced significant population declines in the past 50 years. WVU-wildlife graduate students will be monitoring the sale area for the

presence of golden-winged warblers, a species of special concern. The vast majority of the state's wildlife management areas, including the Snake Hill WMA, lack "young forest" habitat which is required by numerous species of wildlife. Subsequently, the WVDNR, Wildlife Resources Section, as well as many other State Fish and Wildlife Agencies throughout the Northeast, has prioritized the creation of early successional forested habitat on their public lands.

- The Director has the authority to conduct timber sales on state-owned wildlife Management Areas as authorized by WV Natural Resources Laws (§20-1-7). Timber sales on wildlife management areas require numerous steps including Governor's review/approval; State Historical and Preservation Office review/approval; review for rare, threatened and endangered species; timber sale contract review/approval by Attorney General's Office; etc. The WVDNR, Wildlife Resources Section is not required to hold public meetings/tours on proposed timber sales on Wildlife Management Areas.
- The Snake Hill WMA is an ecologically unique area with the steep canyon and gorge associated with the Cheat River and the presence of the federally threatened Flat-spined Three-tooth Land Snail (*Triodopsis platysayoides*). This snail is endemic to the Cheat River Gorge with its present known range to occur along approximately 13 miles of the Cheat River Gorge including the Snake Hill WMA.
- The heavily forested Snake Hill WMA is an important component of West Virginia's public Wildlife Management Area system which supports a wide diversity of floral and faunal species. Although wildlife-associated recreation (i.e., hunting, fishing, trapping, bird watching, etc.) is the primary focus on WMAs, other outdoor recreational activities such hiking and cross country skiing are permitted on the area.
- For additional information regarding this WMA, contact the District Wildlife Biologist at the Farmington DNR District I Office at 304-825-6787.

79°50'30"W

79°50'0"W

79°49'30"W

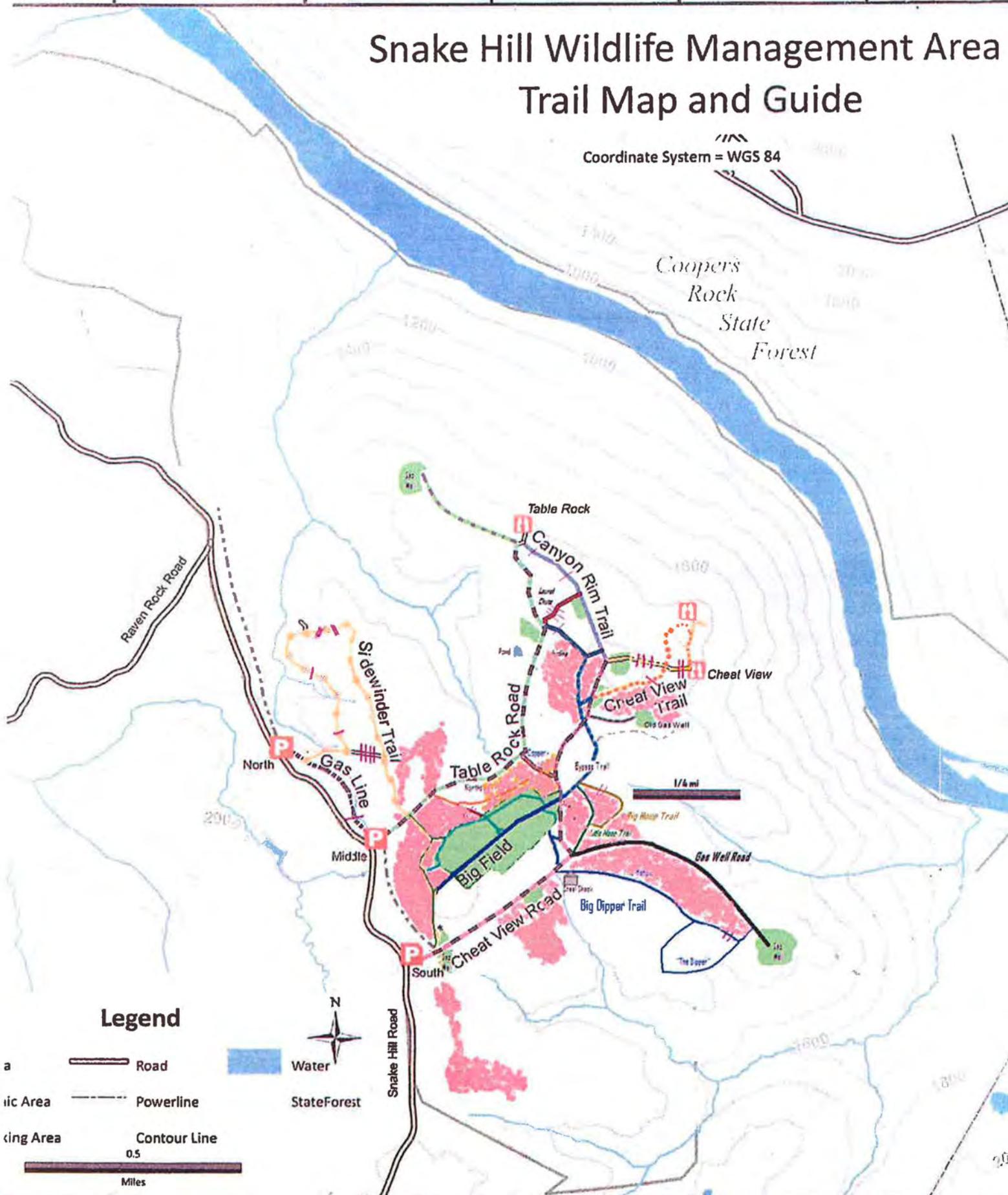
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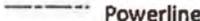
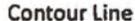
# Snake Hill Wildlife Management Area Trail Map and Guide

Coordinate System = WGS 84

Coopers  
Rock  
State  
Forest



## Legend

-  Road
-  Powerline
-  Contour Line
-  0.5 Miles



79°50'30"W

79°50'0"W

79°49'30"W

79°49'0"W

79°48'30"W

E N G R O S S E D  
COMMITTEE SUBSTITUTE  
FOR  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 317**

(By Senators Unger, Nohe, Kessler (Mr. President), D. Hall,  
Stollings, Tucker, Cann, Fitzsimmons, Kirkendoll, Miller, Laird,  
Williams, Yost, Beach, Edgell, Plymale, Prezioso and Snyder)

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[Originating in the Committee on the Judiciary;  
reported February 19, 2014.]

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A BILL to amend and reenact §8-1-5a of the Code of West Virginia,  
1931, as amended; and to amend and reenact §8-12-5 and  
§8-12-5a of said code, all relating to municipal firearm laws;  
removing firearm provisions from the Municipal Home Rule  
Pilot Program; prohibiting ordinances from being enacted  
under the Municipal Home Rule Pilot Program that are in

conflict with certain other state law; clarifying municipal authority to arrest, convict and punish individuals for certain firearms offenses authorized by code and federal law; removing the grandfather clause excepting certain municipal ordinances limiting the purchase, possession, transfer, ownership, carrying, transporting, selling or storing of guns or ammunition from the general provision prohibiting such ordinances; defining terms; clarifying municipalities' authority to regulate possession and carrying of firearms; permitting municipalities to enact and enforce certain ordinances relating to limiting possession of firearms in municipal buildings and on municipal property; permitting persons to store firearms in vehicles on public property under certain circumstances; creating absolute defenses to a violation of municipal firearm ordinances; requiring posting of certain signs; specifying that private redress for violations may be brought under chapter fifty-three of this code and may include reasonable attorneys fees and costs; excluding municipalities from the use of section fourteen, article seven, chapter sixty-one of this code; and clarifying that

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municipalities cannot prohibit the otherwise lawful carrying of  
firearms on municipal streets and sidewalks except when a  
street or sidewalk is temporarily closed to traffic for purposes  
of municipally authorized events of limited duration.

*Be it enacted by the Legislature of West Virginia:*

That §8-1-5a of the Code of West Virginia, 1931, as amended,  
be amended and reenacted; and that §8-12-5 and §8-12-5a of said  
code be amended and reenacted, all to read as follows:

**ARTICLE 1. PURPOSE AND SHORT TITLE;  
DEFINITIONS; GENERAL  
PROVISIONS; CONSTRUCTION.**

**§8-1-5a. Municipal Home Rule Pilot Program.**

1 (a) *Legislative findings.* – The Legislature finds and  
2 declares that:

3 (1) The initial Municipal Home Rule Pilot Program  
4 brought innovative results, including novel municipal ideas  
5 that became municipal ordinances which later resulted in new  
6 statewide statutes;

7       (2) The initial Municipal Home Rule Pilot Program also  
8 brought novel municipal ideas that resulted in court  
9 challenges against some of the participating municipalities;

10       (3) The Municipal Home Rule Board was an essential  
11 part of the initial Municipal Home Rule Pilot Program, but it  
12 lacked some needed powers and duties;

13       (4) Municipalities still face challenges delivering services  
14 required by federal and state law or demanded by their  
15 constituents;

16       (5) Municipalities are sometimes restrained by state  
17 statutes, policies and rules that challenge their ability to carry  
18 out their duties and responsibilities in a cost-effective,  
19 efficient and timely manner;

20       (6) Continuing the Municipal Home Rule Pilot Program  
21 is in the public interest; and

22       (7) Increasing the powers and duties of the Municipal  
23 Home Rule Board will enhance the Municipal Home Rule  
24 Pilot Program.

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25       (b) *Continuance of pilot program.* – The Municipal  
26 Home Rule Pilot Program is continued until July 1, 2019.  
27 The ordinances enacted by the four participating  
28 municipalities pursuant to the initial Municipal Home Rule  
29 Pilot Program are hereby authorized and may remain in effect  
30 until the ordinances are repealed, but are null and void if  
31 amended and such amendment is not approved by the  
32 Municipal Home Rule Board: *Provided*, That any ordinance  
33 enacting a municipal occupation tax is hereby null and void.

34       (c) *Authorizing participation.* –

35       (1) Commencing July 1, 2013, twenty Class I, Class II,  
36 Class III and/or Class IV municipalities that are current in  
37 payment of all state fees may participate in the Municipal  
38 Home Rule Pilot Program pursuant to the provisions of this  
39 section.

40       (2) The four municipalities participating in the pilot  
41 program on July 1, 2012, are hereby authorized to continue  
42 in the pilot program and may amend current written plans  
43 and/or submit new written plans in accordance with the  
44 provisions of this section.

45 (3) If any of the four municipalities participating in the  
46 pilot program on July 1, 2012, do not want to participate in  
47 the pilot program, then on or before June 1, 2014, the  
48 municipality must submit a written letter to the board  
49 indicating the municipality's intent not to participate and the  
50 board may choose another municipality to fill the vacancy:  
51 *Provided*, That if a municipality chooses not to participate  
52 further in the pilot program, its ordinances enacted pursuant  
53 to the Municipal Home Rule Pilot Program are hereby  
54 authorized and may remain in effect until the ordinances are  
55 repealed, but are null and void if amended: *Provided*,  
56 *however*, That any ordinance enacting a municipal  
57 occupation tax is null and void.

58 (d) *Municipal Home Rule Board*. – The Municipal Home  
59 Rule Board is hereby continued. The board members serving  
60 on the board on July 1, 2012, may continue to serve, except  
61 that the Chair of the Senate Committee on Government  
62 Organization and the Chair of the House Committee on  
63 Government Organization shall be ex officio nonvoting

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64 members. Effective July 1, 2013, the Municipal Home Rule

65 Board shall consist of the following five voting members:

66 (1) The Governor, or a designee, who shall serve as chair;

67 (2) The Executive Director of the West Virginia

68 Development Office or a designee;

69 (3) One member representing the Business and Industry

70 Council, appointed by the Governor with the advice and

71 consent of the Senate;

72 (4) One member representing the largest labor

73 organization in the state, appointed by the Governor with the

74 advice and consent of the Senate; and

75 (5) One member representing the West Virginia Chapter

76 of the American Institute of Certified Planners, appointed by

77 the Governor with the advice and consent of the Senate.

78 (e) *Board's powers and duties.* – The Municipal Home

79 Rule Board has the following powers and duties:

80 (1) Review, evaluate, make recommendations and

81 approve or reject, by a majority vote of the board, each aspect

82 of the written plan submitted by a municipality;

83 (2) By a majority vote of the board, select, based on the  
84 municipality's written plan, new Class I, Class II, Class III  
85 and/or Class IV municipalities to participate in the Municipal  
86 Home Rule Pilot Program;

87 (3) Review, evaluate, make recommendations and  
88 approve or reject, by a majority vote of the board, the  
89 amendments to the written plans submitted by municipalities;

90 (4) Approve or reject, by a majority vote of the board,  
91 each ordinance submitted by a participating municipality  
92 pursuant to its written plan or its amendments to the written  
93 plan;

94 (5) Consult with any agency affected by the written plans  
95 or the amendments to the written plans; and

96 (6) Perform any other powers or duties necessary to  
97 effectuate the provisions of this section.

98 (f) *Written plan.* – On or before June 1, 2014, a Class I,  
99 Class II, Class III or Class IV municipality desiring to  
100 participate in the Municipal Home Rule Pilot Program shall  
101 submit a written plan to the board stating in detail the  
102 following:

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103 (1) The specific laws, acts, resolutions, policies, rules or  
104 regulations which prevent the municipality from carrying out  
105 its duties in the most cost-efficient, effective and timely  
106 manner;

107 (2) The problems created by the laws, acts, resolutions,  
108 policies, rules or regulations;

109 (3) The proposed solutions to the problems, including all  
110 proposed changes to ordinances, acts, resolutions, rules and  
111 regulations: *Provided*, That the specific municipal ordinance  
112 instituting the solution does not have to be included in the  
113 written plan; and

114 (4) A written opinion, by an attorney licensed to practice  
115 in West Virginia, stating that the proposed written plan does  
116 not violate the provisions of this section.

117 (g) *Public hearing on written plan.* – Prior to submitting  
118 its written plan to the board, the municipality shall:

119 (1) Hold a public hearing on the written plan;

120 (2) Provide notice at least thirty days prior to the public  
121 hearing by a Class II legal advertisement;

122 (3) Make a copy of the written plan available for public  
123 inspection at least thirty days prior to the public hearing; and

124 (4) After the public hearing, adopt an ordinance  
125 authorizing the municipality to submit a written plan to the  
126 Municipal Home Rule Board after the proposed ordinance  
127 has been read two times.

128 (h) *Selection of municipalities.* – On or after June 1,  
129 2014, by a majority vote, the Municipal Home Rule Board  
130 may select from the municipalities that submitted written  
131 plans and were approved by the board by majority vote, new  
132 Class I, Class II, Class III and/or Class IV municipalities to  
133 participate in the Municipal Home Rule Pilot Program.

134 (i) *Ordinance, act, resolution, rule or regulation.* – After  
135 being selected to participate in the Municipal Home Rule  
136 Pilot Program and prior to enacting an ordinance, act,  
137 resolution, rule or regulation based on the written plan, the  
138 municipality shall:

139 (1) Hold a public hearing on the proposed ordinance, act,  
140 resolution, rule or regulation;

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141 (2) Provide notice at least thirty days prior to the public  
142 hearing by a Class II legal advertisement;

143 (3) Make a copy of the proposed ordinance, act,  
144 resolution, rule or regulation available for public inspection  
145 at least thirty days prior to the public hearing;

146 (4) After the public hearing, submit the comments, either  
147 in audio or written form, to the Municipal Home Rule Board;

148 (5) Obtain approval, from the Municipal Home Rule  
149 Board by a majority vote, for the proposed ordinance, act,  
150 resolution, rule or regulation; and

151 (6) After obtaining approval from the Municipal Home  
152 Rule Board, read the proposed ordinance, act, resolution, rule  
153 or regulation at least two times.

154 (j) *Powers and duties of municipalities.* – The  
155 municipalities participating in the Municipal Home Rule  
156 Pilot Program have the authority to pass an ordinance, act,  
157 resolution, rule or regulation, under the provisions of this  
158 section, that is not contrary to:

159 (1) Environmental law;

160 (2) Bidding on government construction and other  
161 contracts;

162 (3) The Freedom of Information Act;

163 (4) The Open Governmental Proceedings Act;

164 (5) Wages for construction of public improvements;

165 (6) The provisions of this section;

166 (7) The provisions of section five-a, article twelve of this  
167 chapter; and

168 ~~(7)~~ (8) The municipality's written plan.

169 (k) *Prohibited acts.* – The municipalities participating in  
170 the Municipal Home Rule Pilot Program do not have the  
171 authority to pass an ordinance, act, resolution, rule or  
172 regulation, under the provisions of this section, pertaining to:

173 (1) The Constitution of the United States or West  
174 Virginia;

175 (2) Federal law or crimes and punishment;

176 (3) Chapters sixty-a, sixty-one and sixty-two of this code  
177 or state crimes and punishment;

178 (4) Pensions or retirement plans;

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179 (5) Annexation;

180 (6) Taxation: *Provided*, That a participating municipality

181 may enact a municipal sales tax up to one percent if it

182 reduces or eliminates its municipal business and occupation

183 tax: *Provided, however*, That if a municipality subsequently

184 reinstates or raises the municipal business and occupation tax

185 it previously reduced or eliminated under the Municipal

186 Home Rule Pilot Program, it shall eliminate the municipal

187 sales tax enacted under the Municipal Home Rule Pilot

188 Program: *Provided further*, That any municipality that

189 imposes a municipal sales tax pursuant to this section shall

190 use the services of the Tax Commissioner to administer,

191 enforce and collect the tax in the same manner as the state

192 consumers sales and service tax and use tax under the

193 provisions of articles fifteen, fifteen-a and fifteen-b, chapter

194 eleven of this code and all applicable provisions of the

195 streamlined sales and use tax agreement: *And provided*

196 *further*, That such tax will not apply to the sale of motor fuel

197 or motor vehicles;

198 (7) Tax increment financing;

199 (8) Extraction of natural resources;

200 (9) Persons or property outside the boundaries of the

201 municipality: *Provided*, That this prohibition under the

202 Municipal Home Rule Pilot Program does not affect a

203 municipality's powers outside its boundary lines under other

204 sections of this chapter, other chapters of this code or court

205 decisions;

206 (10) Marriage and divorce laws;

207 ~~(11) Restricting the carrying of a firearm, as that term is~~

208 ~~defined in section two, article seven, chapter sixty-one of this~~

209 ~~code. *Provided*, That, notwithstanding the provisions of~~

210 ~~subsection (p) of this section, municipalities may regulate the~~

211 ~~carrying of a firearm in municipal buildings dedicated to~~

212 ~~government operations other than parking buildings or~~

213 ~~garages. *Provided, however*, That on other municipal~~

214 ~~property, municipalities may regulate only those persons not~~

215 ~~licensed to carry a concealed firearm; and~~

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216 ~~(12)~~ (11) An occupation tax, fee or assessment payable  
217 by a nonresident of a municipality.

218 (l) *Amendments to written plans.* – A municipality  
219 selected to participate in the Municipal Home Rule Pilot  
220 Program may amend its written plan at any time.

221 (m) *Reporting requirements.* – Commencing December  
222 1, 2015, and each year thereafter, each participating  
223 municipality shall give a progress report to the Municipal  
224 Home Rule Board and commencing January 1, 2016, and  
225 each year thereafter, the Municipal Home Rule Board shall  
226 give a summary report of all the participating municipalities  
227 to the Joint Committee on Government and Finance.

228 (n) *Performance Evaluation and Review Division review.*  
229 – Before January 1, 2019, the Performance Evaluation and  
230 Review Division of the Legislative Auditor’s office shall  
231 conduct a performance review on the pilot program and the  
232 participating municipalities. The review shall include the  
233 following:

234 (1) An evaluation of the effectiveness of expanded home  
235 rule on the participating municipalities;

236 (2) A recommendation as to whether the expanded home  
237 rule should be continued, reduced, expanded or terminated;

238 (3) A recommendation as to whether any legislation is  
239 necessary; and

240 (4) Any other issues considered relevant.

241 (o) *Termination of the pilot program.* – The Municipal  
242 Home Rule Pilot Program terminates on July 1, 2019. No  
243 ordinance, act, resolution, rule or regulation may be enacted  
244 by a participating municipality after July 1, 2019, pursuant to  
245 the provisions of this section. An ordinance, act, resolution,  
246 rule or regulation enacted by a participating municipality  
247 under the provisions of this section during the period of the  
248 Municipal Home Rule Pilot Program shall continue in full  
249 force and effect until repealed, but is null and void if it is  
250 amended and such amendment is not approved by the  
251 Municipal Home Rule Board.

252 ~~(p) *Additional requirements for participation.*~~

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253 ~~(1) The Class I, Class II, Class III and/or Class IV~~  
254 ~~municipalities that wish to participate in the Municipal Home~~  
255 ~~Rule Pilot Program, pursuant to the provisions of this section,~~  
256 ~~must agree to the requirements set forth in this subsection~~  
257 ~~concerning regulation of firearms, ammunition and firearm~~  
258 ~~accessories. *Provided*, That if the four municipalities~~  
259 ~~participating in the pilot program on July 1, 2012, wish to~~  
260 ~~continue in the pilot program then those municipalities must~~  
261 ~~also agree to comply with the requirements of this subsection.~~

262 ~~(2) *Definitions.*~~

263 ~~As used in this subsection:~~

264 ~~(A) "Ammunition" means fixed cartridge ammunition,~~  
265 ~~shotgun shells, the individual components of fixed cartridge~~  
266 ~~ammunition and shotgun shells, projectiles for~~  
267 ~~muzzle-loading firearms and any propellant used in firearms~~  
268 ~~or ammunition.~~

269 ~~(B) "Firearm accessory" means a device specifically~~  
270 ~~designed or adapted to enable the wearing or carrying about~~  
271 ~~one's person, or the storage or mounting in or on a~~

272 ~~conveyance, of a firearm, or an attachment or device~~  
273 ~~specifically designed or adapted to be inserted into or affixed~~  
274 ~~onto a firearm to enable, alter or improve the functioning or~~  
275 ~~capabilities of the firearm.~~

276 ~~(C) "Firearm" has the same meaning as in section two,~~  
277 ~~article seven of chapter sixty-one.~~

278 ~~(3) General rule. =~~

279 ~~(A) Notwithstanding any other provision of this code to~~  
280 ~~the contrary, except as otherwise provided in this section,~~  
281 ~~municipalities participating in the Municipal Home Rule~~  
282 ~~Pilot Program, pursuant to this section, shall not restrict in~~  
283 ~~any manner the right of any person to purchase, possess,~~  
284 ~~transfer, own, carry, transport, sell or store any revolver,~~  
285 ~~pistol, rifle or shotgun, or any other firearm, or any~~  
286 ~~ammunition or ammunition components to be used therewith,~~  
287 ~~or the keeping of gunpowder so as to directly or indirectly~~  
288 ~~prohibit the ownership of the ammunition, or, to restrict in~~  
289 ~~any manner the right of any person to purchase, possess,~~  
290 ~~transfer, own, carry, transport, sell or store any other firearm~~

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291 ~~accessory or accoutrement, under any order, ordinance or~~  
292 ~~rule promulgated or enforced by the municipality. This~~  
293 ~~subsection may not be construed to prevent any law~~  
294 ~~enforcement official with appropriate authority from~~  
295 ~~enforcing any statute enacted by the state.~~

296 ~~(B) The authority of a municipality to regulate firearms,~~  
297 ~~ammunition or firearm accessories may not be inferred from~~  
298 ~~its proprietary authority, home rule status or any other~~  
299 ~~inherent or general power.~~

300 ~~(C) Any existing or future orders, ordinances or rules~~  
301 ~~promulgated or enforced in violation of this subsection are~~  
302 ~~null and void.~~

303 ~~(4) *Applicability and effective dates.*—~~

304 ~~Ninety days after a new municipality has been selected~~  
305 ~~by the Board to participate in the pilot program, or a~~  
306 ~~previously participating municipality has chosen to continue~~  
307 ~~to participate in the pilot program, any municipal gun~~  
308 ~~ordinances previously authorized by the provisions of section~~  
309 ~~five-a, article twelve of this chapter shall no longer be of any~~

310 ~~force or effect for any municipality participating in this~~  
311 ~~program to the extent they are in conflict with the provisions~~  
312 ~~of this subsection. *Provided*, That no provision in this~~  
313 ~~subsection may be construed to limit the authority of a~~  
314 ~~municipality to restrict the commercial use of real estate in~~  
315 ~~designated areas through planning or zoning ordinances.~~

**ARTICLE 12. GENERAL AND SPECIFIC POWERS,  
DUTIES AND ALLIED RELATIONS OF  
MUNICIPALITIES, GOVERNING  
BODIES AND MUNICIPAL OFFICERS  
AND EMPLOYEES; SUITS AGAINST  
MUNICIPALITIES.**

**§8-12-5. General powers of every municipality and the  
governing body thereof.**

1 In addition to the powers and authority granted by: (i)  
2 The Constitution of this state; (ii) other provisions of this  
3 chapter; (iii) other general law; and (iv) any charter, and to  
4 the extent not inconsistent or in conflict with any of the  
5 foregoing except special legislative charters, every

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6 municipality and the governing body thereof shall have  
7 plenary power and authority therein by ordinance or  
8 resolution, as the case may require, and by appropriate action  
9 based thereon:

10 (1) To lay off, establish, construct, open, alter, curb,  
11 recurb, pave or repave and keep in good repair, or vacate,  
12 discontinue and close, streets, avenues, roads, alleys, ways,  
13 sidewalks, drains and gutters, for the use of the public, and to  
14 improve and light the same, and have them kept free from  
15 obstructions on or over them which have not been authorized  
16 pursuant to the succeeding provisions of this subdivision;  
17 and, subject to such terms and conditions as the governing  
18 body shall prescribe, to permit, without in any way limiting  
19 the power and authority granted by the provisions of article  
20 sixteen of this chapter, any person to construct and maintain  
21 a passageway, building or other structure overhanging or  
22 crossing the airspace above a public street, avenue, road,  
23 alley, way, sidewalk or crosswalk, but before any permission  
24 for any person to construct and maintain a passageway,

25 building or other structure overhanging or crossing any  
26 airspace is granted, a public hearing thereon shall be held by  
27 the governing body after publication of a notice of the date,  
28 time, place and purpose of the public hearing has been  
29 published as a Class I legal advertisement in compliance with  
30 the provisions of article three, chapter fifty-nine of this code  
31 and the publication area for the publication shall be the  
32 municipality: *Provided*, That any permit so granted shall  
33 automatically cease and terminate in the event of  
34 abandonment and nonuse thereof for the purposes intended  
35 for a period of ninety days, and all rights therein or thereto  
36 shall revert to the municipality for its use and benefit;

37 (2) To provide for the opening and excavation of streets,  
38 avenues, roads, alleys, ways, sidewalks, crosswalks and  
39 public places belonging to the municipality and regulate the  
40 conditions under which any such opening may be made;

41 (3) To prevent by proper penalties the throwing,  
42 depositing or permitting to remain on any street, avenue,  
43 road, alley, way, sidewalk, square or other public place any

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44 glass, scrap iron, nails, tacks, wire, other litter or any  
45 offensive matter or anything likely to injure the feet of  
46 individuals or animals or the tires of vehicles;

47 (4) To regulate the use of streets, avenues, roads, alleys,  
48 ways, sidewalks, crosswalks and public places belonging to  
49 the municipality, including the naming or renaming thereof,  
50 and to consult with local postal authorities, the Division of  
51 Highways and the directors of county emergency  
52 communications centers to assure uniform, nonduplicative  
53 addressing on a permanent basis;

54 (5) To regulate the width of streets, avenues and roads,  
55 and, subject to the provisions of article eighteen of this  
56 chapter, to order the sidewalks, footways and crosswalks to  
57 be paved, repaved, curbed or recurbed and kept in good  
58 order, free and clean, by the owners or occupants thereof or  
59 of the real property next adjacent thereto;

60 (6) To establish, construct, alter, operate and maintain, or  
61 discontinue, bridges, tunnels and ferries and approaches  
62 thereto;

63 (7) To provide for the construction and maintenance of  
64 water drains, the drainage of swamps or marshlands and  
65 drainage systems;

66 (8) To provide for the construction, maintenance and  
67 covering over of watercourses;

68 (9) To control and administer the waterfront and  
69 waterways of the municipality and to acquire, establish,  
70 construct, operate and maintain and regulate flood control  
71 works, wharves and public landings, warehouses and all  
72 adjuncts and facilities for navigation and commerce and the  
73 utilization of the waterfront and waterways and adjacent  
74 property;

75 (10) To prohibit the accumulation and require the  
76 disposal of garbage, refuse, debris, wastes, ashes, trash and  
77 other similar accumulations whether on private or public  
78 property: *Provided*, That, in the event the municipality  
79 annexes an area which has been receiving solid waste  
80 collection services from a certificated solid waste motor  
81 carrier, the municipality and the solid waste motor carrier

25

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82 may negotiate an agreement for continuation of the private  
83 solid waste motor carrier services for a period of time, not to  
84 exceed three years, during which time the certificated solid  
85 waste motor carrier may continue to provide exclusive solid  
86 waste collection services in the annexed territory;

87 (11) To construct, establish, acquire, equip, maintain and  
88 operate incinerator plants and equipment and all other  
89 facilities for the efficient removal and destruction of garbage,  
90 refuse, wastes, ashes, trash and other similar matters;

91 (12) To regulate or prohibit the purchase or sale of  
92 articles intended for human use or consumption which are  
93 unfit for use or consumption, or which may be contaminated  
94 or otherwise unsanitary;

95 (13) To prevent injury or annoyance to the public or  
96 individuals from anything dangerous, offensive or  
97 unwholesome;

98 (14) To regulate the keeping of gunpowder and other  
99 combustibles;

100 (15) To make regulations guarding against danger or  
101 damage by fire;

102 (16) To arrest, convict and punish any individual for  
103 carrying about his or her person any revolver or other pistol,  
104 dirk, bowie knife, razor, slingshot, billy, metallic or other  
105 false knuckles or any other dangerous or other deadly  
106 weapon of like kind or character: Provided, That with  
107 respect to any firearm a municipality may only arrest, convict  
108 and punish someone if they are in violation of an ordinance  
109 authorized by subsection five-a of this article, a state law  
110 proscribing certain conduct with a firearm or applicable  
111 federal law;

112 (17) To arrest, convict and punish any person for  
113 importing, printing, publishing, selling or distributing any  
114 pornographic publications;

115 (18) To arrest, convict and punish any person for keeping  
116 a house of ill fame, or for letting to another person any house  
117 or other building for the purpose of being used or kept as a  
118 house of ill fame, or for knowingly permitting any house

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119 owned by him or her or under his or her control to be kept or  
120 used as a house of ill fame, or for loafing, boarding or  
121 loitering in a house of ill fame, or frequenting same;

122 (19) To prevent and suppress conduct and practices  
123 which are immoral, disorderly, lewd, obscene and indecent;

124 (20) To prevent the illegal sale of intoxicating liquors,  
125 drinks, mixtures and preparations;

126 (21) To arrest, convict and punish any individual for  
127 driving or operating a motor vehicle while intoxicated or  
128 under the influence of liquor, drugs or narcotics;

129 (22) To arrest, convict and punish any person for  
130 gambling or keeping any gaming tables, commonly called  
131 "A, B, C," or "E, O," table or faro bank or keno table, or  
132 table of like kind, under any denomination, whether the  
133 gaming table be played with cards, dice or otherwise, or any  
134 person who shall be a partner or concerned in interest, in  
135 keeping or exhibiting the table or bank, or keeping or  
136 maintaining any gaming house or place, or betting or  
137 gambling for money or anything of value;

138       (23) To provide for the elimination of hazards to public  
139 health and safety and to abate or cause to be abated anything  
140 which in the opinion of a majority of the governing body is  
141 a public nuisance;

142       (24) To license, or for good cause to refuse to license in  
143 a particular case, or in its discretion to prohibit in all cases,  
144 the operation of pool and billiard rooms and the maintaining  
145 for hire of pool and billiard tables notwithstanding the  
146 general law as to state licenses for any such business and the  
147 provisions of section four, article thirteen of this chapter; and  
148 when the municipality, in the exercise of its discretion,  
149 refuses to grant a license to operate a pool or billiard room,  
150 mandamus may not lie to compel the municipality to grant  
151 the license unless it shall clearly appear that the refusal of the  
152 municipality to grant a license is discriminatory or arbitrary;  
153 and in the event that the municipality determines to license  
154 any business, the municipality has plenary power and  
155 authority and it shall be the duty of its governing body to  
156 make and enforce reasonable ordinances regulating the  
157 licensing and operation of the businesses;

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158 (25) To protect places of divine worship and to preserve  
159 peace and order in and about the premises where held;

160 (26) To regulate or prohibit the keeping of animals or  
161 fowls and to provide for the impounding, sale or destruction  
162 of animals or fowls kept contrary to law or found running at  
163 large;

164 (27) To arrest, convict and punish any person for cruelly,  
165 unnecessarily or needlessly beating, torturing, mutilating,  
166 killing, or overloading or overdriving or willfully depriving  
167 of necessary sustenance any domestic animal;

168 (28) To provide for the regular building of houses or  
169 other structures, for the making of division fences by the  
170 owners of adjacent premises and for the drainage of lots by  
171 proper drains and ditches;

172 (29) To provide for the protection and conservation of  
173 shade or ornamental trees, whether on public or private  
174 property, and for the removal of trees or limbs of trees in a  
175 dangerous condition;

176 (30) To prohibit with or without zoning the location of  
177 occupied house trailers or mobile homes in certain residential  
178 areas;

179 (31) To regulate the location and placing of signs,  
180 billboards, posters and similar advertising;

181 (32) To erect, establish, construct, acquire, improve,  
182 maintain and operate a gas system, a waterworks system, an  
183 electric system or sewer system and sewage treatment and  
184 disposal system, or any combination of the foregoing (subject  
185 to all of the pertinent provisions of articles nineteen and  
186 twenty of this chapter and particularly to the limitations or  
187 qualifications on the right of eminent domain set forth in  
188 articles nineteen and twenty), within or without the corporate  
189 limits of the municipality, except that the municipality may  
190 not erect any system partly without the corporate limits of the  
191 municipality to serve persons already obtaining service from  
192 an existing system of the character proposed and where the  
193 system is by the municipality erected, or has heretofore been  
194 so erected, partly within and partly without the corporate

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195 limits of the municipality, the municipality has the right to  
196 lay and collect charges for service rendered to those served  
197 within and those served without the corporate limits of the  
198 municipality and to prevent injury to the system or the  
199 pollution of the water thereof and its maintenance in a  
200 healthful condition for public use within the corporate limits  
201 of the municipality;

202 (33) To acquire watersheds, water and riparian rights,  
203 plant sites, rights-of-way and any and all other property and  
204 appurtenances necessary, appropriate, useful, convenient or  
205 incidental to any system, waterworks or sewage treatment  
206 and disposal works, as aforesaid, subject to all of the  
207 pertinent provisions of articles nineteen and twenty of this  
208 chapter;

209 (34) To establish, construct, acquire, maintain and  
210 operate and regulate markets and prescribe the time of  
211 holding the same;

212 (35) To regulate and provide for the weighing of articles  
213 sold or for sale;

214 (36) To establish, construct, acquire, maintain and  
215 operate public buildings, municipal buildings or city halls,  
216 auditoriums, arenas, jails, juvenile detention centers or  
217 homes, motor vehicle parking lots or any other public works;

218 (37) To establish, construct, acquire, provide, equip,  
219 maintain and operate recreational parks, playgrounds and  
220 other recreational facilities for public use and in this  
221 connection also to proceed in accordance with the provisions  
222 of article two, chapter ten of this code;

223 (38) To establish, construct, acquire, maintain and  
224 operate a public library or museum or both for public use;

225 (39) To provide for the appointment and financial support  
226 of a library board in accordance with the provisions of article  
227 one, chapter ten of this code;

228 (40) To establish and maintain a public health unit in  
229 accordance with the provisions of section two, article two,  
230 chapter sixteen of this code, which unit shall exercise its  
231 powers and perform its duties subject to the supervision and  
232 control of the West Virginia Board of Health and State  
233 Bureau for Public Health;

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234 (41) To establish, construct, acquire, maintain and  
235 operate hospitals, sanitariums and dispensaries;

236 (42) To acquire, by purchase, condemnation or otherwise,  
237 land within or near the corporate limits of the municipality  
238 for providing and maintaining proper places for the burial of  
239 the dead and to maintain and operate the same and regulate  
240 interments therein upon terms and conditions as to price and  
241 otherwise as may be determined by the governing body and,  
242 in order to carry into effect the authority, the governing body  
243 may acquire any cemetery or cemeteries already established;

244 (43) To exercise general police jurisdiction over any  
245 territory without the corporate limits owned by the  
246 municipality or over which it has a right-of-way;

247 (44) To protect and promote the public morals, safety,  
248 health, welfare and good order;

249 (45) To adopt rules for the transaction of business and the  
250 government and regulation of its governing body;

251 (46) Except as otherwise provided, to require and take  
252 bonds from any officers, when considered necessary, payable

253 to the municipality, in its corporate name, with such sureties  
254 and in a penalty as the governing body may see fit,  
255 conditioned upon the faithful discharge of their duties;

256 (47) To require and take from the employees and  
257 contractors such bonds in a penalty, with such sureties and  
258 with such conditions, as the governing body may see fit;

259 (48) To investigate and inquire into all matters of concern  
260 to the municipality or its inhabitants;

261 (49) To establish, construct, require, maintain and operate  
262 such instrumentalities, other than free public schools, for the  
263 instruction, enlightenment, improvement, entertainment,  
264 recreation and welfare of the municipality's inhabitants as the  
265 governing body may consider necessary or appropriate for  
266 the public interest;

267 (50) To create, maintain and operate a system for the  
268 enumeration, identification and registration, or either, of the  
269 inhabitants of the municipality and visitors thereto, or the  
270 classes thereof as may be considered advisable;

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271 (51) To require owners, residents or occupants of  
272 factory-built homes situated in a factory-built rental home  
273 community with at least ten factory-built homes, to visibly  
274 post the specific numeric portion of the address of each  
275 factory-built home on the immediate premises of the  
276 factory-built home of sufficient size to be visible from the  
277 adjoining street: *Provided*, That in the event no numeric or  
278 other specific designation of an address exists for a  
279 factory-built home subject to the authorization granted by  
280 this subdivision, the municipality has the authority to provide  
281 a numeric or other specific designation of an address for the  
282 factory-built home and require that it be posted in accordance  
283 with the authority otherwise granted by this section.

284 (52) To appropriate and expend not exceeding \$.25 per  
285 capita per annum for advertising the municipality and the  
286 entertainment of visitors;

287 (53) To conduct programs to improve community  
288 relations and public relations generally and to expend  
289 municipal revenue for such purposes;

290 (54) To reimburse applicants for employment by the  
291 municipality for travel and other reasonable and necessary  
292 expenses actually incurred by the applicants in traveling to  
293 and from the municipality to be interviewed;

294 (55) To provide revenue for the municipality and  
295 appropriate the same to its expenses;

296 (56) To create and maintain an employee benefits fund  
297 which may not exceed one tenth of one percent of the annual  
298 payroll budget for general employee benefits and which is set  
299 up for the purpose of stimulating and encouraging employees  
300 to develop and implement cost-saving ideas and programs  
301 and to expend moneys from the fund for these purposes;

302 (57) To enter into reciprocal agreements with  
303 governmental subdivisions or agencies of any state sharing a  
304 common border for the protection of people and property  
305 from fire and for emergency medical services and for the  
306 reciprocal use of equipment and personnel for these  
307 purposes;

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308 (58) To provide penalties for the offenses and violations  
309 of law mentioned in this section, subject to the provisions of  
310 section one, article eleven of this chapter, and such penalties  
311 may not exceed any penalties provided in this chapter and  
312 chapter sixty-one of this code for like offenses and violations;  
313 and

314 (59) To participate in a purchasing card program for local  
315 governments authorized and administered by the State  
316 Auditor as an alternative payment method.

**§8-12-5a. Limitations upon municipalities' power to restrict the  
purchase, possession, transfer, ownership,  
carrying, transport, sale and storage of certain  
weapons and ammunition.**

1 (a) ~~The~~ Except as provided by the provisions of this  
2 section and the provisions of section five of this article,  
3 ~~notwithstanding,~~ neither a municipality nor the governing  
4 body of any municipality may, by ordinance or otherwise,  
5 limit the right of any person to purchase, possess, transfer,  
6 own, carry, transport, sell or store any revolver, pistol, rifle

7 or shotgun or any ammunition or ammunition components to  
8 be used therewith nor to so regulate the keeping of  
9 gunpowder so as to directly or indirectly prohibit the  
10 ownership of the ammunition in any manner inconsistent  
11 with or in conflict with state law.

12 ~~Nothing herein shall in any way~~

13 (b) For the purposes of this section:

14 (1) "Municipally owned or operated building" means any  
15 building that is used for the business of the municipality,  
16 such as a courthouse, city hall, convention center,  
17 administrative building or other similar municipal building  
18 used for a municipal purpose permitted by state law;  
19 Provided, That "municipally owned or operated building"  
20 does not include a building owned by a municipality that is  
21 leased to a private entity where the municipality primarily  
22 serves as a property owner receiving rental payments.

23 (2) "Municipally owned recreation facility" means any  
24 municipal swimming pool, recreation center, sports facility,

39

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25 facility housing an after-school program or other similar  
26 facility where children are regularly present.

27 (c)(1) A municipality may enact and enforce an ordinance  
28 or ordinances that prohibit or regulate the carrying or  
29 possessing of a firearm in municipally owned or operated  
30 buildings.

31 (2) A municipality may enact and enforce an ordinance  
32 or ordinances that prohibit a person from carrying or  
33 possessing a firearm openly or that is not lawfully concealed  
34 in a municipally owned recreation facility: *Provided*, That a  
35 municipality may not prohibit a person with a valid  
36 concealed handgun permit from carrying an otherwise  
37 lawfully possessed firearm into a municipally owned  
38 recreation facility and securely storing the firearm out of  
39 view and access to others during their time at the municipally  
40 owned recreation facility.

41 (3) A person may keep an otherwise lawfully possessed  
42 firearm in a motor vehicle in municipal public parking  
43 facilities if the vehicle is locked and the firearm is out of  
44 view.

45 (4) A municipality may not prohibit or regulate the  
46 carrying or possessing of a firearm on municipally owned or  
47 operated property other than municipally owned or operated  
48 buildings and municipally owned recreation facilities  
49 pursuant to subdivisions (1) and (2) of this section:  
50 *Provided*, That a municipality may prohibit persons who do  
51 not have a valid concealed handgun license from carrying or  
52 possessing a firearm on municipally owned or operated  
53 property.

54 (d) It shall be an absolute defense to an action for an  
55 alleged violation of an ordinance authorized by this section  
56 prohibiting or regulating the possession of a firearm that the  
57 person: (1) Upon being requested to do so, left the premises  
58 with the firearm or temporarily relinquished the firearm in  
59 response to being informed that his or her possession of the  
60 firearm was contrary to municipal ordinance; and (2) but for  
61 the municipal ordinance the person was lawfully in  
62 possession of the firearm.

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63 (e) Any municipality that enacts an ordinance regulating  
64 or prohibiting the carrying or possessing of a firearm  
65 pursuant to subsection (c) of this section shall prominently  
66 post a clear statement at each entrance to all applicable  
67 municipally owned or operated buildings or municipally  
68 owned recreation facilities setting forth the terms of the  
69 regulation or prohibition.

70 (f) Redress for an alleged violation of this section may be  
71 sought through the provisions of chapter fifty-three of this  
72 code, which may include the awarding of reasonable  
73 attorneys fees and costs.

74 (g) Upon the effective date of this section, section  
75 fourteen, article seven, chapter sixty-one of this code is  
76 inapplicable to municipalities. For the purposes of that  
77 section, municipalities may not be considered a person  
78 charged with the care, custody and control of real property.

79 (h) This section does not:

80 (1) Impair the authority of any municipality, or the  
81 governing body thereof, to enact any ordinance or resolution  
82 respecting the power to arrest, convict and punish any

83 individual under the provisions of subdivision (16), section  
84 five of this article or from enforcing any such ordinance or  
85 resolution; *Provided*, That any municipal ordinance in place  
86 as of the effective date of this section shall be excepted from  
87 the provisions of this section. *Provided, however*, That no  
88 provision in this section may be construed to

89 (2) Authorize municipalities to restrict the carrying or  
90 possessing of firearms, which are otherwise lawfully  
91 possessed, on public streets and sidewalks of the  
92 municipality: *Provided*, That whenever pedestrian or  
93 vehicular traffic is prohibited in an area of a municipality for  
94 the purpose of a temporary event of limited duration, not to  
95 exceed fourteen days, which is authorized by a municipality,  
96 a municipality may prohibit persons who do not have a valid  
97 concealed handgun license from possessing a firearm in the  
98 area where the event is held; or

99 (3) Limit the authority of a municipality to restrict the  
100 commercial use of real estate in designated areas through  
101 planning or zoning ordinances.



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**(304) 296-8356**

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[www.boparc.org](http://www.boparc.org)

**The Greater Morgantown Area Youth Commission was established to acknowledge youth as an integral part of the community as well as give them representation in government. BOPARC has maintained oversight of this Commission as well as provided support through a youth liaison for several years.**

**GMAYC has come to a transition point for several reasons. The budget administered by BOPARC for the Commission is no longer being allocated, civic engagement is more readily available to youth through the school system and youth issues related to community have expanded beyond the tasks listed in Article I of the amended GMAYC Bylaws.**

**BOPARC is committed to serving our community's youth population and we find the current GMAYC structure to be a challenging one given the details above. We are, however, in a unique environment that provides the opportunity, as well as the administrative and organizational infrastructural means to expand youth involvement in our parks and community.**

**We are respectfully requesting the Greater Morgantown Area Youth Commission be suspended in order for a Greater Morgantown Area Youth Advisory Committee to be established by BOPARC. We believe this is our best opportunity to provide the flexibility needed for both youth participants and perspective adult advisors and to work with youth on a multitude of levels, including, but not limited to, civic engagement.**

**Thank you for the opportunity to encourage our youth residents to take part in government and their community.**

# Greater Morgantown Area Youth Commission

## *Bylaws*

### **Article I. Introduction**

- 1.1 Purpose and Mission of the Youth Commission:** To acknowledge youth as an integral part of the community and to give youth representation in government thus enabling them to have a voice and opportunities to shape the future of the Greater Morgantown area for the benefit of both youth and adults.
- 1.2 Work of the Commission:** The work of the Commission shall be 1) to become informed by studying issues, policies and budgets; 2) to make recommendations based on youth perspectives to councils, commissions and other government boards and authorities; 3) to facilitate communications between youth and adults; and 4) to promote a safer, supportive, tolerant, and effective public environment for youth.

### **Article II. Members**

- 2.1 Membership:** Membership of the Commission shall consist of 22 youth members of high school age. No more than two members shall be residents of each of the seven wards of Morgantown. In the absence of qualified applicants from every ward, the selection of youth members will be left to the discretion of the selection committee, which will offer nominations to Morgantown City Council to consider appointment. The Commission shall work in partnership with a Youth Commission Coordinator and Youth Planner staff. The Coordinator and Youth Planner will be selected through an application and review process coordinated by representatives of the Youth Commission and The Board of Park and Recreation Commissioners (BOPARC).
- 2.2 Selection of Membership:** Prospective members of the Youth Commission shall be selected by a five person committee of the current Youth Commission, the Youth Commission Coordinator and Youth Planner. Applications shall be solicited from non-senior students at each high school in the County during the spring semester according to a schedule which shall permit new members to be appointed by City Council before the third (3rd) Tuesday in May. As many as six alternate, prospective members may also be selected who may attend meetings but who will not serve as a member of the Youth Commission unless officially appointed by City Council to replace an inactive Youth Commission member.

- 2.3 Terms of Office:** Commission members shall be appointed for a one year term and may apply to be reappointed until graduation.
- 2.4 Member Participation:** Members of the Commission shall attend one mandatory meeting of the full Commission each month and committee meetings as determined by the Commission. If a member misses more than two mandatory meetings of the full commission, City Council will be asked to remove that person from the Commission and to replace him/her by appointing an alternate member to the Commission, whose name will be presented by the Commission to City Council for consideration.
- 2.5 Membership Training:** Membership training for members of the Commission shall be conducted by Youth Commission Coordinator, the Youth Planner and other Commission designated resources persons during the spring or summer months and at other times as necessary. Training sessions shall be scheduled no less than 30 days in advance to enable full attendance by members and alternate members.
- 2.6 Powers and Duties:** At every duly publicized meeting of Commission members, an affirmative majority vote of those members present shall be necessary for the adoption of a motion or resolution on all matters which shall come before the meeting. Each member shall have the right to one vote or to abstain from voting on any matter. Voting by proxy shall not be permitted. No member shall purport to represent the Youth Commission unless authorized to do so by the Youth Commission.

### **Article III. Commission Meetings**

- 3.1 Meetings:** Meetings are open to the general public, but only members of the Commission may have voice and voting privileges. Regular meetings shall be held at least monthly between the months of September and May on dates and times scheduled by vote of the commission. A special meeting to consider a specific topic may be scheduled by unanimous decision of all officers of the commission provided that each member of the commission and its staff have received written or electronic notice with information on the specific topic one week in advance. No business other than the subject of the special meeting shall be transacted at said meeting.
- 3.2 WV Open Governmental Proceedings Act:** As a public commission, the Commission is part of local government and subject to the provisions of the WV Open Governmental Proceedings Act. As such Commission meetings must be open to the public, publicized in advance for the public, and have written minutes which include measures proposed and the results of votes taken. Voting by secret or written ballot is prohibited.

**3.3 Public Participation in Meetings:** The Commission shall provide an opportunity for the public to speak at Commission meetings. The length of time for presentations in the public session of the meeting shall be determined by action of the Commission.

#### **Article IV. Executive Committee**

**4.1 Composition:** The Executive Committee shall consist of three officers, as described below in Article V, the chair(s) of any standing committee(s) of the Commission, and any elected organization representative. The Youth Commission Coordinator and Youth Planner shall attend each meeting of the Executive Committee.

**4.2 Executive Committee Meetings:** The Executive Committee shall meet at its own discretion. Each member present shall have one vote except for the chair who shall cast a vote only in the event of a tie.

**4.3 Quorum:** A majority of the Executive Committee shall constitute a quorum for the transaction of business.

**4.4 Procedure:** The Executive Committee may adopt its own rules of procedure that shall not be inconsistent with these By-Laws or any applicable law.

**4.5 Powers of the Executive Committee:** All of the business and affairs of the Commission shall be managed by the Executive Committee in a manner consistent with these By-Laws and other applicable law. The Executive Committee reserves the power to act for the Commission on any subject matter deemed urgent.

#### **Article V. Officers**

**5.1 Officers:** The officers of the Commission shall be a Chairperson, Vice Chairperson, Secretary, all of whom shall be elected from the voting membership. Officers elected shall hold term for one (1) year. The Chairperson shall have served as a member of the Commission for one year.

**5.2 Appointment and Tenure:** Nominations for election shall be made by a nominating committee or from the floor at the meeting so designated for elections. All nominees shall be inquired as to their willingness to serve if elected, prior to their name being placed on the ballot.

**5.3 Resignation and Removal:** Any officer may resign at any time by giving written notice to the Chairperson or to the Secretary, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any

# WELCOME TO MORGANTOWN!



A helpful handbook provided by:



**You're a resident of one of the best places to live in the entire country. Morgantown is consistently ranked as a great place to live:**

- #13, Best College Towns in America, *Business Insider*
- #7, Kiplinger.com's Ten Great Places to Live list
- Top 20 college town, American Institute for Economic Research
- 7th best small place for business and careers, *Forbes*
- #1 dreamtown in the country, BizJournals.com

A spirit of cooperation and teamwork between **Morgantown** and **West Virginia University** has created a wonderful place to live, learn, and work. In addition to being a WVU student, **you are a valuable member of the Morgantown community**—and that comes with benefits and responsibilities.



### Service learning possibilities

WVU is deeply engaged with service learning in Morgantown. WVU has earned the Carnegie Foundation's Community Engagement Classification; only 6% of all universities have this distinction.

WVU's Center for Service and Learning provides opportunities to connect the campus and community through meaningful service and academic study. With over 130 official local partners (Big Brothers Big Sisters, Animal Friends, Senior Monongalians, Ronald McDonald House, American Red Cross) you can earn academic credits in service-learning courses and get connected with new friends while making a difference in your new hometown.

[service.wvu.edu](http://service.wvu.edu)



### What does city government do?

Morgantown city government works with other groups (the West Virginia state government, federal government, private businesses, neighborhoods, developers, WVU, nonprofit agencies, other cities) to make positive changes in your community.

### Morgantown's departments and agencies include:

- City Manager
- City Clerk
- Planning and Zoning
- Code Enforcement
- Police Department
- Fire Department
- Morgantown Utility Board
- Morgantown Library
- Trash and Recycling Services
- Morgantown Parking Authority

Morgantown has a city manager/city council form of government. The mayor and city council serve part-time and are elected on a nonpartisan basis. The city council establishes policy and law, and the city manager handles the day-to-day management. See [morgantownwv.gov/government/body-council](http://morgantownwv.gov/government/body-council) for a list of city council members and how to contact them.

### STAY IN TOUCH

See [morgantownwv.gov/about/new-stark.html](http://morgantownwv.gov/about/new-stark.html) for a list of useful sites, and visit [Morgantown City Hall](#) on Facebook and [Morgantown WV](#) on Twitter.

If you see something that needs to be taken care of, such as a pothole, private property maintenance, stray animals, or have a tip for an anonymous criminal hot line, report it at [code.enforcement@morgantownwv.gov](mailto:code.enforcement@morgantownwv.gov).

The City's text and e-mail alert system is easy to use. Text your zip code to **686777** or log on to [local.riptide.com/city-of-morgantown](http://local.riptide.com/city-of-morgantown) to create an account. You can receive alerts about road closures, water issues, construction, and emergencies.



### Living off campus

Morgantown has many off-campus housing options. Many students rent a house or apartment after their freshman or sophomore year.

If there are any problems with your rental and it resides within city limits, speak with your landlord first, then turn to the City if you need help making sure the unit is up to code. As a tenant, you have certain responsibilities, and your property owner can request an inspection by the City at any time.

Find your new home by attending one of the housing fairs WVU holds and check with WVU's Off-Campus Student Housing Office ([studentlife.wvu.edu/off-campus-housing](http://studentlife.wvu.edu/off-campus-housing) or 304-293-2811). Their website includes rental property listings and a guide to off-campus living.

### Code Enforcement

Morgantown's Code Enforcement ensures that buildings and rental units are safe for occupation. The City employs four building inspectors, four rental housing inspectors, and two compliance officers. If you have questions or would like to file a complaint, see [morgantownwv.gov/government/city-government/development-services-department/code-enforcement/](http://morgantownwv.gov/government/city-government/development-services-department/code-enforcement/).

### Occupancy limit

No more than three unrelated individuals, owning or renting, may reside in a dwelling unit. Some landlords may have been granted an exception to this rule or you may be outside the city limits, but you need to check before you sign a lease, because you might be faced with one person having to leave if this ordinance is violated.

### How to be a good neighbor

Don't live down to negative expectations about "how students act." Take pride in your city. It's easier for everyone involved if you:

- Introduce yourself and meet your neighbors. Say "hello"; if your neighbor knows your name and where you're from, they will see you as a person, not just "a student."
- Beware of neighborhood expectations and City ordinances. Ignorance of the law is no excuse. Learn more at [morgantownwv.gov](http://morgantownwv.gov).
- You're meeting new people, who may differ in age, faith, ethnic background, and family status.
- If your neighbors do something that bothers you, let them know as soon as possible (stay polite!). If you cannot work out a fair compromise, take advantage of free and confidential mediation services offered by [WVU Student Legal Services \(304-293-4897\)](http://WVU Student Legal Services (304-293-4897)).

### Morgantown's neighborhoods

There are nine neighborhood associations:

- Evansdale Neighborhood Association
- Greenmont Neighborhood Association
- Jerome Park Neighborhood Association
- Norwood Addition Neighborhood Association
- South Hills Neighborhood Association
- South Park Association of Neighbors
- Suncrest Neighborhood Association
- Wiles Hill/Highland Park Neighborhood Association
- Woodburn Neighborhood Association

Check out each one in the Neighborhood Association section of [morgantownwv.gov](http://morgantownwv.gov).



include map of town

### Tenant responsibilities

Every landlord provides different services. It is very important to make yourself aware of what you are responsible for on your rented property; you are responsible for any damages caused by friends or visitors.

### Other responsibilities include:

- **Weeds:** property must be kept free of weeds and brush.
- **Snow removal:** you must remove snow and ice from sidewalks adjacent to your property. Failure to comply could result in the City having someone else perform the task at your cost.
- **Trash:** failing to keep your property free of solid waste and litter can result in a fine of \$50-\$500. If your trash is not in a trash can, the City may issue you a citation for \$250-\$500.

### Recycling

In Morgantown and at WVU, it's no longer necessary to sort out your recycling—aluminum, glass, plastic, and paper can all go into the green 65-gallon cart residents are issued for the weekly recycling service. See [campus.wvu.edu/residents/learn-to-recycle/](http://campus.wvu.edu/residents/learn-to-recycle/) for a list of what's recyclable and for recycling options for those who live outside of the City limits. WVU's WECAN Recycling Program provides recycling bins on campus ([wecan.wvu.edu](http://wecan.wvu.edu)).

### Rules about trash

Every City resident is required to have trash service. Trash service to every residential building with more than two residents is managed by the landlord; this means that your trash service costs are probably included in your monthly rent.

Certain areas of Morgantown have been designated a "Special District" for trash removal, and residents are required to use a heavy-duty 90-gallon toter provided

by Republic Services. This means there are no trash bags or cans on the streets in this district. The toters have serial numbers and are assigned to each customer.

No deposit will be required for the toter(s) if you participate in one of these methods to pay for services:

1. **Quick Pay:** credit card information will be obtained, and three months of service will be charged at the time of sign up. Your credit card will be automatically charged three months basis thereafter.
2. **Payment for six months of service.**
3. **Payment for the entire lease period.** If your lease is for one year you will be charged for 11 months of service. If your lease is for longer than one year, an adjustment will be made accordingly.

You must place your trash at the curb the night before your regular service day (no earlier than 8:00 p.m.) and remove trash and recycling cans by the evening of the service day (by 9:00 p.m.). The toter needs to be stored in a safe place, out of view of the general public; if your residence doesn't have such a location, you can apply for a variance from the City Manager.

If a Morgantown Police Officer or a Litter Prevention Officer finds that you are improperly storing your garbage, trash, or recycling, you can be fined \$50-\$500 (daily per occurrence). There is no cap to the number you can receive; you can be cited repeatedly until proper measures are taken to clean up the property.

Questions? Call Morgantown Code Enforcement at 304-284-7401, the Morgantown Police Department at 304-284-7447, or Republic at 304-366-8900.

#### Monday Pickups (Special District Only)

Grant Ave. (6th St. to Campus Dr.)  
6th St. (Beverly to Beechurst)  
7th St. (Grant to Beechurst)  
Beverly Ave. (University to 6th St.)

#### Tuesday Pickups (Special District Only)

Pennsylvania Ave. (Kingwood to Brockway)  
Baird St. (Forest to end)  
Forest Ave. (Spruce to end)  
Dallas St. (Forest to Locust)  
Locust Ave. (Dallas to Richwood)  
Locust Ave. (Dallas to Pine)  
Pine Ave. (Locust to Chapman)  
Chapman St. (Pine to Gem)  
Gem St. (Locust to Richwood)  
Pearl St. (Richwood to Cass)  
Cass St. (Allen to Battelle)

#### Allen Ave. (East Prospect to Snyder)

East Prospect St. (Richwood to Battelle)  
Battelle Ave. (East Prospect to Cass)  
Weaver St. (Richwood to Oak)  
Snyder St. (Richwood to Union)  
Garrison Ave. (Snyder to Oak)  
Richwood Ave. (North Willey to Gem)

#### Wednesday Pickups (Special District Only)

North Willey St. (Spruce to Mansion)  
Cornell Ave. (North Willey to College)  
Price St. (North Willey to Cornell)  
College Ave. (University to N. Willey)  
File Ave. (Willey to North High)  
Wells St. (File to End)  
Naomi St. (File to Mansion)  
Burke St. (Price to Naomi)  
North Spruce St. (Willey to File)

#### Wies St. (North Spruce to Price)

Glendon Ave. (Price to End)  
Waverly St. (Price to North High)  
Balmor St. (Price to North High)

#### Thursday Pickups (Special District Only)

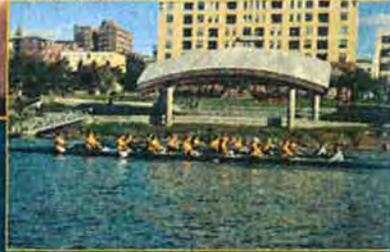
University Ave. (College to Ensign)  
Falling Run Rd. (University to End)  
Protzman St. (Falling Run to Stewart)  
Mason St. (Yoke to Protzman)  
Yoke St. (Falling Run to Stewart)  
Stewart St. (University to Protzman)  
Campus Dr. (University to Beechurst)  
Jones Ave. (North to University)  
Lorentz Ave. (Stewart to Sharon)  
Sharon Ave. (Jones to Lorentz)  
Smith Ave. (Jones to Morgan)  
Wellen St. (Stewart to Duquesne)

#### Duquesne Ave. (Wellen to Morgan)

Morgan St. (Duquesne to Highland)  
Highland Ave. (Melrose to Stewart)  
Raymond St. (Highland to Duquesne)  
Quay St. (1st to End)  
Overhill St. (Jones to University)

#### Friday Pickups (Special District Only)

First St. (Jones to Stewart)  
Carson St. (University to McLane)  
1st St. (University to McLane)  
Second St. (University to McLane)  
Houston Dr. (University to McLane)  
McLane Ave. (Campus to 8th)  
Beechurst Ave. (Campus to 8th)  
3rd St. (Beverly to Beechurst)  
4th St. (McLane to Beechurst)  
5th St. (McLane to Beechurst)



### Pets

Pets can make your life more fun, but they are also a big responsibility that lasts for years.

If you own a dog, you're required to keep your animal on a leash no longer than six feet, whether in a public place or on your property. A tag that states your name and address must be attached to your dog's collar at all times. You are responsible for picking up animal waste. For a dog six months or older, you must pay a dog tax fee to Monongalia County through the Assessor's Office. The tax is \$3/dog unless you live in Morgantown, Star City, Westover, or Granville, where the tax is \$6.

Cats may only run at large if they wear identification.

Animal control will issue citations for animals off leash and for failure to pick up after pets. If you do not pay your dog tax, you will have to pay the required tax plus any additional impound fees.

### Local Recreation

Morgantown's BOPARC (Board of Park and Recreation Commissioners) offers a wide variety of things to do, all year long. Facilities include an ice arena, softball fields, city parks, Hazel Ruby McQuain Park and Amphitheater on the riverfront, and the Caperton and Deckers Creek trails. See [boparc.org](http://boparc.org) for details.

You should also check out events at the Metropolitan Theatre, a 1924 venue that has been lovingly renovated. [morgantownmet.com](http://morgantownmet.com)

### Smoking

Monongalia County bans smoking in bars, restaurants, and workplaces, and there is no smoking in Morgantown's municipal parks and recreation facilities. WVU is also a tobacco-free campus.

### Parking

It's probably no secret to you that parking in a college town is a challenge. But there are options — Morgantown offers two-hour, ten-hour, and 24-hour parking lots, four parking garages, and 14 metered City streets. Go to [parkmpa.com](http://parkmpa.com) to find everything about parking in Morgantown, along with an interactive map. There's no reason to get a ticket!

For WVU Parking options and regulations, see [transportation.wvu.edu/parking-management](http://transportation.wvu.edu/parking-management).

### CashKey

A CashKey is a key that can be programmed like a debit card with prepaid amounts in \$10 increments up to \$100. It can be used in combination with coins. It's a great alternative to feeding the meter.

### Pay-by-space parking

At pay-by-space pay stations, you can prepay for a set amount of time. You walk to the machine from your car, enter the space number, and add money for your approximate stay time. They are located in these City parking lots:

- Lot A: Morgantown Market Place
- Lot B: at Fayette St. and Chestnut St.
- Lot E: at Chestnut St. and Forest Ave.

### Towing

If you are towed after parking illegally, here are the local towing services:

- J&J Towing: 304-292-9797, 311 Riverside Ave., Morgantown
- Vic's Garage and Towing Service: 304-292-4257, 1335 University Ave., Morgantown
- Doug's Towing: 304-291-3864, 413 Dunkard Ave., Morgantown
- Summers Towing and Repairs: 304-405-4077, 3 Ackerman Rd., Morgantown
- Ervin's Auto Repair and Towing: 304-599-0301, Route 19 North, Morgantown
- Mountaineer Towing: 304-598-0811, 43 Chipps Hollow Rd., Morgantown (Star City)



### Local transportation

#### Bus

WVU students and employees can ride the Mountain Line Transit Authority buses for free with WVU ID. Go to [busride.org](http://busride.org) to find out more, and follow your bus line on Twitter to find out where it is right now.

The Grey Line connects Morgantown to the Pittsburgh Airport and Pittsburgh Greyhound station.

#### Taxi

Yellow Cab is the only taxi service in Morgantown (304-292-7441).

#### Airport

The Morgantown Municipal Airport ([morgantownairport.com](http://morgantownairport.com)) provides daily service to Dulles International Airport in Washington, D.C. You can go to [United.com](http://United.com) for ticket info. Follow the Twitter handle @FlyMGW for updates.



**What not to do**

There are rules and regulations all citizens must obey. As a student, you are a member of both the Morgantown community and the West Virginia University community. Violations of city and local laws can result in sanctions from WVU, including possible expulsion.

If you are arrested in Morgantown, you will be taken to the North Central Regional Jail near Clarksburg, which is 75 miles away. WVU does not provide a pickup service from the jail. A taxi ride back, if available, could cost \$200.

**Noise**

If your neighbor can stand on the edge of his or her property line and hear noise from your house, it's too loud. The responding police officer has the discretion to decide if the noise coming from your property is unreasonable. Under City ordinance, loud and unnecessary noises are prohibited. If noise doesn't stop after a verbal warning or if it is violated again within 60 days, you could be charged and fined up to \$500.

**Sofas**

If you have indoor furniture outside on your porch, you can be charged with "Failure to Abate a Fire Hazard," a misdemeanor, and can be fined \$100-\$1,000 and/or imprisoned for up to 90 days.

**Hanging out on your roof**

Only a building's owner, the owner's licensed contractor, or maintenance personnel may be on the roof of any structure for any reason. A tenant may not be on the roof. A violation is a misdemeanor and carries a \$100-\$500 fine.

**Other offenses**

Operating a business without a license; charging entry into a party is considered operating a business without a license. You can be fined more than \$500 for charging admission or selling cups.

**Serving alcohol to a minor:**

if underage students are found drinking alcohol at a house party, the party host(s) will be fined \$500. Additionally, if you are caught providing alcohol to a person under the age of 21, you will be fined \$500.

**Fake identification:** using a fake driver's license to get into a bar could cost you your real license, a \$500 fine, or not more than six months in prison. This citation will remain on your record for seven years.

**Lending a driver's license to an underage person:**

lending your driver's license to an underage person so that he or she can purchase alcohol or gain admission into a bar could cost you a \$500 fine and a 90-day suspension of your license.

**Open container/underage possession:**

having an open container of alcohol within City limits is a violation and carries a fine of \$100-\$500 regardless of age. Underage possession of alcohol results in six mandatory hours of community service, attending alcohol awareness classes, and a fine up to \$500.

**Urinating in public:** you are prohibited from urinating or defecating anywhere someone can see you, or on any property, including alleys. It carries a fine up to \$500.

**Fire-related violations:** outdoor fires, burning furniture, and other dangerous activities may result in criminal charges. In addition, students may face University sanctions, including expulsion. Students may face harsher penalties in connection dumpster fires.





**Driving while intoxicated:** driving under the influence of alcohol will result in jail time and revocation of your driver's license and carries a fine of \$100-\$500. If an accident occurs, further criminal charges and civil actions may be added.

**Assault, battery, and criminal sexual misconduct:** irresponsible use of alcohol often results in violent or aggressive behavior. Offensive or hurtful conduct may result in a misdemeanor or even felony charge of assault and battery or rape.

**Littering violations:** a person in control of residential property may be fined if the property is not kept free from litter. Under West Virginia state law, it's a misdemeanor to litter on either public or private property. Individuals often receive citations for littering when they throw or place an alcoholic beverage on the ground in an attempt to avoid an alcoholic citation. This offense carries a fine of no less than \$100.

**Lease violations:** your lease may have clauses that allow your landlord to begin eviction proceedings for certain criminal violations. These include use and/or sale of unlawful drugs, serving alcohol to a minor, and consumption of alcohol by a minor.

### Partying pitfalls

Minimize the risks of either civil or criminal liability due to a party.

- Be considerate of neighbors
- Monitor how much you are drinking, and provide food for your guests
- Control the noise level
- Leave your drinks behind when you leave the party
- Use bathrooms, not bushes
- Use trash containers
- Make sure those under 21 are not drinking
- Be polite to the police

### If the police come to your party ...

Be polite! Being aggressive with the police will make matters worse. Identify yourself as the host, and if you are requested to do so, show some sort of identification. The police must have either a search warrant or consent to enter your house.

If you are arrested, don't resist or try to avoid the police, as you could be liable for resisting arrest. Most importantly, **DON'T SAY ANYTHING**; you have the right to remain silent. Don't answer any questions the police ask unless you have an attorney present, and anything that you say can and will be used against you.

### Possible consequences

The consequences of the violations described involve a wide range of penalties, depending on the severity of the crime. These penalties include, but are not limited to:

- Fines and court costs
- Probation
- Community service
- Driver's license restrictions, suspensions, or revocation
- Criminal conviction and/or imprisonment
- Sanctions from WVU Judicial Affairs
- Expulsion from WVU



## Important contacts

WVU Office of Student Conduct: 304-293-8111  
[studentlife.wvu.edu/office\\_of\\_student\\_conduct](http://studentlife.wvu.edu/office_of_student_conduct)

WVU Off-Campus Housing: 304-293-5611  
[studentlife.wvu.edu/off\\_campus\\_housing/off\\_campus\\_housing\\_publications](http://studentlife.wvu.edu/off_campus_housing/off_campus_housing_publications)

Attorney for Students: 304-293-4897  
[studentlife.wvu.edu/student\\_legal\\_services](http://studentlife.wvu.edu/student_legal_services)

Morgantown Code Enforcement: 304-284-7401

Morgantown Parking Authority: 304-284-7435  
nights or weekends: 304-376-5252

[morgantownwv.gov](http://morgantownwv.gov)

*WVU is an Equal Opportunity/Affirmative Action Institution*