

**ELIGIBILITY TO SEAT AS MAYOR, RECORDER OR COUNCIL
FOR TOWN OF BATH**

ORDINANCE: CHAPTER 3, Section 5-102 A

No person holding any other lucrative office in another government or anyone employed by a foreign government, the United States, the State of West Virginia, the County of Morgan (or other county in West Virginia) (meaning any person who has public duties to any other governmental body) SHALL be eligible to seat as mayor, recorder or as a councilperson to and/or for the Town of Bath, so long as such other lucrative office or public duty to any other such governmental office remains a fact. (Pursuant to (based on) West Virginia Constitution, Article 6, section 13; Chapter 8-11-1 West Virginia Code; Wilson v. Moore, 346 F Supp 635, (N.D.W.Va. 1972) (constitutionality) and Graf v. Frame, 352 S.E. 2d 31 (1986) (public duties conflict). Effective; _____

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First reading _____

Second reading _____

date

Attest:

Recorder *Beverly Wilkes* Acting Recorder

Mayor

TIE VOTE, MAYOR/RECORDER
PRO TEM

See p. 7 of 1990

ORDINANCE, :SECTION 2-103

The Mayor, as Chairperson, or the Town Council, or the Recorder in the absence of the Mayor, while acting as Chairperson, in the place of the absent Mayor, may vote only when acting as chairperson. In the case of a tie, the presiding officer at the time (be it mayor, recorder or pro tern chairperson) shall cast the tiebreaking vote, unless said chairperson has previously voted. The chairperson can not vote twice, i.e., to make the tie, then again vote the tiebreaking vote, having just previously voted. If the mayor or recorder, or chairperson pro tern, presides at meetings of the governing body of said municipality, they may choose not to vote on issues decided by the governing body (the five member council). This choice does not allow for such choice in the case of a tiebreaking vote (pursuant to Town of Bath Charter) as the chairperson SHALL cast a tiebreaking vote, per said Charter as it exists at this time. NO CHAIRPERSONS, be they mayor, recorder or pro temp ARE PERMITTED TO MAKE MOTIONS and/or SECOND MOTIONS or VOTE AT ANY OTHER TIME. (Pursuant to West Virginia Code 8-9-2, Town of Bath Charter and Manual of Parliamentary Law). Effective date: _____

_____/77_____, 1990.

First reading _____(7)

~1/900

date'

Second reading APRIL 17 1990
date

Ronald L. Seader
Mayor

Attest:

Beverly Coker
Acting Recorder

SPECIAL ORDINANCE 9-201

STORM WATER MANAGEMENT AND EROSION CONTROL GUIDELINES

PURPOSE

The purpose of this ordinance is to establish minimum requirements to control the adverse impact associated with increased storm water runoff and erosion from development.

SCOPE

No person shall develop land for residential, commercial, industrial, or institutional uses without having provided for appropriate storm water, sediment and soil erosion control measures that manage runoff from such developments, except as provided for below.

EXEMPTIONS

The following development activities are exempt from this ordinance:

- (a) Agricultural and landscaping activities.
- (b) Additions or modifications to existing structures.
- (c) Developments that do not disturb over 5000 square feet.
- (d) Residences on single lots when storm water management plans have been approved for the subdivision in which they are located.

MINIMUM CONTROL REQUIREMENTS

Storm water management controls shall be based on release of post development peak flow resulting from the ten year frequency storm occurring over the entire contributing watershed, a two year frequency, predevelopment peak discharge rate. Stabilized, predevelopment condition will be assumed when determining peak discharge. When detention structures are used for storm water control, emergency spillways shall be designed to safely pass a 100 year frequency storm

Sediment and erosion control practices will be installed during construction according to a plan submitted to and approved by the Eastern Panhandle Soil Conservation District.

PENALTIES

A violation of any of the foregoing prohibitions set forth in this title shall be punishable by a fine not to exceed \$300.00. Any violation continuing from day to day shall constitute separate individual violations and may be prosecuted as such.

Passed through first reading this 21st day of March, 1989. Passed through second reading this 4th Day of April 1989.

Ronald R. Reeder Mayor

ATTEST:

Lisa M. Gruber,
Recorder
[Signature]

SPECIAL ORDINANCE 88 - 1

An Ordinance Establishing an Amended Rate Schedule for Service Calls and Reconnect Fees for the Berkeley Springs Water Department

BE IT ENACTED AND ORDAINED BY THE COUNCIL FOR THE TOWN OF BATH THAT TITLE 11, CHAPTER 2, Section 11-203 BE MODIFIED AND AMENDED TO READ AS FOLLOWS:

Section 11-203 B Rates for service calls and reconnect fees

"In accordance with the State of West Virginia Public Service Commission General Order No. 200.3 and pursuant to West Virginia Code Section 24-2-4b, the rates for Service Calls and Reconnect Fees for the Berkeley Springs Water Department shall be:

Service Calls \$20 Reconnect Fees \$20"

This ordinance shall take effect upon May 20, 1988. Passed through first reading this 15th day of March, 1988. Passed through second reading this 5th day of April, 1988.

Ronald
Ronald R. Reeder Mayor

ATTEST:


Idris Mary Rossell
Recorder

SPECIAL ORDINANCE 87-,2

PERTAINING TO THE CLOSING AND ABANDONMENT OF CRICHTON ROAD IN THE TOWN OF BATH

BE IT ENACTED AND ORDAINED by the Town of Bath that whereas the Town Council has concluded that a portion of Crichton Road, lying on Lot 28, Ravenswood Addition to the Town of Bath, Morgan County, West Virginia, 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 Wayne G. Stotler, West Virginia License no. 642, dated July 3, 1987, 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 of Bath and that the said portion of Crichton Road 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 1st day of December, 1987, according to law, said public hearing scheduled and held for the purpose of discussing the proposed abandonment of a portion of Crichton Road as hereinafter set forth, and;

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

WHEREAS, the Town of Bath Town Council and mayor were present in person at public hearing were in agreement that that portion of Crichton Road 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 Crichton Road 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 Crichton Road, and any other real estate as hereinafter set forth, said property to be abandoned, vacated and closed, being more particularly described as follows:

A portion of Lot 28 situated in Ravenswood Addition to the Town of Bath, Morgan County, West Virginia, and more particularly described as follows:

Beginning at a point of the intersection of the south side of Biser Street with the east side of Crichton Road, being the northwest corner of Lot 28; thence, with the south side of Biser Street,

S. 54;30'00" E., 41.00 feet to an iron rod, set and being 9 feet from the northeast corner of Lot 28; thence, extending through said Lot 28,

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S. 32;02'32" W. 106.33 feet to an iron rod, set, being a common corner of Lots 28 and 29; thence with the south line of Lot 28,

N. 56;16'12" W., 50.00 feet to the east side of Crichton Road, being the southwest corner of Lot 28; thence, with the east side of Crichton Road,

N. 36;51'48" E., 107.72 feet to the point of beginning, containing 4865 sq. ft. as surveyed by Wayne G. Stotler, L.L.S. on July 2, 1987.

This ordinance shall be entered in the official minutes of the Town of Bath this 15th day of December, 1987, and
-11 take effect as of said date.

Ronald R. Reeder, Mayor

INTRODUCED: December 1, 1987

ADOPTED

December 15, *Idris Rossell* Town Recorder

1987 ATTEST

SPECIAL ORDINANCE 87-1

An Ordinance to Amend Section 6-302
of the Town Code To Provide Authority
for the Inspection of Public and
Commercial Property Within The Town.

Section 6-302 Maintenance of fire hazard; order for repair or
demolition; order to contain notice to comply and right to appeal

- a) No person shall build or maintain anything that is a fire hazard or might explode or is in violation of the fire safety laws of this municipality.
- b) To promote the health and welfare of the Town, the fire chief, his deputies, or a certified inspector the chief may designate shall as provided by law have authority to enter upon and into public and commercial property for the purpose of determining the presence of any fire hazard. A written notice of such inspection shall be given ten days in advance of the inspection
- c) Whenever the fire chief or his deputies find any fire hazard they shall notify the owner in writing and send a copy to the town recorder. In the notification, they may order repair and demolition.
- d) Fire hazard - any building or portion thereof, device, apparatus equipment, combustible waste or vegetation which, in the judgment of the fire chief or someone appointed by the governing body of this municipality, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

The owner shall have thirty days to comply with the order or that person may have a chance to file for a public hearing to be held within ten days of the order before the town council and then to the circuit court on appeal.

Passed through first reading this 16th day of December 1986. Passed through
second reading this 6th of January 19 .

Konrad R. Reeder
Mayor

ATTEST:

Thomas W. Jackson
Recorder

SPECIAL ORDINANCE 87-1

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Passed through first reading this 16th day of December 1986. Passed through
second reading this 6th day of January 1987.



Mayor

ATTEST:



Recorder

SPECIAL ORDINANCE 86 - 5

An Ordinance Establishing a Rate Schedule
for The Municipal Garbage Service

BE IT ENACTED AND ORDAINED BY THE COUNCIL FOR 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" which includes the collection of garbage of owner-occupied residential units or homes shall be \$16.50 per quarter/per residential unit.

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

"Commercial Class IV" which includes the garbage collection of all single-family rental units and all multi-family rental units shall be \$16.50 per quarter per each individual residential rental unit.

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 Post in performing such service, said effective rate being hereby increased \$1.50 per quarter.

This ordinance shall take effect upon July 1, 1987. Passed through
first reading this 16th day of December, 1986 Passed through second reading
this 20 day of January 1987.


MAYOR

ATTEST,

RECORDER

An Ordinance to revise Title 12, Chapter 3 and Chapter 4 of the Town Code to provide a fee for Applications for a Permit for Single Family Dwellings and to provide a fee for Applications for a Permit for other than Single Family Dwellings.

Section 12-309 (added)

Applications for a building permit shall be accompanied by a fee payable to the Town of Bath, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:

| <u>Estimated Cost</u> | <u>Fee</u> |
|------------------------------------------------------------------|-----------------------------------------|
| \$0.00 to \$1,000 | \$0.00 |
| Each additional \$1,000 or part thereof beyond the first \$1,000 | \$1.00 per \$1,000 or fraction thereof. |

Section 12-409 (added)

Applications for a building permit shall be accompanied by a fee payable to the Town of Bath, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:

| <u>Estimated Cost</u> | <u>Fee</u> |
|-------------------------------------------------------------------|-----------------------------------------|
| \$0.00 to \$10,000 | \$15.00 |
| Each additional \$1,000 or part thereof beyond the first \$10,000 | \$1.00 per \$1,000 or fraction thereof. |

First Reading approved the 7th of October 1986.

Second Reading approved the 4th of November 1986.

ronald Reeder Mayor

ATTEST:

Thomas W. Jackson
Recorder

SPECIAL ORDINANCE 86-3
(To make certain revisions in Special Ord. 86-2)
An Ordinance To Revise Title 2-709 Dealing
With Leave, Vacation Leave, Sick Leave and
Leave Record

See 93 - 7

Section 2-709 Leave

The provisions of this section regarding vacation leave and sick leave apply only to full time municipal officers and employees of the Town of Bath. Full time municipal officers and employees are those officers and employees who are employed on a continuous and uninterrupted basis and whose work week consists of a minimum of forty (40) hours. Officers and employees working under the auspices of a separate board or commission are exempt from these provisions and are not covered for any leave.

The following definitions apply to this section:

Leave Day - a leave day shall consist of eight (8) hours based on an eight (8) hour work day.

Vacation Leave - Vacation leave shall be determined on a hourly basis as hereinafter set forth.

Sick Leave - sick leave shall be determined on a hourly basis and may be used when an officer or employee cannot carry out the duties assigned to his or her office or job.

Worker's Compensation - Any officer or employee who is drawing worker's compensation shall be ineligible to draw sick leave or vacation leave during the period of time worker's compensation is being drawn.

A. Vacation Leave

Officers and employees shall submit in writing to the Mayor their requests to use vacation leave. Such request shall be submitted at least two weeks prior to the time such officer or employee desires to begin such vacation leave. An officer's or employee's request to use vacation leave shall be subject to the approval of the Mayor or his designate. No vacation leave shall be taken until an officer or employee has been employed full time for one (1) year. Requests for vacation leave may be granted after consideration of essential services and with due regard to the officer's and employee's welfare and preference.