

AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, AUGUST 11, 2020 7:30 PM
MEETING IN CITY COUNCIL CHAMBERS,
SECOND FLOOR, MUNICIPAL BUILDING

ALL ATTENDING RESPECTFULLY REQUIRED TO
WEAR A MASK OR FACE COVERING,
6' SOCIAL DISTANCING WILL BE OBSERVED

EXECUTIVE CONFERENCE ROOM AVAILABLE
FOR OVERFLOW PUBLIC, AUDIO INCLUDED

- I. CALL TO ORDER - Council President, Mike Reynolds
- II. ROLL CALL
- III. MINUTES - Council meeting held July 28, 2020
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
- VI. PUBLIC FORUM
- VII. CITY COUNCIL FORUM
- VIII. RESOLUTIONS
 1. Resolution re-appointing Mr. Patrick McCormick, 12 Camden Place, Parkersburg, WV to the Board of Zoning Appeals for a term to expire August 11, 2023. (Sponsored by Councilmen McCrady, Reed, Barber, and Kuhl)
 2. Resolution authorizing Mayor Tom Joyce to accept and administer a JAG grant for the Parkersburg Police Department for \$30,165.00 to purchase 52 gas masks; and \$15,300.00 for the Wood County Sheriff's Department to purchase 12 portable radios. (Sponsored by Councilmen Kuhl, Mercer, and Stanley)
 3. Resolution requesting approval from the State Auditor's Office for a budget revision in the amount of \$39,860.00, reallocation PKB Bicentennial funds to the Stabilization Fund, Wood County Recreation Commission, and Wood County Society. (Sponsored by Councilmen Reed, Stanley, Fox, and Mercer)
 4. Resolution amending the CDBG Program Annual Action Plan moving \$10,360.00 to 9th and Market Street ADA improvements, and \$1,000.00 for Fire Department smoke alarm installation. (Sponsored by Councilmen McCrady, Kuhl, Mercer, Barber, Reynolds, Carpenter, and Stanley)

"over"

IX. ORDINANCE, FINAL READING:

5. An ordinance rezoning Parcels D, 210, and 211A known as 227 7th Street from R-3 to B-2 to construct a new Taco Bell restaurant. (Sponsored by Municipal Planning Commission.)
6. An ordinance authorizing the Mayor of the City of Parkersburg to submit proposals to the Municipal Home Rule Board amending the City's Home Rule Plan allowing for the impounding of motorized bicycles in certain circumstances. (Sponsored by Councilmen McCrady, Kuhl, Stanley, Reynolds, Reed, Fox, and Barber)

X. ORDINANCE, FIRST READING:

7. An ordinance amending and re-enacting Section 373.17 of the Codified Ordinances banning motorized bicycles from all streets, roadways and public rights-of-way. (Sponsored by Councilmen Barber, Kuhl, and Mercer)
8. An ordinance amending and adopting Title 87, Series 4, State Building Code, as revised and adopted by the West Virginia State Legislature, effective August 1, 2020. (Sponsored by Councilmen Reed, Stanley, Mercer, McCrady, and Kuhl)
9. An ordinance amending and re-enacting subpart (b), trespass in structure or conveyance, of Section 533.06, Trespass, with the inclusion of trespass in a condemned structure. (Sponsored by Councilmen Stanley, Reed, Mercer, McCrady, and Kuhl)

XI. ADJOURNMENT

(NOTE- Next meetings August 25th, then

September 8th and 22nd,
October 13th and 27th;
November 10th and 24th; and
December 8th and 22nd.

(General election November 3, 2020)

July 28, 2020

The Council of the City of Parkersburg met in regular session Tuesday, July 28, 2020 at 7:30 PM, in the City Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101.

Because of the COVID-19 pandemic, seating for City Council members were staggered to allow six feet between members for social distancing, and there were five seated at their regular positions, and four members in front.

The City Clerk Connie Shaffer was seated at her regular place, as was City Attorney, Joe Santer, and Mayor Tom Joyce. Members of the public were in the City Council Chambers and social distancing was observed.

The meeting was called to order by Council President, Mike Reynolds, who presided over the meeting. Those attending included Councilmen Dave McCrady by telephone, Sharon Kuhl, Bob Mercer, Eric Barber, JR Carpenter, John Reed, Zach Stanley, Jeff Fox and Mike Reynolds.

MINUTES – the clerk presented the minutes from the meeting held July 14, 2020. Councilman Carpenter corrected an error stating that Mr. Roy Hayhurst's address is Covert Street, not Spring, and his issue was trespassing. The minutes were approved as amended by unanimous vote.

Mr. Roy Hayhurst, 1730 Covert Street, stated that the recent "Back the Blue" parade and ceremony was a success, but the Police Department needs more training. He mentioned comments from the internet that says that Parkersburg has a terrible drug problem, that the City is unkempt, and residents were mistreated. Other comments from Travel-A-Lot.com said we are one of 45 cities with a bad reputation.

Concerning Mr. Hayhurst's problem with basketball playing on his street and trespassing on his property, he said he had talked with the Board of Education to see if they could use the playground at McKinley School since it is now closed. He said he hoped the City Administration would consider buying the school to be used for the playground.

CITY COUNCIL FORUM – Councilman Mercer thanked everyone involved in any way in the Back the Blue parade and speeches, with proclamations from the City and the Governor's Office. Police officers do this because this is who they are, he said.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – no reports.

MESSAGE FROM THE EXECUTIVE – no message this evening.

RESOLUTION – The Clerk presented a resolution re-appointing Ms. Sherry Dugan, #1 Wharton Drive, to the Municipal Planning Commission for a term to expire July 28, 2023.

MOTION – Ms. Kuhl moved, seconded by Mr. Fox, to adopt the resolution, and the motion was adopted by unanimous vote.

ORDINANCE, FINAL READING:

AN ORDINANCE AMENDING AND RE-ENACTING
SECTION 925.02(d) OF THE CODIFIED ORDINANCES
OF THE CITY OF PARKERSBURG WITH RESPECT TO GENERAL
INDUSTRIAL SEWER USE REQUIREMENTS

WHEREAS, in order to protect the public health, safety and welfare, the Council of the City of Parkersburg is aware that it is essential for the Parkersburg Utility Board to properly operate and maintain the existing sanitary sewer collection and treatment system of the City of Parkersburg, in accordance with federal and state laws and regulations; and

WHEREAS, in order for the Utility Board to comply with the requirements of the recently reissued National Pollution Discharge Elimination System permit issued by the West Virginia Department of Environmental Protection the local limits for industrial users must be revised; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG, WEST VIRGINIA:

925.02

(d) Local Limits

- (1) The Parkersburg Utility Board is authorized to establish Local Discharge Limits for users of the POTW.
- (2) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following Monthly Average Limit.

Local Discharge Limits (mg/L)	
Parameter	Monthly Average
Cadmium (Cd)	0.038
Chromium, Total	2.349
Copper (Cu)	1.437
Lead (Pb)	0.509
Nickel (Ni)	0.94
Silver (Ag)	1.725
Zinc (Zn)	2.605
Cyanide, Total	0.692
Arsenic (As)	0.081
Mercury (Hg)	0.01
Molybdenum (Mo)	0.046
Benzene	0.002
Toluene	0.083
Ethylbenzene	0.076
Xylene	0.349

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The PUB may impose mass limitations in addition to the concentration-based limitations above.

(3) The Parkersburg Utility Board may develop Best Management Practices (BMP), by ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 925.02(a).

MOTION – Mr. Stanley moved, seconded by Ms. Kuhl, to adopt the ordinance on final reading, and the motion was adopted by unanimous vote.

Two additional pages of explanation is included with the ordinance.

ORDINANCE, FIRST READING:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY
OF PARKERSBURG TO SUBMIT PROPOSALS TO THE MUNICIPAL
HOME RULE BOARD AMENDING THE CITY'S HOME RULE PLAN ALLOWING
FOR IMPOUNDING OF MOTORIZED BICYCLES IN CERTAIN CIRCUMSTANANCE

MOTION – Mr. Reed moved, seconded by Ms. Kuhl, to adopt the ordinance on first reading.

PUBLIC HEARING – at 7:33 PM, President Reynolds declared a public hearing open to give the citizens an opportunity to voice their opinion on this ordinance. Seven citizens appeared, as follows:

Mr. Calvin Kirby, 818 15th Street, said it was hard to understand the ordinance. He said he heard it was about noise and speed and people not paying their tickets. Being allowed to have these motorized bikes helps people, he said, as they use them for working. He did not understand the section about having a driver's license, and asked them to reconsider that portion of the ordinance. We should fix the drug problems first, he said, that is more of a problem.

Ms. Kuhl asked Mr. Kirby if he had a business license and paid City taxes and he said he did.

Mr. Barber asked Mr. Kirby how many of the bikes have baffles, and Mr. Kirby said some of them do, but he builds them and when they leave his property they have baffles, and he asked them to be quiet and follow the rules.

Ms. Lara M. Petty, 917 E. 12th Street, said that a lot of people cannot get a driver's license. She follows the rules and said they have a right to ride these bikes. She asked the City to punish the ones who need it, but not everyone. Not everyone breaks the rules, she said, and stated they have been to City Council four times about motorized bikes.

Bernice Tops, 1006 16th Street, said she bought her bike three weeks ago and only rides Fridays and Mondays. Her bike is legal and it is not loud, and she is not working at this time.

Shannon Grimm, 2931 Oakhill Road, Cutler, Ohio, said he works manual jobs, and he got a ticket and paid it, and he said he goes by the rules.

July 28, 2020

James Cordell (spelling), 1417 Lynn Street, said he understands about the noise. He said the homeless are out of control in Parkersburg, and drugs need to be addressed. He suggested we follow some Ohio laws where they do not have a license but they have to be tagged and registered with the DMV. His bike is a hobby for him, he said, and everything works on it. He does not want to go over 25 mph. We have a few bad bicyclists, he stated, but they fear if we adopt this ordinance no one will be able to go to work. A bigger issue to them are the people who are stealing their bikes. He is in favor of enforcement if it is modeled after Ohio's laws. Also, not everyone works during the day, some are at night.

John Johnson, 3976 Harris Highway, Washington WV, said he does not ride much because he got his drivers' license back. He said he was in a bad situation, and Calvin Kirby helped him with the bike, and he got a job and goes to AA. He said this was good for him not to have to rely on his parents, and it gave him a chance to start over. He got a DUI ten years ago, and the motorized bike did not make him feel like a kid riding a bike. He stated that Calvin preaches the rules, and it has changed lives for some people.

Angela McShaw, 818 15th Street, said she hears their stories, and there should be rules and regulations. The regular bikes should follow the same category, she said. Calvin tells them where and how to ride and be safe, and she does not think they have to have a license to have one.

Mayor Tom Joyce stated that the ordinance this evening does not require someone to have a license to operate it. If they are operating in a safe manner, with proper equipment and lights, this has nothing to do with them. This ordinance is for people who don't listen to Calvin, he said. This is for the 83% of people who say they don't have to show up in court – they tell the Police Department they can't do anything to them – this is what we talked about a year ago, he said.

The City will take their bike if they get a ticket until they pay the bond. We want everyone to play by Calvin's rules. We just want the ability to deal with people who don't go by the rules, and to know there is a responsibility. We want the people who don't care and make them accountable, he stated, and have regard for safety. This is a step in the right direction.

The public hearing closed at 8:07 PM.

Mr. Stanley asked about the driver's license portion of the ordinance. Mr. Santer said that if this ordinance goes to Home Rule and Council adopts the ordinance, you could ride the motorized bike without a license with no problem. If someone gets stopped by the police, and they pay their bond, they get the bike back. If you have a driver's license they can't impound the bike.

Currently, there is no consequence for people who violate the rules to operate the bikes, Mayor Joyce stated. The intent is not to take the bikes, but this is for people who don't comply. A lot of the tickets were for the same person. If you go by the rules, there is nothing to worry about. If you get a ticket, you pay Dan Huffman the \$25.00 bond in the Municipal Court and get your bike back.

Several in the audience left the meeting. Mr. Reed stated that the only thing this ordinance does tonight is what they asked for a year ago. Impounding was in the first ordinance and Council took it out. 43 out of 49 people who got tickets did not go to court. We are not punishing anyone who is following the law, he said. A lot of the people in the audience were misled, he said.

When Mr. Stanley asked about registering the bikes with the City, Mayor Joyce said we had talked about that, but the registration does not fix the problem with compliance. The teeth is impounding, he said. If you get a ticket, do to municipal court and pay the \$25.00 bond and get your bike back. We don't want to keep tabs on people but we want them to be safe, he said. Our complaints are that they are riding on steps and sidewalks, etc.

Mr. Barber said that 90% of the bikes in his district do not stop at stop signs, and he sees it every day. Then to go up the 13th Street hill, they get very loud. There are only a few who operate safely. The speakers tonight have made a good argument, but the majority of the people in his district want them banned.

Mr. Fox said he brought up registration a long time ago, but the State refuses to create registration. It may not be our goal, but it would allow a step that if you don't have a registration, it is impounded immediately. If you have a registration, it could be a one-strike or two-strikes system.

We would not be here for the fourth time, Ms. Kuhl stated, if we had not gotten a lot of complaints.

When Mr. Reed asked, Mr. Kirby said he has made 25 bikes this year – 15 in the City, and 10 out of the City. A lot of them get stolen.

Mr. Carpenter stated that article 373.15 was about registration at one time and he did not know why it was discontinued. He asked how many tickets were issued, knowing that some people had multiple tickets, and he feels that due process is missing and wanted to discuss it more.

MOTION – Mr. Carpenter moved, seconded by Mr. Stanley, to refer the ordinance to the Committee of the Whole. VOTE – the motion failed with all members voting "no" with the exception of Mr. Carpenter, Mr. Stanley, and Mr. Fox, who voted "yes".

VOTE on main motion – the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Carpenter, Mr. Stanley, and Mr. Fox, who voted "no".

ORDINANCE, FIRST READING:

AN ORDINANCE TO REZONE PORTIONS OF PARKERSBURG CORPORATION TAX MAP 65, PARCELS D, 210, AND 211A FROM AN EXISTING RESIDENTIAL (R-3) ZONE TO A BUSINESS (B-2) ZONE

MOTION – Mr. Reed moved, seconded by Mr. Stanley, to adopt the ordinance on first reading, and the motion was adopted by unanimous vote.

The meeting adjourned at 8:35 PM.

James Steyer
City Clerk

Council President

RESOLUTION

WHEREAS, the term of Mr. Patrick McCormick, 12 Camden Place, Parkersburg, WV is due to be re-appointed on the Board of Zoning Appeals; and

WHEREAS, Mr. McCormick is a dedicated member of the Board and desires to serve another term; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Mr. Patrick McCormick be re-appointed to serve as a member of the Board of Zoning Appeals for a term to expire August 11, 2023.

Sponsored by Councilmen McCrady, Reed, and Barber

RESOLUTION AUTHORIZING MAYOR JOYCE TO SUBMIT, ACCEPT AND ADMINISTER A JUSTICE ASSISTANCE GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE FOR FISCAL YEAR 2020

WHEREAS, the Byrne Justice Assistance Grant (JAG) Program assists local governments to enhance law enforcement capabilities; and

WHEREAS, the JAG Program helps to fund a variety of efforts to ensure that local communities have the tools and equipment necessary to build safer communities; and

WHEREAS, the City of Parkersburg has been allocated a direct award of \$30,165.00 from the JAG Program for FY 2020, and

WHEREAS, the Wood County Sherriff's Department has also been awarded \$15,300.00 for FY 2020, and

WHEREAS, the City of Parkersburg and Wood County are considered a disparate jurisdiction, therefore, the City shall be responsible for documenting expenses for the Wood County Sherriff's Office through a Memorandum of Understanding.

NOW THEREFOR BE IT RESOLVED by the City Council of the City of Parkersburg that Mayor Tom Joyce be and is hereby authorized to submit, accept and administer a grant for the JAG Program for the purchase of fifty-two (52) gas masks for the Parkersburg Police Department and utilize the aforementioned award for Wood County to purchase twelve (12) portable radios for sheriff's deputies. A total request of \$45,465.

Sponsored By: Councilmen Kuhl, Mercer, and Stanley

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to request approval from State Auditor's Office for the following budget revision within the General Fund for the Fiscal Year 2020-2021 prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, and to make said budget revisions upon the State Auditor's approval:

GENERAL FUND

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Proposed Revision</u>	<u>Revised Budget</u>	<u>Comments</u>
REVENUE					
368-000-000	CONTRIB - OUTSIDE ENTITIES	67,500	<u>39,860</u>	107,360	RETURN OF PKB BICENTINNIEL PMT
			39,860		
EXPENDITURES					
444-566-003	TRANSFER - STABILIZATION FUND	200,000	9,860	209,860	REALLOCATION TO STABIL. FUND
903-568-086	CONTRIB - RIVERFEST	4,000	(4,000)	-	REALLOCATION TO WOOD CO REC
912-568-070	CONTRIB - HALF MARATHON	10,000	(10,000)	-	REALLOCATION TO WOOD CO REC
920-568-089	CONTRIB - ARTSBRIDGE	6,616	(1,616)	5,000	REALLOCATION TO WOOD CO REC
920-568-090	CONTRIB - WOOD CO REC	10,000	30,616	40,616	REALLOCATION TO WOOD CO REC
958-568-093	CONTRIB - WOOD CO SOCIETY	10,000	<u>15,000</u>	25,000	REALLOCATION TO WOOD CO SOCIETY
			<u>39,860</u>		
			-		

The above resolution proposes to revise the FY21 General Fund budget to reflect a return of the FY20 contribution to Downtown PKB for the Bicentennial Celebration that was canceled, and reallocated the amount to Wood County Rec, Wood County Society, with the balance to the Stabilization Fund. Additionally, the amount allocate to Artsbridge for the Southwood concert series and the Riverfest and Half Maraton (both canceled) is reallocated to Wood County Rec.

Parkersburg Community Development Block Grant Budget Revision

Be it resolved by the City Council of the City of Parkersburg that the City of Parkersburg's Community Development Block Grant (CDBG) Program Annual Action Plan and Budget be hereby amended as follows:

2018 CDBG Adjustment of Funds

Activity	Current Budget	Proposed Budget	Change
1159 General Administration - CDBG	51,066.88	\$ 39,706.88	\$ (11,360.00)
9th & Market St. ADA Improvements	100,000.00	\$ 110,360.00	\$ 10,360.00
* Sound The Alarm - PFD Smoke Alarm Installations	\$ -	\$ 1,000.00	\$ 1,000.00
Totals	\$ 151,066.88	\$ 151,066.88	\$ -

Notes:

Please see additional notes on the next page.

Sponsored by: McCrady, Kuhl, Mercer, Barber, Reynolds, Carpenter, Stanley

Proposed CDBG Substantial Amendment Notes – August 11, 2020

The proposed substantial amendment (budget revision) attached hereto is being submitted to Parkersburg City Council for consideration to accomplish the following project priorities:

Sound the Alarm – PFD Smoke Detectors

- Request to initially purchase 500 smoke alarms to install in income-eligible households where no smoke alarm is present.

9th & Market St. ADA Enhancements

- The City of Parkersburg is planning to use Community Development Block Grant funds to remove materials and architectural barriers that restrict the mobility and accessibility of elderly or disabled persons to the public facility pursuant to 570.201(c). This shall include constructing an ADA accessible ramps along the side entrance of the Masonic Temple Building (900 Market Street).
- The purpose of the project is to improve mobility for disabled residents in the city, as well as patrons entering and exiting the Masonic Temple Building. While Parkersburg City Council initially allocated \$100,000 for the above-mentioned project, the cost to complete the work came in over-estimates, hence the proposed revision of \$10,360.
- When the new Children’s Museum on Market Street is complete, it will give children and their families an opportunity to explore a variety of subject matters. They include Science, Technology, Engineering, Art and Math (STEAM). This project will have a transformative impact on downtown Parkersburg and positively improve the area’s quality of life.

General Administration – 2018

- A portion of General Administration funds to be repurposed for the above-referenced project.

To setup the *Sound The Alarm and 9th & Market St. ADA Enhancements* projects, funds from previously approved *General Administration* fund would have to be reduced. Note, the proposed reduction in funds would not adversely impact the Development Department’s ability to administer the CDBG program and related activities.

**AN ORDINANCE TO REZONE PORTIONS OF
PARKERSBURG CORPORATION TAX MAP 65, PARCELS D, 210
and 211A, FROM AN EXISTING RESIDENTIAL (R-3) ZONE TO A
BUSINESS (B-2) ZONE**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
PARKERSBURG** that the following parcel of real estate situated in the City of
Parkersburg, Wood County, West Virginia, be designated as a Business (B-2) Zone:

Being situated in the City of Parkersburg, County of Wood, State of West
Virginia, and being more particularly described as follows:

The intent of this description is to rezone the property conveyed to Amanda
Diddle in Deed Book 1292, Page 413 recorded in the office of the Clerk of the
County Commission of Wood County, West Virginia, currently zoned R-2 to B-2.

This description was prepared by Randy A. Sheppard, Professional Surveyor
No. 860, and is based on instruments of record. Reference is being made to a plat
attached hereto and made part of this description.

**BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF
PARKERSBURG** that in accordance with the provisions of Article 1345 of the
Codified Ordinances of the City of Parkersburg, the zoning of said parcel shall be
designated as **C-224** and shall be set forth verbatim as adopted and approved by the
Ordinance in the bound book entitled, "Official Zoning Map Changes" kept by the
City Clerk.

Sponsored by: Municipal Planning Commission



Mayor Tom Joyce

CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
P.O. BOX 1627
PARKERSBURG, WV 26102

MEMORANDUM

To: Honorable Mayor, Tom Joyce
Honorable Members of Parkersburg City Council

From: Rickie Yeager, Development Director

Date: July 22, 2020

Re: Petition to Rezone Property on 7th Street (City Tax Map 65, Parcels D, 210 and 211A)

Trinity Holdings, LLC has entered into a purchase sale agreement with Jack and Barbara Haddox to acquire City Tax Map 65, Parcels D, 210, 211A and 227. Trinity intends to construct a new Taco Bell restaurant on the above-mentioned properties. Centec Engineering has been hired by Trinity to oversee its due diligence phase of the project. As such, Mr. Akers (Professional Engineer with Centec), in cooperation with the property owners has submitted a petition to rezone a portion of Parcels D, 210 and 211A from a Residential (R-3) District to a Business (B-2) District. The above referenced lots currently have two different zoning designations (please see attached zoning map). Note, Parcel 227 is already entirely zoned as a B-2 District.

On July 17, 2020, the Municipal Planning Commission (MPC) held a public hearing to consider the applicant's petition. Upon review, MPC voted (6-0-1) to forward the matter onto Parkersburg City Council with a recommendation to approve the proposed zoning change. Attached to this memo is a copy of the MPC meeting minutes from July 17, 2020, as well as the staff report and concept plan for the proposed Taco Bell restaurant.

If you have any questions, please contact me at 304.424.8415.

Thank you.

Municipal Planning Commission Staff Report

Municipal Building | City Council Chambers | July 17, 2020 at 12:30pm

Planning Commission

President

Charlie Matthews

Vice-President

Eric Gumm

Council

Representative

Dave McCrady

Members

Sean Andrews

Francis Angelos

Sherry Dugan

Sean Francisco

James Greene II

Luke Peters

Seldon Wigal

Rickie Yeager

PROJECT: Petition to rezone a portion of Parkersburg Corporation Tax Map 65, Parcels D, 210 and 211 A, situated along E. 7th Street, from a Residential (R-3) District, to a Business (B-2) District.

LOCATION: 7th Street

APPLICANT: Nick Akers (Centec Engineering), care of Jack and Barbara Haddox

PROJECT DESCRIPTION

Trinity Holdings, LLC has entered into a purchase sale agreement with Jack and Barbara Haddox to acquire City Tax Map 65, Parcels D, 210, 211A and 227. In doing so, Trinity plans to construct a new Taco Bell restaurant on the above-mentioned properties. Centec Engineering has been hired by Trinity to oversee its due diligence phase of the project. As such, Mr. Akers (Professional Engineer with Centec), in cooperation with the property owners has submitted a petition to rezone a portion of Parcels D, 210 and 211A from a Residential (R-3) District to a Business (B-2) District. The above referenced lots currently have two different zoning designations (please see attached zoning map).

ANALYSIS

7th Street is a major commercial thoroughfare in the City of Parkersburg. Except for two parcels of land located north of East and 7th Street, all the lots along the corridor are zoned a Business (B-2) District. Principal permitted land uses in a B-2 District include residential housing, institutional facilities and commercial development. This includes the development of office, retail and restaurant establishments per the City's Codified Ordinance regarding General Business (B-2) District Uses (Article 1349.03). At issue; three of the four lots to be acquired have a dual zoning designation (B-2 and R-3). To resolve this issue, the applicant seeks to rezone a portion of those properties from a Residential (R-3) District to a Business (B-2) District.

Enclosed is a conceptual plan for the proposed project. Upon initial review, staff find the plan to be in keeping with the City's Codified Ordinance regarding Off-Street Parking Requirements (Article 1363). More specifically, the plan meets the City's requirements in terms of surfacing material, parking lot street frontage, perimeters, and interior landscaping, and lighting. This includes adequate screening from residential districts. In accordance with Article 1362.02, "all off-street parking areas for non-residential uses shall be effectively screened by a screen (privacy) fence on each side which adjoins or faces and is within ten feet of any premises situated in any Residential District, unless such premises are developed with a non-residential use. Such fence shall be not less than five feet or more than six feet in height and shall be maintained in good condition. In addition to a privacy fence, additional landscaping materials may be required to conceal the privacy fence from the parking lot."

Please further note that the adjoining property owners also support the applicant's petition to rezone property. They include Bowser Properties LLC (2210 16th Street), Charles Shilling II, LLC (1933 7th Street) Kelly Evans (2222 16th Street), Gregory and Ava Kupfner (2220 16th Street) and 2206-2208 16th Street LLC (2206-2208 16th Street).

LAND USE SUBCOMMITTEE RECOMMENDATION

The Land Use Subcommittee met on Tuesday, July 7th at 4 p.m. in the Executive Conference Room in the Municipal Building. Members in attendance included Ms. Dugan, Mr. Wigal and Mr. Matthews. After review, members in attendance voted (3-0) to recommended that the petition to rezone property be approved by the Municipal Planning Commission and forwarded onto Parkersburg City Council for consideration. Although Mr. Gumm and McCrady could not make the in-person meeting, staff spoke with each of them by phone and they also recommended approval.

STAFF RECOMMENDATION

Upon review, staff finds the proposed rezoning and redevelopment of property to be consistent with the City's 2020 Comprehensive Master Plan Update and Future Land Use Map. Additionally, the conceptual plan provided is in keeping with the off-street parking requirements outlined in Article 1363.02 regarding surface materials, landscaping, lighting and screening from adjacent residential property. However, a more thorough review will be required if/when construction plans are submitted to the City to ensure stormwater and parking space requirements are met.

Finally, the proposed petition would address a longstanding issue related to split-zoned property. For these reasons, staff recommends that the Municipal Planning Commission approve the petition to rezone a portion of City Tax Map 50, Parcels D, 210 and 211A from a Residential (R-3) District to a Business (B-2), provided the property is acquired by Trinity Holdings, LLC and redeveloped in accordance with the with conceptual plan provided.

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PARKERSBURG TO SUBMIT PROPOSALS TO THE MUNICIPAL HOME RULE BOARD AMENDING THE CITY'S HOME RULE PLAN ALLOWING FOR IMPOUNDING OF MOTORIZED BICYCLES IN CERTAIN CIRCUMSTANCES

WHEREAS, the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program by the Municipal Home Rule Board in October 2014;

WHEREAS, the City is permitted to initiate certain innovative and novel legislation by amending its written plan with the West Virginia Home Rule Board in accordance with West Virginia Code Section § 8-1-5a;

WHEREAS, the City of Parkersburg finds it necessary, proper, and beneficial to the health, safety, and welfare of its residents and visitors to define and regulate the operation and use of motorized bicycles in the City;

WHEREAS, the City finds that in order to accomplish these objectives it is necessary to amend its Home Rule Plan.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG, WEST VIRGINIA, that Mayor Tom Joyce is hereby authorized to submit to the West Virginia Home Rule Board the proposed amendment attached hereto and made a part hereof, to the City of Parkersburg's Home Rule Plan all as consistent with West Virginia Code Section §8-1-5a, and requesting approval as follows:

1. An Ordinance authorizing and empowering the charging police officer to impound the motorized bicycle involved in the violation of the City Ordinance pertaining to the operation and use of motorized bicycles unless the charged operator has a valid West Virginia driver's license or has posted the requisite bond.

See also attached Section I: Application Information including the Executive Summary and Section II: Narrative (outline and explanation of proposals) of the City's offered Home Rule application.

SPONSORED BY CITY COUNCIL MEMBERS:

McCrary, Kuhl, Stanley, Reynolds, Reed, Fox, and Barber

SECTION I: APPLICATION INFORMATION

A. General Information

Name of Municipality: City of Parkersburg
Certifying Official: Tom Joyce, Mayor
Contact Persons: Joseph Santer, City Attorney
Address: One Government Square, P.O. BOX 1627
City, State, Zip: Parkersburg, West Virginia, 26101
Telephone Number: (P): 304.424.8520
Email Address: jts-atty@suddenlink.net
2010 Census Population: 31,492

B. Municipal Classification

Please identify municipal class/metro government: (check one)

Class I Class II Class III Metro-Government

C. Category of Issues to Addressed

Please identify areas to be addressed through Home Rule: (check all that apply)

Taxing Organization Administrative Personnel

Executive Summary

Pursuant to the authority provided by West Virginia State Code § 8-1-5a, the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program in October 2014. Since then, the City has enacted two pieces of legislation. They include implementing a one percent sales tax on eligible goods and services sold in the community and permitting authorized establishments to sale alcoholic beverages after 10 a.m. on Sundays.

The purpose of this written plan amendment is to permit the City of Parkersburg to enact an ordinance authorizing and empowering law enforcement officers, in certain instances, and as a vehicle of enforcement, to impound a motorized bicycle whose operator is charged with a violation arising from the operation of such motorized bicycle. The City believes such power and

authority is needed and necessary to the effective enforcement of its motorized bicycle ordinance.

SECTION II: NARRATIVE

A. PERMIT IMPOUNDING OF CERTAIN MOTORIZED BICYCLES WITH EXCEPTIONS

Introduction and Issue:

Currently West Virginia neither defines nor regulates motorized bicycles (WV Code Chapter 17C, Traffic Regulations and Laws of the Road). However, this mode of travel is becoming more and more common upon the streets and rights of way of Parkersburg. The growing use of this type of conveyance within the City and upon the public rights of way and the attendant convergence and conflict with pedestrians, human powered bicycles, and motorized vehicles demands, for the safety and welfare of all concerned, that there be established some reasonable and adequate guidance for the use and control of motorized bicycles.

In that regard and to that end the City of Parkersburg enacted an ordinance in May of 2019 that defines "motorized bicycles" and regulates their operation and use within the City. WV Code Section 17C-2-8 grants the City the authority and power, relative to obedience to and effect of traffic laws, to do so.

Problem and Solution:

The laws of the State of West Virginia as set forth in WV Code, Chapter 17, Traffic Regulations and Laws of the Road, and specifically Section 17C-2-8 thereof do not, however, allow for the impounding of motorized bicycles as the City here proposes. In order to effectively enforce the City's motorized bicycle ordinance the City deems it necessary to allow for the immediate impounding of a motorized bicycle operated by an individual who is charged with the violation of the ordinance and who does not hold a valid West Virginia driver's license or until the charged individual has posted bond, all as set forth in the penalty section of the proposed Ordinance [Section 373.99(d)(2)]. This subsection is modeled after WV Code 17C-17-14, Penalties for Violation of Weight Laws; Impounding of Vehicles, which involves overweight trucks. The City contends that such ability to impound is both a reasonable and effective deterrent to the improper use of the right and privilege to use the City roadways and to the enforcement of the ordinance. In addition it creates some assurance that the penalty, if imposed, will be paid by the violator.

In illustration of this need, officers with the Parkersburg Police Department have since the adoption of the motorized bicycle ordinance in May of 2019 to February of 2020, issued a total of forty-nine (49) citations to alleged violators of the ordinance. Forty-three (43) of the forty-nine (49) individuals so cited failed to appear in Municipal Court as required. (See memorandum for Police Chief Joseph Martin to Mayor Tom Joyce dated February 12, 2020 attached and included in Section III: Attachments.)

Conclusion:

Therefore the City of Parkersburg respectfully requests that it be permitted, through the authority of Home Rule, to enact an ordinance authorizing and empowering the charging police officer to impound the motorized bicycle involved in the charged violation that is operated by any individual that does not hold a valid West Virginia driver's license or who has not posted bond.

PROPOSED ORDINANCE

**AN ORDINANCE AMENDING ARTICLE 373 OF THE
CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG
TO REGULATE THE OPERATION AND USE OF MOTORIZED BICYCLES**

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that Section 373.99, Penalty, of Article 373, Bicycles, be and it is hereby amended by the inclusion of Subpart (d) (2) thereof allowing, in certain instances, for the impounding of a motorized bicycle.

373.99 PENALTY.

(d) Penalties for Operation of a Motorized Bicycle:

(1) Anyone who violates a provision of Section 373.17 shall be fined not less than twenty-five dollars (\$25.00) nor more than one-hundred dollars (\$100.00) for each offense.

(2) In addition any officer of the Parkersburg Police Department or any officer of any other police agency exercising proper jurisdiction within the corporate limits of the City is hereby authorized and empowered to impound the motorized bicycle of the owner or operator of any motorized bicycle who is charged with any violation of Section 373.17, and if so impounded by the charging officer said motorized bicycle shall not be released to such owner or operator unless or until such owner or operator shall have furnished cash or surety bond in the minimum amount of the applicable fine(s) which may be assessed against the owner or operator for such violation(s), or shall have been found guilty and paid any fine(s) and costs assessed or shall have been acquitted of such charge(s). Such owner or operator shall be liable for any reasonable storage costs incurred in storing such vehicle. Provided, however, that is the owner or operator so charged is a resident of this State and holds a valid West Virginia driver's license then said motorized bike shall not be impounded.

SECTION III: ATTACHMENTS

A. Applicable Laws, Rules and Regulations

1. Pertaining to City Request Permit Impounding of Motorized Bicycles:

WV Code Chapter 17C, Traffic Regulations and Laws of the Road:

1. Article 2, Obedience TO AND Effect of Traffic Laws:
Section 17C-2-8, Power of local authorities.
2. Article 17, Size, Weight, and Load:
Section 17C-17-14, Penalties for Violations of Weight Laws, Impounding Vehicles.

City of Parkersburg Motorized Bicycle Ordinance:

§ 373.17 Motorized Bicycle: Operation and Use

§ 373.99 (d) Penalty

Enacted May 28, 2019

B. Memorandum

RE: Motorized Bicycles
FROM: Police Chief Joseph Martin
TO: Mayor Tom Joyce
DATED: February 12, 2020

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**ARTICLE 2. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS.****§17C-2-8. Powers of local authorities.**

(a) The provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

- (1) Regulating the standing or parking of vehicles;
- (2) Regulating traffic by means of police officers or traffic-control devices;
- (3) Regulating or prohibiting processions or assemblages on the highways;
- (4) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
- (5) Regulating the speed of vehicles in public parks;
- (6) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances at such intersection;
- (7) Restricting the use of highways as authorized in section twelve, article seventeen of this chapter;
- (8) Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
- (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
- (10) Altering the speed limits as authorized herein;
- (11) Adopting such other traffic regulations as are specifically authorized by this chapter.

(b) No local authority shall permit any parking on any state highway, or erect or maintain any stop sign or traffic-control device at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the state road commissioner. Any such approval may be withdrawn by a notice in writing from the state road commissioner.

(c) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), or (10), of subsection (a) of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrance to the highway or part thereof affected as may be most appropriate.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**ARTICLE 17. SIZE, WEIGHT AND LOAD.****§17C-17-14. Penalties for violation of weight laws; impounding vehicles.**

Any owner, lessee or borrower of a vehicle or combination of vehicles who operates or permits to be operated on any highway such vehicle or combination of vehicles with any axle load in excess of that permitted by sections eight and eight-a of this article, or with a total gross weight with load imposed upon the highway by any one group of two or more consecutive axles in excess of that permitted by section nine or eleven-a of this article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine scheduled in proportion to the amount of pounds in excess of the registered weight, or in excess of allowable weights for single axle, or in excess of allowable weights for groups of two or more consecutive axles, in accordance with the schedule in words and figures as follows:

Pounds in excess of registered weight, or in excess of allowable weights for single axle, or in excess of allowable weights for groups of two or more consecutive axles.

Amount

of Fine

1 to 4,000 \$ 20.00

4,001 to 5,000 \$ 25.00

5,001 to 6,000 \$ 60.00

6,001 to 7,000 \$ 70.00

7,001 to 8,000 \$ 80.00

8,001 to 9,000 \$ 90.00

9,001 to 10,000 \$ 100.00

10,001 to 11,000 \$ 165.00

11,001 to 12,000 \$ 180.00

12,001 to 13,000 \$ 195.00

13,001 to 14,000 \$ 210.00

14,001 to 15,000 \$ 225.00

15,001 to 16,000 \$ 320.00

16,001 to 17,000 \$ 340.00

17,001 to 18,000 \$ 360.00

18,001 to 19,000 \$ 380.00

19,001 to 20,000 \$ 400.00

20,001 to 21,000 \$ 525.00

21,001 to 22,000 \$ 550.00

22,001 to 23,000 \$ 575.00

23,001 to 24,000 \$ 600.00

24,001 to 25,000 \$ 625.00

25,001 to 26,000 \$ 780.00

26,001 to 27,000 \$ 810.00

27,001 to 28,000 \$ 840.00

28,001 to 29,000 \$ 870.00

29,001 to 30,000 \$ 900.00

30,001 to 40,000 \$1,200.00

40,001 to 50,000 \$1,400.00

50,001 and over \$1,600.00

In the event any owner, lessee or borrower of a vehicle is charged with violating this section, the vehicle which is charged to be overloaded shall be impounded by the arresting officer and shall not be released to such owner, lessee or borrower unless and until such owner, lessee or borrower either shall have been found guilty and paid any fine assessed against such owner, lessee or borrower, or shall have furnished cash or surety bond in at least double the amount of the fine which may be assessed against such owner, lessee or borrower for such violation of this section and conditioned upon the payment of any such fine and costs assessed for such violation, or shall have been acquitted of such charge. Such owner, lessee or borrower shall be liable for any reasonable storage costs incurred in storing such vehicles: Provided, That if the owner of such vehicle is a resident of or has a principal place of business located in this state, and said vehicle has been duly licensed in the state, then said vehicle shall not be impounded but the arresting officer shall deliver to the driver a written notice stating such violation; the place, date and time; the license number of said vehicle; the title number and name and address of the owner; the driver's name, address, and the number of his operator's or chauffeur's card or permit; and the court, place, date and time for hearing, which shall be within five days of such violation (Saturdays, Sundays, and holidays, excluded). A copy of such notice

shall within forty-eight hours be mailed to the owner of said vehicle. Upon the failure by such owner or his or its agent to appear at the designated place and time, or upon failure to pay the fine and costs assessed for such violation, unless such owner shall have been acquitted of such charge, the court shall order a bond or the impounding of said vehicle as provided in this section.

§373.17 MOTORIZED BICYCLE: OPERATION AND USE

(a) **Definition:**

Motorized Bicycle: means a bicycle with two (2) or three (3) wheels, a seat or saddle, fully operative pedals for human propulsion, and an electric or gas powered motor that does not require manual clutching or shifting and which can propel the bike with or without pedal-assistance.

- (b) Persons under the age of sixteen (16) years may not operate a motorized bicycle within or upon the public rights of way of the City of Parkersburg.
- (c) No person shall operate a motorized bicycle upon any sidewalk or upon any designated multi-use path for pedestrians and bicycles, or any bicycle path or trail or any walking path within the City.
- (d) A person operating a motorized bicycle shall obey all speed limits and shall yield the right of way to pedestrians and human-powered devices at all times.
- (e) Any person operating a motorized bicycle shall obey all traffic control devices applicable to vehicles, unless otherwise directed by a police officer.
- (f) No motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (g) Any person operating a motorized bicycle upon a street or roadway shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State and by the traffic ordinances of the City applicable to the driver of a vehicle, except for any special regulations in this section and except for those provisions of such laws and ordinances which by their nature can have no application.
- (h) Every motorized bicycle shall be equipped with at least one (1) and not more than two (2) head lamps and which emit a white light visible from a distance of at least five hundred (500) feet to the front and a lamp on the rear emitting a red light visible from a distance of at least five hundred (500) feet to the rear. Every motorized bicycle shall display lighted head lamp(s) at all times on the street or highway.
- (i) No person shall operate a motorized bicycle unless they are wearing a fluorescent vest, shirt or jacket.
- (j) No person shall operate or be a passenger on any motorized bicycle unless he is wearing securely fastened on his head by either a neck or chin strap a protective helmet designed to deflect blows, resist penetration and spread impact forces.
"Protective helmet" means a piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the American national standards institute (ANSI) or the Snell memorial foundation's standards for protective headgear or American society for testing and materials (ASTM) for use in bicycling.

373.99 PENALTY.

(d) **Penalties for Operation of a Motorized Bicycle:**

(1) Anyone who violates a provision of Section 373.17 shall be fined not less than twenty-five dollars (\$25.00) nor more than one-hundred dollars (\$100.00) for each offense.



PARKERSBURG POLICE DEPARTMENT
CHIEF JOSEPH MARTIN

To: Mayor Tom Joyce
From: Joseph Martin, Chief JAM
Date: February 12, 2020
Re: Motorized Bicycle Enforcement

Per our conversation about motorized bicycle enforcement, please see the data below in reference to citations and compliance or the lack thereof.

The Uniform Division has made a concerted effort to enforce the new motorized bicycle ordinance when call volume allowed. Uniformed officers stopped 49 motorized bicycles for obvious violations ranging from improper lighting (no headlamp or rear reflector), no hi-vis vest, no brakes, riding on sidewalk, and no helmet. Uniform citations were issued to those riders/operator's for the above violations. Below is the breakdown on the compliance side.

49 Citations Issued

43 Failed to Appear

2 Paid

4 Dismissed for bringing the bicycle into compliance with the law

Based on this data and the lack of a true incentive of those who operate these machines, I feel strongly that a change in the city ordinance is needed. I am sure that this will cause a lengthy debate, but what needs to be considered is the waste of time, money and efforts from the patrol perspective. The officers charged with enforcement have seen little change. The weather is a bigger deterrent to these riders than a ticket. These violators are accepting the citation with no intention of appearing in our city court.

I encourage you and the members of council to consider amending this ordinance to remedy this problem.

**PUBLIC HEARING NOTICE
CITY OF PARKERSBURG, WEST VIRGINA
HOME RULE PLAN AMENDMENT**

Notice is hereby given by City Council of the City of Parkersburg, WV, that it will hold a public hearing on Tuesday, July 28th, 2020 at 7:30 p.m. at the Parkersburg Municipal Building (City Council Chambers – 2nd Floor), located at One Government Square, Parkersburg, WV 26101. The purpose of this public hearing is to discuss a proposed amendment to the City of Parkersburg's Home Rule Plan that would allow for the impounding of motorized bicycles in certain circumstances in the City.

The City of Parkersburg's proposed amendment to its Home Rule written plan and application to the Municipal Home Rule Board will be made available for review 30 days prior to the public hearing, on the City's website at www.parkersburgcity.com, beginning Friday, June 26th, 2020. Hard copies will also be available for review and/or pickup in the City's Development Department. The Development Department is located on the 5th FL of the Municipal Building, One Government Square, Parkersburg, WV 26101.

All interested citizens are invited to attend the public hearing scheduled on July 28th, 2020 at 7:30 p.m. in the City Council Chambers to discuss the City's written plan and application. Written comments may be addressed to the City Clerk of the City of Parkersburg, One Government Square, Parkersburg, WV 26101.

The first reading of the ordinance approving the proposed amendment and subsequent application to the Municipal Home Rule Board will be held at the Parkersburg City Council meeting on July 28th, 2020 at 7:30 p.m. in the Parkersburg Municipal Building (City Council Chambers – 2nd Floor). A second reading on the City's amendment and application will be held on August 11th, 2020 at the same time and location.

PLEASE PUBLISH AS A CLASS II LEGAL ADVERTISEMENT, ONCE EACH WEEK, FOR TWO CONSECUTIVE WEEKS, STARTING JUNE 26, 2020. PLEASE SEND A COPY OF THE PUBLIC NOTICE AND INVOICE TO THE:

ATTN: RICKIE YEAGER
DEVELOPMENT DEPARTMENT
CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
PARKERSBURG, WV 26101

AN ORDINANCE AMENDING AND RE-ENACTING
SECTION 373.17, MOTORIZED BICYCLES; OPERATION AND
USE, OF THE CODIFIED ORDINANCES OF THE CITY OF
PARKERSBURG AND BANNING THE SAME FROM ALL STREETS,
ROADWAYS AND PUBLIC RIGHTS OF WAY

OTS
NOW COMES THE COUNCIL OF THE CITY OF PARKERSBURG AND HEREBY AMENDS
AND RE-ENACTS IN ITS ENTIRETY SECTION 373.17, MOTORIZED BICYCLES, OPERATION AND USE,
OF THE CODIFIED ORDINANCES OF THE CITY AND BANNING ALL MOTORIZED BICYCLES AS
FOLLOWS:

373.17 MOTORIZED BICYCLE; OPERATION AND USE.

Definition:

- (a) "Motorized Bicycle" means a bicycle with two (2) or three (3) wheels, a seat or saddle, fully operative pedals for human propulsion, and an electric or gas powered motor that does not require manual clutching or shifting and which can propel the bike with or without pedal-assistance.
- (b) No person shall operate a motorized bicycle within or upon a street, roadway, or the public rights of way of the City of Parkersburg.
- (c) No person shall operate a motorized bicycle upon a public sidewalk or upon any designated multiuse path for pedestrians and bicycles, or any bicycle path or trail within the City.

Sponsored by Councilpersons: Barber, Kuhl, and Mercer

OS

AN ORDINANCE AMENDING AND ADOPTING
TITLE 87, SERIES 4, STATE BUILDING CODE, AS
REVISED AND ADOPTED BY THE WEST VIRGINIA STATE
LEGISLATURE, EFFECTIVE AUGUST 1, 2020

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Article 1737, State Building Code, of the Codified Ordinances of the City of Parkersburg be and it is hereby amended and adopted as follows:

The State Building Code, Title 87, Series 4, as adopted and revised by the State Legislature, effective August 1, 2020 and including the following:

4.1.j.l. Omit reference to International Fire Code and substitute NFPA life Safety Code 2018 edition.

4.1.k. The 2017 edition of the National Electrical Code, NFPA 70.

4.1.k.1. For renovations in one and two family homes where no new square footage is involved, arc-fault circuit interrupter (AFCI) protection shall not be required, except for in bedrooms. For renovation in one and two family homes where square footage is added but no electrical service is installed, arc-fault circuit interrupter (AFCI) protection shall not be required.

Sponsored By Councilpersons:

The proposed Ordinance amendment and adoption is required in order to maintain a building code for the City.

AN ORDINANCE AMENDING AND RE-ENACTING SUBPART (b),
TRESPASS IN STRUCTURE OR CONVEYANCE, OF SECTION 533.06, TRESPASS,
OF THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG
WITH THE INCLUSION OF TRESPASS IN A CONDEMNED STRUCTURE

JTS
NOW COMES THE COUNCIL OF THE CITY OF PARKERSBURG AND HEREBY AMENDS
AND RE-ENACTS SUBPART (b) OF SECTION 533.06, TRESPASS, OF THE CODIFIED
ORDINANCES OF THE CITY OF PARKERSBURG WITH THE INCLUSION OF SUBSECTION
(b)(2), TRESPASS IN A CONDEMNED STRUCTURE AND AS FOLLOWS:

533.06 (b) Trespass in Structure or Conveyance.

- (1) Any person who knowingly enters in, upon or under a structure or conveyance without being authorized, licensed or invited, or having been authorized, licensed or invited is requested to depart by the owner, tenant or the agent of such owner or tenant, and refuses to do so, shall be fined not more than one hundred dollars (\$100.00).
- (2) Any person who, without permission, knowingly and wilfully enters a structure which has a clear posting that the structure has been condemned by any municipal or county government as unfit for human habitation or use shall be fined not more than one-hundred dollars (\$100.00). Provided that for any first violation of this offense of trespass in a condemned structure, the court may substitute community service in lieu of a fine for trespassing on condemned property.
- (3) If the offender is armed with a firearm or other dangerous weapon while in the structure or conveyance, with the intent to do bodily injury to a human being in the structure or conveyance at the time the offender knowingly trespasses, the offender shall, notwithstanding the provisions of West Virginia Code 61-7-1, be subject to the penalty provided in Section 501.99(a). (WV Code 61-3B-2)

Subsection (a) and Subsection (c) are unchanged .

Sponsored by Councilpersons: