

AGENDA FOR THE CODE REVIEW COMMITTEE,
TUESDAY, **JULY 27, 2010, 6:30 PM**
SMALL CONFERENCE ROOM, SECOND FLOOR,
MUNICIPAL BUILDING

(Councilmen Reynolds, Wilcox, Kimes, and Rockhold)

- I. CALL TO ORDER – Councilman Tom Joyce, Chairman
- II. ROLL CALL – Noted by the Clerk.
- III. MINUTES – Meeting held June 15, 2010 (see below, pages 1-3)
- IV. NEW BUSINESS – continuation of City Code review, including draft of urban deer management ordinance, submitted by City Attorney, Joe Santer. (see pages 4-5)
- V. ADJOURNMENT

MINUTES

Councilman Tom Joyce called the Code Review Committee to order at 5:40 PM on Tuesday, June 15, 2010, in the small conference room on the second floor of the Municipal Building at One Government Square, Parkersburg WV 26101.

Those present included members Mike Reynolds, Nancy Wilcox, Brad Kimes, John Rockhold and Tom Joyce. Others attending were Joe Santer, Brad Kimes, John Sandy, Gary Moss, Chief Chichester, Chief Martin, Ann Conageski, Doug Life, Jerry Edman, and John Rockhold.

MINUTES - Mr. Rockhold moved, seconded by Mr. Kimes, to approve the minutes from the meeting held April 28, 2010, and the motion was adopted by unanimous vote.

ARTICLE 353.11 - (Parking) The request is to amend the ordinance as underlined and correct information inserted. This is a clean-up ordinance from a past amendment, and this section was inadvertently omitted to be amended when fees and penalties were changed in other sections of article 353.

MOTION - Mr. Rockhold moved, seconded by Mr. Kimes, to approve the request to amend this section, and the motion was adopted by unanimous vote.

MOTION TO COMBINE - Mr. Kimes moved, seconded by Mr. Reynolds, to combine #'s 2, (article 529.05 to remove a section about fortunetelling) 4, (to remove a license fee in article 713.01 regarding gypsies; and 5 (articles 1701, 1705, 1709, 1729, 1737, 1751, 1755, and 1757 of the building codes.

The motion to combine was adopted by majority vote with all members voting "yes" with the exception of Mr. Rockhold, who voted "no".

On item #5 concerning the building codes, Mr. Moss and Mr. Santer said these sections were more in line with the International Property Maintenance Code. Mr. Santer suggested we just use the term "State Building Code" or "current International Code."

In article 1705.01, membership on the Building Enforcement Agency, Ms. Conageski explained that two members are ex officio and cannot vote, and they have a hard time getting a quorum. They would like for the Health Officer and Fire Chief to be official members.

Mr. Kimes suggested that Mayor Newell discuss this with Municipal League members at the annual meeting in August. (Mayor Newell will be going in as the President of the WV Municipal League for 2010/2011.)

MOTION - Mr. Kimes moved, seconded by Mr. Reynolds, to approve the amendments for items 2, 4 and 5 and to refer to the full Council, and the motion was adopted by unanimous vote

On item #3, article 545.12, Obstructing streets and sidewalks with boxes, barrels, etc., Mr. Santer suggested this was a good ordinance and should not be removed from our code, and no action was taken.

Article 505 - Animals and Birds - Mr. Joyce said he talked with Mayor Newell is suggesting an increase in the fines and penalties in article 505.99.

Councilman Reynolds asked how we would enforce it, if we don't know the owner of the animal.

Chief Martin told the committee this is our least enforced ordinance, and the police department does not aggressively enforce it. They handle mostly barking dogs or dog bites, and they issue citations. On the noise ordinance, they issue citations on the second call. They are rarely called for the leash law, he said.

The penalty now is not more than \$100.00 for each offense.

MOTION - Mr. Reynolds moved, seconded by Kimes, that the penalty be not less than \$100.00 nor more than \$250.00, and the motion was adopted by unanimous vote.

URBAN DEER HUNT – Ms. Conageski supplied the committee with information from the City of Charleston including their regulation fact sheet, ordinance, map of hunting areas in their city, and permit and harvest reports.

City Attorney, Joe Santer, stated that the only area the City owns with enough space for such a hunt is Johnson T. Janes Park, and he was concerned about the 150' from a dwelling was allowed. He said this would be a good start, but not a solution because we don't have enough open property.

Mr. Joyce said that he thought that was the only space we should consider for now. People do not want to eradicate deer, they just want their yards back, he said. There are also public health issues to be considered.

Mr. Rockhold suggested we could have a very short period of time for the hunt with certain qualifications during a season. Mr. Santer said we should have a safe area, and that a bow and arrow will go a long way.

Public Works Director, Jerry Edman, told the committee that we are now bothered by deer in our city parks, and we were not at one time.

MOTION – Mr. Reynolds moved, seconded by Ms. Wilcox, to authorize the City Attorney to draft an ordinance for the urban deer hunt, and the motion was adopted by unanimous vote.

REGISTRATION OF VACANT PROPERTIES – Ms. Conageski offered information on a new state law in Chapter 8-12-16a, which would authorize the governing body by ordinance to establish a property registration for any real property improved by a structure that is uninhabitable and violates codes.

She stated that most of our problems are absentee owners and foreclosures, and added that Huntington, WV, pushed for this new law.

Mr. Santer said this new law would allow us to put a lien with the fee, and then we could force the sale of the property.

Code Director, Gary Moss, told the committee that some of the houses look fine on the outside, but have been stripped on the inside. Mr. Moss was uncertain of what we were trying to fix, and said we would catch everyone, and not everyone needs to be caught.

Mr. Reynolds stated that he thought the code department should write more tickets. He has a house in his district that has been unsightly for four years, and they are getting by with living that way in the community. Give them tickets and take them to court, Mr. Reynolds stated.

MOTION – Mr. Rockhold moved, seconded by Mr. Reynolds, to postpone action on this matter, and the motion was adopted by unanimous vote.

Mr. Joyce stated that our next meeting would be July 20, 2010 to discuss the urban deer matter, as well as the registration for vacant structures, and any other items for the committee's review.

The meeting adjourned at 6:25 PM.

Respectfully submitted,

Connie Shaffer, City Clerk

URBAN DEER MANAGEMENT ORDINANCE

Urban Deer Management

- (a) Urban hunting conditions. An urban deer hunt shall be lawful in the City of Parkersburg only under the following conditions:
1. Hunting shall be by permit only issued under the terms of this chapter.
 2. The hunt shall be for deer only.
 3. Only bows and arrows may be used.
 4. Hunting may occur only on property with the written permission of the property owner and on city owned property which has been designated as available for hunting by the City Public Works Director.
 5. All deer harvested must be legally checked at an official game checking station and reported to the City.
 6. No hunting may take place within 150 feet of a dwelling or other occupied building.
 7. No hunting shall take place closer than 500 feet from the property boundary of school property which contains a school building. For purposes of this section "school" means a public school or private school during periods when students are in attendance or participating in school activities.
 8. Persons shall at all times when hunting pursuant to a city permit carry a valid photo identification, a copy of their city permit and their West Virginia state hunting license.
 9. The transportation of a deer carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.
 10. All West Virginia hunting rules and regulations apply to hunting within the City.
 11. Any hunting activity including but not limited to field dressing or other handling of a carcass, must occur on the property specified in the city permit.
 12. All hunting shall be conducted from an elevated portable tree stand that is at least ten feet in height and faces the interior of the property. The stands and shooting lanes will be located in such a way as to direct arrows to the interior of the property.
 13. Hunting may take place on tracts of three contiguous acres or more within a sufficient distance from the boundary that an arrow cannot reasonably

travel outside permitted tract. Each tract must be approved by the City Public Works Director.

14. A property land owner can designate and limit other persons allowed to hunt his or her with a permit.
15. The City will be responsible to dispose of any wounded deer or deer carcass found on non-permitted property.
16. Hunting shall be allowed during the maximum time period permitted under state law and regulations promulgated by the West Virginia Division of National Resources for an urban deer hunt.

(b) Permits

1. In order to obtain a permit the applicant must meet and have evidence of compliance with all applicable state statutes, regulations and rules applicable to deer hunting with a bow and arrow. The City may impose additional requirements for a hunting permit and may limit the number of permits to be issued.
2. The City may charge an administrative fee for permits not to exceed \$25.00 per permit.
3. The City Public Works Director is hereby authorized (i) to promulgate reasonable rules and regulations including the setting of license fees to regulate bow hunting and (ii) to select the tracts to be authorized for hunting as permitted herein.
4. The City shall post the location of tracts approved for hunting on its website.

(c) Donated Meat. Hunters are and shall be encouraged but are not required to donate the harvest to programs or organizations that will provide the meat to needy persons.

(d) Violations. In addition to any penalties for violations of state hunting laws or regulations, any person violating this Section or the rules and regulations promulgated pursuant to this section shall be fined not more than five-hundred dollars (\$500.00) per offense