

Vacation leave shall be accrued as follows:

After one year of full time employment - 40 hours  
After two years of full time employment - 80 hours  
After three years of full time employment - 120 hours  
After fifteen years of full time employment - 160 hours

120  
- 95  
-----  
25  
Mayor

An officer or employee may carry over to the first day of July of every year a maximum of one hundred twenty (120) hours of accrued and unused vacation leave. Any accrued and unused vacation leave over 120 hours will be lost if not used by the first day of July of every year. 3

Upon the resignation, severance, or termination of any officer or employee, such officer or employee shall be paid only for a maximum of 120 hours of unused vacation leave. i,

40 days | 15 days

~~over 3 weeks~~  
~~by [unclear]~~  
~~[unclear]~~

B. Sick Leave

Full time municipal officers and employees shall be entitled to one hundred twenty-eight (128) hours of sick leave per year, and which sick leave may be accumulated from year to year.

Sick leave shall be accrued by each full time officer and employee at a rate of ten hours per month for the first eleven (11) months of each year an officer or employee has worked and eighteen hours for the twelfth month of each year an officer or employee has worked.

Sick leave may be used by officers and employees when they cannot carry out the duties assigned to his or her job because of personal illness, disease, injury, or pregnancy of the officer or employee, or because of the officer's or employee's confinement for the necessary medical, dental, or optical treatment thereof, or because of the death of a member in the officer's or employee's immediate family.

The Mayor, or his designate, may, at his or her discretion, require proper verification that the leave may be charged as sick leave.

An officer or employee shall not be reimbursed for accumulated but unused sick leave upon his or her resignation, severance, or termination of employment.

C. Leave Record

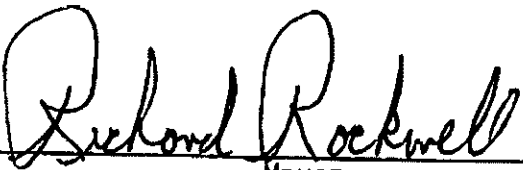
The Mayor, or his designate, shall cause to be kept current up-to-date records showing accumulated and used sick leave and vacation leave for each officer and employee. BATH FORM 1 shall be used to keep such records.

D. Effective Date

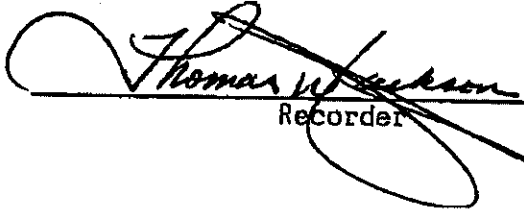
Each full time officer and employee who has accumulated over 120 days of vacation leave shall have until July 1, 1987, to reduce such accrued vacation leave to the maximum allowed of 120 hours.

Passed through first reading this \_\_\_\_\_<sup>17</sup> Passed \_\_\_\_\_ of May, 1986. of  
through second reading this 2 o t h \_\_\_\_\_

This ordinance shall become effective July 1, 1986.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder

SPECIAL ORDINANCE NUMBER  
86-2

. S E E . 8 6 - 3 )

An Ordinance To Revise Title 2-709 Dealing With  
Leave, Vacation Leave, Sick Leave and Leave Record.

Definition: Leave shall apply to all municipal officers and employees that shall be employed on a weekly basis of forty hours (40) or more per week. No employee working under a separate board shall be covered under this provision.

Leave Day: A leave day shall consist of eight hours (8) based on a daily day.

Vacation Leave: Vacation leave shall be determined on a hourly basis. Sick Leave: Sick leave shall be determined on a hourly basis and shall be determined when an officer or employee cannot carry out the duties assigned to his/her office.

Workman's Compensation: Any officer or employee who shall be drawing Workman's Compensation shall be ineligible to draw sick leave or vacation leave during this period of time.

Section 2-709 LEAVE

The provisions of the following paragraphs shall only apply to full time municipal officers and employees who shall be employed at least forty (40) hours per week. Officers and employees working under the auspices of a separate board or commission are exempt under these provisions and are not covered for any leave.

A. Vacation Leave

Request for vacation leave shall be submitted two weeks in advance of the starting date and shall be subject to the approval of the Mayor or any other official he may designate. No vacation leave shall be earned until such officer or employee has been employed for one (1) full year.

The following vacation leave shall be followed:

After one year service	40 hours
After two years service	80 hours
After ten years service	120 hours
After fifteen years service	160 hours

With the ending of twenty-four (24) months service, vacation leave may be accumulated but will be limited to 120 hours. Vacation leave credit in excess of 120 hours will be lost as of July 1, of each succeeding year. Upon resignation, severance or termination of any employee, the Mayor/Council shall limit payment of unused vacation leave to 120 hours. Requests for vacation leave shall be requested in light of essential services and with due regard to the welfare and preference of individual employees.

128

B. Sick Leave

All full time municipal officers and employees shall be entitled to one hundred twenty-eight (128) hours of sick leave based on full time employment. Sick leave shall be accumulated from year to year.

Sick leave shall be accrued on the following basis:

Ten (10) hours per month for the first eleven (11) months; Eighteen (18) hours per month for the twelfth month.

Sick leave shall be granted to employees when they are incapacitated for the performance of their duties because of personal illness, disease, injury, pregnancy, or confinement or for necessary medical, dental or optical examination or treatment thereof or for the death of a member of the employee's immediate family.

The Mayor may, at his discretion, require proper verification that the absence can be charged as sick leave.

C. Leave Record

The Mayor, or any other official he may designate, shall cause to be kept an up-to-date record showing all sick and vacation leave for all employees which shall show those credits earned and taken. This record shall use BATH FORM 1.

These records shall be available to the Council for examination.

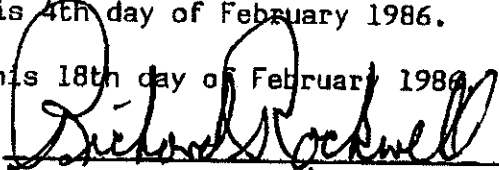
D. Effectiveness

All employees have until July 1, 1987 to bring vacation leave to 120 hour limit accumulated.

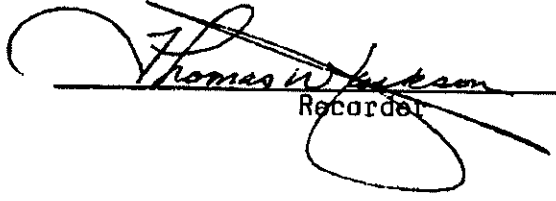
This ordinance shall become effective July 1, 1986.

Passed through first reading this 4th day of February 1986.

Passed through second reading this 18th day of February 1986.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder

SPECIAL ORDINANCE NUMBER 86 1

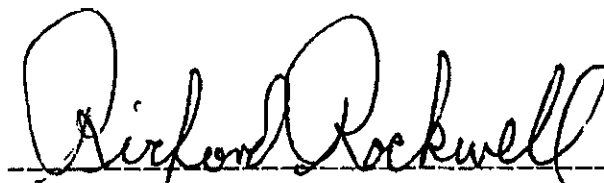
AN ORDINANCE PROHIBITING  
PARKING ON PARTS OF WEST  
VIRGINIA ROUTE 2, (Davis Road)  
AND ROUTE 2/3 (Mercer Street)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
TOWN OF BATH (Berkeley Springs) West Virginia, as  
follows:

1. On the north side of county route 2, (Davis Road), from Milepost 0.18 being the intersection of County Road 38/12, (Harrison Avenue), and running east to Milepost 0.25, being the Berkeley Springs Town of Bath corporate limits.
2. On the south side of County Route 2, (Davis Road), from Milepost 0.22, being the intersection of Duane Street, and running east to Milepost 0.25, being the Berkeley Springs Town of Bath Corporate limits.
3. On the east side of County Road 2/3, (Mercer Street), from Milepost 0.00, being the intersection of Fairfax Street, and running north a distance of 72 feet.

Any person, firm or corporation violating this Ordinance shall, upon conviction, be fined not less than \$10.00 nor more than \$20.00 and costs.

Passed through a first reading this 17th day of December 1985 Passed through the second reading this 7th day of January 1986.

  
\_\_\_\_\_  
Mayor

ATTEST:



SPECIAL ORDINANCE NUMBER 85-2

AN ORDINANCE  
ESTABLISHING A RATE  
SCHEDULE FOR THE  
MUNICIPAL GARBAGE  
SERVICE

BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE TOWN OF BATH THAT TITLE 11, CHAPTER 6, SECTION 11-612 AS AMENDED BE MODIFIED AND AMENDED TO READ AS FOLLOWS:

Section 11-612 Rate schedule

"Single Family Residence Class" shall be \$16.50 per quarter.

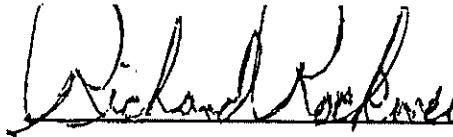
"Commercial Class I" which includes the garbage of all barber and beauty shops, jewelry stores, single offices and small miscellaneous retail stores shall be \$21.00 per quarter.

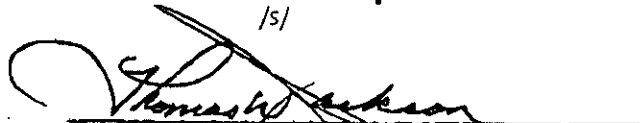
"Commercial Class II" which includes the garbage of all filling stations and garages, funeral homes, motels, hotels without dining rooms, lunch counters and miscellaneous retail stores, not in Commercial Class I shall be \$27.90 per quarter.

"Commercial Class III" which includes the garbage of all restaurants, grocery stores, wholesale stores and large office buildings shall be 44.15 per quarter.

Whenever the collection of garbage from any establishment or place shall be excessive or extraordinary, the town council shall establish a special rate for such place, based upon the amount of garbage to be regularly collected and the Town's cost in performing such service, said effective rate being hereby increased \$1.50 per quarter.

This ordinance shall take effect upon July 1, 1985. Passed through the first reading this 7th day of May, 1985. Passed through the second reading this 4th day of June, 1985.

  
\_\_\_\_\_  
/s/

  
\_\_\_\_\_  
/s/ Recorder

ATTEST:

SPECIAL ORDINANCE 85-1

"To Amend Section 13-102 of the Town of Bath Code of 1981"

Be it hereby ordained by the Council of the Town of Bath that Section 13-102 (a) and (b) is hereby amended by adding the provisions of 17A, 17B, 17D of the West Virginia Code as amended.

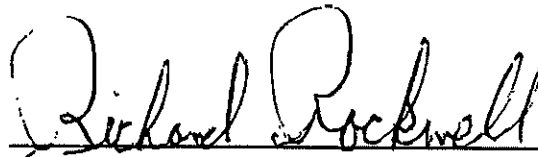
The section will now read:

(a) The provisions of Chapter 17-A, 17-B, 17-C, 17-D of the West Virginia Code as amended shall be uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of Chapter 17-A, 17-B, 17-C, 17-D as provided unless expressly authorized. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of Chapter 17-A, 17-B, 17-C, 17-D.

(b) The provisions of Chapter 17-A, 17-B, 17-C, 17-D shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from: 1...11. Adopting such other traffic regulations as are specifically authorized by Chapter 17-A, 17-B, 17-C, 17-D.

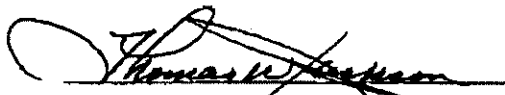
Passed through first reading this 5th day of March 1985.

Passed through second reading this 19th day of March 1985



Richard Rockwell, Mayor

ATTEST:

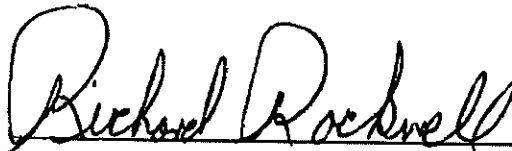


Thomas W. Jackson, Recorder

SPECIAL ORDINANCE NO. 84-9

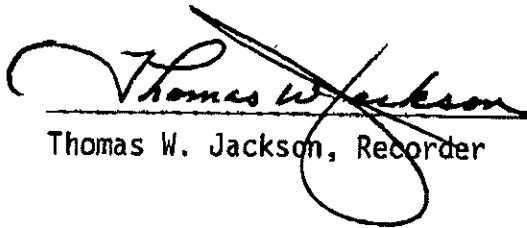
The Berkeley Springs Water Department may decline to serve any applicant for water service until he has complied with the State and municipal regulations governing water service and the Commission approved rules and regulations of the utility, including the full payment of all due bills. In the case of commercial property which shall include property which is rented or leased to another, the owner of the property shall be responsible to the Water Department for the full payment of all due bills.

Introduced and approved by action of the Council this \_\_\_\_\_/W  
day of November 1984.



Richard Rockwell, Mayor

ATTEST:



Thomas W. Jackson, Recorder



SPECIAL ORDINANCE 84-8  
TO AMEND SECTION 8-207 OF THE TOWN CODE OF 1981

Section 8-207.1 Festival License

Any person or organization engaged in the sale of food or merchandise within the corporate limits during any festival or other event approved by the Council shall first pay a Festival License fee to the Town in the amount of Two Dollars (\$2.00).

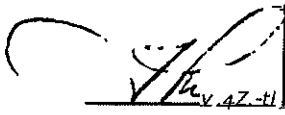
The Festival License fee shall be in addition to any other business franchise tax paid by such person or organization and shall be paid by such person or organization for each festival or other approved event in which such person or organization shall engage in the sale of food or merchandise.

PASSED ON SECOND READING September 18, 1984.

  
\_\_\_\_\_

Richard Rockwell

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Thomas W. Jackson

SPECIAL ORDINANCE 84-1  
PERTAINING TO THE CLOSING AND ABANDONMENT OF  
A PART OF BATH STREET LYING BETWEEN GREEN STREET AND MERCER STREET IN  
THE TOWN OF BATH

BE IT ENACTED AND ORDAINED by the Town Council of the Town of Bath that whereas the Town Council has concluded that a portion of Bath Street, lying between Green Street and Mercer Street in the Town of Bath, as shown on the plat of the Town of Bath and of record in Deed Book No. 46 in the office of the Clerk of the County Commission of Morgan County, West Virginia, and is also shown on a plat by Michael M. Crawford, West Virginia License No. 534, dated August 21, 1984, attached hereto, does not now serve the use or interest of the public or the municipality as a street, road or thoroughfare, to such extent that it should continue to be maintained by the municipality as an official street of the Town and that the said portion of Bath Street as it now exists, poses a possible expense and liability which could be detrimental to said Town, and;

WHEREAS, in compliance with the laws of the State of West Virginia and the Town of Bath a public hearing was duly advertised and held on the 4th day of September, 1984, according to law, said public hearing scheduled and held for the purpose of discussing the proposed abandonment of a portion of Bath Street as hereinafter set forth, and;

WHEREAS, all parties in interest and landowners adjoining that portion of Bath Street proposed to be abandoned having been served with notice of said public hearing and proposed abandonment according to law, and,

WHEREAS, all of the adjoining owners of real estate, namely; George L. Fearnow, and Charles E. Anderson and Margelee S. Anderson, and the Town of Bath by its council and mayor were present in person at public hearing and were in agreement that that portion of Bath Street as hereinafter set forth should be abandoned, vacated and closed by the Town of Bath.

NOW THEREFORE, the Town Council of the Town of Bath, West Virginia, does hereby close, discontinue, vacate and abandon the following portion of Bath Street and any other real estate as hereinafter described in this Ordinance as official public streets, roads or thoroughfares of and within said Town of Bath, it being the intent of this Ordinance that upon final adoption and passage the Town of Bath shall have relinquished any and all right, title and interest it has in and to that portion of Bath Street, and any other real estate as hereinafter set forth, said property to be abandoned, vacated and closed, being more particularly described as follows:

Situated in the Town of Bath (Berkeley Springs), Morgan County, West Virginia; that portion of Bath Street, running in an east-west direction and lying between Green Street and Mercer Street as shown on the plat of the said Town of Bath, of record in the office of the Clerk of the County Commission of Morgan County, West Virginia, in Deed Book No. 46, more particularly described as follows:

"BEGINNING at the southeast corner of Mercer Street and Bath Alley (or Given Street); Thence, with the east side of Mercer Street, crossing Bath Alley, N. 33 deg. 22' 00" E., 33.00 feet to the northeast corner of Mercer Street and Bath Alley; thence, with the north line of Bath Alley and the south line of Lots 59

and 58 of the Town of Bath, S 56 deg. 38' 00" E. 165.00 feet to the northwest corner of Green Street and Bath Alley; thence, with the west side of Green Street, crossing Bath Alley, S. 33 deg. 22' 00" W., 33.00 to the southwest corner of Green Street and Bath Alley; thence, with the south line of Bath Alley, and the north line of Lots 51 and 52, N. 56 deg. 38' 00" W., 165.00 feet to the point of beginning, and containing 5445 square feet, as surveyed by Michael M. Crawford, Licensed Land Surveyor, No. 534, on August 21, 1984, as shown on the attached Plat, No. 84083."

This Ordinance shall be entered in the official minutes of the Town of Bath this 18th day of September, 1984, and shall take effect as of said date.



RICHARD ROCKWELL, Mayor

INTRODUCED: September 4, 1984

ADOPTED: September 18, 1984

A T T E S T : Thomas Jackson, Town Recorder

SPECIAL ORDINANCE \_\_ 84-6

"To Amend Section 8-213 of the Town of Bath Code of 1981."

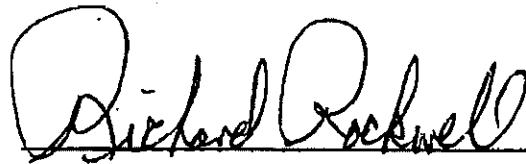
Section 8-213

Real Estate Brokers

Any person engaging in the business of real estate broker shall pay an annual Town license tax of fifteen dollars, provided, that this section shall not be construed to require an additional broker's or salesman's license from employees of a licensed broker.

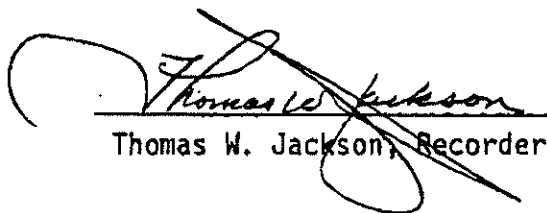
Passed through first reading this 17th day of April 1984.

Passed through second reading this 1st day of May 1984.



Richard Rockwell, Mayor

ATTEST:



Thomas W. Jackson, Recorder

SPECIAL ORDINANCE 84-5

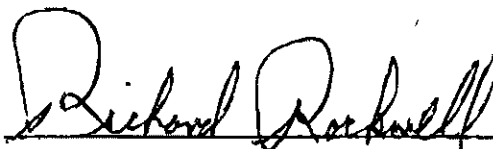
"A Special Ordinance to Set Rates, Rules, and Regulations  
For Furnishing Water at Berkeley Springs, and Vicinity,  
Morgan County, West Virginia."

Be it hereby ordered that the rates, rules and regulations for furnishing water at Berkeley Springs, and vicinity, Morgan County, West Virginia issued October 12, 1979 and effective December 1, 1979 be amended at the item CONNECTION CHARGE listed on Schedule No. 1 of the said rates, rules and regulations.

There shall be a charge for connection to the system of \$400. This Ordinance Amendment shall be effective forty-five days following the date of passage.

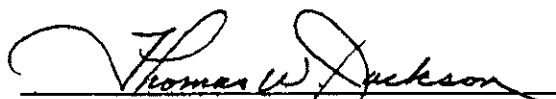
Passed through first reading this 3rd day of April, 1984.

Passed through second reading this 17th day of April, 1984.



Richard Rockwell, Mayor

ATTEST



Thomas W. Jackson, Recorder

SPECIAL ORDINANCE NUMBER 84-4

AN ORDINANCE  
ESTABLISHING A RATE  
SCHEDULE FOR THE  
MUNICIPAL GARBAGE  
SERVICE

BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE TOWN OF BATH THAT TITLE 11, CHAPTER 6, SECTION 11-612 AS AMENDED BE MODIFIED AND AMENDED TO READ AS FOLLOWS:

Section 11-612 Rate schedule

"Single Family Residence Class" shall be \$15.00 per quarter.

"Commercial Class I" which includes the garbage of all barber and beauty shops, jewelry stores, single offices and small miscellaneous retail stores shall be \$19.50 per quarter.

"Commercial Class II" which includes the garbage of all filling stations and garages, funeral homes, motels, hotels without dining rooms, lunch counters and miscellaneous retail stores, not in Commercial Class I shall be \$26.40 per quarter.


"Commercial Class III" which includes the garbage of all restaurants, grocery stores, wholesale stores and large office buildings shall be \$42.65 per quarter.

Whenever the collection of garbage from any establishment or place shall be excessive or extraordinary, the town council shall establish a special rate for such place, based upon the amount of garbage to be regularly collected and the Town's cost in performing such service, said effective rate being hereby increased \$1.50 per quarter.

This ordinance shall take effect upon April 1, 1984.

Passed through the first reading this 21st day of February, 1984.

Passed through the second reading this \_\_\_\_\_<sup>6th</sup> day of March, 1984.

  
\_\_\_\_\_  
/s/ Mayor

ATTEST:

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PERTAINING TO THE CLOSING AND ABANDONMENT OF A  
PART OF HENRY STREET AND A PART OF MARKET  
STREET LYING WEST OF SOUTH WASHINGTON  
STREET

IN THE TOWN OF BATH

BE IT ENACTED AND ORDAINED by the Town Council of the Town of Bath that whereas the Town Council has concluded that parts of Henry Street and Market Street lying west of Washington Street in the Town of Bath, as shown on that plat of the Town of Bath of record in the front of Deed Book No. 46 in the office of the Clerk of the County Commission of Morgan County, West Virginia, and also as shown on that plat prepared by Robert L. Hauvermale, P. E. accompanying that deed dated May 1, 1972, of record in the aforesaid Clerk's office in Deed Book 82 page 624, and also as shown on that plat prepared by Berkeley Land Surveys, Inc., Wayne G. Stotler, L.L.S., a copy of which is attached hereto do not now serve the use or interest of the public or the municipality as street, roads or thoroughfares to such extent that they should continue to be maintained by the municipality as official streets of the Town, and that said Streets or portions of streets as they now exist pose possible expense and liability which could be detrimental to said Town, and;

WHEREAS, in compliance with the laws of the State of West Virginia and the Town of Bath a public hearing was duly advertised and held on the 18th day of October, 1983, according to law, said public hearing scheduled and held for the purpose of discussing the proposed abandonment of parts of Henry Street and Market Street as hereinafter set forth, and;

WHEREAS, all parties in interest and landowners adjoining those portions of Henry Street and Market Street proposed to be abandoned having been served with notice of said public hearing and proposed abandonment according to law, and

WHEREAS, all of the adjoining owners of real estate, namely; William L. Harmison, Betty L. Harmison, Jack P. Barker, Adele J. Barker, The State of West Virginia (through The State Department of Natural Resources), and The Town of Bath, were present in person at said public hearing and were in agreement that the portions of Henry Street and Market Street as hereinafter set forth should be abandoned, vacated and closed by the Town of Bath.

NOW, THEREFORE, the Town Council of the Town of Bath, West Virginia, does hereby close, discontinue, vacate and abandon the following portions of Henry Street and Market Street and any other real estate as hereinafter described in this Ordinance as official public streets, roads or thorough-fares of and within said Town of Bath, it being the intent of this Ordinance that upon final adoption and passage the Town of Bath shall have relinquished any and all right, title and interest it has in those portions of Henry Street and Market Street and any other real estate as hereinabove set forth, said property to be abandoned, vacated and closed, being more particularly described as follows:

Situated in the Town of Bath (Berkeley Springs), Morgan County, West Virginia.

PARCEL "A"

Parcel "A" being the portions of Market Street and Henry Street more particularly described as follows: Beginning at the inter-section of Market Street with Cornelius Avenue, being the

## CHAPTER 4 — Private Clubs

### Section 3-401 License Required

(A) Private Club shall mean:

- 1) A nonprofit social club which allows in only dues paying members of good standing guests, collects dues which it does not pay to shareholders, and has a private building with a kitchen suitable for serving guests.
- 2) a recognized fraternal or veterans organization which allows in only dues paying members of good standing and guests, collects dues which it does not pay to shareholders, and has a private building with a kitchen suitable for serving guests.
- 3) An organization operated for legitimate purposes which has at least one hundred members, slows in only dues paying members of good standing and their guests, collects dues which it does not pay to shareholders, has a private building with a kitchen suitable for serving guests and employs a staff to serve meals for those guests.

(B) All private clubs, as defined in subsection A, the premises of which are situated within the corporate limits of the town shall obtain a town license and shall pay to the town an annual license fee.

### Section 3-402 Application and Fee

Application for a license to operate a private club shall be made to the Recorder of the Town of Bath and shall include:

- (1) The name of the applicant;
- (2) If such applicant be an incorporated association, the names and addresses of the members of its governing board;
- (3) If such applicant be a corporation, the names and addresses of its officers and directors;
- (4) the place at which such applicant shall conduct its operation and whether the same is owned or leased by the applicant;
- (5) The name of members of the applicant;
- (6) The name or names of any national organizations with which applicant is affiliated and the nature of such affiliation.

It shall be sufficient for the purpose of submitting such application to submit a copy of the application of such private club made to the State of West Virginia for a State license to operate such private club.



(7) A license fee is hereby established, as follows:

- a) fraternal or veteran organizations  
nonprofit social clubs . . . . . \$ 375.00
  
- b) Private clubs other than subsection (a)
  - less than 1,000 members . . . . . 500.00
  - more than 1,000 members . . . . . 1,250.00

b) the fee for any such license issued following the first day of January of any year and to expire on the thirtieth day of June of such year shall be one half the annual fee noted in subsections (a) and (b).

Section 3-403 Duties of State License Holders

All licensees shall report annually to the recorder to show their state license and to pay town license fees. These licenses of both the town and the state shall be displayed in plain view at the place of business, with an annual year ranging from the first day of July to the last day of June.

Section 3-404 Revocation of License

The recorder shall automatically void all town licenses in places where the state license has also been voided.

deg. 32 min. 00 sec. E, 82.50 feet to the intersection of said Market Street with Henry Street; thence, with the west side of Henry Street, N 28 deg. 28 min. 00 sec. E, 132.00 feet to the line between Jack Barker and the land now owned by the Department of Natural Resources (Bath Square); thence, crossing Henry Street with said line, S 61 deg. 32 min. 00 sec. E, 49.50 feet to the east side of said street; thence, with same, S 28 deg. 28 min. 00 sec. W, 132.00 feet to the intersection of said Henry Street with Market Street; thence, with the north side of Market Street, S 61 deg. 32 min. 00 sec. E, 247.50 feet to the intersection of Market Street with Washington Street (U.S. Route 522); thence, with the west side of Washington Street, S 28 deg. 28 min. 00 sec. W, 10.00 feet; thence, extending into Market Street, N 61 deg. 32 min. 00 sec. W, 191.00 feet; thence, S 28 deg. 28 min. 00 sec. W, 56.00 feet to the south side of Market Street; thence, with same, N 61 deg. 32 min. 00 sec. W, 56.50 feet to the intersection of said Market Street with Henry Street; thence, with the east side of Henry Street, S 28 deg. 28 min. 00 sec. W, 49.35 feet to the line between Jack Barker and William Harmison; thence, with the division line and crossing Henry Street, S 85 deg. 05 min. 00 sec. W, 2.60 feet; thence, N 67 deg. 26 min. 00 sec. W, 47.58 feet to the west side of Henry Street; thence, with same, N 28 deg. 28 min. 00 sec. E, 55.67 feet to the intersection of Henry Street with Market Street; thence with the south side of Market Street, N 61 deg. 32 min. 00 sec. W, 70.00 feet to the intersection of Market Street with Cornelius Avenue; thence, with the east side of Cornelius Avenue, N 17 deg. 44 min. 32 sec. E, 67.17 feet to the point of beginning, containing 23,096 Sq. Ft. or 0.530 acre.

#### PARCEL II B11

Parcel "C" being a portion of Henry Street more particularly described as follows: Beginning on the west side of Henry Street in the dividing line between said Harmison and Jack Barker; thence, crossing the street with the dividing line, S 67 deg. 26 min. 00 sec. E, 47.58 feet; thence, N. 85 deg. 05 min. 00 sec. E, 2.60 feet to the east side of Henry Street; thence, with same, S 28 deg. 28 min. 00 sec. W, 214.65 feet to the intersection of Henry Street with Warren Street; thence, across the end of Henry Street, N. 61 deg. 32 min. 00 sec. W, 49.50 feet to the west side of Henry Street; thence, with same, N 28 deg. 28 min. 00 sec. E, 208.33 feet to the point of beginning,, containing 10,440 Sq. Ft. or 0.239 acre.

#### PARCEL

Parcel "D" being a portion of Henry Street more particularly described as follows: Beginning on the west side of Henry Street in the dividing line between the Department of Natural Resources and Jack Barker; thence, with the west side of Henry Street, N 28 deg. 28 min. 00 sec. E, 68.66 feet to the end of Henry Street at the original Bath Square; thence, across the end of Henry Street, S 61 deg. 32 min. 00 sec. E, 49.50 feet to the east side of Henry Street; thence, with same, S 28 deg. 28 min. 00 sec. W, 68.66 feet to the dividing

line between said Barker and the Department of Natural Resources; thence, with the dividing line and crossing Henry Street, N 61 deg. 32 min. 00 sec. W, 49.50 feet to the point of beginning, containing 3,399 Sq. Ft. or 0.078 acre.

It is further the intent of this Ordinance to, and the Town Council of the Town of Bath, West Virginia, by the passage of this Ordinance does, relinquish, abandon, discontinue, cancel and release in full those exceptions, reservations, rights of way, rights of use, rights of access and rights of enjoyment, previously reserved and excepted in that ordinance number 12A of the Town of Bath, dated March 5, 1974, insofar as said exceptions, reservations, rights of way, rights of use, rights of access, and rights of enjoyment apply to the portions of the streets, roads, and thoroughfares hereby abandoned, vacated and closed, a copy of which prior Ordinance is of record in the office of the Clerk of the County Commission of Morgan County, West Virginia, in Deed Book 91 at page 11.

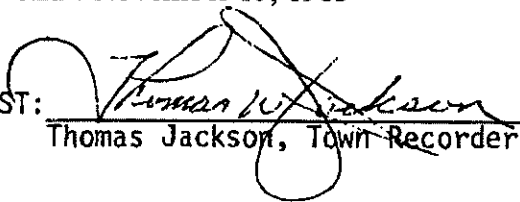
This ordinance shall be entered in the official minutes of the Town of Bath this 15th day of November, 1983, and shall take effect as of said date.

  
RICHARD ROCKWELL, Mayor

INTRODUCED: November 1, 1983

ADOPTED: November 15, 1983

ATTEST:

  
Thomas Jackson, Town Recorder


ORDINANCE NO. 84-1

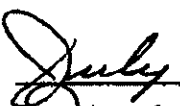
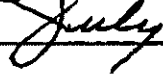
An Ordinance amending and readopting Section 3-201, of the Code of the Town of Bath, West Virginia; setting the rate of tax on the purchase of intoxicating liquors within the corporate boundaries of said municipality at five per cent.

Be it ordained by the Council of the Town of Bath, West Virginia, that after the effective date of this Ordinance, pursuant to Chapter 8, Article 13, Section 7 of the Official Code of West Virginia, of 1931, as last amended, there is hereby imposed a tax of five per cent of the retail purchase price of any and all intoxicating liquors purchased from the Alcohol Beverage Control Commission or from any person licensed to sell wine at retail to the public under the provision of Chapter 60, Article 8 of the aforesaid Code of West Virginia, within the corporate boundaries of the municipality. Such tax shall be levied upon the purchaser of said intoxicating liquor or wine, and shall be added to any collected with the retail purchase price of such intoxicating liquor or wine. Such tax shall be received by the municipality from the State Treasury pursuant to the rules and regulations adopted by the said Alcohol Beverage Control Commissioner. Provided, however, that such tax shall not be collected on intoxicating liquors, other than wine sold by or purchased from holders of a license issued under the provisions of Chapter 60, Article 7 of said West Virginia Code. Provided further, such tax shall be collected upon all sales of wine to holders of a license issued under the provisions of Chapter 60, Article 7 of said West Virginia Code from a wine distributor licensed pursuant to the provisions of Chapter 60, Article 3 et seq. of said West Virginia Code.

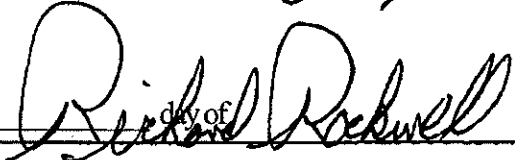
This Ordinance amendment shall be effective from date of passage.

ATTEST:

  
\_\_\_\_\_  
Recorder

 \_\_\_\_\_, 1983  
 \_\_\_\_\_, 1983

Passed through first reading this 5th \_\_\_\_\_

  
\_\_\_\_\_  
day of

Passed through second reading this 19th \_\_\_\_\_ day of

/s/ Mayor

ORDINANCE NO. 84-1


An Ordinance amending and readopting Section 3-201, of the Code of the Town of Bath, West Virginia; setting the rate of tax on the purchase of intoxicating liquors within the corporate boundaries of said municipality at five per cent.

Be it ordained by the Council of the Town of Bath, West Virginia, that after the effective date of this Ordinance, pursuant to Chapter 8, Article 13, Section 7 of the Official Code of West Virginia, of 1931, as last amended, there is hereby imposed a tax of five per cent of the retail purchase price of any and all intoxicating liquors purchased from the Alcohol Beverage Control Commission or from any person licensed to sell wine at retail to the public under the provision of Chapter 60, Article 8 of the aforesaid Code of West Virginia, within the corporate boundaries of the municipality. Such tax shall be levied upon the purchaser of said intoxicating liquor or wine, and shall be added to any collected with the retail purchase price of such intoxicating liquor or wine. Such tax shall be received by the municipality from the State Treasury pursuant to the rules and regulations adopted by the said Alcohol Beverage Control Commissioner. Provided, however, that such tax shall not be collected on intoxicating liquors, other than wine sold by or purchased from holders of a license issued under the provisions of Chapter 60, Article 7 of said West Virginia Code. Provided further, such tax shall be collected upon all sales of wine to holders of a license issued under the provisions of Chapter 60, Article 7 of said West Virginia Code from a wine distributor licensed pursuant to the provisions of Chapter 60, Article 3 et seq. of said West Virginia Code.


This Ordinance amendment shall be effective from date of passage.

Passed through first reading this 5th \_\_\_\_\_ day of July

Passed through second reading this \_\_\_\_\_ 19th day of July, 1983  
\_\_\_\_\_, 1983

  
\_\_\_\_\_  
/s/ Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder

AN ORDINANCE AMENDING TITLE 8 OF THE BATH  
CODE OF 1981 BY ADDING THERETO A NEW  
CHAPTER, NAMELY CHAPTER 2B, PROVIDING FOR  
A GROSS SALES TAX UPON ANY PERSON  
ENGAGING OR CONTINUING WITHIN THE TOWN  
OF BATH IN THE BUSINESS OF PROVIDING  
ELECTRIC LIGHT AND POWER UTILITY SERVICE.

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF

BATH: CHAPTER 2B - Gross Sales Tax (Business and Occupation)

Section 8-2B01 - Definitions

When used in this chapter the term "person" or the term "company", herein used interchangeably, includes any individual, firm copartnership, joint adventure, association, corporation, trust or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by context.

Business - The term "business" shall include all activities engaged in or caused to be engaged in with the object of gain or economic benefit, either direct or indirect. "Business" shall not include a casual sale by a person who is not engaged in the business of selling the type of property involved in such casual sale.

Gross Income - "Gross Income" shall mean the gross receipts of the taxpayer derived from sales and demand charges of electric light and power service.

Service business or calling - "Service business" or "calling" shall include all activities engaged in by a person for other persons for a consideration, which involve the rendering of a service as distinguished from the sale of tangible property, but shall not include the services rendered by an employee to his employer.

Taxpayer - Taxpayer means any person liable for any tax under this chapter.

Section 8-2B02 - Construction and applicability of chapter

This chapter shall not be construed to assess a tax upon any person, business, calling, service, profession, or property that **is not similarly** taxed by the State. The measure of tax assessed in this chapter shall not include gross income derived from interstate commerce or commerce with a foreign country.

Section 8-2803 Administration and enforcement of chapter

The administration of this chapter is vested in and shall be exercised by the municipal recorder, who shall prescribe forms and reasonable rules or procedures in conformity with this chapter subject to the approval of

Section 8-2B03 Administration and enforcement of chapter cont.

the governing body, for the making of returns and for the ascertainment, assessment, and collection of the taxes imposed hereunder; and the enforcement of any of the provisions of this chapter in any of the courts of the state shall be under the exclusive jurisdiction of the municipal recorder who shall require the assistance and act through the town attorney.

Section 8-2B04 Imposition of tax on the business of providing' electric light and power service

Upon any person engaging or continuing within this town in the business of providing electric light and power service, the tax shall be equal to 4 percent on sales and demand charges for domestic purposes and commercial lighting and 3 percent on all other sales and demand charges.

Section 8-2B05 Computation of tax; remittance

The Business and Occupation taxes levied hereunder shall be due and payable in quarterly installments on or before the expiration of one month from the end of the quarter in which they accrue. The retroactive tax shall be due and payable in an installment on or before January 31, 1983. The taxpayer shall, within one month from the expiration of each quarter, make out an estimate of the tax for which he is liable for such quarter, sign it and mail it together with a remittance, in the form required by the recorder, of the amount of tax to the office of the recorder. In estimating the amount of tax due for each quarter, the taxpayer may deduct one-fourth of the total exemption allowed for the year. When the total tax for which any per-on is liable under this chapter does not exceed the sum of one hundred: dollars in any year, the taxpayer may pay the same quarterly as aforesaid or, with the consent in writing of the municipal recorder, at the end of the month next following the close of the tax year.

Any other provision of this section notwithstanding, the municipal recorder if he deems it necessary to insure payment of the tax, may require the return and payment under this section for periods of shorter duration than quarter-year periods.

Section 8-2B06 Return and remittance by taxpayer

On or before the expiration of one month after the end of the tax year each taxpayer shall make a return for the entire year showing the gross proceeds of sales or gross income of business and compute the amount of tax chargeable against him in accordance with the provisions of this chapter and deduct the amount of quarterly payments (as hereinbefore provided), if any, and transmit with his report a remittance in the form required by the recorder covering the residue of the tax chargeable against him to the office of the recorder; such return shall be signed by the taxpayer, if made by an individual, or by the president, vice president, secretary, or treasurer of a corporation, if joint adventure, association, trust, or any other group or combination acting as a unit, any individual delegated by such firm, corporation, joint adventure, association, trust or any group or combination acting as a unit shall sign and return on behalf of the taxpayer. The recorder, for good cause shown, may extend the time for making the annual return on the application of any taxpayer and grant such reasonable additional time within which to make the same as may, by him, be deemed advisable.

Section 8-2807 Unsufficiency of tax return

Chapter 3 of this title shall be applicable in so far as an in-sufficiency of a B & O tax return.

Section 8-2808 Tax year

The assessment of taxes herein made and the returns required therefore shall be for the year ending on the 30th day of June. If the taxpayer, in exercising a privilege taxable under this chapter, keeps the books reflecting the same on a basis other than such year, he may, with the consent of the municipal recorder, make his annual returns and pay taxes for the year covering his accounting period, as shown by the method of keeping his books.

Section 8-2809 Tax cumulative

The tax imposed by this chapter shall be in addition to all other licenses and taxes levied by other ordinances as a condition precedent to engaging in any business, trade, and calling. A person exercising a privilege taxable under this chapter, subject to the payment of all license and charges which are a condition precedent to exercising the privilege taxes, may exercise the privilege for the current year upon the condition - that he shall pay the tax accruing under this chapter.

Section 8-2B10 Payment

Every remittance of taxes imposed by this chapter shall be made by bank draft, certified check, money order, or certificate of deposit to the municipal recorder, who shall issue his receipt therefore to the taxpayer as provided by law.

Section 8-2811 Effective date

This ordinance shall take effect upon second reading by the town council. The tax herein levied shall be made retroactive to the beginning of the current fiscal year which commenced July 1, 1982 and the first tax assessed shall be upon the quarter, July 1 - September 30 inclusive of the calender year, one thousand nine hundred eight-two.

Passed through first reading this 19 day of \_\_\_\_\_, 1982 -

Passed through second reading this 2 day of Nov 1982

ATTEST: \_\_\_\_\_ /s/ \_\_\_\_\_ Mayor

\_\_\_\_\_  
/s/ Glf  
Recorder



AN ORDINANCE ESTABLISHING A CURFEW IN  
THE TOWN OF BATH AND SETTING A  
SEVERABILITY CLAUSE AND EFFECTIVE DATE.

BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE TOWN OF  
BATH, THAT TITLE 7 OF THE CODE OF THE TOWN OF BATH OF 1981 AS  
AMENDED IS HEREBY MODIFIED AND AMENDED BY ADDING A NEW CHAPTER,  
NAMELY CHAPTER 2 TO READ AS FOLLOWS:

CHAPTER 2 - Curfew

Section 7-201 Children on streets at night

It shall be unlawful for any person under eighteen years of age to be or remain upon any street or alley or other public place in this town after 10:00 p.m., Sunday through Friday and 11:00 p.m., on Saturday unless such person is accompanied by a parent or guardian, or other person having custody of such minor or unless in the performance of duty directed by such parent or guardian or other person having custody or unless such person is in lawful employment making it necessary to be in such places after 10:00 p.m., Sunday through Friday and 11:00 p.m., on Saturday.

Section 7-202 Permitting children to violate curfew

It shall be unlawful for anyone having legal care and custody of any person as described in Section 7-201 to allow or permit such person to go or be upon any public street, alley or other public place in this town in the night time as restricted in the preceding section, except in case of necessity. Any violation of this chapter shall be a misdemeanor, and the legal guardian of any person as described in Section 7-201 shall be subject to a penalty as set forth in Section 7-117.

Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held unconstitutional or invalid, such unconstitutionality or invalidity shall not effect other provisions or applications of this ordinance and to this end the provisions of this ordinance are hereby declared to be severable.

Effective Date

Passed through the second reading this 18th \_\_\_\_\_ day of

This ordinance shall be effective

ATTEST:

  
\_\_\_\_\_  
/s/ Recorder

\_\_\_\_\_  
/s/

\_\_\_\_\_  
Mayor



upon second reading by town council. Passed through the first reading this \_\_\_\_\_ 4th of  
\_\_\_\_\_, 1982.



**Town of Bath**  
Berkeley Springs, W. Va. 25411

**The Nations Oldest  
Health Spa  
Since 1748**

**SPECIAL ORDINANCE NO. 2-2-82 (A)**

Holidays-

By Proclamation, The Honorable President of the United States, Ronald Wilson Reagan, on January 13, 1988 declared the third Monday of each January will be and is of every year a national legal holiday in honor of Martin Luther King. Thus the employees of the Water Department, Police Department, and Service Department and office shall be entitled to have added to their holidays with pay this January 18. This special ordinance shall be

Ronald R. Reeder  
Mayor

SPECIAL ORDINANCE #

AN ORDINANCE TO ESTABLISH A CEMETERY BOARD FOR THE GREENWAY CEMETERY IN THE TOWN OF BATH, WEST VIRGINIA.

Section 1 Establishment of Cemetery Board

There is hereby established a cemetery board to be known as the Greenway Cemetery Board, Inc. The board shall consist of four persons appointed by the Mayor with the advice and consent of the governing body of the Town of Bath, one council member and the treasurer of the municipal corporation as an ex officio member. Of the four appointed members, two shall be residents of the town.

Section 2 Term of office

The Council members and treasurer shall serve on the board concurrently with their term of office. All appointed members of the board shall serve overlapping terms of three years. Appointments to fill an unexpired term shall be for the remainder of the term.

Section 3 Power, duties and authority of board

Effective July 1, 1982, the custody, administration, operation and maintenance of the Greenway Cemetery shall be under the supervision and control of the cemetery board.

The cemetery board shall submit a full financial accounting to the Town Council on July 1st of every year detailing all expenses received during the preceeding fiscal year, and detailing the budget of the cemetery for the succeeding fiscal year.

The cemetery board shall have the power to set rates, fees and charges for the sale of lots and the perpetual care of lots within the cemetery and shall have the power to enact and enforce reasonable rules and regulations governing the use of the cemetery.

Section 4 Initial appointments

In order to maintain continuity of the cemetery board, the following persons are appointed as members for the period indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Sam Shade. Councilman	July 1, 1983
Clyde Graham	July 1, 1984
John Goodman	July 1, 1985
Charles Webster	July 1, 1983
Vacancy (Bill Hunter)	July 1, 1984

Section 5 Severability

If any section, subsection, clause or phrase of this ordinance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other sections, subsections, clauses or phrases of this ordinance, and to this end, each and every section, subsection, clause or phrase is declared to be severable.

Section 6 Effective date

This ordinance is effective from date of second reading by the Town Council.

Passed through first reading this 5th day of January, 1982. Passed through second reading this 23rd day of March, 1982.

---

MAYO

R ATTEST:

SPECIAL ORDINANCE #

AN ORDINANCE TO ESTABLISH A CEMETERY BOARD  
FOR THE GREENWAY CEMETERY IN THE TOWN  
OF BATH, WEST VIRGINIA.

Section 1 Establishment of Cemetery Board

There is hereby established a cemetery board which shall consist of four persons appointed by the Mayor with the advice and consent of the governing body of the Town of Bath, one council member and the treasurer of the municipal corporation as an ex officio member. Of the four appointed members, two shall be residents of the town.

Section 2 Term of office

The Council members and treasurer shall serve on the cemetery board concurrently with their term of office. All appointed members of the board shall serve overlapping terms of three years. Appointments to fill an unexpired term shall be for the remainder of the term.

Section 3 Power, duties and authority of board

Effective July 1, 1982, the custody, administration, operation and maintenance of the Greenway Cemetery shall be under the supervision and control of the cemetery board subject to the following:

1. Policies governing the sale of lots shall be subject to approval of the governing body of the corporation.
2. The board shall not have the power to incur any expense not provided for by the governing body. In this regard, the board shall prepare an annual budget for the governing body approval, initiate an annual audit of the cemetery's operations and make recommendations to the governing body for capital improvements.
3. Rates, fees and charges for the sale of lots and the perpetual care of lots shall be subject to approval by the governing body.
4. Decisions of the cemetery board may be appealed to the governing body.
5. The cemetery board shall elect its own chairman and secretary and shall keep minutes of its proceedings.

Section 4 Initial appointments

In order to maintain continuity of the cemetery board, the following

persons are appointed as members for the period indicated:

<u>Name</u>	<u>Term Ending</u>
Sam Shade. Councilman	July 1 1983
Clyde Graham	July 1 1984
John Goodman	July 1 1985
Charles Webster	July 1 1983
Vacancy (Bill Hunter)	July 1. 1984

Section 5 Severability

If any section, subsection clause or phrase of this ordinance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other sections, subsections, clauses or phrases of this ordinance, and to this end, each and every section, subsection, clause or phrase is declared to be severable.

Section 6 Effective date

This ordinance is effective from date of second reading by the Town Council.

Passed through first reading this \_\_\_\_\_ 5th day of \_\_\_\_\_ January \_\_\_\_\_, 1982.


Passed through second reading this 215" day of <sup>r#f</sup> \_\_\_\_\_ Y/O'T.VI" \_\_\_\_\_ 19S k-



/s/

Mayor

ATTEST:

  
\_\_\_\_\_  
/s/ Recorder