

ORDINANCE 94-1
An Ordinance to Provide a Snow
Removal Plan for the Town of Bath

Be it ordained by the Council of the Town of Bath that the following snow Removal Plan be implemented by the Chief of Police within town limits after a four inch snowfall has occurred.

Parking shall be banned on the south side of all EAST/WEST streets, except Fairfax Street from Route 522 to the town limits. Parking shall be banned on the west side of all NORTH/SOUTH street

Once in effect, prohibition under this section shall remain in effect until terminated by announcement of the Police Chief. While prohibition is in effect, no person shall park or allow to remain parked, any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this ordinance, on any part of a snow removal area on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow removal area. No person shall abandon or leave the vehicle unattended in the roadway of a snow removal area, except for the purpose of securing assistance within a reasonable time and by contacting the Town of Bath Police Department immediately.

Any provision of this ordinance which becomes effective by declaration of the Chief of Police or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a police officer nor shall it take precedence over provisions of the Code of the State of West Virginia

Members of the Police Department are hereby authorized to remove or have removed a vehicle from a street and take necessary traffic enforcement action when:

- A. The vehicle is improperly parked in a snow removal area in which parking is prohibited.
- B. The vehicle is stalled on a part of a snow removal area on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the

- provisions of this ordinance.
- C. The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.
- D. Whenever an officer removes or has removed a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed. In the event any such vehicle is stored, a copy of such notice shall be given to the proprietor of storage area.
- E. No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the police where it has been placed or impounded, he shall present to a member of the Police Department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, ^{shall} pay the cost of removal and shall ^{pay} any cost of storage accrued.
- F. ~~It shall be the duty of the Police Department to keep a record of each vehicle removed in accordance with this section.~~ The record shall include a description of the vehicle; its license number; the date and time of its removal; where it was removed from; its location; the name and address of its owner and last operator, if known; its final disposition; and the parking violation, if any.
- G. This section shall be supplemental to any other provisions of law granting numbers of the Police Department authority to remove vehicles.

Whenever any motor vehicle without a driver is found parked or 'left in violation of any provision of this ordinance and is not

removed and impounded ^{as} provided for in this ordinance the officer shall take its registration number and any other information

displayed on a the vehicle which may identify its user and shall conspicuously affix to such a vehicle, a traffic citation, on a form provided by the Police Department.

In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this ordinance, proof that the particular vehicle described in the complaint was parked or left in violation of provision of this

ordinance together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this ordinance. Said presumption shall be rebuttable.

Any person violating any of the provisions of the ordinance shall be guilty of a misdemeanor, and be guilty of a misdemeanor, and be fined a minimum of \$35.00 for each offense.

INTRODUCE

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ADOPTED

Dr, Thomas Jackson, Mayor

Ordinance 93-7 Overtime Pay

Overtime Pay

Overtime pay will be paid, at the rate of 1 1/2 times the regular rate, for hourly employees when the employee has worked over 40 hours within a week (consecutive seven-day period). Entitlement to overtime pay will be based upon computation of actual time worked within a work-week (seven-day consecutive period).

No employee is permitted to work overtime unless the overtime work has been approved in advance by the mayor and the employee's immediate supervisor. Employees will be disciplined, as appropriate, up to and including discharge, for performing overtime work without the advance approval of the mayor and immediate supervisor.

Computation of hours worked will be based upon the time the employee actually arrives at the work site, and the time the employee actually departs from a work site. Computation of work time does not include travel time from the employee's home to the work site, or time for the employee's travel from the work site back to his home. Arrival and departure times will be recorded, and 1/4 hour will be the smallest increment recorded.

Overtime pay entitlement applies only to hourly employees.

Compensatory Time

Hourly employees may be paid for overtime work by time off, "comp time", at a rate of 1 1/2 hours for each hour of overtime work, in lieu of monetary compensation at the rate of 1 1/2 hours for each hour of overtime worked. For computation of entitlement to overtime compensation, whether monetary compensation or compensatory time *off*, entitlement will be based upon forty hours actually worked during the work week (seven-day consecutive period).

As with computation of entitlement to overtime pay, computation of entitlement to overtime compensation through time *off* will be based upon the employee's actual arrival at the work site, and the employee's actual time of departure from the work site. Arrival and departure times will be recorded, and 1/4 hour will be the smallest increment period.

If an employee wishes to take time off, "comp time", in lieu of monetary pay for overtime work, the "comp time" must be by written agreement between the employee and the Town of Bath prior to the time that the overtime work is performed, and must be approved by both the mayor and the supervisor in writing, and must be recorded in the employee's record of hours.

Compensatory time policy must be mutually agreed to by both the employee and the employer.

The employee is required to schedule "comp time" within thirty days of the end of the pay period in which the employee earned the "comp time" through performance of overtime work. The employee is further required to take the "comp time" within ninety days of the date the "comp time" agreement was entered into the leave record unless the employee obtains, in advance of the expiration of the ninety days, a written approval of a request for extension of the ninety-day period which is approved in writing by both the mayor and the employee's immediate supervisor.

If an employee fails to take the "comp time" within ninety days of the time that the "comp time" agreement is entered on the leave record, and if the employee fails to request an extension of the ninety days prior to expiration of ninety days from the date the "comp time" agreement is entered on the leave record, then the employee will receive payment for the overtime worked (at the rate of 1 1/2 hours of the employee's regular rate) at the next scheduled pay period, by separate check.

The Town of Bath requests that all employees give as much notice of resignation as is possible, and at least two weeks notice. All "comp time" approved before an employee's notice of resignation is submitted will be scheduled for the employee to use between the date the employee provides notice of resignation and the effective date of resignation to the greatest possible. All unused "comp time", as of the effective date of an employee's resignation or termination, will be paid to the employee, by separate check.

SPECIAL ORDINANCE 93-6

END SECTION 11 OF THE TOWN CODE OF 1981/ WATER RATE AND CHARGES INCREASE.

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 be amended to include a 15% water rate increase and change to actual charges for services. This being introduced at the Oct. 18, 1993 regular meeting and being the subject of the Oct. 26, 1993 Public Hearing, both having been conducted at town Hall and with all required publications and requirements of the State of West Virginia Public Service Commission having been met. New rates are attached. This ordinance shall take effect upon the 31st. day of Dec., 1993.

FIRST READING _____

SECOND READING _____

PASSED THIS _____ DAY OF _____ 1991.

MAYOR

SPECIAL ORDINANCE 93-5
TO AMEND HOTEL MOTEL TAX
HOTEL OCCUPANCY TAX SECTION B
209-01, ARTICLE 17, SECTION 4:
ADDING PARAGRAPH 4-F

No board Member shall receive any compensation, whether is formal salary, or otherwise, in connection with his or her services as such member. Each member shall, however, be entitled to approved reimbursement by the authority for any expenditures in connection with the performance of his or her general duties as such member.

Special Ordinance 93-4 Rescinding Special Ordinance 93-3

Special ordinance 93-3 is hereby rescinded and previous ordinance, Title 8 Chapter 2, as amended, is reinacted in its entirety.

FOR DISPLAY: 120.1001 / 121101 -

SPECIAL ORDINANCE 91 - 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 **\$26.40** per quarter/per
residential unit. **\$100.32 - ANNUAL**

"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 **\$33.60** per quarter. **127.68 ANNUAL**

"Commercial Class II" which includes the garbage collection of all filling stations and garages, funer
homes, motels, hotels without dining rooms, lunch counters, and miscellaneous retail stores, not in Commerci
Class I shall be **\$44.60**
per quarter **\$169.48 ANNUAL**

"Commercial Class III" which includes the garbage collection of all restaurants, grocery stores,
wholesale stores and large office buildings shall be **\$70.60** per quarter **\$268.28 ANNUAL**

"Commercial Class IV" which includes the garbage collection of all single-family rental units and all
multi-family rental units shall be **\$26.40** per quarter per each individual residential rental unit. **\$100.32**
ANNUAL

Whenever the collection of garbage from any establishment or place shall be excessive or extraordinary, th
town council shall establish a special rate for such place, based upon the amount of garbage to be regularly collecte
and the Town's cost in performing such service, said effective rate shall be increased by sixty percent (60%) of
the present rate per quarter.

This ordinance shall take effect upon October 1, 1991 Passed through first
reading this 16th day of September 1991 Passed through second reading this 30th day
of September 1991.

MAYOR

RECORDER

AMMENDMENT TO ORDINANCE
ESTABLISHING TIME OF
TOWN COUNCIL MEETINGS
FOR TOWN OF BATH

BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE TOWN OF BATH, THAT
CHAPTER 1, SECTION 2-101 BE AMMENDED TO READ AS FOLLOWS:

CHAPTER 1 - GOVERNING BODY

Section 2-101 Time and Place of Regular Meetings

The Council shall hold regular meetings at 7:30PM, on the first and third Monday of each month in the Council Chambers, at the Town Hall. The Mayor, the Recorder, or any three members of the Council may call special meetings as deemed necessary.

Effective Date

This ordinance shall be effective upon second reading by Town Council.

Passed through the first reading this _____ day of _____ 1991.

Passed through the second reading this _____ 1ST. day of _____ July _____ 1991.

Matthew J. Ly man, Mayor,

ATTEST:

/ l-3GL 11

Lisa M. Gru er, Recorder

RECORDER'S DUTIES

ORDINANCE: CHAPTER 3, Section 2-301

It shall be the duty of the recorder to keep a journal of the proceedings of the Council. The recorder shall also preserve all ordinances in a separate Ordinance book.

It shall also be the duty of the recorder to make sure that all proceedings of the council meetings are tape recorded, cataloged and kept on file at Town Hall for the benefit of the people so that they (the people) may know EXACTLY what transpired at said council meetings. The public may request and receive any tape along with the use of the tape recorder for playing said tape upon request and may also have a copy of said recording at their own expense in the same manner as provided by West Virginia Codes applicable thereto, and similar to written documents requests. (Pursuant to The People's Guide to Open Government, West Virginia Codes 6-9A-1, 29B-1-1, 29B-1-2, the Freedom of Information

Act and Roberts Rules of Order.) Effective date:

First r e a d i n g
date

Second reading
date

Attest:

Recorder/ Acting Recorder

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