



Office of the City Clerk

The City of Morgantown

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AGENDA
MORGANTOWN CITY COUNCIL
COMMITTEE OF THE WHOLE
August 25, 2015
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:

1. Morgantown Parking Authority Presentation
2. PSB Plaza Project Update
3. Declaration Network Group update on Municipal Wireless Project

PUBLIC PORTION:

ITEMS FOR DISCUSSION:

1. WVDOH Discussion on Projects
2. Results of Service Improvements Survey
3. Ordinance Amending Traffic Code Section 349.18
4. Airport Updates
5. University Avenue update
6. Resolution Supporting Coal Worker
7. Resolution on requiring plans for accessibility design requirements compliant with federal and state
8. Draft of Urban Agricultural Ordinances

If you need an accommodation contact us at 284-7439



Office of the City Manager

The City of Morgantown

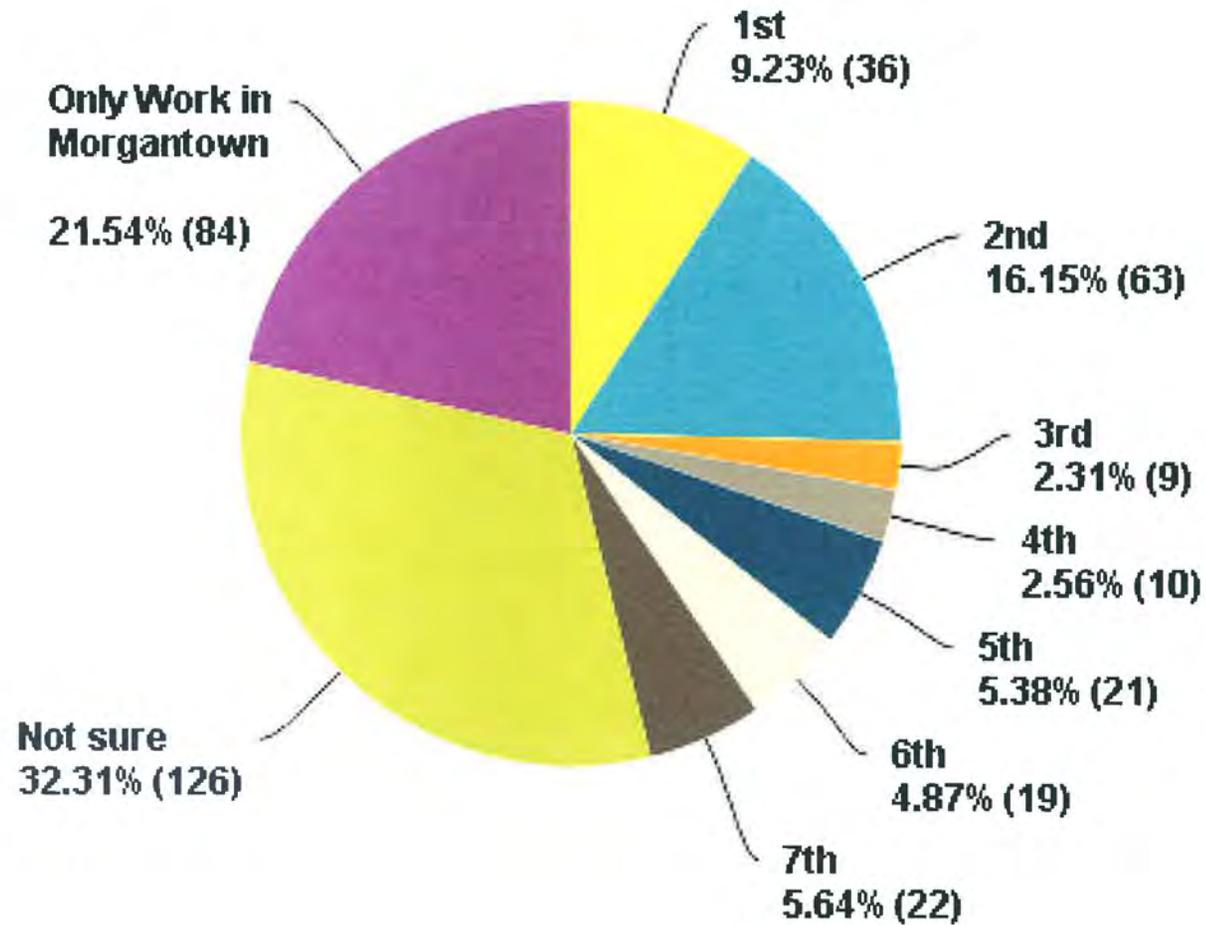
Jeff Mikorski, ICMA-CM
City Manager
389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7405 FAX: (304) 284-7430
www.morgantownwv.gov

Attached are graphs from the Online "Future Service Improvements" survey. As of this time, 390 responses were submitted. Any changes in number of respondents will be provided at the Committee of the Whole meeting.


Jeff Mikorski, ICMA-CM

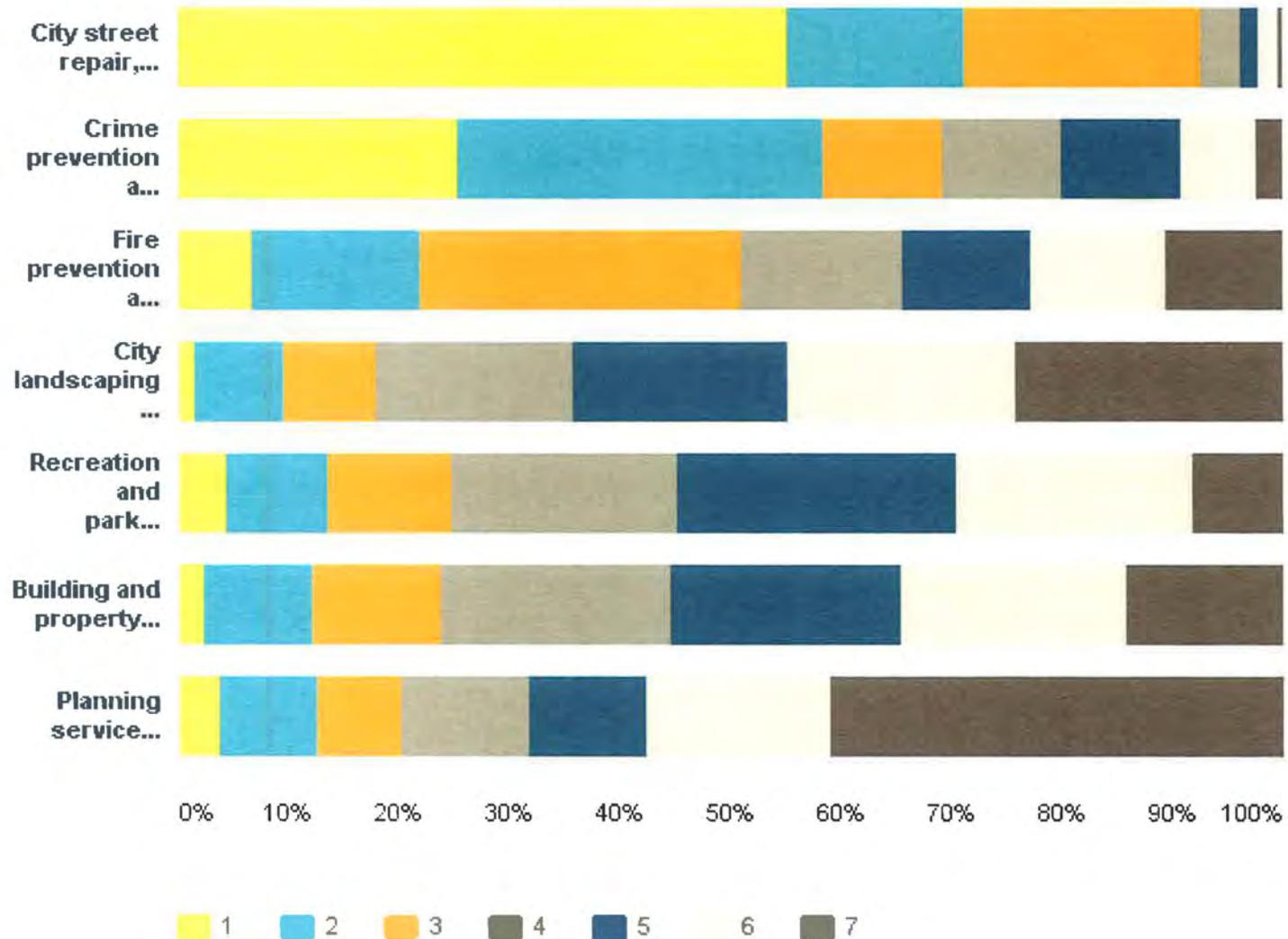
Q2 Which City Ward do you live in?

Answered: 390 Skipped: 0



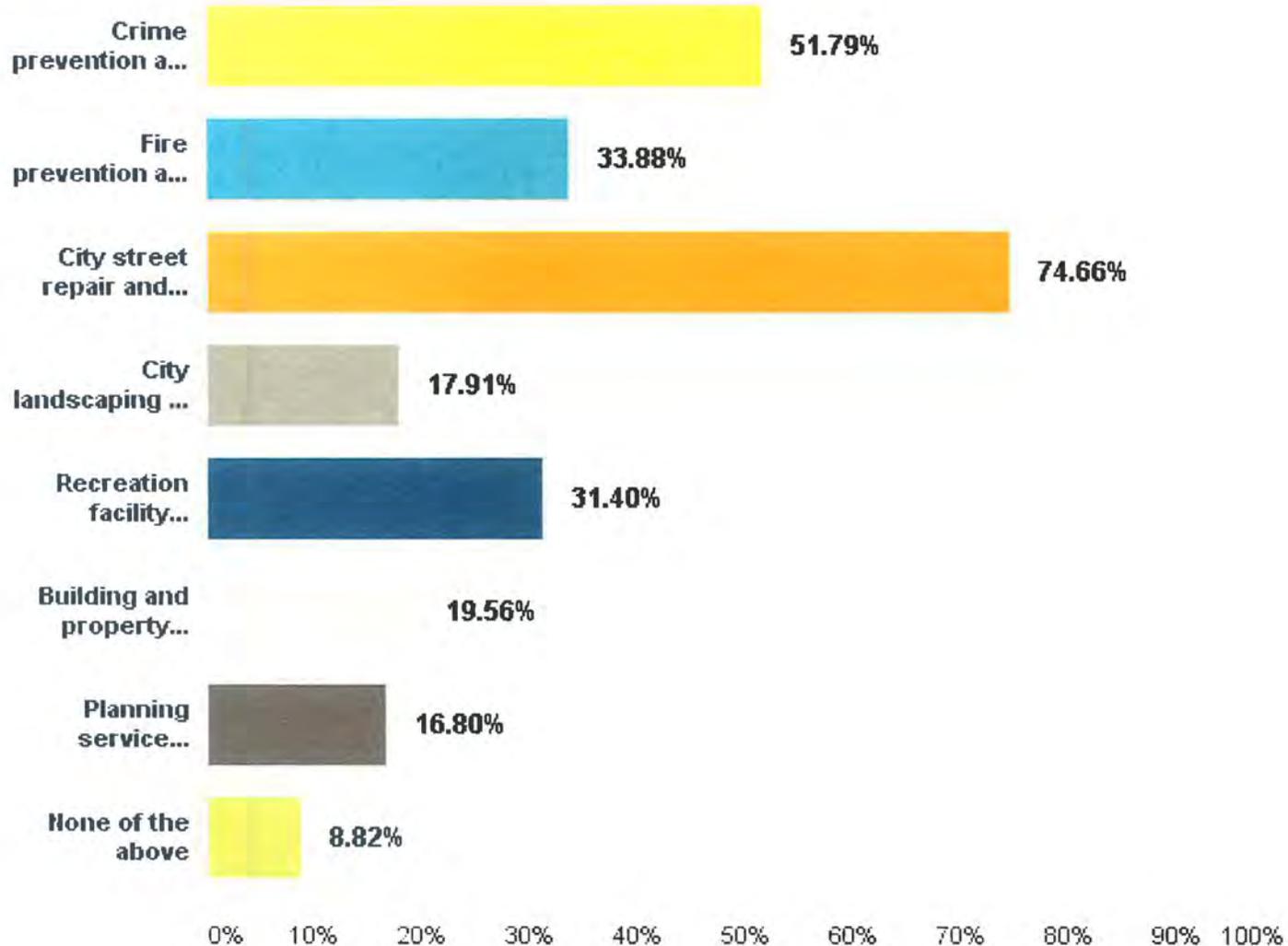
Q3 From the services listed below, please rank (1 is most important) them as you see the importance of the City service to grow to the new level of demand.

Answered: 362 Skipped: 39



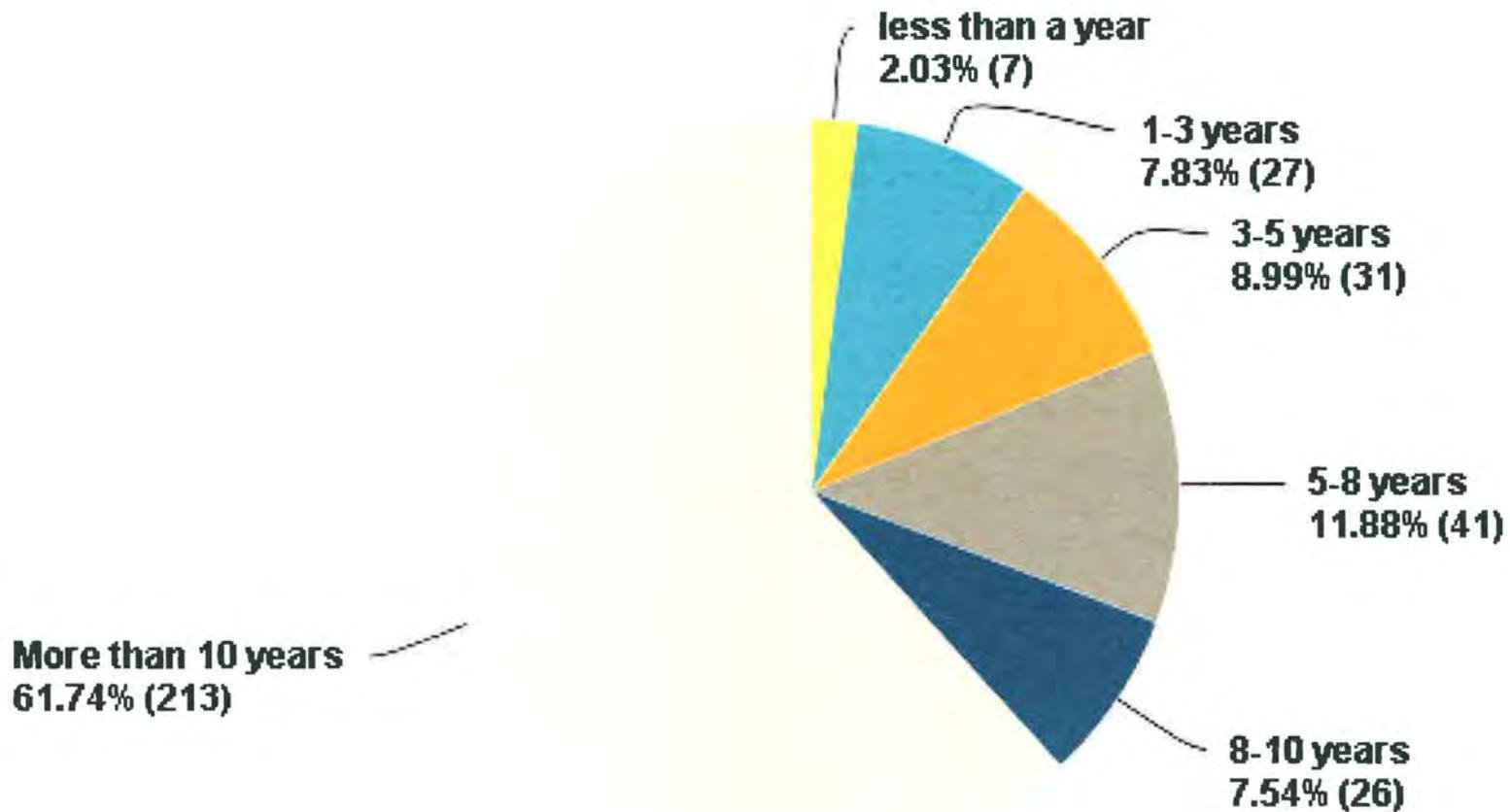
Q4 If added funding to improve the services were needed, which of the following do you feel is important enough to raise taxes or fees to support? (choose all that apply)

Answered: 362 Skipped: 10



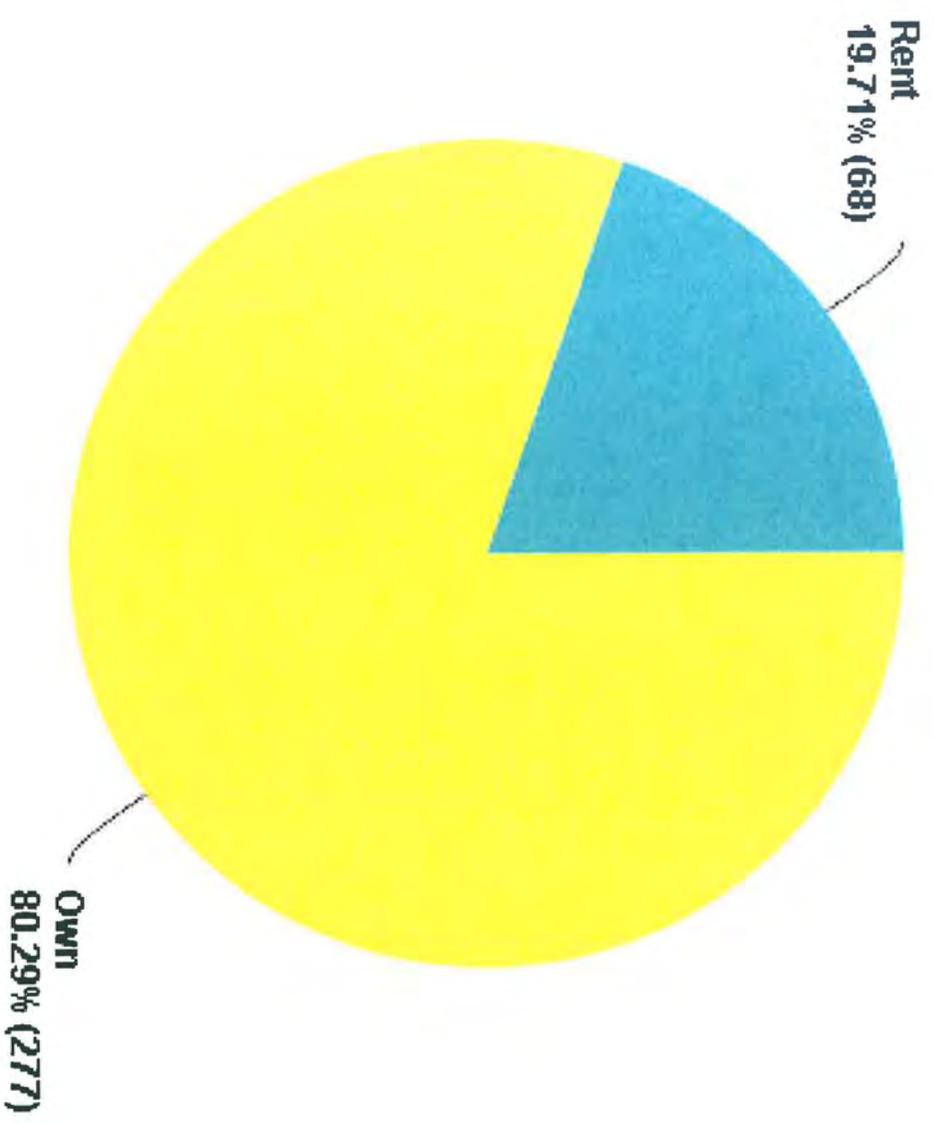
Q5 How long have you lived in Morgantown?

Answered: 345 Skipped: 0



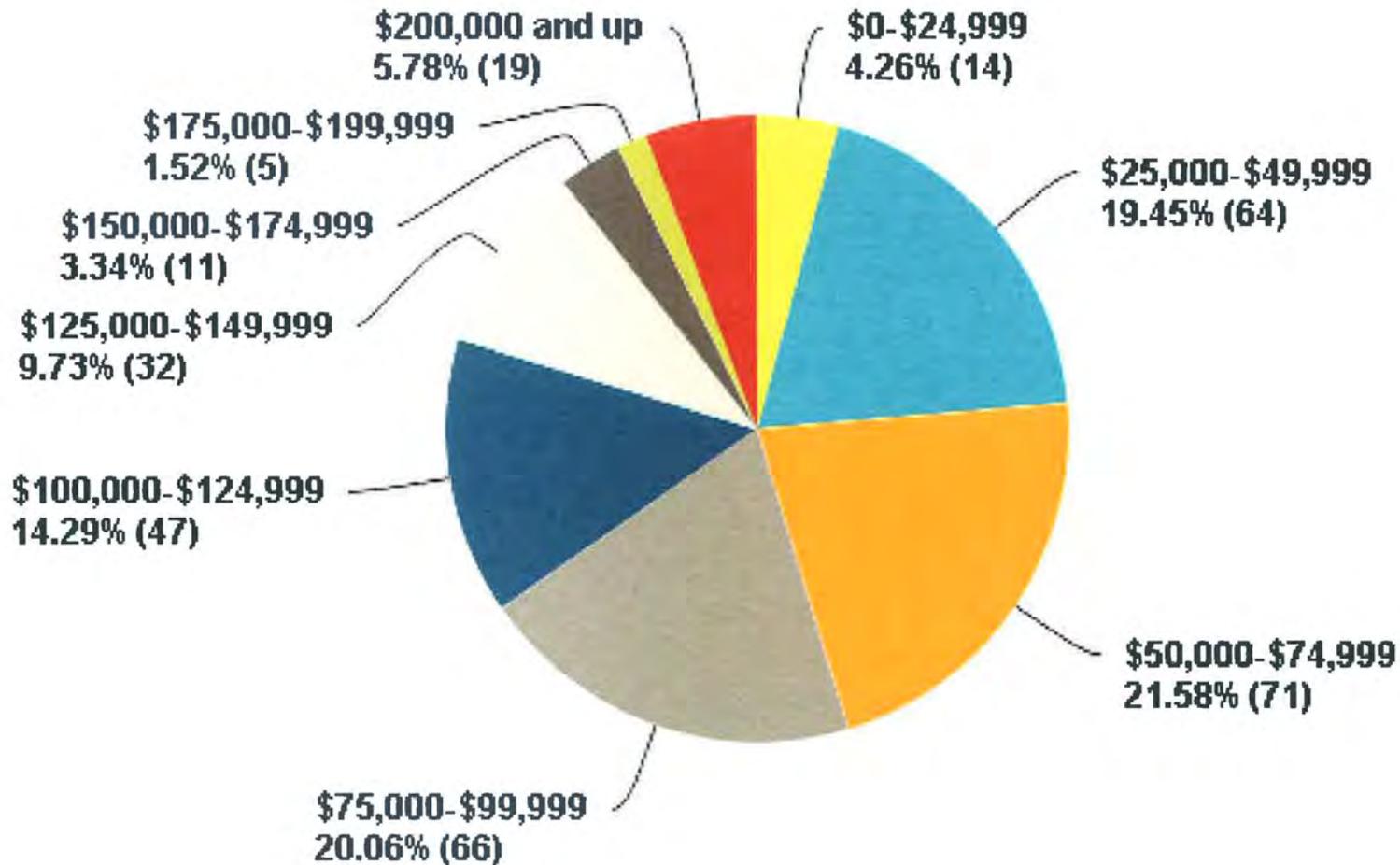
Q7 Do you rent or own the place where you live?

Answered: 345 Skipped: 48



Q8 What is your approximate average household income?

Answered: 329 Skipped: 64



Bonus Question: Which one building, do you feel, is the most iconic landmark that represents the Morgantown area?

Answered: 268 Skipped: 125

Responses (268)

Text Analysis

My Categories (0)



Search responses 🔍

Showing 15 words and phrases

Woodburn Hall		35.82%	96
Court House		10.07%	27
Coliseum		5.60%	15
Met		5.22%	14
WVU		3.36%	9
Hotel Morgan		2.99%	8
Old Stone House		2.24%	6
Warner Theater		1.87%	5
Woodburn Circle		1.49%	4
Stewart Hall		1.49%	4
Woodbury Hall		1.49%	4

AN ORDINANCE AMENDING SECTION 349.18 OF THE TRAFFIC CODE RELATING TO USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING

WHEREAS, West Virginia Code section 17C-14-15 prohibits use of electronic communications devices while driving, except under certain defined conditions; and

WHEREAS, the City of Morgantown intends to conform its Traffic Code to the provisions of *W. Va. Code* § 17C-14-15;

NOW, THEREFORE, The City of Morgantown hereby ordains that Section 349.18 of its Traffic Code is amended as follows (new matter underlined, deleted matter struck through):

349.18 PROHIBITED USE OF AN ELECTRONIC COMMUNICATIONS DEVICE, DRIVING WITHOUT HANDHELD FEATURES; DEFINITIONS; EXCEPTIONS; PENALTIES.

- (a) Except as provided in subsection (c) of this section, a person may not drive or operate a motor vehicle on a public street or highway while:
 - (1) Texting; or
 - (2) Using a cell phone or other electronic communications device, unless the use is accomplished by hands-free equipment.
- (b) For purposes of this section, the following terms shall mean:
 - (1) "Cell phone" shall mean a cellular, analog, wireless or digital telephone.
 - (2) "Driving" or "operating a motor vehicle" means operating a motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a motor vehicle after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary.
 - (3) "Electronic communication device" means a cell telephone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband personal communication device, 2-way messaging device, electronic game, or portable computing device. For the purposes of this section, an "electronic communication device" does not include:
 - (A) Voice radios, mobile radios, land mobile radios, commercial mobile radios or two way radios with the capability to transmit and receive voice transmissions utilizing a push-to-talk or press-to-transmit

function; or

- (B) Other voice radios used by a law-enforcement officer, an emergency services provider, an employee or agent of public safety organizations, first responders, Amateur Radio Operators (HAM) licensed by the Federal Communications Commission and school bus operators.
- (4) "Engaging in a call" means when a person talks into or listens on an electronic communication device, but shall not include when a person dials or enters a phone number on a pushpad or screen to initiate the call.
 - (5) "Hands-free electronic communication device" means an electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such electronic communication device, by which a user engages in a call without the use of either hand or both hands.
 - (6) "Hands-free equipment" means the internal feature or function of a hands-free electronic communication device or the attachment or addition to a hands-free electronic communication device by which a user may engage in a call or text without the use of either hand or both hands.
 - (7) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic communication device ~~or the attachment or addition to a hands-free electronic communication device by which a user may engage in a call or text without the use of either hand or both hands.~~ and includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a World Wide Web page or engaging in any other form of electronic text retrieval or entry, for present or future communication. For purposes of this section, "texting" does not include the following actions:
 - (A) Reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device by the pressing of the device in order to initiate or receive a phone call or using voice commands to initiate or receive a telephone call;
 - (B) Inputting, selecting or reading information on a global positioning system or navigation system; or
 - (C) Using a device capable of performing multiple functions, including fleet management systems, dispatching devices, smart phones, citizens band radios or music players, for a purpose that is not otherwise prohibited in this section.

- (8) "Using a cell phone or other electronic communication device" means holding in a person's hand or hands an electronic communication device while:
- (A) Viewing or transmitting images or data;
 - (B) Playing games;
 - (C) Composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data; or
 - (D) Engaging in a call.
- (c) Subsection (a) of this section shall not apply to:
- (1) A law-enforcement officer, a firefighter, an emergency medical technician, a paramedic or the operator of an authorized emergency vehicle in the performance of their official duties;
 - (2) A person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergency.
 - (3) The activation or deactivation of hands-free equipment or a function of hands-free equipment.
- (d) This section does not supersede the provisions of section three-a, article two, chapter seventeen-b of the West Virginia Code or any more restrictive provisions for drivers of commercial motor vehicles prescribed by the provisions of chapter seventeen-e of the West Virginia Code or federal law or rule.
- (e) Any person who violates the provisions of subsection (a) of this section is guilty of a traffic offense and, upon conviction thereof, shall for a first offense be fined \$100; for a second offense be fined \$200; and for a third or subsequent offense be fined \$300. No court costs or other fees shall be assessed for a violation of subsection (a) of this section.
- (f) ~~Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense as of July 1, 2012.~~ Driving or operating a motor vehicle on a public street or highway while texting or using a cell phone or other electronic communication device without hands-free equipment shall be enforced ~~as a secondary offense as of July 1, 2012,~~ and as a primary offense as of July 1, 2013 for purposes of citation.
- (g) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law-enforcement agency.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

DRAFT
RESOLUTION SUPPORTING A JUST TRANSITION FOR COAL WORKERS

Whereas, natural gas is reportedly now the top source of fuel for electric power generation and carbon fuels are being deemphasized to address weather, climate, pollution, health, safety and other livability concerns, and

Whereas, coal workers who mine, transport, and process coal at power plants are facing serious income consequences due to job displacement and are being left with their families and communities, including Morgantown, to bear the brunt of the transition to a lower carbon economy, and

Whereas, forcing coal workers to “move on” without comparable jobs being available, and without the job training or experience to qualify for comparable jobs if they were available, is unjust and damaging not only to the coal workers’ life security but to their social participation, spending, and tax paying as well, and

Whereas, although the nation has a poor record in supporting workers in major economic transitions in its history, it does have the successful records for the way that it coped with periods of temporary unemployment as well as for the ways in which it provided a just transition for thousands of military personnel at the end of World War II in which for every dollar the nation invested in the G.I. Bill, home loans, and health care, it received a growth benefit of between \$5 and \$7 in its economy, and

Whereas, the nation has current models for benefit systems for providing health care, education and training, and home loans for veterans as well as authority to pass legislation increasing protection for corporate coal worker pensions, and

Whereas, coal workers have provided front line service not unlike that of non-combat veterans and been those prominently affected by the dangers and polluting industrial practices in a coal production based economy:

Be It Therefore Resolved, that The Morgantown Human Rights Commission calls upon the Morgantown City Council to support a just transition for coal workers and to communicate with the President, the West Virginia Congressional Delegation and the Monongalia County State Legislative Delegation - to advocate for just transition safeguards for coal workers whereby education and retraining, health care, and home loans are provided for four year time spans or other limited time periods as well as assure that coal workers receive increased protection for their pension plans in corporate reorganization or dissolution.

Be It Further Resolved, that the Morgantown City Council advocate for industrial redevelopment funding to generate sustainable industries in present coal mining areas to generate a more acceptable workforce productivity and reliable prosperity by which the society as a whole, rather than dislocated workers and affected communities, takes responsibility for the impacts caused by changes from which everyone can benefit.

Be It Furthermore Resolved, that the Morgantown City Council advocate for funding to renew road, sidewalk, water, sewer and telecommunications infrastructure to promote economic growth in communities damaged or otherwise impacted by a coal based economy.

Adopted by the HRC this 20th day of August, 2015.

Jan Derry
Chairperson

Marlene Robinson-Savino
Vice Chairperson

Don Spencer
Secretary

Fran Whiteman
Commission Member

Billie Murray
Commission Member

Kristen Cooper
Commission Member

Matthew Blair
Commission Member

DRAFT

RESOLUTION ON REQUIRING REVIEW OF ALL PLANS FOR PRIVATE OR PUBLIC SERVICE STRUCTURES OR MULTI-FAMILY RESIDENCE CONSTRUCTION FOR COMPLIANCE WITH FEDERAL AND STATE ACCESSIBILITY DESIGN REQUIREMENTS

Whereas, all buildings utilized by the public need to be designed to accommodate people of all ages and abilities – including people’s changing needs at every stage of life as well as persons who live with disabilities, illness, mobility limitations or veterans’ service related injuries; and

Whereas, the construction or renovation standards for private or public structures utilized by the public or qualifying multi-family residences is directed by the federal and state standards to protect inclusive accessibility in the design of public structures utilizing standards which include:

- Fair Housing Act of 1968
- Federal Americans with Disabilities Act of 1990 with Amendments (2008)
- Federal Fair Housing Act of 1991 (and its seven requirements)
- WV Human Rights Act: Chapter 5, Article 11 – Public Accommodations
- WV Fair Housing Act: Chapter 5, Article 11A with the WV Human Rights Commission (Enforced by State Fire Commission – Chapter 29, Article 3)
- WV State Building Code – IBC 2003, 2006, 2009 (in compliance w/ ANSI A117.1 and its Fair Housing Design Manual); and

Whereas, in addition, any federally subsidized construction must meet the accessibility requirements of the 2010 ADA Standards for Accessible Design; and

Whereas, the burden of compliance with federal and state directives rest with the persons who design, construct and authorize development of a public facility and/or multifamily dwelling covered by a federal or state law and that failure to design and construct covered facilities to include certain features of accessible design will be regarded as unlawful discrimination; and

Whereas, an individual who thinks he or she may have been discriminated against may file a complaint against a building owner, the architect, the contractor or any other persons or government involved in the design, construction, and approval of a covered building; and

Whereas, enforcement of federal accessibility requirements is provided by the federal Department of Justice and non-compliance can create significant costs for builders and property managers as well as financial liability for government officials and code enforcement offices:

Be It Therefore Resolved, that City Council of Morgantown be called upon to enact a policy requiring all private or public plans for structures serving the public or qualifying multi-family residential structures covered by applicable federal or state legal accessibility standards under federal or state Fair Housing Acts, to be reviewed for accessible structural compliance, continuity with transportation, and directional signage by an ADA/504 compliance officer, regional office for Civil Rights, or other qualified person authorized by the Morgantown City Manager or his or her designate.

Adopted by the Morgantown Human Rights Commission (and separately by Community Living Initiatives) this 20th day of August, 2015.

Jan Derry
Chairperson

Marlene Robinson-Savino
Vice Chairperson

Don Spencer
Secretary

Fran Whiteman
Commission Member

Billie Murray
Commission Member

Kristen Cooper
Commission Member

Matthew Blair
Commission Member

AN ORDINANCE AMENDING ARTICLE 1329 "DEFINITIONS" OF THE CITY'S PLANNING AND ZONING CODE AS IT RELATES TO URBAN AGRICULTURE.

WHEREAS, the City of Morgantown is committed to increasing access to fresh, locally grown, wholesome foods for all residents; and,

WHEREAS, to ensure the health and safety of all its residents, the City seeks to create and encourage programs and policies that sustain greater local food security and improve access to healthy food in underserved neighborhoods; and,

WHEREAS, urban agriculture contributes to the local economy by generating living-wage jobs, sales of food at farmers markets, grocery stores, and on-site farm stands and offering the opportunity for resident entrepreneurship in creating food-related small-business; and,

WHEREAS, urban agriculture provides a tool for improving the City's quality-of-life by reducing the negative impact of vacant lots, buildings and unused rooftops and helps to support neighborhood stabilization and recovery; and,

WHEREAS, urban agriculture at a residential scale provides a valuable supplement to a family food budget; and,

WHEREAS, urban agriculture at a community scale provides an invaluable opportunity for students to learn about nutrition and where food comes from; and,

WHEREAS, new technologies for growing food, including indoor growing technologies such as aquaponic and hydroponics, are the basis for new agricultural opportunities, partnerships, and research.

NOW THEREFORE, the City of Morgantown hereby ordains that Section 1329.02 "Definition of Terms" of the City's Planning and Zoning Code is amended as follows (deleted matter struck through; new matter underlined):

Article 1329.02 DEFINITION OF TERMS.

For this ordinance, the following words and phrases shall have the meaning respectively prescribed to them by this section. If not defined herein, or within other sections of this ordinance, terms used in this ordinance shall have the meanings provided in any standard dictionary or American Planning Association publication as determined by the Planning Director.

~~AGRICULTURAL ACTIVITY — Farming, including plowing, tillage, cropping, installation of best management practices, seeding, animal and poultry husbandry, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting).~~

AGRICULTURE, COMMERCIAL – The farming, cultivating, harvesting, husbandry, aquaponic and hydroponic farming, and/or production principally for the sale to others of plants, animals, or their products, including but not limited to: forage and sod crops, grain and feed crops, dairy animals, and dairy products; livestock, including dairy and beef cattle, poultry, sheep, swine, horses, ponies, mules, and goats; including the breeding and grazing of all such animals; bees and apiary products; fruits of all kinds including grapes, nuts, and berries; vegetables; nursery, floral ornamental and greenhouse products, and other commodities as described in the Standard Industrial Classification for agriculture, forestry, fishing, and trapping. COMMERCIAL AGRICULTURE shall not include poultry or swine production or animal feedlot operations.

AGRICULTURE, HOME – The gardening and/or production, principally for use or consumption of the property owner or resident, of plants, certain animals, or their products and for sale to others where such sales are incidental. Such gardening and/or production includes, but is not limited to, fruits of all kinds including grapes, nuts, and berries; vegetables; floral ornamental and non-commercial greenhouse products; bees and apiary products; and, for household use of the property owner or resident only, domestic poultry and rabbits. These uses do not require a permit or license except where the City Code generally requires a building permit or other permit; provided, that permits and/or approvals must be issued, if applicable, for an ACCESSORY STRUCTURE and/or HOME OCCUPATION.

AQUAPONICS – The cultivation of fish and plants together in a constructed, re-circulating ecosystem utilizing natural bacterial cycles to convert fish waste to plant nutrients and considered a COMMERCIAL AGRICULTURE use.

~~COMMUNITY GARDENS – A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. A neighborhood-based development with the primary purpose of providing space for members of the community to grow plants for beautification, education, recreation, community distribution, or personal use. The responsibility of managing maintenance and operations of COMMUNITY GARDEN sites shall be that of the land owner or designated public or civic entity, nonprofit organization or other community-based organization. Processing and storage of plants or plant products are prohibited on site. Gardening tools and supplies may be stored within an accessory structure that is in compliance with Article 1331.08 of this ordinance. The keeping and/or raising of animals is prohibited.~~

~~DOMESTIC POULTRY – Domesticated birds kept for eggs, meat, feathers, etc. that include chicken, turkey, duck, goose, pigeon, pheasant, partridge, guinea fowl, peafowl, and quail but shall not include ratite, ostrich, emu, or rhea.~~

~~DOMESTIC POULTRY – Domesticated birds kept for eggs, meat, feathers, etc. that include chicken and duck but shall not include turkey, goose, pigeon, pheasant, partridge, guinea fowl, peafowl, quail, ratite, ostrich, emu, or rhea.~~

FREE-RANGE – A method of farming husbandry where the animals, for at least part of the day, can roam freely outdoors, rather than being confined in an enclosure (e.g., coops, pens, etc.) for twenty-four (24) hours each day.

HOME GARDENING – The growing of vegetables, produce or other plants on individual private lots, by the owner or resident of the lot, for personal enjoyment or consumption, or for sale at off-premise locations such as farmers' markets, produce stands, etc. Such activities may occur in any zoning district without permits. This activity is distinguished from AGRICULTURAL ACTIVITY in that the latter is primarily commercial in intent and nature.

HYDROPONICS – The cultivation of plants in nutrient solution rather than soil.

PREMISES – An area of land occupied by the principal building(s), accessory structure(s), and/or other physical uses which are an integral part of the activity conducted upon the land and such open spaces as are arranged and designed to be used in conjunction with that activity.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE AMENDING ARTICLE 1331 "ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP" OF THE CITY'S PLANNING AND ZONING CODE AS IT RELATES TO URBAN AGRICULTURE.

WHEREAS, the City of Morgantown is committed to increasing access to fresh, locally grown, wholesome foods for all residents; and,

WHEREAS, to ensure the health and safety of all its residents, the City seeks to create and encourage programs and policies that sustain greater local food security and improve access to healthy food in underserved neighborhoods; and,

WHEREAS, urban agriculture contributes to the local economy by generating living-wage jobs, sales of food at farmers markets, grocery stores, and on-site farm stands and offering the opportunity for resident entrepreneurship in creating food-related small-business; and,

WHEREAS, urban agriculture provides a tool for improving the City's quality-of-life by reducing the negative impact of vacant lots, buildings and unused rooftops and helps to support neighborhood stabilization and recovery; and,

WHEREAS, urban agriculture at a residential scale provides a valuable supplement to a family food budget; and,

WHEREAS, urban agriculture at a community scale provides an invaluable opportunity for students to learn about nutrition and where food comes from; and,

WHEREAS, new technologies for growing food, including indoor growing technologies such as aquaponic and hydroponics, are the basis for new agricultural opportunities, partnerships, and research.

NOW THEREFORE, the City of Morgantown hereby ordains that Section 1331.05 "Permitted Land Uses" and Section 1331.06 "Supplemental Regulations Pertaining to Permitted Land Uses Table" of the City's Planning and Zoning Code are amended as follows (deleted matter struck through; new matter underlined):

Article 1331.05 PERMITTED LAND USES.

The table and supplemental regulations of the Permitted Land Use Table are incorporated in this section and are adopted as the basic land use regulations for the City. The table and supplemental regulations identify the types of land uses that are permitted within the City and any applicable conditions and limitations.

To determine the zone(s) in which a particular use is allowed, find the use in the list of uses along the left-hand side of the Permitted Land Use Table and read across the use row to find the zone column designations.

Legend:

P.....Use is permitted by right in a particular zone; a permit is required.

A.....Use is permitted as an accessory use in a particular zone; a permit is required.

C.....Use is allowed only as a conditional use in a particular zone subject to the limitations and conditions specified; a permit is required.

The uses listed in the Permitted Land Use Table are defined in the Definitions section (Article 1329).

A description of the supplemental regulations immediately follows the Permitted Land Use Table.

Table 1331.05.01 Permitted Land Uses

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Agricultural Activity	P										P	
Community Gardens	P	P	P	P	C	P	C	C	C	C	C	28
Agriculture, Commercial	C										C	33
Agriculture, Home	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	34
Greenhouse, Noncommercial	A	A	A	A	A	A	A	A	A	A	PA	

Article 1331.06 SUPPLEMENTAL REGULATIONS PERTAINING TO PERMITTED LAND USES TABLE.

(33) The following regulations are specific to COMMERCIAL AGRICULTURE development:

- (a) The Board of Zoning Appeals must determine COMMERCIAL AGRICULTURE use to be compatible with the area and may limit its hours of operation.
- (b) The use shall not create unacceptable congestion or traffic hazards on the neighboring streets.

- (c) The use shall not create a nuisance due to noise, smoke, electrical interference, dust, or obnoxious odor.
- (d) Land devoted to the use shall be well-maintained, regularly cleared of debris and free of excessively tall weeds and grass as provided in the International Property Maintenance Code (IPMC).
- (e) Principal and accessory structures for the use shall be subject to applicable building and fire code requirements and any applicable rules and regulations and shall be well maintained.

(34) The following regulations are specific to HOME AGRICULTURE development:

- (a) The use shall not create a nuisance due to noise, dust, ~~rodents, and/or obnoxious odor, or obnoxious odor.~~
- (b) All HOME AGRICULTURE related animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and obnoxious odor.
- (a)(c) The keeping of HOME AGRICULTURE related animals shall be permitted only on a premises where there is an occupied dwelling unit.
- (b)(d) Land devoted to the use shall be well-maintained, regularly cleared of debris and free of excessively tall weeds and grass as provided in the International Property Maintenance Code (IPMC).
- (c)(e) Noncommercial greenhouses, pens, coops, ~~coop fences,~~ apiary structure or similar structures are subject to applicable building code requirements and shall be well maintained.
- (d)(f) Hoop houses, cold frames, or other similar structures shall be allowed as accessory structures subject to applicable building code requirements and shall be well maintained, and the cover shall be removed and stored when plants are not being cultivated.
- (e)(g) Structures, ~~including fences for coops,~~ referenced in subsections (ee) and (fd) above:
 - (i) Shall not be placed in the front yard. If placed in a side yard, such structures, ~~including fences for coops,~~ shall not be located closer to the street than the building line of the principal ~~structurebuilding.~~
 - (ii) On corner lots, such structures, ~~including fences for coops,~~ shall not be located between any portion of the principal ~~structurebuilding~~ and either street.
 - (iii) Shall not be placed closer than five (5) feet to the side or rear property line, ~~except structures, including fences for coops, constructed, erected, or situated~~

for HOME AGRICULTURE related animals shall not be placed closer than ten (10) feet to the side or rear property line.

- (f)(7) Rooftop HOME AGRICULTURE uses are subject to all applicable building and fire codes. Building permits and other applicable permits must be obtained before beginning any use, where required by City Code.
- (g)(1) Domestic Poultry. A maximum of ~~six (6)~~three (3) domestic poultry birds may be kept on ~~parcels smaller than one (1) acre a premises~~. Roosters are prohibited. Ownership, care and control of domestic poultry shall be the responsibility of a resident of the ~~dwelling on the parcel~~premises. Free-range shall be prohibited and domestic poultry shall be confined to a pen and/or coop, where permitted, twenty-four (24) hours each day. State health regulations may further limit the number and/or manner of keeping domestic poultry.
- (h)(2) Rabbits. A maximum of three (3) rabbits, ten (10) weeks of age and older, may be kept on ~~parcels smaller than one (1) acre a premises~~; provided, not more than one (1) rabbit, ten (10) weeks of age and older, is male. Ownership, care and control of the rabbits shall be the responsibility of a resident of the ~~dwelling on the parcel~~premises. Free-range shall be prohibited and rabbits shall be confined to a pen and/or coop, where permitted, twenty-four (24) hours each day. State health regulations may further limit the number and/or manner of keeping rabbits.
- (i)(k) Hoofed Animals. Hoofed animals, including but not limited to cattle, horses, goats, sheep, pigs, deer, and donkeys, are prohibited with the exception of miniature pet pigs, which shall be considered a "small animal" relating to COMMERCIAL KENNEL uses.
- (l) All seed, fertilizer, and/or animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- (m) HOME OCCUPATION approval is required for the incidental sale of HOME AGRICULTURE production.
- (n) The resident of the premises of a HOME AGRICULTURE use responsible for the ownership, care, and control of HOME AGRICULTURE related animals shall register with the Planning Department on a form prescribed by the Department.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE AMENDING ARTICLE 505 "ANIMALS AND FOWL" OF CITY'S GENERAL OFFENSES CODE AS IT RELATES TO URBAN AGRICULTURE.

WHEREAS, the City of Morgantown is committed to increasing access to fresh, locally grown, wholesome foods for all residents; and,

WHEREAS, to ensure the health and safety of all its residents, the City seeks to create and encourage programs and policies that sustain greater local food security and improve access to healthy food in underserved neighborhoods; and,

WHEREAS, urban agriculture contributes to the local economy by generating living-wage jobs, sales of food at farmers markets, grocery stores, and on-site farm stands and offering the opportunity for resident entrepreneurship in creating food-related small-business; and,

WHEREAS, urban agriculture provides a tool for improving the City's quality-of-life by reducing the negative impact of vacant lots, buildings and unused rooftops and helps to support neighborhood stabilization and recovery; and,

WHEREAS, urban agriculture at a residential scale provides a valuable supplement to a family food budget; and,

WHEREAS, urban agriculture at a community scale provides an invaluable opportunity for students to learn about nutrition and where food comes from; and,

WHEREAS, new technologies for growing food, including indoor growing technologies such as aquaponic and hydroponics, are the basis for new agricultural opportunities, partnerships, and research.

NOW THEREFORE, the City of Morgantown hereby ordains that Section 505.02 "Keeping Animals; Pens and Stables" of the City's General Offenses Code is amended as follows (deleted matter struck through; new matter underlined):

Article 505.02 KEEPING ANIMALS: PENS AND STABLES.

- (a) Rabbits. ~~No person shall confine, keep or house live rabbits, exceeding two in number, within the City, in any pen, coop or structure located within 120 feet of the residence or dwelling of any other person without the consent of such person in writing.~~

- (b) (a) Permitting Pens to Become Offensive. No person shall permit any yard, kennel, pen, coop, apiary structure or other similar structures wherein live animals may be confined, kept or housed to become or be offensive, noxious or deleterious to health.
- (c) ~~Chickens. No person shall confine, keep or house chickens or other domestic fowl, exceeding two in number, in any pen, coop or structure located within eighty feet of the residence or dwelling of any other person without the consent in writing of such other person; provided, that this section shall not be construed to prohibit the proprietor of any market, hotel, restaurant, boarding house or residence from keeping or confining for sale or slaughter chickens or other fowls in a pen or coop within such prescribed limit for a period not exceeding ten days; provided that such pen or coop is thoroughly cleaned at least once during each forty-eight hour period and rendered free from offensive, noxious or deleterious odors.~~
- (d) ~~Permitting Coops to Become Offensive. No person shall permit any pen, coop or other structure wherein chickens or other fowl may be confined, kept or housed, to become offensive, noxious or deleterious to health.~~
- (e) (b) Stables. Whoever shall keep a stable within the City shall cause all the stable manure produced there at to be kept within such stable until hauled away, and he shall in no case allow such manure to accumulate in such quantities or condition as to become offensive, or deleterious to health; and all manure so kept within the stable shall be protected from flies by means of screens or other fly-excluding devices. The floor of every stable shall be kept free from standing or seeping stable liquids, excrements and other offensive matters.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk