



# The City of Morgantown

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## **AGENDA MORGANTOWN CITY COUNCIL COMMITTEE OF THE WHOLE**

**Tuesday, November 30, 2021 at 7:00 PM**

**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.

### **1. PRESENTATIONS:**

- A.** Tourism update - Susan Riddle, President and CEO Mountaineer Country CVB
- B.** Safety Walk - Devin Price and Daniel Sohan, WVU Student Government Association
- C.** Humans of Morgantown (HoM) - Rachel Johnson, Juliet Thomas and Kenzie Dye, Martin Hall Agency
- D.** Right to Food Resolution - Joshua Lohnes, WVU Food Policy Director and Food Justice Lab
- E.** Updates to the Traffic Code - Drew Gatlin, Staff Engineer

### **2. PUBLIC PORTION:**

### **3. ITEMS FOR DISCUSSION:**

- A.** Right to Food Resolution
- B.** An Ordinance Amending Article 305 - Traffic Control
- C.** An Ordinance Amending Article 311 and 315 - Special Street Uses; Parades
- D.** An Ordinance Amending Article 373 - Bicycles
- E.** City Council Meeting Rules

### **4. ADJOURNMENT:**

**Resolution No. 2021-\_\_**

**A RESOLUTION SUPPORTING THE HUMAN RIGHT TO FOOD**

**WHEREAS**, the City of Morgantown, West Virginia dedicates deliberate and continuous attention to human relations and human rights of its residents and visitors; and

**WHEREAS**, Morgantown has a long history of safeguarding the right and opportunity of all persons to be free from all forms of discrimination and striving to be an inclusive community for all of our residents and visitors; and

**WHEREAS**, the City of Morgantown has been committed for some years to obtain and apportion federal funds specifically addressing food insecurity within the community, including but not limited to federal CARES act monies; and

**WHEREAS**, the City of Morgantown has accepted an award of Community Development Block Grant Program – CARES Act funds in the amount of \$500,000.00 from the West Virginia Development Office, which will be used to provide food support to low- and moderate-income families in Morgantown; and

**WHEREAS**, denial of basic human rights, including the right to food, to individuals is destructive to a free and democratic society; and

**WHEREAS**, improving access to healthy and affordable food is a critical public health issue, and the City of Morgantown is invested in improving access to food in food deserts and across the City; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Morgantown strives to realize the right to food of all its residents; and

**BE IT FURTHER RESOLVED**, that the City of Morgantown supports physical and economic access to healthy and affordable food, which shall include consideration of, but not be limited to, full-service grocery stores, incorporation of educational components into efforts to expand food access, nonprofit and coop models for grocery stores, and expansion of community gardens; and

**BE IT FURTHER RESOLVED**, that the City of Morgantown supports the right of the people to sustainably grow, raise, harvest, produce, and consume food of their own choosing for their own nourishment, sustenance, bodily health, and well-being; and

**BE IT FURTHER RESOLVED**, that the City of Morgantown will strive to realize the right to food of its residents through supporting the expansion of Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) enrollment efforts; and

BE IT FURTHER RESOLVED, that the City of Morgantown adopts this resolution to recognize the right to food of individuals as a basic human right that requires protection in order to ensure a free, democratic, and inclusive society.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Ordinance No. 2020-\_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 305.01 OF THE TRAFFIC CODE TO AUTHORIZE THE CITY MANAGER TO DIRECT PLACEMENT OF TRAFFIC CONTROL DEVICES AND SIGNALS**

The City of Morgantown hereby ordains that Section 305.01 is amended as follows:

**305.01 MANAGER'S POWERS GENERALLY.**

(a) The City Manager shall place and maintain traffic control signs, signals and devices as required under the provisions of this Traffic Code and other traffic ordinances of the City to make effective such provisions of this Traffic Code and other traffic ordinances, and may place and maintain such additional traffic control devices as Council may from time to time director as required for management of cleaning, repair, or emergencies on public ways pursuant to City Code Section 305.03.

(b) The City Manager may direct the placement and maintenance of traffic control signs, signals, and devices, in addition to those provided for under Paragraph (a) of this Section, as the City Manager or a designee determines appropriate for the management of the public rights-of-way in accordance with the provisions of this Section. Any such direction shall be reduced to writing, delivered to City Council, and retained by the Office of the City Engineer in accordance with Paragraph (f) of this section.

(c) City Council may direct that traffic control signs, signals, and devices ordered by the City Manager be removed or modified. Any Council action under this Paragraph (b) shall be undertaken by adoption of an ordinance.

(d) In the event that City Council directs that traffic control signs, signals, and devices ordered by the City Manager be removed or modified, the City Manager may not direct that the traffic control signs, signals, or devices removed or modified by replaced thereafter unless authorized to do so by subsequent ordinance of Council.

(e) No order of the City Manager directing the placement of traffic control signs, signals, or devices ordered shall be effective until the date stated in the order.

(f) The City Engineer shall maintain a record of all orders of the City Manager and ordinances of City Council directing the placement of traffic control signs, signals, and devices under this Section.

This ordinance shall be effective upon adoption.

FIRST READING: \_\_\_\_\_

\_\_\_\_\_  
Mayor

SECOND READING: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

FILED: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

**AN ORDINANCE AMENDING ARTICLE 311 PERMITTING SPECIAL USES OF STREETS AND REPEALING ARTICLE 315 GOVERNING PARADE PERMITS.**

WHEREAS, Article 311 of the City Code governs Street Obstructions and Special Uses; and

WHEREAS, the City desires to provide additional opportunities for use of the public right-of-way in order to increase public enjoyment and activity in public places and promote safety and aesthetic appeal in public places; and

WHEREAS, the permitting of events in the right-of-way will be made more efficient by using one process for all permitted events and repealing Article 315 specific to parade uses; and

WHEREAS, these purposes will be served by adopting a special event permit process within the City Code;

NOW, THEREFORE, The City of Morgantown hereby ordains that Article 311 of the City Code is amended and Article 315 is repealed as follows:

**Article 311. Street Obstructions and Special Uses**

**311.01. STREET OBSTRUCTION PROHIBITED**

Except as authorized by this Article or other applicable provision of this Code, no person shall obstruct a public right-of-way in any manner that prevents free movement and use of such right-of-way by the public.

**311.02. SPECIAL EVENT PERMIT.**

(a) The City Manager may authorize the temporary use of the public rights-of-way by issuance of a special event permit.

(b) The City Manager shall prescribe an application form for a special event permit.

(c) A nonrefundable application fee in the amount established by the Fee Schedule currently approved by City Council ordinance shall be submitted with each application to defray the cost of administrative review. No other fees shall be assessed in connection with a Special Event Permit except pursuant to a generally-applicable schedule of fees adopted by City Council.

(d) The City Manager shall prescribe regulations for the application and issuance of permits, including, but not limited to, provisions for a description of the special event and area(s), time(s), and purpose(s) for which the permit is requested. The regulations shall prescribe generally-applicable standards for determining whether a permit will be granted, including consideration of the impact on the right-of-way, on the public’s use of the right-of-way, and on abutting residents and property owners. The regulations shall be effective upon filing in the Office of the City Clerk and shall be made available for public inspection.

(e) The special event permit may waive the application of laws governing the use of rights-of-way including but not limited to, the prohibitions on obstruction of traffic or the public, prohibition on use or sale of alcoholic liquors and/or nonintoxicating beer, and prohibition on erecting temporary structures, for the duration of the special event permit.

(f) The special event permit may waive the application of the City’s Noise Control laws only to the extent permitted by Section 527.07 of this Code.

(g) The special event permit shall be subject to the terms and conditions set forth in the permit issued.

(h) No special event permit shall be issued for a period longer than five (5) consecutive calendar days.

(i) No person shall hamper, obstruct, molest, impede or interfere with any permitted Special Event or with any person, vehicle or animal participating or used in a permitted Special Event.

(j) The City Manager shall have the authority to revoke any permit issued under the provisions of this article in case of emergency or for reasonable cause.

**311.043 ~~PLACING INJURIOUS~~ DANGEROUS MATERIAL IN STREET.**

(a) No person shall ~~throw or~~ deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans, gravel, sand, oil, gasoline or other flammable substance, or any other substance likely to injure any person, animal, or vehicle upon such street or highway.

(b) Any person who deposits any dangerous material described in this Section within a public right-of-way, or is responsible for the placement of such material in the right-of-way, drops, or permits to be dropped or thrown, upon any street or highway any destructive or injurious material shall immediately remove the same, or cause it to be removed, and properly dispose of the material.

(c) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any dangerous material described in this Section from the right-of-way and properly dispose of the material. ~~glass or other injurious substance dropped upon the street or highway from such vehicle.~~

**311.02 ~~PLAYING IN STREETS.~~**

~~—(a)— No person shall use the public streets, highways, alleys, thoroughfares, roads or avenues of the Municipality for the purpose of engaging in or playing any games or athletic activities, including but not limited to, such activities as playing catch, baseball, football, skating, sledding and/or any activity related to the same.~~

~~—(b)— Any violation of subsection (a) hereof is hereby declared to be a public nuisance per se and may be summarily abated by any law enforcement officer.~~

**311.035 ~~TOY~~ ALTERNATIVE VEHICLES ON STREETS.**

~~(a) When traveling on sidewalks, operators of scooters, skateboards, or any play vehicle must yield to pedestrians. No person on roller skates or riding in or by means of any sled, toy vehicle, skateboard or similar device shall go upon any roadway except while crossing a street on a crosswalk and except on streets set aside as play streets.~~

~~(b) No person shall ride a skateboard or platform with wheels attached or propel themselves with roller skates upon any sidewalk within the Central Business District. Such Central Business District shall be encompassed by the boundary streets of the Monongahela River on the west; both sides of Spruce Street on the east; both sides of Willey to the north; and both sides of Foundry to the south. [NOTE: transferred from Art. 373. Bicycles]~~

**311.046 DRIVING ON PLAY STREETS HEALTHY STREETS**

(a) A Healthy Street is a designated public right-of-way where motorized vehicular access and movement is restricted and where preferred access and movement is granted to pedestrians, bicycles, and other nonmotorized transport.

(b) When authorized signs are erected indicating any street or part thereof as a ~~play street~~ Healthy Street, no person shall ~~drive a vehicle~~ operate a motorized vehicle upon any such street or highway or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such authorized driver shall exercise the greatest care in driving upon any such street or highway or portion thereof by yielding the right-of-way at all times to pedestrians, bicyclists, and other nonmotorized transport.

(c) The City Manager may designate any public right-of-way or portion thereof a Healthy Street pursuant to this Section. The designation shall be made in writing and shall be delivered to City Council, the City Clerk, and the City Engineer prior to its effective date. The City Clerk shall maintain the designation as a public record, and the City Engineer shall keep a record of all designated Healthy Streets. The City Manager, or a designee, may prescribe regulations implementing the provisions of this Section.

**311.99 PENALTY.**

(EDITOR'S NOTE: See Section [303.99](#) for general Traffic Code penalty.)

**~~315.01 DEFINITIONS.~~**

~~—For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

~~—(a) "Parade" means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or public way or any public place within the City.~~

~~—(b) "Parade permit" means a permit as required under the provisions of this article. (1967 Code Sec. 23-1.)~~

**~~315.02 OBSTRUCTING OR INTERFERING WITH PARADE.~~**



~~—No person shall hamper, obstruct, molest, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.  
(1967 Code Sec. 23-2.)~~

**315.03 DRIVING THROUGH PARADE.**

~~—No driver of a vehicle, float or animal, except emergency vehicles enroute to a call, shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.  
(1967 Code Sec. 23-3.)~~

**315.04 PARKING ON PARADE ROUTE.**

~~—The City Manager shall have the authority, when reasonably necessary in his discretion, or when requested by the applicant, to prohibit or restrict the parking of vehicles along any street, highway or alley or part thereof constituting a part of the route of a parade, and to rope off all or any part thereof. The City Manager shall cause signs to be posted to such effect, and no person shall park or leave unattended any vehicle in violation thereof.  
(1967 Code Sec. 23-4.)~~

**315.05 RULES AND REGULATIONS.**

~~—The City Manager shall have the authority to prepare and promulgate rules and regulations for the conduct of all parades within the City consistent with the intent, spirit and announced purposes of this article, and consistent with other applicable provisions of this Code and other ordinances of the City and the statutes of the State and may also impose any special conditions or requirements for any parade which he may deem reasonably necessary. A copy of such rules and regulations, and of any such special conditions or requirements shall be sent to the applicant with his parade permit, or shall be included in such permit, in the discretion of the City Manager.  
(1967 Code Sec. 23-5.)~~

**315.06 PERMIT REQUIRED; EXCEPTIONS.**

~~—No person shall engage in, participate in, aid, form or start any parade, unless a parade permit is first obtained from the City Manager under the provisions of this article, with the following exceptions:~~

- ~~—(a) Funeral processions.~~
- ~~—(b) Students going to and from school classes or participation in groups in educational activities; provided, that such conduct is under the immediate direction and supervision of proper school authorities.~~
- ~~—(c) A governmental agency acting within the scope of its functions.~~
- ~~—(d) Processions of lodges, fraternities, sororities, churches, thyrus by student groups, school processions in connection with school or educational activities, individual school bands on practice marches or maneuvers, or bona fide advertising exhibitions.~~

~~(1967 Code Sec. 23-6.)~~

**315.07 PERMIT APPLICATION.**

~~—A person seeking issuance of a parade permit shall file an application with the City Manager on \_\_\_\_\_ forms \_\_\_\_\_ provided \_\_\_\_\_ by \_\_\_\_\_ him.  
(1967 Code Sec. 23-7.)~~

**315.08 APPLICATION FILING PERIOD.**

~~—An application for a parade permit shall be filed with the City Manager at least twenty days before the date on which it is proposed to conduct the parade for which the application is made.  
(1967 Code Sec. 23-8.)~~

**315.09 APPLICATION CONTENTS.**

- ~~—The application for a parade permit shall set forth the following information:~~
- ~~—(a) The name, address and telephone number of the person seeking to conduct such parade;~~
- ~~—(b) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and the authorized and responsible heads of such organization;~~
- ~~—(c) The name, address and telephone number of the person who shall be parade chairman or marshal and who shall be responsible for its conduct;~~
- ~~—(d) The date when the parade is to be conducted;~~
- ~~—(e) The route to be traveled, the starting point and the point of termination;~~
- ~~—(f) The approximate number of persons who, and the animals and vehicles which, shall constitute such parade; the type of animals and a description of the vehicles;~~
- ~~—(g) The hours when such parade shall start and terminate;~~
- ~~—(h) The location by streets of the assembly areas and of the dispersal areas of such parade;~~
- ~~—(i) The time at which the units of the parade shall begin to assemble at any such assembly areas; and the time at which all units shall be required to be assembled and in formation;~~
- ~~—(j) The interval of space to be maintained between the units of such parade;~~
- ~~—(k) If the parade is designed to be held by, and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the City Manager a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;~~
- ~~—(l) Any additional information which the City Manager shall find reasonably necessary to a fair determination as to whether the permit shall be issued;~~
- ~~—(m) Whether or not parking is to be removed from the streets on the parade route;~~
- ~~—(n) Locations where floats are to be constructed and may be inspected by proper City officials.~~

~~—(1967 Code Sec. 23-9.)~~

**315.10 LATE APPLICATIONS.**

~~—The City Manager, where good cause is shown therefor, shall have the authority to consider any application which is filed under the provisions of this article less than twenty days before the date such parade is proposed to be conducted.~~

~~(1967 Code Sec. 23-10.)~~

**315.11 FEES.**

~~—Where the applicant for a parade permit requests the removal of parking from the streets along the parade route in his application, or where it appears to the City Manager from such application that the removal of such parking is necessary to the proper conduct of the parade, or where it appears that any other special services are required to be rendered by the City, then a fee of fifty dollars (\$50.00) shall accompany such application, to pay the costs of placing and removing ropes and "No Parking" signs along such streets and in providing any other special services needed or requested. If no such special services are requested or required then the fee accompanying such application shall be five dollars (\$5.00). In the event such permit is refused or denied then such fee shall be refunded to the applicant.~~

~~(1967 Code Sec. 23-11.)~~

**315.12 APPROVAL OR REJECTION; ISSUANCE.**

~~—The City Manager shall act upon the application for a parade permit within three business days after the filing thereof. If the City Manager shall disapprove the application, he shall mail~~

to the applicant within five business days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit. If he shall approve the application, the permit shall be mailed to the applicant within a like period.

(1967 Code Sec. 23-12.)

**315.13 STANDARDS OF ISSUANCE.**

—The City Manager shall not issue a parade permit as provided for in this article when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

—(a) The time, place, size or conduct of the parade including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.

—(b) The parade would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.

—(c) The parade route of march or assembly areas would unreasonably interfere with the movement of police vehicles, firefighting equipment or ambulance service to other areas of the Municipality.

—(d) The parade would unreasonably interfere with another parade for which a permit has been issued.

—(e) The information contained in the application is found to be false, misleading or incomplete in any material detail.

—(f) An emergency such as a fire or storm would prevent the proper conduct of the parade.

**315.14 APPEAL UPON DENIAL OF PERMIT.**

—Any person believing himself aggrieved by a rejection of his application for a parade permit by the City Manager shall have the right to appeal the denial of such permit to Council. The appeal shall be taken within ten days after receipt of the notice of rejection thereof.

—Such appeal shall be filed with the City Clerk and presented by him at the next regular meeting of Council, and Council shall hear such appeal and render a decision thereon at such meeting, or as soon thereafter as it reasonably can do. The decision of Council shall be final.

(1967 Code Sec. 23-14.)

**315.15 ALTERNATIVE PERMIT.**

—The City Manager, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that applied for by the applicant. An applicant desiring to accept an alternative permit shall, within seven business days after receipt of notice of the action of the City Manager, file a written notice of acceptance with the City Manager.

(1967 Code Sec. 23-15.)

**315.16 COPIES OF PERMIT TO BE SENT TO CERTAIN PERSONS.**

—Immediately upon the issuance of a parade permit, the City Manager shall send a copy thereof to the following persons:

—(a) The Chief of Police.

—(b) The Chief of the Fire Department.

—(c) The applicant.

—(1967 Code Sec. 23-16.)

**315.17 CONTENTS OF PERMIT.**

—Each parade permit shall state the following information:

- ~~—(a) Date and starting time;~~
  - ~~—(b) Assembly and dispersal areas;~~
  - ~~—(c) Parade route;~~
  - ~~—(d) Approximate number of persons, animals and vehicles in parade;~~
  - ~~—(e) Such other information as the City Manager may deem pertinent;~~
  - ~~—(f) Whether or not parking is to be removed from the streets along the parade route.~~
- ~~(1967 Code Sec. 23-17.)~~

**315.18 DUTIES OF PERMITTEE.**

~~—A permittee under the provisions of this article shall comply with all permit directions and conditions and with all applicable provisions of this Code and other ordinances including the following:~~

- ~~—(a) A sufficient number of parade marshals shall be furnished by the applicant to lead the parade to be distributed along the route of the parade and at the rear thereof, and the permittee shall instruct such parade marshals in their duties. The permittee shall provide all parade marshals with suitable identification such as armbands or like insignia.~~
- ~~—(b) All floats or displays in the parade shall be of fire resistant materials.~~
- ~~—(c) Full visibility shall be provided to the drivers of all vehicles, floats or animals in the parade.~~
- ~~—(d) No materials of any kind shall be thrown to or from any floats, animals or vehicles in the parade.~~
- ~~—(e) The applicant or parade sponsor shall remove all debris along the assembly areas and dispersal areas immediately following the termination thereof.~~
- ~~—(f) The permittee shall ascertain that all parade vehicles comply with all applicable provisions of this Code and other ordinances of the City and the laws of the State.~~
- ~~—(g) The permittee shall require all units of the parade to maintain a forward motion at all times.~~

~~(1967 Code Sec. 23-18.)~~

**315.19 REVOCATION OF PERMIT.**

~~—The City Manager shall have the authority to revoke any parade permit issued under the provisions of this article for reasonable cause, and shall report at the next regular session of Council his action and the reasons therefor.~~

~~(1967 Code Sec. 23-19.)~~

**315.99 PENALTY.**

~~—(EDITOR’S NOTE: See Section [303.99](#) for general Traffic Code penalty.)~~

This Ordinance shall be effective upon date of adoption.

FIRST READING:

\_\_\_\_\_ MAYOR

ADOPTED:

FILED:

\_\_\_\_\_

RECORDED:

CITY CLERK

**AN ORDINANCE AMENDING ARTICLE 373 OF THE CITY CODE  
RELATING TO BICYCLES**

WHEREAS, the City of Morgantown suffers persistent traffic congestion on its roadways, which limits the ability of residents to travel freely and conduct their business and personal affairs; and

WHEREAS, the most efficient and cost-effective method of immediately decreasing this traffic congestion is the use of alternative modes of transportation; and

WHEREAS, the regulation of traffic to permit safe and efficient use of alternative modes of transportation is likely to increase those transportation modes and decrease traffic congestion; and

WHEREAS, bicycling is an effective alternative mode of transportation available to many residents and roadway users; and

WHEREAS, the City has begun to promote the use of bicycles as an alternative mode of transportation by installing on designated traffic corridors lane markings and signage promoting awareness of the availability of cycling on roadways and shared roadway usage by motor vehicles and bicycles; and

WHEREAS, these roadway improvements are designed as temporary measures to ingrain proper habits regarding roadway use; and

WHEREAS, these efforts to ensure proper roadway use and decrease reliance on additional markings and signage will be promoted by an increase in the proper use of bicycles on roadways; and

WHEREAS, this ordinance will regulate bicycle traffic in a way that promotes ease of use of bicycles for travel and the efficient movement of bicycle riders along with motor vehicles and pedestrians in the public rights-of-way; and

WHEREAS, the City is authorized by West Virginia Code sections 8-12-5(4) and 17C-2-8(a)(8) to regulate the use of bicycles on roadways under its jurisdiction;

NOW THEREFORE, The City of Morgantown hereby ordains that Article 373 of the City Code is amended as follows:

**373.01 COMPLIANCE; CODE APPLICATION TO BICYCLES.**

~~(a) No person shall do any act forbidden or fail to perform any act required in this article.~~

~~—(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Traffic Code.~~

~~—(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or highway, or upon any path set aside for the exclusive use of bicycles, and upon the Rails to Trails pathway and other shared use or mixed use path within the City, subject to those exceptions stated herein. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Article.~~

~~—Bicycle activity on the City’s Rails to Trails pathway and all realty owned or leased by the City or any of its boards or commissions is subject to the regulations within this article.~~

**373.02 OBEDIENCE TO TRAFFIC RULES; EXCEPTIONS.**

(a) Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Traffic Code, except as to special regulations in this article and except as to those provisions of this Traffic Code which by their nature can have no application.

(b) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other traffic control devices applicable to vehicles, unless otherwise directed by a police officer or this Article.

(c) Stopping – Turn and Stop Signals. The following rules shall apply to operation of a bicycle with respect to traffic control signs, devices, and signals regulating stopping and turning:

(1) A person operating a bicycle approaching a stop sign shall slow down and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the person shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection or junction of highways, except that a person after slowing to a reasonable speed and yielding the right-of-way if required may cautiously make a turn or proceed through the intersection without stopping.

(2) A person operating a bicycle approaching a steady red traffic-control signal shall stop before entering the intersection, except that a person after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a right turn without stopping or may cautiously make a left turn onto a one-way street without stopping.

(3) A signal of intention to turn right or left shall be given during the last one hundred feet traveled by the bicycle before turning, provided that a signal by hand and arm need not be given if the hand is needed in the control or operation of the bicycle.

**373.03 RIDING UPON SEATS; NUMBER OF PERSONS.**

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

**373.04 ATTACHING BICYCLE OR SLED TO VEHICLE.**

No person riding upon any bicycle, coaster, skateboard, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

**373.05 RIDING ON ROADWAYS AND BICYCLE PATHS.**

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

**373.06 CARRYING ARTICLES.**

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

**373.07 LIGHTS AND REFLECTOR ON BICYCLE; SIGNAL DEVICE; BRAKES; HELMET.**

(a) ~~Every bicycle when in use~~ person operating a bicycle on a roadway at nighttime shall be equipped with use a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Department of Motor Vehicles which shall be visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear, with a steady or intermittent beam, may be used in addition to or as an alternative to the red reflector, and a bicycle or its rider may be equipped with lights or reflectors in addition to those required by law.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(c) No person under fifteen years of age shall operate or be a passenger on any bicycle on a public roadway, public bicycle path or other public right-of-way unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet. unless he or she is wearing securely fastened on his or her head by either neck or chin strap, a protective helmet that is designed to deflect blows, resist



~~penetration and spread impact forces, which protective helmet shall meet or exceed the specifications of ANSI Z90.4.~~

[Source: *W. Va. Code* § 17C-11A-4 – note: red light alternative to reflector not permitted]

**373.08 RIDING ON SIDEWALKS.**

(a) No person shall ride a bicycle upon a sidewalk within ~~a business district~~ the area bounded by and including Willey Street on the North, Spruce Street on the East, Prairie Avenue on the South, and University Avenue/Beechurst Avenue on the West .

(b) No person fifteen or more years of age shall ride a bicycle upon any sidewalk in any district.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

~~—(d) No person shall ride a skateboard or platform with wheels attached or propel themselves with roller skates upon any sidewalk within the Central Business District. Such Central Business District shall be encompassed by the boundary streets of the Monongahela River on the west; both sides of Spruce Street on the east; both sides of Willey to the north; and both sides of Foundry to the south.~~

~~(Ord. 10-6-87.)~~

[move to new section 311.05 within Article 311 – Street Obstructions and Special Uses:

**311.05. Skateboards prohibited on sidewalks within Central Business District**

No person shall ride a skateboard or platform with wheels attached or propel themselves with roller skates upon any sidewalk within the Central Business District. Such Central Business District shall be encompassed by the boundary streets of the Monongahela River on the west; both sides of Spruce Street on the east; both sides of Willey to the north; and both sides of Foundry to the south.

]

**373.09 PARKING OF BICYCLE.**

~~No person shall~~ Any person operating a bicycle may only park the bicycle in an area where a motor vehicle may be parked, park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle or affixed to a post or other public facility capable of supporting the bicycle , or against a building in such a manner as to afford the least obstruction to pedestrian traffic.

**373.10 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.**

No person shall operate a bicycle: ~~(a) W~~ without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or

property of any person while in the lawful use of the streets or sidewalks or any other public or private property;

~~—(b) Without exercising reasonable and ordinary control over such bicycle;~~

~~—(c) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;~~

~~—(d) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section [373.06](#);~~

~~—(e) At a speed greater than is reasonable and prudent under the conditions then existing.~~

**373.99 PENALTY.**

(EDITOR'S NOTE: See Section [303.99](#) for general Traffic Code penalty.)

First Reading:

Adopted:

\_\_\_\_\_

Mayor

Filed:

Recorded:

\_\_\_\_\_

City Clerk

**The City of Morgantown, West Virginia  
City Council Policy  
For  
City Council Meetings**

1. Scope and Application. This policy applies to all public meetings conducted by the City Council.
  
2. Purpose. This policy describes the process by which City Council will set meeting agendas, provide notice of meetings, and conduct its meetings. The policy is designed to help City Council conduct its business efficiently and promote open deliberation with meaningful public participation.
  
3. Authority. This policy is adopted in accordance with the West Virginia Open Governmental Proceedings Act (“OGPA”), codified at *W. Va. §§ 6-9A-1 et seq.*, as it may be amended, and guidance published by the West Virginia Ethics Commission regarding holding public meetings. This policy implements the provisions of City Charter Section 2.11 and City Code Article 121. The precedence of these authorities shall be as follows: the OGPA, the City Charter, City Code, this policy.
  
4. Meetings.
  - a. Regular meetings. City Council holds regular meetings on the first and third Tuesdays of each month in accordance with a schedule published annually in January. Regular meetings begin at 7 p.m. and are held in the City Hall Council Chambers located at 389 Spruce Street, Morgantown, West Virginia. Meetings may be held by electronic means only, without a physical meeting space, in accordance with the **City Council Policy on Conduct of Public Meetings by Electronic Means**. The annual schedule – or a later determination by Council – may change the dates, times, and location of regular meetings.
  
  - b. Committee of the Whole meetings. City Council meets as a Committee of the Whole on the last Tuesday of each month. These Committee of the Whole meetings are public meetings where deliberation of public business occurs. City Council intends these meetings as planning sessions where Council will receive presentations and plan its meeting agendas for the upcoming month. City Council generally does not take official action on business items at these meetings. Committee of the Whole meetings begin at 7 p.m. and are held in the City Hall Council Chambers located at 389 Spruce Street, Morgantown, West Virginia. Dates, times, and location of these meetings are subject to change by Council.

- c. Special meetings. City Council may hold special meetings at any time upon the call of the Mayor or of at least four members of Council. Meetings will be held upon at least two business days' notice, which shall be contained in a publicly posted agenda identifying the matters to be considered at the meeting.
  
- d. Emergency meetings. City Council may hold emergency meetings upon the call of at least four members of Council for the purpose of addressing an unexpected event which requires immediate attention because it poses: (A) An imminent threat to public health or safety; (B) An imminent threat of damage to public or private property; or (C) An imminent material financial loss or other imminent substantial harm to a public agency, its employees or the members of the public which it serves. Public notice of the emergency meeting shall be posted as soon as practicable prior to the meeting and shall state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

5. Agenda.

- a. Format; Posting. The agenda shall state the date, time, and place of the meeting and identify the matters to be considered by City Council at the meeting. The agenda will be posted by the City Clerk at City Hall and available for review during regular business hours. The City Clerk will ordinarily also publish the agenda to the City website and deliver the agenda to the City Council Agenda Distribution List maintained by the City Information Technology Department. The agenda will be posted at least 3 business days before any regular meeting and may be amended no later than 2 business days before any regular meeting. The agenda will be posted at least 2 business days before any special meeting. The agenda will be posted as soon as practicable before any emergency meeting. For purposes of these rules, a "business day" is any day except a Saturday, Sunday, or a legal holiday as defined by *W. Va. Code § 2-2-1*. When calculating business days, the day of the meeting is not counted.
  
- b. Contents. An item may be placed on the agenda by determination of the Mayor, the City Manager, or at least four members of City Council. Absent special circumstances requiring more timely action, City Council will consider new business items for the first time at a Committee of the Whole meeting. Determinations whether to place an item on the meeting agenda are logistical matters that need not be made in public meetings. The determination to place an item on the agenda, and communication of that determination to the City Clerk, shall be made and communicated to the City Clerk sufficiently in advance of the meeting to permit posting of the required notice. City Council prefers that any resolution, ordinance, or agreement to be presented at Council Meetings be prepared by the City's legal counsel or reviewed by the City's legal counsel before

inclusion on an agenda. The following are the expectations for determination of agenda items and communication of the items to the City Clerk:

- i. City Manager; Mayor. Item caption and document(s) for Council consideration delivered from the Mayor or City Manager by the end of the business day four (4) business days before the meeting.
  - ii. City Council Members. Item caption and document(s) for Council consideration delivered from the sponsoring Council Members, or in a message including all sponsoring Council Members stating each Council Member who agrees to include the item on the agenda, by the end of the business day four (4) business days before the meeting.
  - iii. Boards and Commissions. Item caption and document(s) for Council consideration delivered with (1) a written recommendation from the board or commission describing the action sought by Council; (2) a copy of the minutes of the meeting(s) at which the board or commission took action upon the item; and (3) a copy of the presentation materials and names of presenters who plan to present the item to a Committee of the Whole, or a request for waiver of the presentation at least thirty (30) calendar days before the Committee of the Whole at which the board or commission requests the item be considered. The determination whether to place any item on the agenda remains the option of the City Manager, Mayor, or City Council as described in these rules.
  
- 6. Minutes. The City Clerk shall prepare minutes of each meeting of City Council and present the minutes for approval by Council. The minutes will include the date, time, and place of the meeting; the name of each member of City Council present and absent; all motions, orders, resolutions, ordinances, and measures proposed, as well as the name of the person proposing each action and the disposition of the matter; and the results of all votes. The minutes should describe each item on which City Council acted, including a record of any amendments to any item before Council and the record of each Council Member’s vote on each amendment and action taken. The City Clerk shall keep a record of all adopted meeting minutes.
  
- 7. Public participation.
  - a. Attendance; Capacity of meeting room. In-person attendance at meetings will be limited to the capacity of the meeting room as determined by the City fire marshal. Attendees will be admitted in the order they appear for entry. When the meeting room reaches capacity, the presiding officer or a city law enforcement official present at the meeting will preclude any additional entrants unless an attendee leaves and permits space for an additional entrant. The presiding officer or law enforcement official may allow temporary entry when capacity has been reached

so that members of the public wishing to speak during the public portion or a public hearing may enter to speak. Attendance at meetings conducted by electronic means only will be governed by the **City Council Policy on Conduct of Public Meetings by Electronic Means**.

- b. Observation of meeting; decorum. Public attendees of the meeting are entitled to hear the proceedings of the City Council. In order to ensure the attendees may hear the meeting and to ensure that public business can be conducted effectively, members of the public may not speak during the meeting except during designated public portions and in accordance with the rules for those portions. Members of the public may not disrupt the meeting by other means, including by displaying signs that may inhibit others' view of the meeting or by making noises or gestures that interfere with the meeting. Members of the public are entitled to record the meetings of City Council by audio, visual, or audiovisual methods so long as the recording does not interfere with the conduct of the meeting or the rights of public attendees to observe the meeting. The meetings of City Council are a limited public forum where speech is only regulated by content-neutral, generally-applicable rules, and this policy will not be used to limit speech based on the content or viewpoint of the speaker. The presiding officer will determine whether the conduct of an attendee violates this policy, and the presiding officer shall have the right to order any attendee to cease violation of the policy or to leave the meeting.
  
- c. Public portion. Any member of the public may speak during the public portion of the meeting regarding matters of public concern relevant to the business of City Council. Each person speaking must state the person's name and residence address before making public comments, and each person's comments must be limited to four minutes so that the meeting may be conducted efficiently. Comments that are not related to the business of the city, that include vulgar or discriminatory language, or that constitute personal grievances rather than addressing matters of public concern are not permitted, and the presiding officer will order any person engaging in such comments to cease and may order the person removed from the meeting. By determination of the majority of Council before the beginning of the public portion of the meeting, the amount of time allotted to each speaker may be changed, or the total amount of time for public comment may be limited, or both changes may be made. By determination of the majority of Council posted along with the public notice of the meeting, public comment may be limited to persons who sign up to provide comment on a list provided for that purpose, but the opportunity to sign up to comment must be available until fifteen minutes prior to the beginning of the City Council meeting.
  
- d. Public hearings. Any member of the public may speak during a public hearing during the meeting regarding matters of public concern relevant to the particular business item for which the public hearing is designated. General comments about

public business should be made during the public portion of the meeting. Each person speaking must state the person's name and residence address before making comments during the public hearing, and each person's comments must be limited to four minutes so that the meeting may be conducted efficiently. Comments that are not related to the subject of the hearing, or that would not be permitted during the public portion, are not permitted during the public hearing, and the presiding officer will order any person engaging in such comments to cease and may order the person removed from the meeting. By determination of the majority of Council before the beginning of the public portion of the meeting, the amount of time allotted to each speaker may be changed, or the total amount of time for public comment may be limited, or both changes may be made. By determination of the majority of Council posted along with the public notice of the meeting, comment at the public hearing may be limited to persons who sign up to provide comment on a list provided for that purpose, but the opportunity to sign up to comment must be available until fifteen minutes prior to the beginning of the City Council meeting.

- e. Council member questions or responses. In order to allow speakers equal opportunity to address City Council and to promote efficient conduct of public business at the meetings, City Council members will not respond to questions or participate in discussion during the public portion or public hearings. These portions of the meeting allow the members of the public the opportunity to address City Council and the community in a public forum. City Council members may speak to topics raised during the public portions of the meeting during the Council's discussion of the business item on the meeting agenda, or, if the item was not included on the meeting agenda, during the Council member's report.

8. Conduct of the meeting.

- a. Presiding officer. The Mayor shall be the presiding officer, except that the Deputy Mayor shall be the presiding officer at meetings of the Committee of the Whole.
- b. Rules. The meeting will be conducted in accordance with Robert's Rules of Order, current edition, except where those rules are modified by state law, the City Charter, the City Code, these rules, or by agreement of the City Council at the meeting.
- c. Time. It is the intention of City Council to complete its regular meetings no later than 11 p.m.
- d. Access. Regular meetings are generally available for live viewing on public access television Channel 15 and on the City website, and past recordings of the meetings are generally available on the City website. Persons with disabilities may request reasonable accommodations by calling the City Clerk's office at (304) 284-7434,

emailing the City Clerk at [cwade@morgantownwv.gov](mailto:cwade@morgantownwv.gov), or visiting the City Clerk’s office at City Hall, 3<sup>rd</sup> Floor, 389 Spruce Street, Morgantown, WV 26505.

- e. Participation by members and others. Council Members will ordinarily attend meetings in person when a meeting is held at a physical location. With the approval of the chair or a majority of the members present (in person or by electronic means) at the meeting, Council Members may participate by electronic means (telephone or videoconference), so long as the participation can be accomplished in a way that allows members of the public to observe the Council Member’s participation and allows the Council Member to appropriately participate in Council’s deliberation. City Council may also allow participation by staff or invited presenters by electronic means when convenient to conducting the business of City Council. Due to limitations on the technical capabilities of the City’s electronic communications services, electronic participation at in person meetings is not offered to members of the public.
9. Effect of policy; Posting. This policy is adopted by the Council pursuant to Section 2.11(b) of the City Charter and supersedes any prior City Council meeting rules. The rules and procedures set forth within this document do not create substantive rights for third parties or participants in proceedings before City Council, and City Council reserves the right to suspend or amend the rules in the manner provided in the City Code, applicable rules adopted by the City, or other law. The failure of City Council to strictly comply with the provisions of this document shall not invalidate any action of City Council. The adopted policy shall be posted on the City’s website and be available from the office of the City Clerk.

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk