

TOWN OF BATH COUNCIL MEETING

May 7, 2024

1. **Call to ORDER:** @ 5:30pm by Mayor.
2. **ROLL CALL:** Scott Merki (X) Susan Webster (X) Elizabeth Skinner (X) Greg Schene (X) Rebecca MacLeod (X) Mary Lynn Hickey (X) Tom Hall (X) Quorum present.
3. **REVIEW OF MINUTES:** Minutes of the Regular Meeting of April 16, 2024 were approved by Common Consent.
4. **PERSONS BEFORE COUNCIL:** Melissa Schod, representing the Community Garden, updated Council on operational progress of the group in regards to the Bath owned lot next to Town Hall. They will add a storage box to the property for tools. Schod expressed concern about the safety of the concrete steps that go down to Wilkes Street. This was referred to the Public Works Committee.
Grant Chairwoman Hickey spoke for Ye Town of Bath Chapter of the Daughters of the American Revolution Regent Gail Potter to describe grants that she is applying for with respect to both the Olde English Cemetery and the Old German Cemetery. The Town is fortunate to have both the DAR and the Foxglove Garden Club who understand the historic significance of these sites and take on their betterment.
5. **COMMUNICATION FROM MAYOR:** The Mayor presented the communication (attached) received from Daryl Cowles, Legislative/Regional Representative of Governor Jim Justice, in regards to Council's concern about traffic issues in Bath between construction projects building the Rt. 522 bypass.
The Mayor along with Council had conveyed their apprehension surrounding the possible routing of traffic from completed areas of the new Rt. 522 bypass directly into Town via Fairfax Street and Rt. 9 East. The WV DOH will direct large trucks to remain on old Rt. 522 during the remaining construction phase. Council directed a letter to be written to all of our State representatives inquiring about the traffic signage and future enforcement of this important matter.

COMMITTEE AND BOARD REPORTS

1. **BATH DEVELOPMENT AUTHORITY (BDA):** The next meeting is June 5 at 4:30. Assistant Clerk Farris attended the May 1 meeting to present her interest in BDA becoming involved in the ON Trac program. She recently attended a meeting on this program in Charles Town and is enthused about the assistance this organization can offer. BDA has met with their new website developer and are exploring new ideas.
2. **PARKS & REC:** The next meeting is May 9. No report at this time.
3. **PLANNING COMMISSION (PC):** The next meeting is May 13 at 9am.
4. **RAIL/TRAIL (NBRT):** The next meeting is May 29. Co-Chair Rebecca MacLeod described the Arbor Day event that was held on April 27. The event included the Parcel 1B landscaping project during which volunteers planted a Tiny Forest. This is the first of its kind in West Virginia.
5. **STREETSCAPE:** The next meeting is May 16. The committee is anticipating the

- upcoming bid opening for the next improvement phase.
6. TRAIN DEPOT: The next meeting is May 13 at the Depot at 4pm. The Committee is planning musical entertainment with Ross Martin at the Depot on the third weekends of May through September. The May shows are the 16th and 18th.
The Finance Committee is proceeding with talks with Travel Berkeley Springs concerning future occupation of the Depot by this organization.
 7. LANDMARK COMMISSION (HLC): No report at this time.
 8. CLERK/RECORDER REPORT: The Town Office has received a Notice of Building or Real Property Improvement (attached) which will be administered appropriately.
The Finance Committee approved for recommendation to Council four (4) applications for Bath facilities Use. All were advised that any participating vendors must have Bath business licenses. The applications were as follows:
 - A. Berkeley Springs Pride is having their Pride Picnic in the Park on June 22 (attached). They were advised that all vendors must be parked on S. Washington St.
MOTION: To approve the facilities use application of Berkeley Springs Pride- Webster/Hickey- Carried
 - B. 'Bringing in the May' applied for four food truck vendors on S. Washington St. for their event on May 18-19 in the BSSP (attached).
MOTION: To approve the 'Bringing in the May' event as presented Hickey/MacLeod-Carried
 - C. St. Vincent de Paul Knights of Columbus requested the parking spaces on the north side of east Liberty Street for their Flea Market on May 11 (attached).
MOTION: To approve the request of the Knights of Columbus as presented- Webster/Hall- Carried
 - D. Block Party at the Dave Henry Memorial Park on Biser on May 19 (attached) to celebrate the work on the volley ball court by Dave O'Connell. Since there is no Town property to be used Council expressed appreciation for the work accomplished.
 9. FINANCE: Chairwoman Webster presented the Town Hall in-house budget revision as prepared by Clerk Corrick and recommended for passage by Council from the Finance Committee.
MOTION: To approve the 2024 Town Hall in-house budget revision as presented- Webster/Hall- Carried
Chairwoman Webster presented a revision to the 2024 Levy Estimate to be submitted to the WV Auditor's Office (attached).
MOTION: To approve Resolution 2024-05-01 ordering the 2024 Levy Estimate revision as presented (attached)- Webster/Skinner- Carried unanimously
Chairwoman Webster delivered the following bills for approval:
 - (a) Town of Bath \$9,389.31- Motion to approve: Webster/Hickey - Carried
 - (b) BSWW \$16,961.36- Motion to approve: Webster/Skinner- Carried
 - (c) Greenway Cemetery \$7,200.00- Motion to approve: Webster/Skinner- Carried

- (d) NBRT \$6,500.00- Motion to approve: Webster/MacLeod- Carried
- (e) BSWW R&R \$4,813.00-Motion to approve-Webster/Hall- Carried
- (f) BSWW 522 Extension Project \$174,400.00: Motion to approve Webster/Hall- Carried

In regards to the payment of the BSWW 522 Extension Project billing of \$174,400.00 the following further actions were taken:

MOTION: To remove this billing for payment to the Morgan County Commission- Hall/MacLeod- Carried

MOTION: To approve BSWW Rt. 522 Resolution #1 of the Town of Bath Water Committee (attached) approving invoices relating to construction and other services for the sewer extension project and authorizing payment of \$174,659.20 - Hall/Hickey- Carried

10. TREE BOARD: Member Kate Lehman told Council that this board will be removing dangerous branches from the tree on Wilkes Street at the De Souza house.
11. GRANT: The next meeting is May 13. Chairwoman Hickey informed Council that her work with the WV Grant Resource Center for COPS/JAG funding will be submitted by June 6. She is working with the DAR and Foxglove for historic cemetery grants. Other grants for a Greenway arboretum, Streetscape lighting and more are in the works.
12. PUBLIC SAFETY: The next meeting is May 8. With ongoing Ordinance Committee work the BSPD will be responsible for the collection of festival fees and vendor license fees.
13. CEMETERY: The next meeting is May 28. Chairwoman Skinner informed all that the mausoleum repair work is to begin. Mowing has started in Greenway.
14. PUBLIC WORKS: Next meeting is May 7. Chairwoman MacLeod reported that the curbs have been marked and are ready for painting. The street sweeping is complete. Weekly safety checks on equipment have been established.
15. ORDINANCE: The next meeting is May 9. Chairman Schene presented Ordinance 2024-04-01 relating to Festival Fees for consideration.
MOTION: To approve for First Reading 2024-04-01 (attached)- Hickey/Hall- Carried
Chairman Schene presented Ordinance 2024-03-08 (attached) relating to Short Term Rentals for consideration and discussion.
MOTION: To approve for First Reading Ordinance 2024-03-08- Webster/Hickey-Carried
16. BSWW: The next meeting is May 15. Chairman Hall reported that the raw water pumps have been repaired and more information is needed for the high service pump repair. The BSSP will be cleaning out the spring channel and replacing the sand with local clean silica. The US AID conference will have a tour of the BSWW operation and Bath environmental projects on May 8. The BSWW Ford Escape is currently in disrepair.
17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Meek

Recorder Susana Webb

Sharon Corrick

From: Cowles, Daryl E <daryl.e.cowles@wv.gov>
Sent: Friday, April 26, 2024 10:16 AM
To: Susan Webster; Greg Schene; Merki, Scott; Sharron Corrick; Bill Clark; Sean Forney; Joel Tuttle; Charles Trump; Charles Trump (CharlesTrump@TrumpAndTrump.com); George Miller; Mary Lynn Hickey; Daryl Cowles
Subject: US522 bypass trucks

Hello all:

As you know, the US522 Bypass project is two different construction projects - 3 miles constructed in part one; then 1 mile and the Fairview Connector constructed in part two.
Part one of the US522 Bypass is nearing completion while the other is just beginning.

In response to several questions about truck traffic during the time BETWEEN the part one completion and full bypass completion, I sent the request to Charleston for the DOH engineers to answer.
The answer: trucks will be directed to stay on the Old US522 until the full bypass is completed.

Here was the reply:

Foster, Jason C

7:2

to me



Hello Daryl,
I have gotten a response to your question.

Essentially, trucks will be signed to stay on 522 until the northern connector is complete.

The interchange at WV Route 9 is where the remaining traffic will be signed back to 522.

Please let me know if you need additional information.

Thanks,
Daryl



Daryl E. Cowles
Legislative/Regional Representative
Office of Governor Jim Justice
State Capitol
1900 Kanawha Boulevard, E.
Charleston, WV 25305
304-558-2000 (office)
304-342-7025 (fax)
Governor.wv.gov

RESOLUTION 2024-05-01

At a regular session of the municipal council, held May 07, 2024, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) of the Town of Bath. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices the municipal council does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 3 for fund 1 a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by _____, and duly seconded by _____ the vote thereon was as follows:

Scott Merki	Yes or No
Susan Webster	Yes or No
Elizabeth Skinner	Yes or No
Mary Lynn Hickey	Yes or No
Rebecca MacLeod	Yes or No
Greg Schene	Yes or No
Tom Hall	Yes or No

WHEREUPON, The Town of Bath, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the Town Clerk Sharron Corrick is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26301
 Phone: 627-2415 ext. 5114
 Fax: 304-340-5090
 Email: igs@wvsao.gov

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
 Fiscal Year Ending: 2024
 Fund: 1
 Revision Number: 3
 Pages: 2

Town of Bath
 GOVERNMENT ENTITY

Person To Contact Regarding Request:
 Name: Sharron Corrick
 Phone: 304-258-1102
 Fax: 304-258-3638
 Email: townofbath@wvdsi.net

271 Wilkes Street
 STREET OR PO BOX
 Berkeley Springs WV 25411
 CITY ZIP CODE

Municipality
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
305	Business and Occupation Tax	61,000	5,000		66,000
306	Wine & Liquor Tax	32,600	12,400		45,000
308	Hotel Occupancy Tax	93,200	30,000		123,200
320	Fines, Fees & Court Costs	30,000		22,000	8,000
399	Miscellaneous Revenues	4,500	25,000		29,500
321	Parking Violation	15,000	5,000		20,000

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

85,920

Explanation for Account # 378, Municipal Specific:
 Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
902	Travel Council	46,600	15,000		61,600
900	Parks & Recreation	29,000	15,000		44,000
440	City Hall	122,724	4,020		126,744
750	Streets and Highways	127,692	3,952		131,644
800	Garbage Department	206,597	10,000		216,597
914	Rails to Trails	2,000	37,948		39,948
751	Street Lights	17,500	5,000		22,500
752	Signs and Signals	5,000		5,000	
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures

85,920

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division Date

AUTHORIZED SIGNATURE
 OF ENTITY

7/25/2023
 APPROVAL
 DATE

REVENUES (CONT)

Town of Bath

LGSD: BR Town of Bath

CONTROL NUMBER: 2024 1 3
 FY FUND REV #

BUDGET REVISION REQUEST-SUPPLEMENT

ACCOUNT NUMBER	ACCOUNT CATEGORY	PREVIOUSLY APPROVED AMOUNT	INCREASE	DECREASE	REVISED AMOUNT
325	Licenses	10,900	200		11,100
328	Franchise Fees	13,000		2,000	11,000
330	IRP Fees (Interstate Registration Plan)	13,000	2,500		15,500
351	Police Protection Fees	24,000	2,800		26,800
355	Street Fees	30,000	1,500		31,500
367	Other Grants	10,000	36,000		46,000
368	Contributions/Transfer from Other Entities	45,600		21,000	24,600
380	Interest Earned on Investments	700	10,000		10,700
381	Reimbursements	4,000	500		4,500
389	Accident Reports	100	20		120
	#N/A				
	#N/A				
	#N/A				
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NET INCREASE/(DECREASE) Revenues (THIS PAGE)					30,520

Explanation for Account # 378, Municipal Specific:

Explanation for Account #369, Contributions from Other Funds:

NOTICE OF BUILDING OR REAL PROPERTY IMPROVEMENT

TO THE ASSESSOR OF MORGAN 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 JORDAN CANNON & SOREN DODGE

Location (Address) of Improvement 6 DAWSON ST BERKELEY SPRINGS WV 25411
Taxing District 03

Land Book Description _____
have, or has been (Altered) _____ (Erected) FENCE (WOOD)

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

Improvements were commenced NA (Month/Day/Year),

Completion date or anticipated completion date 06/07-06/28/2024 (Month/Day/Year).

Approximate increase in value \$ 11,650 Use of Building FENCE

Remarks: _____

Address of Owner or Owners 6 DAWSON ST BERKELEY SPRINGS WV 25411

Phone No. 240-329-6286 / 240-645-3576

Notice Filed By Jordan Cannon
Signature

Date 04/11/2023
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. _____

TOWN OF BATH
EXPENDITURES AND ENCUMBRANCES

BATCH DATE: 5/7/2024 YEAR: 2024 2024

Chart of account	DESCRIPTION	AMOUNT	2024
400-615-800	POTOMAC EDISON	\$111.60	BOOSTER STATION
400-615-800	POTOMAC EDISON	\$11.69	GREENGATE
400-615-800	POTOMAC EDISON	\$4,293.89	MASTER
400-650-800	US BANK	\$7,126.17	P CARDS
	MISS UTILITY		MESSAGE FEES
400-675-200	WSPSD	\$56.11	SEWER CHARGES
400-635-800	PACE		WATER SAMPLES
400-125-300	CLOSE CPA	\$475.00	ACCT & PAYROLL MAY 2024
400-675-200	CORE & MAIN		METERS AND ANT
400-675-600	U.S.P.S	\$567.59	MAR-APR BILLING
	T.O.B	\$3,780.88	PEIA INS
400-635-800	W.V.D.H.H.R	\$100.00	WATER TESTING
	RESERVE FOR DEBT		
	REPAIR & REPLACE		
	DEPRECIATION		2.50%
	WV RURAL WATER		
400-675-200	G.H.S		MEMBERSHIP FEES
400-675-200	SHARE		DOOR @ BOOSTER STATION
	TOB	\$438.43	INV \$262741/262875
	WV CORP		2% UTILITY TAX
	MIKE THE COMP GUY		QUARTERLY W/COMP
	MORGAN MESSENGER		PLANT COMP
	MIKE THE COMP GUY		PLANT EMPLOYEE X 2
	STATE OF WV		TROUBLESHOOTING EMAIL
			INSURANCE
	Totals:	\$16,961.36	

GREENWAY

EXPENDITURES AND ENCUMBRANCES

				YEAR:		2024	
BATCH DATE				AMOUNT	DESCRIPTION	Bank	Balance
	Chart of account						
	14 230 000 00	Dustin Percy	04/08/24 - 04/21/24	\$ 3,600.00	Mowing		
	14 230 000 00	Dustin Percy	04/22/24 - 05/05/24	\$ 3,600.00	Mowing		
	Totals:			\$ 7,200.00			

CERTIFICATION

I acknowledge that I have been provided with a copy of the policy statement and that I understand its provisions and that I agree to abide by the provisions of the policy statement. I certify that I am a full-time employee of the City of Greenway and that I am not an independent contractor or a seasonal employee. I understand that the provisions of my contract are subject to termination. I understand that if I am terminated, I will be subject to the provisions of the policy statement.

Date:

Town of Bath

Application for Use of Town Property

Date Application Submitted: 05/2/2024

- A. Requesting Group or Organization Berkley Springs Prides
- B. Name of Responsible Person Scott Collins
- C. Address 110 South Washington St
- D. Telephone Number 681-261-7461
- E. Property Requested Parking Spaces Around State Park
- F. Purpose of Use Pride Picnic in Park
- G. Will Admission be Charged or Product Sold? NO ENTRY FEE / vendor food trucks
- H. Date/s JUNE 22, 2024 (Saturday)
- I. Beginning and Ending Time/s _____

Submit To Town Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date

Town of Bath

Application for Use of Town Property

Neighbors on
Biser St.
Valley Ball

Date Application Submitted: May 2nd

- A. Requesting Group or Organization Friends of NBRT court
- B. Name of Responsible Person David O Connell
- C. Address 146 Martinsburg Rd
- D. Telephone Number 304 886-1275
- E. Property Requested David Henry Memorial Park
Biser St for Over Flow
- F. Purpose of Use Block Party
- G. Will Admission be Charged or Product Sold? NO
- H. Date/s May 19th
- I. Beginning and Ending Time/s 3 PM to Sunset

Submit To Town Council

Application is: **Approved**

Denied

Approved Subject to Following

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date

Town of Bath

Application for Use of Town Property

Date Application Submitted: 4/22/2024

- A. Requesting Group or Organization St Vincent De Paul
Knights of Columbus
- B. Name of Responsible Person Pat Narango
David OConnell
- C. Address 67 Liberty St
304 258-1311 Church
- D. Telephone Number 410 456-9932 Narango
- E. Property Requested Liberty St Spaces *along the church*
- F. Purpose of Use Flea Market
- G. Will Admission be Charged or Product Sold? Tables \$10
- H. Date/s May 11 (Saturday)
- I. Beginning and Ending Time/s 9-3

Submit To Town Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date

Town of Bath

Application for Use of Town Property

Date Application Submitted: April 22, 2024

- A. Requesting Group or Organization "Bringing in The May"
- B. Name of Responsible Person Cindy Reiffers
- C. Address 137 Prospect Peak Lane, B.S. 25411
- D. Telephone Number 304-258-5884
- E. Property Requested Fantax St. next to park
- F. Purpose of Use Park Food Trucks for festival
(4 meters)
- G. Will Admission be Charged or Product Sold? products sold
- H. Date/s May 18-19 2024
- I. Beginning and Ending Time/s "12-5"
Set up on 17th close meters 9 AM

N. Washington St.

Submit To ~~Town~~ Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date

TOWN OF BATH

ORDINANCE 2024-04-01

AMENDING IN PART TOWN OF BATH MUNICIPAL CODE, CHAPTER 18, BUSINESSES AND BUSINESS REGULATIONS, SEC. 18-58. FESTIVAL LICENSE

1. SEC. 18-58 FESTIVAL MUNICIPAL FEE:

- a. Any organization or individual staging a multi-day event selling food and/or merchandise within the Town of Bath corporate limits shall require council approval and shall be assessed a per-event Festival Municipal Fee of \$35.00 (thirty-five dollars) for each participating vendor across any and all sales categories including but not limited to general merchandise, hand-crafted items, food, and non-alcoholic beverages within the agreed-upon boundaries of the event.
- b. Such fee includes per-event festival vendor license and Town of Bath Municipal Fee, payable by each participating vendor to the Town of Bath within seven (7) business days of the scheduled start date of the event.
- c. Those vendors operating outside of the event boundaries, but within the Town corporate limits, shall be assessed a per-event Festival Municipal Fee of \$35.00 (thirty-five dollars) for any and all sales categories including but not limited to general merchandise, hand-crafted items, food and beverages except those excluded in this ordinance. This license is obtainable from the town hall prior to the event. Private sellers of second-hand, used and yard sale merchandise are excluded from this fee. Violators of this section will be subject to a penalty of a \$100.00 fine or immediate expulsion.
- d. Those merchants holding valid yearly business licenses from the town, and conducting routine business at their permanent business locations during any such event, shall be exempt from any additional licensing or fees payable to the town, whether inside or outside of the event boundaries.
- e. Sellers of alcoholic beverages must obtain a License Certificate directly from the ABC Board. The License Certificate must be prominently displayed where it can be readily seen by authorities and customers.

(Ord. of 12-15-1997)

2. CONFLICTING ORDINANCES:

- a. All other ordinances and parts of ordinances, or amendments thereto, of the Town of Bath in conflict with the provisions of this ordinance are hereby repealed.

3. REVIEW BY TOWN COUNCIL:

- a. All fees are subject to review and change as determined by the Town of Bath, Town Council.

FIRST READING: May 7th, 2024

SECOND READING: _____

ADOPTED: July 1st

MAYOR: _____ *DATE:* _____

RECORDER: _____ *DATE:* _____

TOWN OF BATH

ORDINANCE 2024-03-8

ADDING TO CHAPTER 18. BUSINESSES AND BUSINESS REGULATIONS.

ARTICLE V. BED AND BREAKFAST FACILITIES, AIRBNB AND OTHER SHORT-TERM RENTAL FACILITIES.

Sec. 18-132. Purpose

The purpose of the regulations set forth in this ordinance is to provide a procedure to allow the rental of private residences to visitors on a short-term basis, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, and density. Additionally, this section is intended to ensure that the number of occupants within such rental units does not exceed the design capacity of the structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

Sec. 18-133. Definitions

As used in this article the following words, terms and phrases, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

"Bed and breakfast facility" includes a bed and breakfast homestay establishment or bed and breakfast inn.

"Bed and breakfast homestay establishment" shall mean a residential or commercial property where short-term lodging is provided that contains no more than five guest rooms and where breakfast service may be provided to overnight guests only. The property may be rented out to multiple short-term lodging groups at a time.

"Bed and breakfast inn" shall mean a resident managed residential or commercial property where short-term lodging is provided that contains no more than fifteen guest rooms and where breakfast service may be provided to overnight guests only. The property may be rented out to multiple short-term lodging groups at a time.

"Group" shall mean a unit of person(s) that are together under a single reservation. Licensee shall mean a person issued a bed and breakfast facility or short-term rental facility license.

"Designated operator" shall mean the operator of a bed and breakfast facility or short-term rental facility who will be available in-person or by phone at all times the rental is in use.

"Short-term rental" shall mean a residential dwelling unit(s) that is rented out for compensation on a temporary basis for a period of less than thirty consecutive days.

"Short-term rental facility" includes a short-term rental type I, short term rental type II, or short-term rental type III.

"Short-term rental type I" shall mean an owner-occupied residential property where short-term lodging is provided to only one group at a time per dwelling unit. Nonconforming single-family residential properties that contain more than one dwelling unit shall rent to only one group at a time. The owner must reside in the primary structure on the property and be present at the property for the duration of any short-term rental.

"Short-term rental type II" shall mean a single family or duplex residential property where short-term lodging is provided to only one group at a time per dwelling unit. Nonconforming single-family residential properties that contain more than one dwelling unit shall rent to only one group at a time. The property is not part of a multi-family residential use. The owner does not reside on the property or is not present at the property for the duration of any short-term rental.

"Short-term rental type III" shall mean a residential property or multi-use commercial property where short-term lodging is provided to only one group at a time per dwelling unit. The owner does not reside on the property or is not present at the property for the duration of any short-term rental.

Sec. 18-134. Bed and breakfast facility or short-term rental facility license required.

It shall be unlawful to operate a bed and breakfast facility or a short-term rental facility:

1. Without a bed and breakfast facility or short-term rental facility license;
or

2. In violation of any provision of a bed and breakfast facility or short-term rental facility license, this article, or any other applicable Town ordinance or other law.

Sec. 18-135. License application and review.

- A. To obtain a license for a bed and breakfast facility or a short-term rental facility, a person must submit an application on a form provided for that purpose to the Town. The application must contain the following:
 1. The name, street address, mailing address, email address, and telephone number of the applicant, the owner, and the designated operator of the bed and breakfast facility or short-term rental facility. The applicant must assign a "designated operator" who shall be available at all times the rental is in use.
 2. If the applicant or owner is a partnership, a corporation, or limited liability company, the application shall list the names of all partners, directors, members, and officers, as applicable, of the applicant and the owner
 3. A scaled site plan that shall include property lines, existing structures, proposed signage, proposed and existing site improvements such as parking, fences, landscaping, etc.
 4. A non-refundable license fee for the amount established.
 5. Proof that the applicant has no delinquent hotel motel occupancy taxes due on the property.

Sec. 18-136. Length of license; renewal.

- A. A bed and breakfast facility license or short-term rental facility license shall be valid for a period of one year from the date of issuance and may be renewed by applying in accordance with section 18-155.
- B. Bed and breakfast facilities or short-term rental facilities as of July 1, 2024 are required to obtain a license under the provisions of this article.

Sec. 18-137. Fees.

An annual license fee of two hundred dollars (\$200.00) will be charged at time of issuing the license and at the time of renewal. The town council shall set the fees for the license and renewal.

Sec. 18-138. Operation of a bed and breakfast facility or short-term rental facility.

- A. The licensee shall comply with the noise requirements set forth in Chapter 50 of this code.
- B. The licensee shall comply with all rules and standards necessary for the safeguarding of life and property as set forth in the West Virginia State Building Code (WVSBC). This includes, but is not limited to, operating smoke detectors, at least one operable egress window per bedroom, an evacuation plan posted conspicuously in each sleeping area, repair of any exposed wiring, water heater inspection, required safety measures for pools (if applicable), and exterior stairwells (if applicable).
- C. Functions such as meetings, receptions, weddings and other social events provided for compensation or held by guests are not permitted as part of the bed and breakfast facility or short-term rental facility unless an events permit has been issued by the Town.
- D. The designated operator shall be available at all times the property is being rented. Contact information will be furnished to owners of real property within two hundred feet of the bed and breakfast facility or short-term rental facility by the Town. Also, a sign must be posted conspicuously in the common area of each unit and will contain the following information:
 - 1. The name and contact information of the owner and/or designated operator;
 - 2. The license number of the bed and breakfast facility or short-term rental facility; and
 - 3. The occupancy limits and requirements set forth in the license.

- E. The license number shall be included on the business website and primary booking engine for the bed and breakfast facility or short-term rental facility.

Sec. 18-139. Additional requirements and restrictions for bed and breakfast facilities or short-term rental facilities.

- A. *Parking.* Operator must provide parking information for guests taking into consideration the availability of both paid and unpaid parking as well as weekend parking, reserved on-site parking (if applicable) and permitted use of private and public lots.
- B. *Signs.* The size of the sign shall not exceed six square feet in area. The maximum height shall be 3 feet. The front yard setback shall be three feet from the property line.
- C. *Lighting.* All lighting must be directed toward the establishment and not at adjacent properties.
- D. *Occupancy.* The maximum number of adults allowed to reside in any bed and breakfast facility or short-term rental facility is two adults per bedroom plus two additional adults per rental unit.

Sec. 18-140. Revocation, suspension or denial of a license.

The designated Town code enforcement officer or Chief of the police department may immediately revoke or suspend the license, or deny either the issuance or renewal thereof, if it is found that:

1. The licensee, designated operator, or guest has violated or failed to meet any of the provisions of this article or conditions of the license;
2. The licensee, designated operator, or guest has violated any federal, state, or city law, or regulation pertaining to the use of the property as a bed and breakfast facility or short-term rental facility;
3. The Chief of the police department or the Chief of the fire department has determined that the bed and breakfast facility or short-term rental facility would pose a serious threat to public health, safety, or welfare;
or

4. The applicant has made a false statement of material fact on an application for a bed and breakfast facility license or short-term rental facility license.

Sec. 18-141. Notice to applicant/licensee; appeals.

- A. Upon denial, suspension or revocation, the code enforcement officer or Chief of the police department shall notify the applicant or licensee in writing either in person or by certified mail to the address listed on the application of the action taken and the reasons therefore. A person may appeal a decision to deny, revoke, or suspend a license to the town council. Appeals shall be submitted to the city in writing within thirty days following the date the applicant or licensee receives the decision. A hearing on the denial, suspension, or revocation will be scheduled for the next regular meeting of the town council that is more than six days away. The council will render a decision on the appeal within ten days of the hearing. A licensee shall not operate a bed and breakfast facility or short-term rental facility during the appeal process.
- B. At the appeal hearing on a denial of an initial license application, the appealing party must present evidence clearly indicating that the city was incorrect in determining that the stated grounds for the license denial existed.
- C. At the appeal hearing on a license suspension, revocation, or refusal to renew, the procedures shall not require compliance with strict rules or evidence but shall mandate that only relevant information be received.

Sec. 18-142. Severability and general provisions.

- A. That all ordinances or parts of ordinances in conflict with the provisions of this article are hereby repealed.
- B. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this article shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

C. That a violation of the provisions hereof shall be a misdemeanor and the penalty for violating this ordinance shall be a fine not to exceed two hundred fifty dollars (\$250.00) and each day a violation exists shall constitute a separate offense and fine of twenty-five dollars (\$25.00).

FIRST READING: May 7, 2024

SECOND READING: _____

ADOPTED: July 1st

MAYOR: _____ DATE: _____

RECORDER: _____ DATE: _____