

# TOWN OF BATH COUNCIL MEETING

Tuesday, July 19, 2022

1. **CALL TO ORDER:** @ 5:30pm by Mayor Pro Tem Webster  
The first order of business in the absence of the Mayor was to appoint a Recorder Pro Tem for this meeting.  
MOTION: To appoint Elizabeth Skinner as Recorder Pro Tem for the July 19, 2022, Regular Council Meeting- Jackson/Chapman- Carried.
2. **ROLL CALL:** Scott Merki (A) Susan Webster (X) Chris Chapman (X) Rose Jackson (X) Elizabeth Skinner (X) Greg Forney (X) Rick Weber (A) Quorum present.
3. **REVIEW OF MINUTES:** Minutes of the Regular Meeting of July 5, 2022 were approved by Common Consent.
4. **PERSONS BEFORE COUNCIL:** Mayor Pro Tem Webster called to order a Public Hearing on the proposed “Ordinance Vacating, Abandoning and Annuling that Part of East Liberty Street Not Used for Street Purposes in the Town of Bath, Morgan County, West Virginia” (see attached). Attorney Charles Trump, representing the adjoining property owners, presented the purpose of the ordinance and informed the public that all the requirements had been met to allow Council to conduct a Second and Final Reading on the ordinance. No one from the public asked to speak on this issue. The Public Hearing was closed.  
MOTION: To adopt, “Ordinance Vacating, Abandoning and Annuling that Part of East Liberty Street Not Used for Street Purposes in the Town of Bath, Morgan County, West Virginia” as presented– Jackson/Forney- Carried.
5. **COMMUNICATION FROM MAYOR:** The Ad Hoc ARPA Committee meeting will be July 26, 2022, at 4pm. The public is invited to participate in the “Chilled Cocoa Crawl” on July 22, 2022, from 5pm until 9pm.

## COMMITTEE AND BOARD REPORTS

1. **BATH DEVELOPMENT AUTHORITY:** The next meeting is August 3, 2022. An application for appointment to this Authority was received by the Town office from Paula Strait. This application will be added to the next agenda and Ms. Strait will be asked to attend.
2. **PARKS & REC:** The next meeting is July 20, 2022. Those interested in serving on this board are encouraged to contact the Town.
3. **PLANNING COMMISSION:** President Landon reported that the working group of the Commission is studying the local demographics for use in the Comprehensive Plan. The next meeting is August 4, 2022.
4. **RAIL/TRAIL:** Committee Co-Chairman Pete Brown has submitted progress reports to the Town office (see attached). The next meeting is July 27, 2022.
5. **STREETSCAPE:** Committee Co-Chair Pete Brown has submitted reports to the

- Town office (see attached).
6. TRAIN DEPOT: The interior rehab construction of the Depot continues. The Owner's meeting will be July 27, 2022 with Building Systems, The Mills Group and Town representatives. All of Council is invited. The meeting will focus on restoration efforts and funding. Owner's Meetings will be held every two weeks until project completion.
  7. LANDMARK COMMISSION: Mayor Pro Tem Webster presented for discussion and First Reading Ordinance Amendment 2022-07-01, which she distributed for review at the Council meeting of July 5, 2022(see attached). This amendment corrects Town of Bath Chapter 42 inconsistencies with WV Code and addresses residency concerns. Councilman Chapman called for the matter to be referred to the Ordinance Committee. Discussion was held with concurrence that should more time be needed the Second Reading of Ordinance 2022-07-01 would be delayed.  
MOTION: To approve for First Reading Ordinance 2022-07-01 amending Chapter 42 Historic Preservation- Forney/Skinner- Carried.  
Webster advised Council that a volunteer application for the Historic Landmark Commission had been received by the Town from Joyce Jones. This will be added to the next agenda for consideration and Ms. Jones will be asked to attend.
  8. CLERK/RECORDER REPORT: No report at this time.
  9. FINANCE: Chairwoman Webster presented the following bills for approval.
    - (a) Town of Bath \$16,653.84- Motion to approve: Forney/Jackson- Carried.
    - (b) BS Water \$55,720.18- Motion to approve: Forney/Jackson- Carried.
    - (c) Greenway Cemetery \$3,685.00- Motion to approve: Forney/Jackson- Carried.
    - (d) Hotel/Motel Distribution \$29,437.37-Motion to approve: Forney/Skinner-Carried.
  10. TREE BOARD: No report at this time.
  11. PUBLIC SAFETY: Chief Link reported that applicant interviews for new Officers will be held soon. Applications for part time Police Secretary are being accepted. The Police Report for June was presented.
  12. PUBLIC WORKS: No report at this time.
  13. ORDINANCE: Councilman Chapman submitted for First Reading Ordinance 2022-07-19, Amending the Notification of Building or Real Property Improvement Ordinance to satisfy State, County and Bath needs (see attached).  
MOTION: To approve Ordinance 2022-07-19 for First Reading- Chapman/Jackson- Carried.
  14. CEMETERY: Chairman Skinner advised that the annexation of the Olde English Cemetery is complete. Town Attorney Richard Gay has suggested that rather than selling an used portion of this cemetery that an easement for the adjoining property owner my suffice.
  15. GRANT: Nothing further to report.
  16. BERKELEY SPRINGS WATER WORKS: Chairman Chapman advised Council that the water line replacement project still has no firm start date at this time. The Committee meeting of July 20, 2022 has been canceled. The next meeting will be Monday, August 1, 2022

17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor

*Susan Anderson*

Recorder

*Susan J. Wells*  
*Elizabeth A. Skennel*

**ORDINANCE VACATING, ABANDONING AND ANNULLING  
THAT PART OF EAST LIBERTY STREET  
NOT USED FOR STREET PURPOSES IN  
THE TOWN OF BATH, MORGAN COUNTY, WEST VIRGINIA**

WHEREAS, it has been determined by the Town Council of the Town of Bath that a portion of East Liberty Street, in the Town of Bath, Morgan County, West Virginia, consisting of a total of 0.273 acres, is no longer needed for street purposes or for any other public use or public purposes, and that it is proper that the same be vacated, abandoned, closed, and annulled; and

NOW THEREFORE, it is ordained by the Town Council of the Town of Bath in a regular meeting, a quorum being present and voting in favor of this Ordinance as follows:

Section 1. That the part of East Liberty Street proposed to be vacated, abandoned, closed, and annulled is described as follows, to-wit:

“A portion of Liberty Street within the Town of Bath as shown on the Plat of Wright & Smith’s Addition to The Town of Bath, which plat appears of record in the office of the Clerk of the County Commission of Morgan County, West Virginia in Deed Book 18, at page 129.

The portion thereof to be vacated, abandoned, closed, and annulled is, in aggregate, 0.273 acres, and is shown more fully on Plat No. 2022015, dated March 17, 2022, made by Cynthia A. Born, West Virginia Professional Surveyor No. 2135, (hereinafter the “Born Plat”); which plat has been admitted to public record in the Office of the Clerk of the County Commission of Morgan County, West Virginia in Map Book 9, at page 97; and a copy of which plat, showing said portion of East Liberty Street being divided into five small parcels, numbered 1 through 5, is attached to this Ordinance.”

Section 2. That said above described part of East Liberty Street is not used for street purposes, has never been opened or constructed as a street, and is not needed for street purposes or any other public use or public purposes, and that therefore it

is in the interest of the Town of Bath and of the public generally that the part of East Liberty Street described above be vacated, abandoned, closed and annulled, and it appearing that the property of no person, firm or corporation will be damaged or injured thereby, and it further appearing the owners of the property abutting upon said portion of East Liberty Street are in agreement with the abandonment of that portion of East Liberty Street described above, and therefore it is ordered and ordained that the above described part of East Liberty Street be and the same is hereby vacated, abandoned, closed and annulled, and that from and after the date of the adoption of this ordinance the same shall cease to be a public way or public street within the Town of Bath, Morgan County, West Virginia.

Section 3. That further it is hereby ordained that the Town of Bath has agreed to convey to the five owners of the properties abutting East Liberty Street, all as shown on Plat No. 2022015, dated March 17, 2022, made by Cynthia A. Born, a copy of which is attached to this Ordinance, the portion of East Liberty Street to be vacated, abandoned, closed, and annulled pursuant to this ordinance, the five small parcels, numbered 1 through 5, into which this portion of Liberty Street has been divided, all as shown on the abovesaid plat, with said five small parcels to be merged into and become part of the adjoining properties, as shown on said plat upon payment(s) to the Town of Bath by said five adjoining property owners of the sum(s) set by the Town of Bath as the price(s) therefor.

Section 4. That prior to the date of the adoption of this Ordinance a public hearing shall be held at a regular meeting of the Town Council of the Town of Bath as to the vacating, abandoning and annulling of the part of East Liberty Street described in this Ordinance and hereby proposed to be vacated, abandoned, closed and annulled and that due notice of such hearing shall be given by the Recorder of the Town of Bath by publishing in a newspaper published and of general circulation in the Town of Bath once each week for two successive weeks prior to the date of such hearing. Such notice shall state the date, time, place and purpose of such hearing.

Section 5. In accordance with the provisions of the Statutes and laws of the State of West Virginia in such cases and as provided by West Virginia Code Chapter 8-12-5(1) and the authority provided therein, and provided upon the adoption of this ordinance that the property described as the easternmost portion (0.273 acres) of East Liberty Street as described in Section 1 hereof is hereby vacated, abandoned, closed and annulled, and upon payment as set forth above in Section 3 of this Ordinance, the lots, as shown on the Born Plat attached hereto, shall be conveyed to the adjoining owners.

Section 6. Upon the adoption of this ordinance a duly verified copy thereof together with the plat attached hereto shall be recorded in the appropriate deed book in the Office of the Clerk of the County Commission of Morgan County, West Virginia, as evidence of the vacating, abandoning and annulling of said part of East Liberty

Street for public uses and public purposes as a public street or way, along with the deeds described herein.

Section 7. This ordinance shall be effective from the date of its adoption.

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

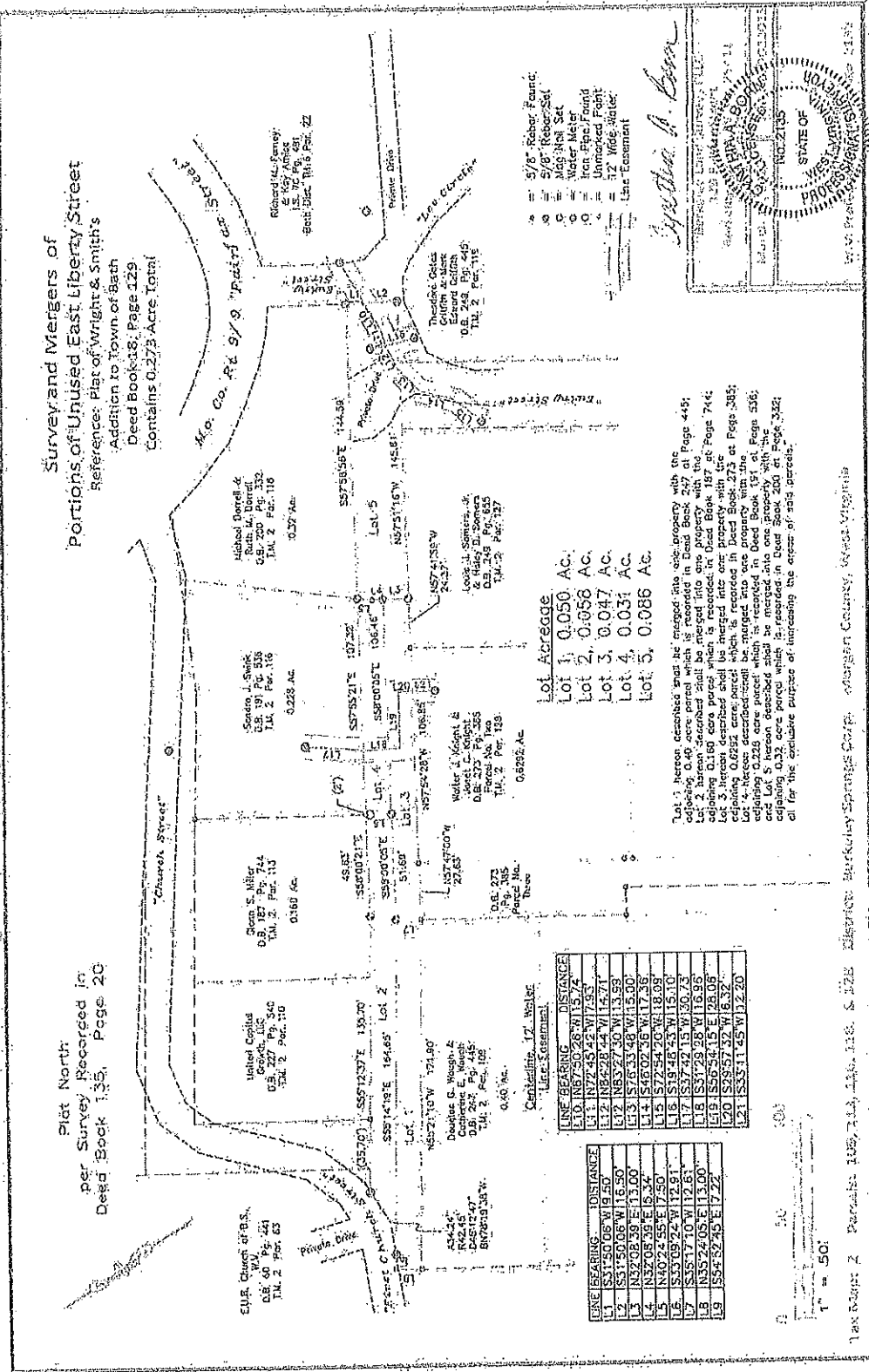
Passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Scott Merki, Mayor

\_\_\_\_\_  
Susan Webster, Recorder

**Survey and Mergers of Portions of Unused East Liberty Street**  
 Reference: Plat of Wright & Smith's Addition to Town of Bath Deed Book 38, Page 129. Contains 0.273 Acre Total

Plat North  
 per Survey Recorded in Deed Book 135, Page 20



- Lot Acreage**
- Lot 1, 0.050 Ac.
  - Lot 2, 0.058 Ac.
  - Lot 3, 0.047 Ac.
  - Lot 4, 0.031 Ac.
  - Lot 5, 0.086 Ac.

Lot 1 herein described shall be merged into one property with the adjoining 0.49 acre parcel which is recorded in Deed Book 247 of Page 449; Lot 2 herein described shall be merged into one property with the adjoining 0.169 acre parcel which is recorded in Deed Book 187 of Page 744; Lot 3 herein described shall be merged into one property with the adjoining 0.059 acre parcel which is recorded in Deed Book 273 of Page 385; Lot 4 herein described shall be merged into one property with the adjoining 0.229 acre parcel which is recorded in Deed Book 151 of Page 526; and Lot 5 herein described shall be merged into one property with the adjoining 0.32 acre parcel which is recorded in Deed Book 106 of Page 332; all for the exclusive purpose of increasing the extent of said streets.

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| 1.0  | N67°50'26"W | 15.74    |
| 1.1  | N72°43'42"W | 7.93     |
| 1.2  | N8°28'44"W  | 15.71    |
| 1.3  | N63°27'30"W | 13.93    |
| 1.4  | S76°33'48"W | 15.00    |
| 1.5  | S46°02'36"W | 17.36    |
| 1.6  | S72°54'20"W | 18.09    |
| 1.7  | S19°45'53"W | 15.10    |
| 1.8  | S37°42'15"W | 30.73    |
| 1.9  | S31°29'28"W | 16.86    |
| 1.10 | S56°54'15"E | 28.09    |
| 1.11 | S29°57'32"W | 16.32    |
| 1.12 | S33°11'45"W | 12.20    |

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| 1.1  | S57°50'08"W | 19.50    |
| 1.2  | S51°50'08"W | 16.50    |
| 1.3  | N3°20'38"E  | 13.00    |
| 1.4  | N32°05'39"E | 15.34    |
| 1.5  | N40°24'55"E | 7.50     |
| 1.6  | S33°09'24"W | 12.91    |
| 1.7  | S38°17'10"W | 12.61    |
| 1.8  | N35°24'05"E | 13.00    |
| 1.9  | S54°32'45"E | 7.22     |

1" = 50'

Map No. 2 Parcel 105, 113, 114, 116, 118, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

*Myrtice A. Burn*

STATE OF VERMONT  
 PROFESSIONAL SURVEYOR  
 No. 2185

**Status of Streetscape, State Park and NBRT for Town Council  
Tuesday July 19, 2022**

**STREETSCAPE**

**Phase V: Design Contract:**

Slow progress on the five documents in the last couple of weeks:

1. The DOH/Thrasher "Scope of Work" Document. Complete; we have the final version of the Scope of Work along with the Thrasher Fee Proposal for that work.
2. A Town Task Order (#1) that will deliver that Scope. We provided comments/changes to the Thrasher Draft.
3. A formal Contract Document. See #2 above – Thrasher also provided the basic Task Order Agreement that will essentially be the "contract" when signed. Comments/changes sent to Thrasher on July 11<sup>th</sup>. Issuing Task Order #1 and starting the Thrasher work can only follow the receipt of Item 5 below.
4. A DOH/Town/FHWA Design Funding Agreement. DOH has the Scope of Work and the Fee Proposal noted above. DOH is still in the process of finalizing the Funding Agreement document.
5. A formal "Notice to Proceed from DOH". This will follow the FHWA Grant funds authorization of #4 above.

**Phase VI (DOH call for FY22 TA Grant Applications)**

- Application was submitted on June 28<sup>th</sup> and receipt was confirmed by DOH on June 29<sup>th</sup>.

**NBRT**

**Parcel 1A:**

- Nothing new to report.

**Parcel 1B: Storm Water Management (SWM) Project (CBT Grant)**

- No-cost Extension was approved through July 15. The design is complete, awaiting delivery.
- Final report will be completed as soon as all invoices are received and approved.

**Berkeley Springs State Park Grant & Project**

**Status:**

- Still awaiting FHWA Approval of the project – was sent to FHWA on April 8<sup>th</sup>
- DOH working to complete consultation on Floodplain impacts. Morgan County contacted and Thrasher working with County to complete analysis of any impacts (mostly reductions of volume in the floodplain).

**Old Project: Park implications of Streetscape Phase III Project**

- Prepared Draft Project/Completion Report for Park Foundation
- Used to close-out a 2015 DNR Grant to the Foundation
- Involves use of DNR funds to complete Phase III Streetscape work along Park's northern edge at Fairfax Street
- Includes fencing and new concrete stairs.
- Will be sent to DNR after Foundation review.

Pete Brown  
571-213-3687



# TOWN OF BATH SPECIAL ORDINANCE

2022-07-01

## Amending in part Chapter 42 Historic Preservation Article II Section 42-19. Established.

Whereas, the Town of Bath in its plenary power and authority as a Class IV Municipality in the State of West Virginia in the year 2000 ordered the establishment of the Town of Bath Historic Landmarks Commission through Ordinance #000-10 in accordance with West Virginia Code 8-26A-4; and

Whereas, the Town of Bath Council amended the order establishing the Historic Landmarks Commission in 2016 changing the number of members to be appointed to the Commission and their residency requirements; and,

Whereas, it has been discovered that the amendment to the original Ordinance #000-10 does not comply with West Virginia Code 8-26A-4 and current concerns of the Town of Bath Council; and,

Whereas, the Town of Bath Council desires to comply with West Virginia Code 8-26A-4 and satisfy membership residency concerns of the Historic Landmark Commission as expressed to the Council by citizens of Bath; and,

Accordingly, it is therefore ordered that the Town of Bath Council hereby amends in part Chapter 42 Historic Preservation Article II Section 42-19. Established as follows:

The historic landmarks commission shall:

(1) Be composed of five members appointed by the Town of Bath Council in the following manner:

a. The five members shall have demonstrated interest in or background in, historic preservation or history related disciplines (e.g., history, architecture, architecture, archaeology, architectural history, geography, real estate, art history, etc.);

Options b. The five members shall be appointed from Town of Bath residents.  
b. The five members shall be appointed at a minimum of three-fifths from Town of Bath residents with any remaining members being property owners of Bath whose principle residence is in Morgan County.

b. Other option ideas?

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

\_\_\_\_\_  
Scott Merki, Mayor

\_\_\_\_\_  
Susan J. Webster, Recorder

TOWN OF BATH ORDINANCE 2022-07-19

Amending Town of Bath Ordinance 2022-03-15, Requiring the Use of Form LGR 12:75 for the Notification of Building or Real Property Improvement, Setting the Form Out in Two Parts

Whereas, the Town of Bath is a municipality in Morgan County, West Virginia; and,

Whereas, West Virginia Code 11-3-3a requires that the owner(s) of real property in West Virginia municipalities who are making improvement of more than \$1,000.00 in value to their property notify the Morgan County Tax Assessor of such improvement; and,

Whereas, the Town of Bath passed Ordinance 2022-03-15 ordering the use of the 2002 Form 12:75 to notify the Morgan County Tax Assessor of building and property improvements of more than \$1,000.00 in value; and, that such reporting shall be collected by appropriate Town of Bath Officials who will be responsible for its administration and delivery to the Morgan County Tax Assessor; and that any changes to 2002 Form 12:75 deemed necessary by the State of West Virginia or the Morgan County Tax Assessor shall be automatically accepted and adhered to by the Town of Bath.

Therefore, the Town of Bath to obtain additional information regarding real property improvements of \$1,000.00 or more taking place within the boundaries of the Town of Bath and to require property owners to sign the form acknowledging that they understand and agree to adhere to the West Virginia Building Code as set out in Title 87, Series 4, of the West Virginia Code of State Rules and acknowledging that they, their contractor, and anyone else working on improvements to their property will fully adhere to these rules in completing the improvements, hereby establishes the Notification of Building or Real Property Improvement Form in two parts. Part I shall be the standard 2002 Form 12:75. Part II shall be the supplemental Town form to obtain additional information from property owners and obtain their signed acknowledgement. Part II of the form shall be collected by appropriate Town of Bath Officials who will be responsible for its administration and maintenance of this record on file in the Town Clerk's office along with a copy of Part I of the form.

1st Reading Date \_\_\_\_\_

2nd Reading Date \_\_\_\_\_

Attest:

\_\_\_\_\_

Mayor, Town of Bath

\_\_\_\_\_

Recorder, Town of Bath

TOWN OF BATH ORDINANCE 2022-03-15

Requiring the Use of Form LGR 12:75 for the Notification of Building or Real Property Improvement

To the Assessor of Morgan County, West Virginia

Whereas, the Town of Bath is a municipality in Morgan County, West Virginia; and,

Whereas, West Virginia Code 11-3-3a requires that the owner(s) of real property in West Virginia municipalities who are making improvement of more than \$1,000.00 in value to their property notify the Morgan County Tax Assessor of such improvement; and,

Whereas, the State of West Virginia, the Morgan County Tax Assessor and the Morgan County Planning Commission have accepted and use the 2002 Form LGR 12:75 in the reporting of such improvements; and,

Therefore, the Town of Bath hereby orders the use of the 2002 Form 12:75 to notify the Morgan County Tax Assessor of building and property improvements of more than \$1,000.00 in value; and, that such reporting shall be collected by appropriate Town of Bath Officials who will be responsible for its administration and delivery to the Morgan County Tax Assessor; and that any changes to 2002 Form 12:75 deemed necessary by the State of West Virginia or the Morgan County Tax Assessor shall be automatically accepted and adhered to by the Town of Bath.

1st Reading Date \_\_\_\_\_

2nd Reading Date \_\_\_\_\_

Attest:

\_\_\_\_\_

Mayor, Town of Bath

\_\_\_\_\_

Recorder, Town of Bath

**NOTICE OF BUILDING OR REAL PROPERTY  
IMPROVEMENT TO THE TOWN OF BATH**

304-258-1102/email address

1. New Home Construction: (Y/N)\_\_\_\_\_ Is the property in the flood plain (Y/N)\_\_\_\_\_  
2. Description of Work to be done (attach if needed) \_\_\_\_\_

3. Contractor Name, Address & Phone (If applicable)  
\_\_\_\_\_

4. WV Contractor's License # \_\_\_\_\_

5. Town of Bath Business License # \_\_\_\_\_

6. Comments/Instructions: \_\_\_\_\_

I hereby acknowledge that my signature on this document signifies that I understand and shall adhere to the West Virginia Building Code as set out in Title 87, Series 4, of the West Virginia Code of State Rules and that I, my contractor, or anyone else working on this property improvement will fully adhere to these rules in completing the work described in Parts I and II of this Notice of Building or Real Property Improvement.

Applicant signature and print  
\_\_\_\_\_

Date \_\_\_\_\_

# NOTICE OF BUILDING OR REAL PROPERTY IMPROVEMENT

TO THE ASSESSOR OF \_\_\_\_\_ COUNTY:

Any person, corporation, association or other owner of real property, subject to the payment of property tax, who shall erect any building or structure, or who shall add to, enlarge, move, alter, convert, extend, raze or demolish any building or structure, whereby the value of the real property shall be improved more than \$1,000 must notify the assessor on Form 12:75 within sixty days from the date the work is commenced. If a report is made by or on behalf of any mine, mill, factory, or other industrial establishment and filed with the assessor on or before June fifteen which discloses with certainty any construction, or improvement made during the previous twelve months, the owner shall be deemed in compliance with notice requirements. If a building permit has been obtained, this shall be sufficient notice. Any person in violation of provisions of West Virginia Code § 11-3-3a, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine.

See Chapter 11, Article 3, Section 3a of the West Virginia Code for additional information.

Name of Owner or Owners \_\_\_\_\_

Location (Address) of Improvement \_\_\_\_\_

Taxing District \_\_\_\_\_

Land Book Description \_\_\_\_\_

have, or has been (Altered) \_\_\_\_\_ (Erected) \_\_\_\_\_

and that said improvements have increased the value of the property in excess of \$1,000.00

Improvements were commenced \_\_\_\_\_ (Month/Day/Year),

Completion date or anticipated completion date \_\_\_\_\_ (Month/Day/Year).

Approximate increase in value \$ \_\_\_\_\_ Use of Building \_\_\_\_\_

Remarks: \_\_\_\_\_

Address of Owner or Owners \_\_\_\_\_

Phone No. \_\_\_\_\_

Notice Filed By \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_  
Month/Day/Year

**NOTICE TO BE FILED WITH ASSESSOR WITHIN SIXTY (60) DAYS AFTER COMMENCEMENT OF IMPROVEMENTS TO REAL PROPERTY WHICH WILL INCREASE THE VALUE IN EXCESS OF \$1,000**

**BELOW THIS LINE FOR ASSESSOR'S USE ONLY**

Map No. \_\_\_\_\_

Received \_\_\_\_\_

Parcel No. \_\_\_\_\_

**Building Permit Application**  
**Town of Bath/Berkeley springs Police Department**

304-258-1198 / [bspdswope@gmail.com](mailto:bspdswope@gmail.com)

Owner of Property: \_\_\_\_\_ Phone: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Subject Property: \_\_\_\_\_

New Home Construction: (Y/N) \_\_\_\_\_ Is property in flood plain: \_\_\_\_\_

Description of Work to be done: \_\_\_\_\_

Map # \_\_\_\_\_ Parcel # \_\_\_\_\_ Estimated cost: \$ \_\_\_\_\_

Contractor: \_\_\_\_\_

W.V. Lic # \_\_\_\_\_ B.S. Lic # \_\_\_\_\_ Start date: \_\_\_\_\_

Classification: \_\_\_\_\_ Amt. Rec. \$ \_\_\_\_\_ Date: \_\_\_\_\_ Rept \_\_\_\_\_

First Reading: \_\_\_\_\_ Second Reading: \_\_\_\_\_

Council Approval: Yes \_\_\_\_\_ No \_\_\_\_\_

Comments/Instructions: \_\_\_\_\_

Permit fee is a \$20.00 flat rate up to \$15,000.00 in project cost. The fee increases \$1.00 per additional \$1,000.00 in project cost.

*\*Falsification or Intentionally withholding information relative to the permit application may result in a stop work order and subject the applicant to penalties and or fines.*

Permit # \_\_\_\_\_ Date: \_\_\_\_\_

[View §11-3-3a in new website](#)

## CHAPTER 11. TAXATION.

### ARTICLE 3. ASSESSMENTS GENERALLY.

#### **§11-3-3a. Building or real property improvement notice; notice filed with assessors; when not required; penalties.**

Any person, corporation, association or other owner of real property, subject to the payment of property tax, who shall hereafter erect any building or structure, or who shall add to, enlarge, move, alter, convert, extend, raze or demolish any building or structure, whereby the value of the said real property shall be improved more than \$1,000, shall give notice in writing to the assessor within sixty days after the commencement of the improvement of such property. The notice shall be given upon such forms as may be prescribed by the Tax Commissioner who shall furnish the same to assessors. The notice shall contain the following information: (1) A statement that improvements are being or have been made; (2) the location or address of the property; and (3) the name of the owner or owners of the property. The information contained in such notice shall be advisory in nature and may be used by the assessor in performing his duties as otherwise provided by law; Provided, however, That a report made by or on behalf of any mine, mill, factory, or other industrial establishment and filed with the assessor on or before June 15 which discloses with certainty any construction, or improvement made during the previous twelve months, shall be deemed compliance with this section: And provided further, That within the area of any county or municipality where a building permit has been obtained prior to beginning such work, the delivery of a copy of the building permit to the assessor by the owner or the issuing authority shall be sufficient notice under this section. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$10 nor more than \$100 in the discretion of the court. Justices of the peace shall have concurrent jurisdiction with other courts having jurisdiction for the trial of all misdemeanors arising under this section.