



# The City of Morgantown

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Morgantown, West Virginia 26505  
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www.morgantownwv.gov

## AGENDA MORGANTOWN CITY COUNCIL REGULAR MEETING

Tuesday, December 21, 2021 at 7:00 PM

1. **CALL TO ORDER:**

2. **ROLL CALL:**

3. **PLEDGE:**

4. **APPROVAL OF MINUTES:**

- A.** December 7, 2021, Special Meeting minutes
- B.** December 7, 2021, Regular Meeting minutes
- C.** December 14, 2021, Legislative Session Meeting Minutes

5. **CORRESPONDENCE:**

6. **PUBLIC HEARINGS:**

- A.** An Ordinance amending article 305.01 of the Traffic Code to authorize the City Manager to direct placement of Traffic Control Devices and Signals
- B.** An Ordinance amending article 311 permitting Special Uses of Streets and Repealing article 315 governing Parade Permits
- C.** An Ordinance amending article 373 of the City Code relating to Bicycles

7. **UNFINISHED BUSINESS:**

- A.** Consideration of **APPROVAL** of (Second Reading) of An Ordinance amending article 373 of the City Code relating to Bicycles (*First reading 12/4/2021*)

**B. Boards & Commissions:**

Mon River Trails Conservancy Board of Directors (MRTC) - Kristina Vrouwenvelder was recommended by the board as the city resident representative.

- 8. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:**
- 9. SPECIAL COMMITTEE REPORTS:**
- 10. CONSENT AGENDA:**
  - A.** Consideration of **APPROVAL** of (Second Reading) of An Ordinance amending section 305.01 of the Traffic Code to authorize the City Manager to direct placement of Traffic Control Devices and Signals (*First reading 12/4/2021*)
  - B.** Consideration of **APPROVAL** of (Second Reading) of An Ordinance amending article 311 Permitting Special Uses of Streets and Repealing article 315 Governing Parade Permits (*First reading 12/4/2021*)
- 11. NEW BUSINESS:**
  - A.** Consideration of **APPROVAL** of A Resolution of the City of Morgantown, West Virginia declaring its official intent to be reimbursed from the proceeds of bonds to be issued by the Morgantown Building Commission for expenditures in connection with the design, acquisition, construction and equipping of improvements to certain facilities of the city made prior to the issuance of Tax-exempt Lease Revenue Bonds or other obligations
- 12. CITY MANAGER'S REPORT:**
- 13. REPORT FROM CITY CLERK:**
- 14. REPORT FROM CITY ATTORNEY:**
- 15. REPORT FROM COUNCIL MEMBERS:**
- 16. EXECUTIVE SESSION:**
  - A.** Pursuant to West Virginia Code section 6-9A-4(b)(9) to consider matters involving or affecting the purchase, sale, or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition and relating to real estate within the 2nd, 3th, and 6th Wards.
  - B.** Pursuant to West Virginia Code section 6-9A-4(b)(12) to discuss potential or pending litigation
- 17. ADJOURNMENT:**

For accommodations please call or text 304-288-7072

# City of Morgantown

## SPECIAL MEETING December 7, 2021

**Special Meeting December 7, 2021:** The Special Meeting of the Common Council of the City of Morgantown was held in City Hall Council Chambers on Tuesday, December 7, 2021, at 6:06 p.m.

**PRESENT:** Mayor Jenny Selin, Deputy Mayor Danielle Trumble, Council Members Bill Kawecki, Joe Abu-Ghannam, Ixya Vega, Dave Harshbarger, and Brian Butcher.

The meeting was called to order by Mayor Selin.

**Executive Session:** Pursuant to West Virginia Code Section 6-9a-4(b)(2)(a) to discuss Personnel Matters in considering new appointments for Board and Commissions. Motion by Councilor Abu-Ghannam, second by Councilor Kawecki, to go into executive session. Motion carried by acclamation. Present: City Council. Time: 6:07 p.m.

### Transit Authority Board of Directors

6:00 p.m. – Jenny Dinsmore

### Civilian Police Review & Advisory Board & Health & Wellness Commission

6:20 p.m. – Joseph Scotti

### Civilian Police Review & Advisory Board

6:40 p.m. – Robert “Bob” Cohen

### ADJOURNMENT:

There being no further business, motion by Deputy Mayor Trumble, second by Councilor Vega, to adjourn the meeting. Time: 7:20 p.m.

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

\_\_\_\_\_  
Mayor

# City of Morgantown

## SPECIAL MEETING December 14, 2021

**2022 Legislative Session Meeting December 14, 2021:** The 2022 Legislative Session Meeting of the Common Council of the City of Morgantown was held in City Hall Council Chambers on Tuesday, December 14, 2021, at 7:00 p.m.

**PRESENT:** City Manager Kim Haws, Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, Mayor Jenny Selin, Deputy Mayor Danielle Trumble, Council Members: Joe Abu-Ghannam, Bill Kawecki, Ixya Vega, Dave Harshbarger, and Brian Butcher, and invited guests Senator Michael Caputo, Senator Bob Beach, Delegate Barbara Evans-Fleischauer, Delegate Evan Hansen, Delegate Danielle Walker, Delegate Joe Statler, and Delegate John Williams.

The meeting was called to order by Mayor Selin.

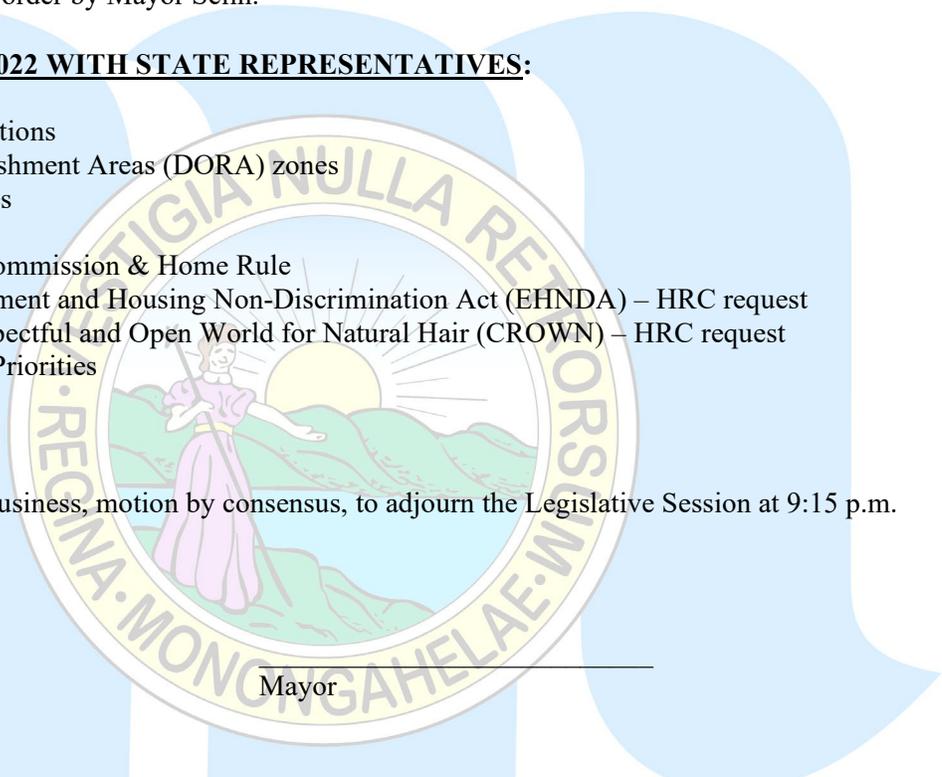
### LEGISLATIVE PRIORITIES 2022 WITH STATE REPRESENTATIVES:

- A. Preserving Municipal Elections
- B. Designated Outdoor Refreshment Areas (DORA) zones
- C. Infrastructure Bill Priorities
- D. State ARPA Funds
- E. Preserve Human Rights Commission & Home Rule
- F. Resolution – WV Employment and Housing Non-Discrimination Act (EHNDA) – HRC request
- G. Resolution – Create a Respectful and Open World for Natural Hair (CROWN) – HRC request
- H. WVML 2022 Legislative Priorities

### ADJOURNMENT:

There being no further business, motion by consensus, to adjourn the Legislative Session at 9:15 p.m.

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



\_\_\_\_\_  
Mayor

**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: \_\_\_\_\_

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

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

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

**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.

**311.013 ~~PLACING INJURIOUS~~ PLACING 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.~~

**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.~~

~~—(e) 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~~
- ~~(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.)~~

**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

**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.~~

~~—(e) 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~~
- ~~(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.)~~

**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

Ordinance No. 2021-\_\_\_\_\_

**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: \_\_\_\_\_

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

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

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

**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.

### **311.013 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.~~

### **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

**THE CITY OF MORGANTOWN**

**Tuesday, December 21, 2021  
Regular Council Meeting**

**AGENDA ITEM**

1. Consideration of adoption of a Reimbursement Resolution which would authorize the reimbursement from proceeds of lease revenue bonds which may be issued by the Morgantown Building Commission of expenditures incurred by the City with respect to the design, acquisition, construction and equipping of improvements to existing City facilities, including City Hall, the Public Safety Building, the Norwood Fire Station and the City Public Works Garage, prior to the issuance of such bonds.

**RESOLUTION OF THE CITY OF MORGANTOWN, WEST VIRGINIA DECLARING ITS OFFICIAL INTENT TO BE REIMBURSED FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE MORGANTOWN BUILDING COMMISSION FOR EXPENDITURES IN CONNECTION WITH THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO CERTAIN FACILITIES OF THE CITY MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT LEASE REVENUE BONDS OR OTHER OBLIGATIONS**

WHEREAS, Treasury Regulations Section 1.150-2 (the “**Reimbursement Regulation**”) sets forth the rules for determining when proceeds of bonds or other obligations are deemed spent for purposes of applying Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the “**Code**”), including the arbitrage yield restrictions and rebate requirements under Code Section 148, if the proceeds are used to reimburse expenditures made prior to the date of issue of the bonds or other obligations;

WHEREAS, the Reimbursement Regulation requires that a declaration of official intent to reimburse the expenditures (“**Declaration of Official Intent**”) be made not later than sixty (60) days after payment of the “original expenditure,” as such term is defined in the Reimbursement Regulation (the “**Original Expenditures**”), and that an allocation in writing evidencing use of proceeds of a reimbursement bond to reimburse an Original Expenditure be made within eighteen (18) months after the later of the date the Original Expenditure is paid or the date the project is placed in service or abandoned, but in no event later than three (3) years after the Original Expenditure is paid;

WHEREAS, The City of Morgantown, West Virginia (the “**City**”) wishes to take such action as is necessary or permitted to comply with the Reimbursement Regulation;

WHEREAS, the City intends to request the assistance of the Morgantown Building Commission (the “**Building Commission**”), pursuant to the provisions of West Virginia Code Section 8-33-1, *et seq.* (the “**Building Commission Act**”) in the design, acquisition, construction and equipping of improvements to certain existing facilities of the City, including City Hall, the Public Safety Building, the Norwood Fire Station and the City Public Works Garage (the “**Project**”), and the financing of all or a portion of the costs thereof through the issuance by the Building Commission of not more than \$7,000,000 in aggregate principal amount of lease revenue bonds (the “**Bonds**”); and

WHEREAS, the City expects to make certain capital expenditures relating to the design, acquisition, construction and equipping of the Project prior to the issuance of the Bonds by the Building Commission;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MORGANTOWN, WEST VIRGINIA, AS FOLLOWS:**

1. This is a Declaration of Official Intent within the meaning of Treasury Regulations Section 1.150-2.

2. The City intends and reasonably expects that Original Expenditures made by the City in connection with the Project will be reimbursed with proceeds of the Bonds to be issued by the Building Commission pursuant to the Building Commission Act, in order to finance costs of the Project, to fund a reserve fund for the Bonds, if necessary and if funded from Bond proceeds, and to pay costs of issuance of the Bonds and related costs. The Bonds are anticipated to be issued in the maximum principal amount of not more than \$7,000,000.

3. The source of payment for Original Expenditures relating to the Project to be reimbursed from proceeds of the Bonds will be cash dispersed from the City's Capital Escrow Fund held by United Bank.

4. The Mayor and City Manager of the City and the Chairman of the Building Commission are hereby authorized, empowered and directed to take any additional action necessary to comply with the requirements of the Reimbursement Regulation so that Bond proceeds used to reimburse expenditures which are the subject of this Declaration of Official Intent will be deemed spent, including making an allocation in writing evidencing the use of proceeds of the Bonds to reimburse an Original Expenditure within eighteen (18) months after the later of the date the Original Expenditure is paid or the date the Project is placed in service or abandoned, but in no event later than three (3) years after the Original Expenditure is paid.

5. The appropriate officials of the City and the Building Commission, including without limitation the Mayor, the City Manager and the City Clerk of the City and the Chairman of the Building Commission, are hereby authorized and directed to execute and deliver for and on behalf of the City and the Building Commission, respectively, any or all additional certificates and other documents and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this resolution.

6. This Resolution shall become effective upon the date of its adoption.

[Remainder of Page Intentionally Blank]

Adopted this 21<sup>st</sup> day of December, 2021.

THE CITY OF MORGANTOWN,  
WEST VIRGINIA

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Manager

**CERTIFICATION**

The undersigned, being the duly qualified, elected and acting City Clerk of The City of Morgantown, does hereby certify that the foregoing Resolution was duly adopted by the City Council of The City of Morgantown at a regular meeting duly held, pursuant to proper notice thereof, on December 21, 2021, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this December 21, 2021.

By: \_\_\_\_\_  
City Clerk