

Chapter 54 PLANNING

ARTICLE I. - IN GENERAL

ARTICLE II. - PLANNING COMMISSION

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Secs. 54-1—54-18. Reserved.

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ARTICLE II. PLANNING COMMISSION ^[1]

Sec. 54-19. Created; statement of objectives.

Sec. 54-20. Membership and term of service.

Sec. 54-21. Advisory members.

Sec. 54-22. Regular and special meetings.

Sec. 54-23. Quorum.

Sec. 54-24. Offices and expenses.

Sec. 54-25. Election of officers.

Sec. 54-26. Assistance.

Sec. 54-27. Powers and authority.

Sec. 54-28. Recommendations as to historic edifices.

Sec. 54-29. Notice and public hearing.

Sec. 54-30. Adoption of comprehensive plan.

Sec. 54-31. Certification and presentation.

Sec. 54-32. Town council action.

Sec. 54-19. Created; statement of objectives.

- (a) There is hereby created, in the town, the town planning commission, in order to promote the orderly development of its environs; preserve, protect and foster the rehabilitation of its historic edifices; provide healthy surroundings for family life; plan areas so that adequate light, air, convenience of access, and safety from fire, flood and other dangers may be secured, that congestion in the public streets may be lessened or avoided, and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted; to ensure that growth of the community is orderly and beneficial to the entire community and for such other objectives as set forth in W. Va. Code, §§ 8-24-1 and 8-24-39.
- (b) In accomplishing this objective, the planning commission shall serve only in an advisory capacity to the town council.

(Code 1981, § 9-101)

Sec. 54-20. Membership and term of service.

The planning commission shall have five members; three-fifths of whom shall have been residents of the town for at least three years prior to nomination and confirmation; and one of whom shall be a member of the town council unless, at the first regular meeting of the commission each year, the council designates another to serve as its representative, members shall be selected for terms of three years each. Vacancies shall be filled for the unexpired term only, in the same manner as original selections are made. Members shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

(Code 1981, § 9-102)

Sec. 54-21. Advisory members.

A designated representative of the county planning commission may be an advisory member of the town planning commission. Additional advisory members shall be allowed, at the discretion of the planning commission. All such advisory members shall have all privileges of membership except the right to vote.

(Code 1981, § 9-103; Ord. No. 2014-02, 5-6-2014)

Sec. 54-22. Regular and special meetings.

- (a) The planning commission shall fix the time for holding regular meetings but it shall meet at least once in the months of January, April, July and October.
- (b) Special meetings of the commission may be called by the president or by at least two members upon written request to the secretary. Whether called by the president or by two or more members, the secretary shall send to all of the members, at least two days in advance of a special meeting, a written notice fixing the date, time and place of the meeting, but written notice of a special meeting is not required if the date, time and place of the special meeting have been fixed in a regular meeting, or if all the members are present at the special meeting.

(Code 1981, § 9-104)

State Law reference— Planning commission meetings, W. Va. Code, § 8A-2-7.

Sec. 54-23. Quorum.

A majority of the members of the planning commission shall constitute a quorum. No action of the commission shall be official, however, unless authorized by a majority of all of the members of the commission at a regular or properly called meeting.

(Code 1981, § 9-105)

Sec. 54-24. Offices and expenses.

The town council shall provide the planning commission with suitable offices for the holding of meetings and the preservation of plans, maps, documents and shall provide by appropriating a sum sufficient to defray the reasonable expenses of the commission.

(Code 1981, § 9-106)

Sec. 54-25. Election of officers.

At its first regular meeting in each year, the planning commission shall elect from its members a president and vice-president. The vice-president shall have the power and authority to act as president of the commission during the absence or disability of the president.

(Code 1981, § 9-107)

Sec. 54-26. Assistance.

- (a) The planning commission may appoint and prescribe the duties and fix the compensation of a secretary and such employees as are necessary for the discharge of the duties and responsibilities of the commission.
- (b) The commission may make contracts for special or temporary services and any professional counsel.

(Code 1981, § 9-108)

Sec. 54-27. Powers and authority.

The planning commission shall have the power, authority and duty to:

- (1) Exercise general supervision of and make rules and regulations for the administration of the affairs of the commission;
- (2) Prescribe uniform rules and regulations pertaining to its investigations and hearings, provided said rules and regulations are adopted by the town council;
- (3) Supervise the fiscal affairs and responsibilities of the commission;
- (4) Prescribe the qualifications of, appoint, remove and fix the compensation of, the employees of the commission, provided that the town council sets salaries;
- (5) Keep an accurate and complete record of all departmental proceedings, and record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the commission;
- (6) Make recommendations and an annual report to the town council concerning the operation of the commission and the status of planning within its jurisdiction;
- (7) Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized hereby;
- (8) Adopt a seal, and certify all official acts;
- (9) Invoke any legal, equitable or special remedy for the enforcement of the provisions of this article or any ordinance, rule and regulations of any action taken thereunder;
- (10) Prepare and submit an annual budget and the commission shall be limited in all expenditures to the provisions made therefore by the town council;
- (11) If necessary, establish an advisory committee;
- (12) Contract for special or temporary services and professional counsel with the approval of the town council; and
- (13) Delegate to a committee composed of one or more members of the commission the power to hold any public hearings or conferences required or permitted under this article to be held by the commission. If the hearing or conference is held by a committee, a written record of the substance of the hearing or conference shall be made and preserved with the records of the commission for not less than five years.

The committee shall have authority only to conduct the hearing and report to the commission.

(Code 1981, § 9-109)

Sec. 54-28. Recommendations as to historic edifices.

In addition to such other matters as may be from time to time hereafter specifically requested by the town council, the planning commission shall make and recommend to the town council a comprehensive plan to protect and foster the rehabilitation of historical edifices, and ensure the growth of the community commensurate with its historic significance.

(Code 1981, § 9-110)

Sec. 54-29. Notice and public hearing.

- (a) Prior to the adoption of a comprehensive plan, the planning commission shall give notice, as hereinafter in this section specified, and hold a public hearing on the plan and proposed ordinance for its enforcement.
- (b) At least 30 days prior to the date set for the hearing, the commission shall publish a notice of the date, time and place of the hearing as a class I legal advertisement in compliance with the applicable provisions of the West Virginia Code.

(Code 1981, § 9-111)

Sec. 54-30. Adoption of comprehensive plan.

After a public hearing has been held, the planning commission may by resolution adopt the comprehensive plan and recommend the ordinance to the town council.

(Code 1981, § 9-112)

Sec. 54-31. Certification and presentation.

- (a) Upon the adoption of the comprehensive plan and recommendation of the ordinance, the secretary of the planning commission shall certify a copy of the plan to the town council.
- (b) At the first meeting of the town council after adoption of the plan, the secretary or a member of the commission shall present the plan and the ordinance to the town council.

(Code 1981, § 9-113)

Sec. 54-32. Town council action.

- (a) After verification of the plan and ordinance to the town council, the town council shall proceed to a consideration of the plan and ordinance and shall either adopt, reject or amend same. If the ordinance adopting the comprehensive plan is published, the plan may be incorporated by reference in the ordinance and the full text of said plan not published.
- (b) If the town council rejects the plan and ordinance or amends it, then it shall be returned to the planning commission for its consideration, with a written statement of the reasons for its rejection or amendment.
 - (1) The commission shall have 45 days in which to consider the rejection or amendment and report thereon to the town council. If the commission approves the amendment, the ordinance shall stand as adopted by the town council as of the date of the filing of the

The Code of the Town of Bath, West Virginia

commission's report with the town council. If the commission disapproves the rejection or amendment, it shall state its reasons in the report, and the town council shall again consider the plan and ordinance, and its action in rejecting or amending said plan and ordinance, after such consideration, shall be final.

- (2) In case the commission does not file a report with the town council within 45 days, the action in rejecting or amending the ordinance shall be final.
- (c) After the adoption of a comprehensive plan and ordinance, all amendments to it shall be adopted according to the procedures set forth in the applicable sections of the West Virginia Code, except that publication of notice of the date, time and place of hearing upon amendment of the zoning ordinance need be only 15 or more days prior to the date set for such hearing, except that if the town council desires an amendment, it may direct the planning commission to prepare an amendment and submit it to public hearing within 60 days after formal written request by the town council.

(Code 1981, § 9-114)

FOOTNOTE(S):

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State Law reference— Municipal planning commission, W. Va. Code, § 8A-2-3.