

AGENDA
NITRO CITY COUNCIL
MARCH 19, 2019
7:00 pm

CALL TO ORDER: Mayor Dave Casebolt
Ward 1 Councilwoman Donna Boggs
Ward 3 Councilman Andy Shamblin
Councilman at Large Bill Javins
Councilman at Large Andy Shamblin

Recorder Rita Cox
Ward 2 Councilman Bill Racer
Ward 4 Councilman Michael Hill
Councilman at Large John Montgomery

INVOCATION/PLEDGE OF ALLEGIANCE

FUTURE DATES OF COUNCIL: April 2 and 16

APPROVAL OF COUNCIL MINUTES: February 19 and March 5

OLD BUSINESS

2019-2020 CITY BUDGET: Treasurer John Young

SECOND READING AN ORDINANCE TO AMEND SECTION 1810.09 RELATING TO
THE VACANT STRUCTURE REGISTRATION ACCOUNT: Councilman John
Montgomery

2019-2020 BUDGET SOCCER FIELD: Mayor Dave Casebolt

NEW BUSINESS

FIRST READING OF AN ORDINANCE PROVIDNG DEFINITION, REQUIREMENTS AND
INSTALLATION OF TINY HOMES IN RESIDENTIAL ZONES: Councilman John
Montgomery

NITRO ELEMENTARY FIELD DAY T-SHIRT PURCHASE/\$1200: Councilman Michael
Hill

ATTORNEY REPORT

TREASURER REPORT

MAYOR COMMENTS

COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

NITRO CITY COUNCIL
MINUTES
FEBRUARY 19, 2019

DRAFT COPY

CALL TO ORDER: Mayor Casebolt called the meeting to order at 7:00 pm in Council Chambers with the following in attendance: Recorder Cox, Ward 1 Councilwoman Boggs, Ward 2 Councilman Racer, Ward 3 Councilwoman Elkins, Ward 4 Councilman Hill, Councilmen at Large Javins, Montgomery, and Shamblin, City Attorney Johnnie Brown and City Treasurer John Young.

INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given by Councilman Shamblin and the Pledge of Allegiance was led by Councilman Hill.

FUTURE DATES OF COUNCIL: Mayor Casebolt said the future dates of Council are March 5 and 19, and April 2 and 16.

APPROVAL OF COUNCIL MINUTES: RECORDER COX MADE THE MOTION TO APPROVE THE MINUTES OF FEBRUARY 5 WITH A SECOND BY COUNCILMAN JAVINS. THE MOTION CARRIED.

CITIZEN RECOGNITION: Mayor Dave Casebolt said he wanted to start a program to recognize the many people who are doing volunteer work for the city and he said that it will be called the Spirit of the City Award. He said there are many activities currently going on in the city and they are largely due to the efforts of volunteers. His first two honorees are Carmen Kostelansky for January and her work with the Museum among other things and Tracy Toler for photography, trail work at Ridenour Lake, and other volunteer efforts. Mayor Casebolt displayed a plaque for City Hall that will include the names of those recognized.

OLD BUSINESS

REPORT ON SELECTION OF DIAGNOSTIC AND INFORMATION SYSTEM AND TIRE PRESSURE SENSOR FOR CITY MECHANIC: John Young informed Council that the quote from Snacon was selected because it worked with the equipment already in use.

APPROVAL OF POLL WORKERS FOR MARCH 16, 2019 LEVY ELECTION: RECORDER COX MADE THE MOTION TO APPROVE THE POLL WORKERS SUBMITTED FOR THE LEVY ELECTION WITH A SECOND BY COUNCILMAN SHAMBLIN. THE MOTION CARRIED WITH A UNANIMOUS VOTE.

APPOINTMENT OF REPLACEMENT BALLOT COMMISSIONER: RECORDER RITA COX MADE THE MOTION THAT SALLY COLEMAN BE APPOINTED AS A BALLOT COMMISSIONER. THERE WAS A SECOND BY COUNCILMAN SHAMBLIN AND A VOTE FOR THE MOTION.

NEW BUSINESS

SCHEDULING BUDGET MEETINGS WITH DEPARTMENT HEADS: COUNCILMAN BILL RACER MADE THE MOTION THAT A BUDGET MEETING BE HELD WITH DEPARTMENT HEADS FOLLOWING MARCH 5 MEETING OF COUNCIL. THERE WAS A SECOND BY COUNCILMAN BILL JAVINS AND THE MOTION PASSED WITH ALL COUNCIL MEMBERS VOTING FOR THE MOTION.

CROSS LANES/NITRO LITTLE LEAGUE: Ivan Meadows said the WV Little League Road Show will be in Nitro from March 20 to 24.

ATTORNEY REPORT: Johnnie Brown did not have a report to present.

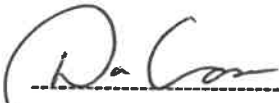
TREASURER REPORT: COUNCILMAN BILL JAVINS MADE THE MOTION TO ACCEPT THE TREASURER REPORT WITH COUNCILWOMAN LAURIE ELKINS MAKING A SECOND. THE MOTION PASSED.

MAYOR REPORT: Mayor Casebolt said the recent open forum on the proliferation of controlled drugs was a success.

COUNCIL COMMENTS: Councilman Montgomery said there are issues with 40th Street including holes in the road and a tree that is encroaching on the road.

PUBLIC COMMENTS: Bob Schamber said there is a Western dance on the last Saturday of each month and a covered dish dinner held monthly.

ADJOURNMENT: COUNCILMAN JAVINS MADE THE MOTION FOR ADJOURNMENT WITH A SECOND BY COUNCILMAN RACER. THE MOTION PASSED.



DAVE CASEBOLT, MAYOR

DRAFT COPY



RITA COX, RECORDER

Budget Worksheet

CITY OF NITRO, WV



Fund: 001 - GENERAL FUND

Revenue		Approved
001-301-001	Property Tax	\$ 1,084,711
001-301-002	Property Tax Excess Levy	\$ 365,090
001-301-003	Property Tax Library Exce Levy	\$ 48,000
001-301-004	Property Tax IRP	\$ 20,000
001-301-005	Property Tax Excess Levy IRP	
001-303-001	Oil & Gas Severance Tax	\$ 25,847
001-304-001	Utility Tax	\$ 265,000
001-305-000	B&O Tax	\$ -
001-305-005	THF Realty B&O Tax	\$ 605,000
001-305-006	B&O TAX- MANUFACTURED	\$ 13,110
001-305-007	B&O TAX - RETAIL	\$ 225,000
001-305-008	B&O TAX - WHOLESALE	\$ 34,602
001-305-010	B&O TAX - ELECTRIC/DOMESTIC	\$ 228,000
001-305-011	B&O TAX - WATER CO.	\$ 90,000
001-305-012	B&O TAX-ELEC. & OTHER POWER CO	\$ 125,000
001-305-014	B&O TAX - CONTRACTING	\$ 180,000
001-305-015	B&O TAX - BANKING	\$ 3,000

			\$	-
001-305-016	B&O TAX - AMUSEMENT		\$	1,000
			\$	-
001-305-017	B&O TAX - SERVICE		\$	190,000
			\$	-
001-305-018	B&O TAX - RENTAL & ROYALTIES		\$	130,000
			\$	-
001-306-001	Liquor Tax		\$	45,000
			\$	-
001-308-001	Hotel Occupancy Tax		\$	190,000
			\$	-
001-314-118	Sales Tax Receipts		\$	1,700,000
			\$	-
001-320-001	Court Costs and Fees		\$	-
			\$	-
001-322-001	Regional Jail Fund Tax		\$	832
001-325-001	Business License		\$	45,000
			\$	-
001-326-001	Building Permits		\$	18,000
			\$	-
001-327-001	Property Maintenance		\$	2,500
			\$	-
001-328-001	Franchise Fees		\$	50,000
			\$	-
001-329-001	Plan Review Fees		\$	-
			\$	-
001-330-001	IRP FEES		\$	105,000
			\$	-
001-340-000	Donation		\$	-
			\$	-
001-340-001	Parks & Recreation		\$	5,000
			\$	-
001-340-002	Donation - Park & Rec.		\$	-
			\$	-
001-340-003	Donation - Fairs & Festivals		\$	-
			\$	-
001-340-004	Donation - Fire Dept.		\$	-
			\$	-
001-340-005	Swimming Pool Revenue		\$	39,000
			\$	-
001-340-006	Pool Revenue Credit Card		\$	2,500
			\$	-
001-340-007	Pool Concessions		\$	3,000

001-340-008	Pool Concessions Contracted	\$	500
001-340-009	Concessions Credit Card	\$	-
001-341-001	Municipal Service Fees	\$	858,304
001-341-002	Dumpster Fees	\$	77,500
001-341-003	Other Trash Fees	\$	3,000
001-345-001	Rental Property	\$	5,000
001-345-010	Rent - Event Concessions		
001-352-001	Nitro Fire Fees Commercial	\$	180,000
001-352-002	Nitro Fire Fees Residential	\$	7,500
001-366-001	State & County Grants		
001-368-001	Contributions		
001-368-003	Contributions Other Entities		
001-369-001	Contributions from Other Funds		
001-369-002	Contributions to Other Funds		
001-374-001	Reimb: Police Wages	\$	35,000
001-374-003	Reimb: Public Works Wages		
001-376-001	Dog Track Table Games	\$	285,000
001-376-002	Table Games - Greenbrier	\$	250
001-380-001	Interest Income	\$	3,000
001-381-001	Reimb: Insurance Workers' Com		
001-381-003	Reimburse Lakeview	\$	4,000

001-381-004	Reimburse City Calendar		
001-381-006	Reimb: Hospitalization		\$ 150,000
001-381-007	Reimburse Insurance		\$ 145,000
001-381-011	Senior Citizens Reimb.		
001-381-013	Reimb. Legal Ads		
001-381-014	Reimb. Humane Officer Wages		
001-382-001	Rebates Purchasing Card		\$ 5,000
001-383-001	Sale of Fixed Assets		
001-386-001	Reimb: Insurance Claims		\$ 5,000
001-389-001	Accident Reports		\$ 3,000
001-389-002	Fire Reports		
001-394-001	MDent Receipts Federal		
001-394-002	MDent Receipts - State		
001-397-001	Other Lottery Revenues		\$ 20,000
001-397-002	Dog Track - Lottery		\$ 150,000
001-399-001	Miscellaneous Income		\$ 20,000
Revenue Total:			\$ 7,796,245
Expense			
Department: 409 - Mayor			
001-409-101-001	Salaries (Mayor)		\$ 45,000
001-409-101-002	Salaries Admin		
001-409-101-006	Overtime Admin		
001-409-103-002	Salaries Admin		\$ 24,746

001-409-103-006	Overtime Admin			
001-409-103-014	Holiday Work Admin			
001-409-103-017	Holiday Admin			
001-409-103-020	Vacation Admin			
001-409-103-023	Sick Leave Admin			
001-409-104-050	FICA Tax		\$	5,336
001-409-104-051	FICA Tax Intern			
001-409-105-060	Health Insurance		\$	14,385
			\$	-
001-409-106-070	Retirement		\$	6,975
			\$	-
001-409-211-090	Telephone		\$	366
			\$	-
001-409-214-100	Travel		\$	429
			\$	-
001-409-218-111	Postage		\$	-
			\$	-
001-409-222-120	Dues		\$	429
			\$	-
001-409-226-141	Workers Compensation		\$	121
			\$	-
001-409-226-142	Unemployment Compensation		\$	63
			\$	-
001-409-341-160	Department Supplies		\$	997
			\$	-
001-409-346-161	City Calendar		\$	4,000
			\$	-
001-409-568-180	Other Contributions		\$	27,500
409 - Mayor Total:			\$	130,347
Department: 410 - City Council				
001-410-103-001	Salaries (Council)		\$	33,600
001-410-104-050	FICA Tax		\$	2,570
001-410-106-070	Retirement		\$	3,360

001-410-215-105	Maint. & Repair Bdlg & Grounds		
001-410-219-125	Rent Council Office		\$ 9,333
001-410-226-141	Workers Compensation		
001-410-226-142	Unemployment Compensation		
001-410-341-160	Department Supplies		\$ 500
001-410-354-163	Miscellaneous		
001-410-568-180	Council Contributions		\$ 25,000
I - City Council Total:			\$ 74,363
Department: 411 - Recorder			
001-411-101-001	Salaries (Recorder)		\$ 30,000
001-411-104-050	FICA Tax		\$ 2,295
001-411-105-060	Health Insurance		\$ 11,500
001-411-106-070	Retirement		\$ 3,000
001-411-211-090	Telephone		\$ 400
001-411-214-100	Travel		\$ 250
001-411-220-112	Legal Ads		\$ 5,500
001-411-221-115	Training & Education		
001-411-226-141	Workers Compensation		\$ 100
001-411-226-142	Unemployment Compensation		\$ -
001-411-230-131	Contract Service		
001-411-230-160	Department Supplies		\$ 500
001-411-230-161	Codified Ordinance		\$ 20,000

001-411-354-170	Election	\$	18,000
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11 - Recorder Total:		\$	91,545
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Department: 413 - Treasurer

001-413-103-001	Salaries (Treasurer)	\$	48,204
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001-413-104-050	FICA Tax	\$	3,688
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001-413-105-060	Health Insurance	\$	6,144
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001-413-106-070	Retirement	\$	4,820
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001-413-211-090	Telephone	\$	250
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001-413-221-116	Continuing Education		
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001-413-224-130	Auditor	\$	-
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001-413-226-141	Workers Compensation	\$	160
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001-413-226-142	Unemployment Compensation	\$	240
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001-413-341-160	Department Supplies	\$	500
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001-413-670-155	IRS PENALTIES		
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13 - Treasurer Total:		\$	64,006
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Department: 416 - Municipal Court

001-416-103-001	Salaries (Municipal Court)	\$	45,837
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001-416-103-006	Overtime		
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001-416-103-017	Holiday		
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001-416-103-020	Vacation		
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001-416-103-023	Sick Leave		
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001-416-103-038	Other		
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001-416-104-050	FICA Tax	\$	5,159
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001-416-105-060	Health Insurance		\$	-
001-416-106-070	Retirement		\$	6,744
001-416-211-090	Telephone			
001-416-219-125	Bldgs & Equipment Rent		\$	-
001-416-221-115	Training & Education			
001-416-223-132	Professional Svcs - Judge		\$	10,200
001-416-223-133	Professional Svcs - Prosecutor		\$	11,400
001-416-226-141	Workers Compensation		\$	130
001-416-226-142	Unemployment Compensation		\$	1,349
001-416-230-131	Contract Labor			
001-416-230-136	Juror Fees			
001-416-230-153	Video Arraignment		\$	2,000
001-416-341-160	Department Supplies		\$	1,000
001-416-349-171	Regional Jail Expenses		\$	3,000
001-416-349-172	Crime Victim Fund			
Municipal Court Total:			\$	86,819
Department: 435 - Regional Development Authority				
001-435-230-210	Regional Development Authority		\$	2,200
ent Authority Total:			\$	2,200
Department: 436 - Building Department				
001-436-103-001	Salaries (Bldg. Dept.)		\$	78,973
001-436-103-006	Overtime		\$	10,000
001-436-103-014	Holiday Work		\$	200
001-436-103-017	Holiday			

001-436-103-020	Vacation		
001-436-103-023	Sick Leave		
001-436-103-026	Buy Out Accum		
001-436-103-029	Council Raise		
001-436-103-032	Safety Director		\$ -
001-436-103-033	Longevity Pay		
001-436-103-035	Incentive Pay		
001-436-103-038	Other		
001-436-104-050	FICA Tax		\$ 6,041
001-436-105-060	Health Insurance		\$ 11,376
001-436-105-062	Retiree Health Insurance		\$ 3,540
001-436-106-070	Retirement		\$ 2,200
001-436-211-090	Telephone		\$ 1,200
001-436-213-091	Electric		\$ 30
001-436-213-092	Gas - utility		\$ 150
001-436-214-100	Travel		\$ 1,500
001-436-217-106	Maint & Repair-Autos & Trucks		\$ 2,000
001-436-217-107	Fuel		\$ 1,300
001-436-218-111	Postage		\$ 200
001-436-221-115	Training & Education		\$ 3,000
001-436-222-120	Dues		\$ 200

001-436-226-141	Workers Compensation		\$	250
001-436-226-142	Unemployment Compensation		\$	480
001-436-230-131	Contract Services		\$	12,000
001-436-237-154	Licensing-Other Taxes & Fees		\$	100
001-436-341-160	Department Supplies		\$	5,800
001-436-345-164	Uniforms		\$	1,400
g Department Total:			\$	141,941
Department: 440 - City Hall				
001-440-103-001	Salaries (City Hall)		\$	80,908
001-440-103-006	Overtime			
001-440-103-014	Holiday Work			
001-440-103-017	Holiday			
001-440-103-020	Vacation			
001-440-103-023	Sick Leave			
001-440-103-026	Buy Out Accum			
001-440-103-029	Council Raise			
001-440-103-031	Cleaning			
001-440-103-038	Other			
001-440-104-050	FICA Tax		\$	6,189
001-440-105-060	Health Insurance		\$	10,440
001-440-105-061	Health Insurance - NRWVA		\$	115,000
001-440-105-062	Health Ins Retirees Reimbursed		\$	30,000
001-440-106-070	Retirement		\$	8,091

001-440-111-085	OPEB Expense		
001-440-211-090	Telephone	\$	2,500
001-440-212-086	Printing	\$	3,000
001-440-213-091	Electric	\$	4,500
001-440-213-092	Gas - utility	\$	5,000
001-440-213-093	Water	\$	1,000
001-440-213-094	Sewer	\$	800
001-440-214-100	Travel	\$	250
001-440-215-105	Maint & Repair Bldgs & Grounds	\$	2,000
001-440-218-111	Postage	\$	15,000
001-440-221-115	Training & Education		
001-440-223-134	Professional Services	\$	45,000
001-440-224-130	Audit	\$	6,000
001-440-226-140	Liability Insurance	\$	70,000
001-440-226-141	Workers Compensation	\$	12,000
001-440-226-142	Unemployment Compensation	\$	480
001-440-230-131	Contract Services	\$	3,000
001-440-232-118	Bank Charges CST		
001-440-232-150	Bank Charges	\$	2,500
001-440-232-151	Credit Card Fees	\$	3,000
001-440-341-160	Department Supplies	\$	20,000
001-440-350-173	Computer Expenses	\$	20,000

001-440-355-174	Collections		\$	2,500
440 - City Hall Total:			\$	469,158
Department: 566 - Public Works Department				
001-566-103-001	Salaries (Public Works)		\$	138,758
001-566-103-003	Salaries Mechanic		\$	15,561
001-566-103-006	Overtime			
001-566-103-008	Overtime Mechanic			
001-566-103-014	Holiday Work			
001-566-103-015	Holiday Work Mechanic			
001-566-103-017	Holiday			
001-566-103-019	Holiday Mechanic			
001-566-103-020	Vacation			
001-566-103-022	Vacation Mechanic			
001-566-103-023	Sick Leave			
001-566-103-025	Sick Leave Mechanic			
001-566-103-026	Buy Out Accum			
001-566-103-028	Buy Out Accum Mechanic			
001-566-103-029	Council Raise			
001-566-103-030	Council Raise Mechanic			
001-566-103-038	Other			
001-566-104-050	Fica Tax		\$	10,615
001-566-104-052	FICA Mechanic		\$	1,190

001-566-105-060	Health Insurance	\$	38,220
001-566-105-062	Health Insurance Retiree	\$	600
001-566-106-070	Retirement	\$	15,432
001-566-211-090	Telephone	\$	1,000
001-566-213-091	Electric	\$	-
001-566-213-092	Gas - utility	\$	3,000
001-566-213-093	Water	\$	1,500
001-566-213-094	Sewer	\$	800
001-566-213-095	Internet	\$	2,500
001-566-214-100	Travel	\$	250
001-566-215-105	Maint & Repair-Bldgs & Grounds	\$	10,000
001-566-215-109	State Litter Control Grant	\$	3,000
001-566-216-108	Maint. & Repair - Equipment	\$	5,000
001-566-216-121	Repair & Maint Payments	\$	6,360
001-566-217-106	Maint & Repair-Auto & Trucks	\$	25,000
001-566-217-107	Fuel	\$	45,000
001-566-218-111	Postage		
001-566-221-115	Training & Education	\$	2,000
001-566-226-140	Liability Insurance	\$	30,000
001-566-226-141	Workers Compensation	\$	4,000
001-566-226-142	Unemployment Compensation	\$	960
001-566-230-131	Contract Services	\$	2,000

001-566-341-160	Department Supplies	\$	25,000
001-566-345-164	Uniforms	\$	14,000
001-566-354-163	Miscellaneous		
001-566-355-175	City Beautification	\$	5,000
s Department Total:		\$	406,746

Department: 700 - Police Department

001-700-103-001	Salaries (Police)	\$	917,894
		\$	-
001-700-103-002	Salaries Administrative	\$	38,124
		\$	-
001-700-103-003	Salaries Mechanic	\$	15,561
		\$	-
001-700-103-004	Salaries Crossing Guard	\$	1,650
		\$	-
001-700-103-006	Overtime Police	\$	150,000
		\$	-
001-700-103-007	Overtime Administrative	\$	1,991
		\$	-
001-700-103-008	Overtime Mechanic	\$	1,242
		\$	-
001-700-103-011	Overtime Training	\$	-
		\$	-
001-700-103-014	Holiday Work	\$	-
		\$	-
001-700-103-017	Holiday	\$	1,420
		\$	-
001-700-103-018	Holiday Administrative	\$	1,180
		\$	-
001-700-103-019	Holiday Mechanic	\$	685
		\$	-
001-700-103-020	Annual Leave	\$	77,130
		\$	-
001-700-103-021	Vacation Administrative	\$	3,245
		\$	-
001-700-103-022	Vacation Mechanic	\$	98
		\$	-
001-700-103-023	Sick Leave	\$	-
		\$	-
001-700-103-024	Sick Leave Administrative	\$	354

			\$	-
001-700-103-025	Sick Leave Mechanic		\$	-
			\$	-
001-700-103-026	Buy Out Accum Police		\$	-
			\$	-
001-700-103-028	Buy Out Accum Mechanic		\$	-
			\$	-
001-700-103-029	Council Raise		\$	495
			\$	-
001-700-103-030	Council Raise Mechanic		\$	-
			\$	-
001-700-103-031	Cleaning		\$	4,629
			\$	-
001-700-103-036	Prior Uniforms Police Dept.		\$	-
			\$	-
001-700-103-038	Other		\$	1,017
			\$	-
001-700-103-039	Other Administrative		\$	-
			\$	-
001-700-103-041	Training Regular		\$	8,693
			\$	-
001-700-104-050	FICA Tax Police		\$	89,715
			\$	-
001-700-104-051	FICA Tax Police Administrative		\$	2,861
			\$	-
001-700-104-052	FICA Tax Mechanic		\$	1,168
			\$	-
001-700-104-053	FICA Tax Crossing Guard		\$	126
			\$	-
001-700-105-060	Health Insurance		\$	176,941
			\$	-
001-700-106-070	Retirement		\$	12,087
			\$	-
001-700-107-077	City Contribution Pension - PD		\$	203,594
			\$	-
001-700-110-080	Medical Supplies		\$	-
			\$	-
001-700-211-090	Telephone		\$	4,528
			\$	-
001-700-213-091	Electric		\$	10,137
			\$	-
001-700-213-092	Gas - utility		\$	1,218
			\$	-

001-700-213-093	Water	\$	220
		\$	-
001-700-213-094	Sewer	\$	330
		\$	-
001-700-213-095	Cable/Internet	\$	3,450
		\$	-
001-700-214-100	Travel	\$	2,500
		\$	-
001-700-215-105	Maint & Repair Bldgs & Grounds	\$	-
		\$	-
001-700-216-108	Maint & Repair - Equipment	\$	2,000
		\$	-
001-700-216-109	Teletype (CRT Maint)	\$	-
		\$	-
001-700-216-121	Repairs & Maint Payments	\$	51,276
		\$	-
001-700-217-106	Maint & Repair Autos & Trucks	\$	20,000
		\$	-
001-700-217-107	Fuel	\$	32,166
		\$	-
001-700-218-111	Postage	\$	-
		\$	-
001-700-219-125	Bldgs & Equipment Rents	\$	403
		\$	-
001-700-219-126	Equipment Renewal	\$	-
		\$	-
001-700-221-115	Training & Education	\$	6,500
		\$	-
001-700-223-134	Professional Services	\$	8,500
		\$	-
001-700-226-140	Liability Insurance	\$	34,309
		\$	-
001-700-226-141	Workers Compensation	\$	20,427
		\$	-
001-700-226-142	Unemployment Compensation	\$	3,034
		\$	-
001-700-229-176	Crime Prevention	\$	-
		\$	-
001-700-230-131	Contract Services	\$	5,000
		\$	-
001-700-341-160	Police Department Supplies	\$	13,577
		\$	-
001-700-341-165	Communication Equipment	\$	12,000

		\$	-
001-700-341-166	Ammunition	\$	5,000
001-700-341-167	Office Supplies	\$	3,955
		\$	-
001-700-345-164	Uniforms	\$	19,500
		\$	-
001-700-345-165	Uniforms - new employee	\$	-
		\$	-
001-700-354-163	Miscellaneous	\$	-
		\$	-
001-700-355-178	Medical Examination	\$	-
e Department Total:		\$	1,971,931

Department: 706 - Fire Department

001-706-103-001	Salaries (Fire)	\$	609,043
001-706-103-003	Salaries Mechanic	\$	15,561
001-706-103-006	Overtime Unscheduled	\$	30,000
001-706-103-008	Overtime Mechanic		
001-706-103-011	Overtime Training	\$	13,644
001-706-103-012	Overtime Call Out	\$	7,948
001-706-103-013	Step Up Overtime	\$	600
001-706-103-014	Holiday Work	\$	13,340
001-706-103-017	Holiday		.
001-706-103-019	Holiday Mechanic	\$	500
001-706-103-020	Annual Leave		
001-706-103-022	Vacation Mechanic		
001-706-103-023	Sick Leave		
001-706-103-025	Sick Leave Mechanic		
001-706-103-026	Buy Out Accum		

001-706-103-028	Buy Out Accum Mechanic		
001-706-103-030	Council Raise Mechanic		
001-706-103-033	Longevity Pay	\$	62,500
001-706-103-034	Step Up Pay	\$	16,588
001-706-103-035	Incentive - Fire	\$	14,000
001-706-103-037	Prior Uniforms Fire Dept.		
001-706-103-038	Other		
001-706-104-050	Fica Tax	\$	57,693
001-706-104-052	FICA Mechanic	\$	1,190
001-706-105-060	Health Insurance	\$	121,572
001-706-106-070	Retirement	\$	1,500
001-706-107-077	City Contribution Pension	\$	450,000
001-706-211-090	Telephone	\$	1,174
001-706-212-086	Printing	\$	600
001-706-213-091	Electric	\$	9,658
001-706-213-092	Gas - utility	\$	3,600
001-706-213-093	Water	\$	3,000
001-706-213-094	Sewer	\$	1,000
001-706-213-095	Cable/Internet	\$	2,320
001-706-214-100	Travel	\$	1,000
001-706-215-105	Maint & Repair-Bldgs & Grounds	\$	3,000

001-706-216-108	Maint. & Repair - Equipment	\$	9,000
001-706-216-121	Repairs & Maint Payments	\$	66,492
001-706-217-106	Maint & Repair - Autos & Truck	\$	24,000
001-706-217-107	Fuel	\$	10,000
001-706-218-111	Postage	\$	100
001-706-219-125	Equipment & Bldg Rental	\$	600
001-706-221-115	Training & Education	\$	13,000
001-706-223-134	Profes. Services - Volunteers	\$	2,500
001-706-223-136	Misc Fire Equip & Fee Surplus	\$	20,000
001-706-225-137	Commodity:Laundry	\$	-
001-706-226-140	Liability Insurance	\$	22,764
001-706-226-141	Workers Compensation	\$	26,284
001-706-226-142	Unemployment Compensation	\$	2,878
001-706-230-131	Contract Services	\$	6,000
001-706-341-160	Department Supplies	\$	15,000
001-706-341-178	Fire Prevention	\$	3,000
001-706-345-164	Uniforms	\$	14,000
001-706-345-165	Uniforms - new employee	\$	-
001-706-354-163	Miscellaneous	\$	-
001-706-354-179	Fire Hydrants	\$	13,000
Department Total:		\$	1,689,650
Department: 707 - Dog Warden/Humane Society			
001-707-103-001	Salaries (Humane Officer)	\$	-

001-707-103-006	Overtime		
001-707-103-014	Holiday Work		
001-707-103-017	Holiday		
001-707-104-050	FICA		
001-707-105-060	Health Insurance		
001-707-106-070	Retirement		
001-707-217-107	Fuel		
001-707-223-170	Animal Control		
001-707-226-142	Unemployment Compensation		
001-707-230-150	Animal Shelter Fees		\$ 5,000
001-707-341-160	Animal Control Dept. Supplies		\$ 500
001-707-345-164	Uniforms		
Imane Society Total:			\$ 5,500
Department: 750 - Streets & Highways			
001-750-103-001	Salaries (Streets & Hwys.)		\$ 120,105
001-750-103-006	Overtime		
001-750-103-014	Holiday Work		
001-750-103-017	Holiday		
001-750-103-020	Vacation		
001-750-103-023	Sick Leave		
001-750-103-026	Buy Out Accum		
001-750-103-029	Council Raise		

001-750-103-038	Other		
001-750-104-050	Fica Tax		\$ 9,188
001-750-105-060	Health Insurance		\$ 28,368
001-750-106-070	Retirement		\$ 12,011
001-750-213-096	Street Lighting		\$ 65,000
001-750-215-105	Road Repair - Road & Drain		\$ 40,000
001-750-215-108	Sign Expense		\$ 2,500
001-750-216-121	Repairs & Maint Payments		\$ 7,512
001-750-217-107	Fuel		
001-750-219-125	Equipment & Bldg Rental		
001-750-226-141	Workers Compensation		\$ 8,000
001-750-226-142	Unemployment Compensation		\$ 1,440
001-750-230-118	Street Paving CST		
001-750-230-131	Contract Services		\$ 2,500
001-750-230-165	Asphalt & Sand		\$ 17,000
001-750-230-179	Street Paving		\$ 300,000
001-750-341-160	Department Supplies		\$ -
s & Highways Total:			\$ 613,624
Department: 800 - Garbage Department			
001-800-103-001	Salaries (Garbage & Landfill)		\$ 194,208
001-800-103-006	Overtime		
001-800-103-014	Holiday Work		
001-800-103-017	Holiday		

001-800-103-020	Vacation		
001-800-103-023	Sick Leave		
001-800-103-026	Buy Out Accum		
001-800-103-029	Council Raise		
001-800-103-038	Other		
001-800-104-050	Fica Tax		\$ 14,857
001-800-105-060	Health Insurance		\$ 60,000
001-800-105-062	Health Ins Retiree Months Cred		\$ 15,840
001-800-106-070	Retirement		\$ 19,421
001-800-216-121	Maint & Rep Payments		\$ 3,621
001-800-219-125	Equipment & Bldg Rent		
001-800-226-140	Liability Insurance		\$ 20,000
001-800-226-141	Workers Compensation		\$ 15,000
001-800-226-142	Unemployment Compensation		\$ 2,160
001-800-341-161	Garbage Bags		\$ 25,000
e Department Total:			\$ 370,106
Department: 801 - Landfill & Incinerator Department			
001-801-215-170	Sanitary Landfill		\$ 165,000
r Department Total:			\$ 165,000
Department: 900 - Parks & Recreation			
001-900-103-001	Salaries (Park & Rec.)		\$ 44,903
001-900-103-006	Overtime		
001-900-103-017	Holiday		

001-900-103-020	Vacation		
001-900-104-050	FICA Tax		\$ 3,435
001-900-105-060	Health Insurance		\$ 3,720
001-900-106-070	Retirement		\$ 4,490
001-900-213-091	Electric		\$ 13,000
001-900-213-093	Water		\$ 10,000
001-900-213-094	Sewer		\$ 3,000
001-900-215-105	Maint & Repair-Bldgs & Grounds		\$ 20,000
001-900-215-118	Maint & Repairs Grounds CST		
001-900-216-108	Maint & Repair - Equipment		\$ 2,500
001-900-217-106	Maint & Repair-Autos & Trucks		
001-900-219-125	Equipment & Bldg Rental		
001-900-226-142	Unemployment Compensation		\$ 240
001-900-230-131	Contract Services		
001-900-341-160	Department Supplies		\$ 10,000
001-900-345-164	Uniforms		\$ 300
001-900-354-163	Miscellaneous		\$ 500
& Recreation Total:			\$ 116,089
Department: 901 - Visitors Bureau			
001-901-103-001	Salaries (CVB)		\$ 17,000
001-901-104-050	FICA Tax		
001-901-105-060	Health Insurance		
001-901-106-070	Retirement		

001-901-220-170	Visitors Bureau Advertising		
001-901-220-171	Visitors Bureau Advertising		
001-901-226-142	Unemployment Compensation		
001-901-349-173	Visitors Bureau		\$ 95,000
Visitors Bureau Total:			\$ 112,000
Department: 903 - Fair Associations/Festival			
001-903-215-160	Fair & Festival City Events		
001-903-219-125	Equipment & Bldg Rental		
001-903-230-131	Contract Services		\$ 35,000
001-903-341-160	Department Supplies		
Departments/Festival Total:			\$ 35,000
Department: 904 - Swimming Pools			
001-904-103-001	Salaries (Pool Part Time)		\$ 55,000
001-904-103-004	Salaries (Pool Manager)		\$ 7,500
001-904-103-006	Overtime Pool Part Time		
001-904-103-009	Overtime Pool Manager		
001-904-104-050	FICA Tax Pool Part Time		\$ 4,208
001-904-104-053	FICA Tax Pool Manager		\$ 574
001-904-211-090	Telephone		\$ 800
001-904-213-091	Electric		\$ 2,200
001-904-213-092	Gas - utility		\$ -
001-904-213-093	Water		\$ 12,000
001-904-213-094	Sewer		\$ 5,200

001-904-215-105	Pool Maint/Repair Bldg & Groun	\$	5,000
001-904-216-108	Pool Maint/Repair Equipment		
001-904-219-125	Pool Equipment & Bldg Rental		
001-904-226-141	Workers Compensation	\$	3,000
001-904-226-142	Unemployment Compensation	\$	1,300
001-904-230-131	Pool Contract Services		
001-904-232-151	Bank Charges/Credit Card Fees	\$	1,000
001-904-341-160	Pool Department Supplies		
001-904-355-170	Pool Chemicals	\$	10,000
Swimming Pools Total:		\$	107,781

Department: 905 - Concessions

001-905-103-001	Salaries (Concessions)		
001-905-103-006	Overtime Concessions		
001-905-104-050	FICA Tax Concessions		
001-905-215-105	Concession Maint/Repair Bldg		
001-905-216-108	Concession Maint/Repair Equip.		
001-905-226-142	Unemployment Compensation		
001-905-341-160	Concession Dept. Supplies		
001-905-341-161	Concession Food	\$	-
- Concessions Total:		\$	-

Department: 911 - Historical Commission

001-911-213-091	Museum Electric	\$	2,880
001-911-213-093	Museum Water	\$	150
001-911-213-094	Museum Sewer	\$	75

001-911-215-105	Maint & Repair Building & Grounds	\$	2,500
001-911-230-133	Historical Commission merge 00-911-230-131		
001-911-341-160	Historical Commission Supplies	\$	3,000
il Commission Total:		\$	8,605
Department: 916 - Library			
001-916-103-001	Salaries (Library)	\$	89,706
001-916-103-017	Holiday		
001-916-103-020	Vacation		
001-916-103-023	Sick Leave		
001-916-103-031	Cleaning		
001-916-103-038	Other		
001-916-104-050	FICA Tax	\$	6,863
001-916-105-060	Health Insurance	\$	29,316
001-916-105-062	Health Ins Retiree Months Cred		
001-916-106-070	Retirement	\$	8,971
001-916-213-091	Electric	\$	4,500
001-916-213-092	Gas - utility	\$	1,800
001-916-213-093	Water	\$	500
001-916-213-094	Sewer	\$	400
001-916-215-105	Maint & Repair-Bldg & Grounds	\$	2,000
001-916-216-108	Maint. & Repair - Equipment		
001-916-219-125	Equipment Rental		

001-916-221-115	Training & Education		\$	500
001-916-224-130	Audit			
001-916-226-140	Liability Insurance		\$	18,000
001-916-226-141	Workers Compensation		\$	200
001-916-226-142	Unemployment Compensation		\$	720
001-916-230-131	Contract Services			
001-916-232-150	Bank Charges Lib Fund			
001-916-232-151	Bank Charges Library		\$	72
001-916-341-160	Department Supplies		\$	1,500
001-916-354-161	Books		\$	3,000
: 916 - Library Total:			\$	168,047

Department: 951 - Seniors

001-951-103-001	Salaries (Seniors)		\$	19,689
001-951-103-006	Overtime			
001-951-103-017	Holiday			
001-951-103-020	Vacation			
001-951-103-023	Sick Leave			
001-951-103-026	Buy Out Accum			
001-951-103-029	Council Raise			
001-951-103-038	Other			
001-951-104-050	FICA Tax		\$	1,506
001-951-105-060	Health Insurance		\$	1,860
001-951-106-070	Retirement		\$	1,969

001-951-214-100	Travel		
001-951-217-106	Maint & Repair - Auto & Trucks		\$ 500
001-951-217-107	Fuel Seniors		\$ 500
001-951-219-125	Sr. Citizen Rent		\$ 24,400
001-951-226-142	Unemployment Compensation		\$ 240
: 951 - Seniors Total:			\$ 50,664

Department: 975 - General Government

001-975-459-118	Capital Outlay City Hall CST		
001-975-459-190	Capital Outlay - City Council		
001-975-459-191	Capital Outlay - City Hall		
001-975-459-192	Capital Outlay - Mun. Court		

I Government Total:

\$ -

Department: 976 - Public Safety

001-976-459-118	Capital Outlay Safety		
001-976-459-193	Capital Outlay - Police		\$ 80,000
001-976-459-195	Capital Outlay - Fire		\$ 326,200
001-976-459-196	Capital Outlay - Fire Equip Fu		

Two police cars outfitted

ladder truck 729k, Rescue

Public Safety Total:

\$ 406,200

Department: 977 - Streets & Transportation

001-977-459-118	Capital Outlay Streets & Trans CST		\$ 68,923
001-977-459-197	Capital Outlay - Streets & Tra		
ransportation Total:			\$ 68,923

2019 DODGE RAM 1500

2019 Ford 1 Ton Dump

Department: 978 - Health & Sanitation

001-978-459-118	Capital Outlay Health & San CST		
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001-978-459-197	Capital Outlay Health & Sanitation		
001-978-459-198	Capital Outlay - Health & San		
001-978-459-199	Capital Outlay - Public Works		
1 & Sanitation Total:		\$	-

Budget Worksheet

Department: 979 - Culture & Recreation

001-979-459-118	Capital Outlay Culture & Recreation	\$	440,000	Theater, Lake Design
001-979-459-191	Capital Outlay - Library Fund			Statue, Beautification
001-979-459-199	Capital Outlay - Historical			Building Purchase
001-979-459-200	Capital Outlay - Recreation			
& Recreation Total:		\$	440,000	

Expense Total: \$ 7,796,245 \$ 7,796,245

ND Surplus (Deficit): \$ 0

Budget Worksheet

Fund: 002 - COAL SEVERANCE FUND

Revenue

002-310-001	Coal Severance	\$	20,000
Revenue Total:		\$	20,000
Department: 951 - Seniors			
002-951-219-125	Coal Sev Sr. Citizen Rent	\$	20,000
: 951 - Seniors Total:		\$	20,000
Expense Total:		\$	20,000
ND Surplus (Deficit):		\$	-

An Ordinance to amend Part Eighteen of the Codified Ordinances of the City of Nitro, West Virginia, as amended, by adding thereto a new Article designated 1810, all relating to the Registration of Vacant Structures for purposes of the Property Maintenance Ordinance; providing the purpose, authority and authorization of the article; providing definitions; requiring the owner of a vacant structure to register the vacant structure with the City; establishing a penalty for failure to register a vacant structure; authorizing investigations to determine if structures are not occupied; requiring notices when structures found to be vacant; establishing the assessment of fees for a vacant structure; authorizing the collection of fees; establishing liability for failure to register a vacant structure; establishing the Vacant Structure Registration Fund; establishing the right of a structure owner to appeal a determination of the City; exempting certain structures from registration; requiring the development of forms; compliance with other municipal code provisions; and establishing an effective date of the ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA that Part Eighteen of the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended by adding thereto a new Article designated 1810, and reenacted, all to read as follows:

**Part Eighteen - Property Maintenance Ordinance
Article 1810 - Vacant Structure Registration**

1810.01. PURPOSE, AUTHORITY AND AUTHORIZATION.

1810.01(a). The purpose of this Article is to establish a system of registration of vacant structures to aid the City in the verification and management of vacant structures in order to protect and promote the public health, safety and welfare of the residents of the City.

1810.01(b). The provisions of this Article are in addition to and not in lieu of methods or processes otherwise permitted or authorized in any other ordinance or law of the City, Kanawha or Putnam County, or the State of West Virginia. Nothing in this Article shall preclude the City from utilizing any existing or later created legal remedy that may be available to it to protect the health, safety and welfare of its residents or to enforce the ordinances and statutes applicable within the city.

1810.01(c). The City is authorized under State Law to create and establish a vacant structure registration program pursuant to West Virginia Code § 8-12-16c.

1810.01(d). This Article shall be construed liberally, to the extent permitted under West Virginia law, to achieve the purposes and intent set forth herein.

1810.02. DEFINITIONS.

As used in this Article, the following terms shall have the meanings ascribed herein, unless the context clearly indicates that a different meaning is intended:

1810.02(a). "Actively marketed" means doing those things and performing those activities necessary to sell a structure, and includes using the services of a realtor licensed in West Virginia with the services being provided under a contract signed by both the realtor and

the seller, with the sales price being established to facilitate the sale of the property.

1810.02(b). "City" means the City of Nitro, West Virginia.

1810.02(c). "Notice Address" means the address of the property maintained by the Assessor of Kanawha County or the Assessor of Putnam County for the purpose of assessing *ad valorem* taxes assessed against the property.

1810.02(d). "Occupied" or "occupying" means the present use of a structure for its intended purpose by persons or for a commercial activity on a consistent basis over time: Provided, That the structure shall cease to be occupied if the qualified use ceases for more than one hundred eighty (180) consecutive days. The terms "occupied" or "occupying" do not include use by unauthorized persons, trespassers or for an illegal activity, unless such use is in conjunction with a legal activity.

1810.02(e). "Owner" means the person assessed for *ad valorem* taxes as the owner of the property.

1810.02(f). "Person" means a natural person or a firm, trust, corporation, association, partnership, limited liability company, limited partnership, public entity, joint venture or any other kind of entity or enterprise, whether or not incorporated or certificated with any public body, of any kind or character.

1810.02(g). "Property" means any parcel of real property or any right or interest in real property upon which a structure is located and that is identifiable of record with the County Clerk of Kanawha County or the County Clerk of Putnam County, depending upon the county in which the property is situated.

1810.02(h). "Structure" means any physical facility that is or was intended to be to be occupied as a personal residence or for a legal commercial activity.

1810.02(i). "Vacant structure" means a structure that is not occupied as defined in this section. "Vacant structure" shall not include those structures that are currently under construction, being renovated or being actively marketed, or is otherwise exempt from registration in accordance with Section 1810.11 of this Article.

1810.02(j). "Vacant structure registration fee" means the fee imposed under the authority of this Article, and includes any fee imposed as a penalty for failure to register a vacant structure.

1810.03. OWNER REGISTRATION REQUIRED.

1810.03(a). The owner of each vacant structure located within the City shall register the subject vacant structure by filing with the City a registration form promulgated under the terms of this Article. The City shall provide to the owner of each vacant structure a registration form which shall provide the following information:

1810.03(a)(1). If the owner of the subject vacant structure is an individual, the registration statement shall include the street address and parcel number of the subject vacant structure, the name and resident address of the individual, and any other information deemed necessary by the City;

1810.03(a)(2). If the owner of the subject vacant structure is a corporation, the registration statement shall include the street address and parcel number of the subject vacant structure, the names and resident addresses of all officers and directors of the corporation, and any other information deemed necessary by the City;

1810.03(a)(3). If the owner of the subject vacant structure is an estate, the registration statement shall include the street address and parcel number of the subject

vacant structure, the name and resident address of the executor of the estate, and any other information deemed necessary by the City;

1810.03(a)(4). If the owner of the subject vacant structure is a trust, the registration statement shall include the street address and parcel number of the subject vacant structure, the names and resident addresses of all trustees, grantors and beneficiaries, and any other information deemed necessary by the City;

1810.03(a)(5). If the owner of the subject vacant structure is a partnership, the registration statement shall include the street address and parcel number of the subject vacant structure, the names and resident addresses of all the partners with an interest of ten percent (10%) or greater, and any other information deemed necessary by the City;

1810.03(a)(6). If the owner of the subject vacant structure is any other form of unincorporated association, the registration statement shall include the street address and parcel number of the subject vacant structure, the names and resident addresses of all principals, and any other information deemed necessary by the City; and

1810.03(a)(7). If the owner of the subject vacant structure resides outside of the State of West Virginia, the owner shall provide the name and address of the person that resides within the State of West Virginia who is the agent authorized to accept service of process and notice of fees due under this Article on behalf of the owner, and who is designated as the local agent for the purposes of notification in the event of an emergency affecting the public health, safety or welfare.

1810.03(b). The required completed registration form shall be filed no later than thirty (30) days after the structure qualifies as a vacant structure.

1810.04. PENALTY FOR FAILURE TO REGISTER.

1810.04(a). It is a violation of this Article for the owner of a vacant structure that is required to be registered under the terms of this Article to fail to register the subject vacant structure.

1810.04(b). It is a violation of this Article for the new owner of a vacant structure that remains a vacant structure to fail to register the subject vacant structure under the terms of this Article within thirty (30) days subsequent to acquiring ownership of the subject vacant structure.

1810.04(c). Any failure of the owner of a vacant structure to register the vacant structure shall constitute a violation of this Article and shall result in a fee against that owner of \$1,000.00 per violation. Each and every twelve month period following the application of a fine under this Section and during which the structure has not been registered as a vacant structure shall be a separate violation of this Article and shall result in additional fine of \$1,000 per violation.

1810.04(d). The City Building Inspector shall be responsible for assessing all fees, according the requirements and procedures of this Article.

1810.05. INVESTIGATIONS; DETERMINING STRUCTURES NOT OCCUPIED.

1810.05(a). City Building Inspector. The City Building Inspector shall make lawful and reasonable inspections, examinations and observations of any structure for the purpose of determining whether the structure qualifies as a vacant structure.

1810.05(b). Inspection, Examination. The City Building Inspector shall make all inspections, examinations and observations between 9:00 AM and 6:00 PM. The City Building Inspector shall wear proper identification at all times when inspecting, examining

or observing any structure under the terms of this Article.

1810.06. NOTICE OF STRUCTURE FOUND TO BE A VACANT STRUCTURE.

1810.06(a). Required Notice. If the City Building Inspector has identified an unregistered vacant structure, the City Building Inspector shall cause notice to the property owner be delivered, by certified mail return receipt requested, to the notice address of the vacant structure. If, for any reason, such certified mail is returned without evidence of proper receipt thereof, then the City Building Inspector shall cause a Class 1-0 legal advertisement to be published in a newspaper of general circulation in the City and shall cause notice to be posted on the front door or other conspicuous location on the vacant structure.

1810.06(b). Form of Notice. When, under the requirements of this Section, notice is to be sent, the notice shall include at least the following information:

1810.06(b)(1). A description of the vacant structure is situated sufficient to identify the property;

1810.06(b)(2). A statement that the vacant structure has been identified by the City to be in violation of this Article;

1810.06(b)(3). A statement that the owner may dispute the determination by contacting the City Building Inspector not less than thirty (30) days from the date of the notice;

1810.06(b)(4). A statement that the failure of the owner to contact the City or the failure to register the vacant structure pursuant to this Article shall result in the assessment of a fee pursuant to Section 4 of this Article;

1810.06(b)(5). A statement that the City may file a lien with the County Clerk of Kanawha County or the County Clerk of Putnam County, depending upon the county in which the property is situated, and/or may bring a civil action in the Circuit Court of Kanawha County or the Circuit Court of Putnam County to enforce assessed fees under this Article; and

1810.06(b)(6). A statement that the owner has the right to appeal the determination of the City to the Circuit Court of Kanawha County or the Circuit Court of Putnam County, as applicable.

1810.07. ASSESSMENT OF FEES.

1810.07(a). Fee Assessment. An annual fee is hereby assessed and shall be collected from the owner of each and every vacant structure registered with the City as determined by the following scale: Provided, That the time for calculating the fee shall be measured from the month the vacant structure was registered with the City:

1810.07(a)(1). No fee shall be imposed where the structure is vacant for less than twelve (12) consecutive months;

1810.07(a)(2). A fee of \$200.00 shall be imposed where the structure is vacant for not less than twelve (12) months nor more than twenty-four (24) months;

1810.07(a)(3). A fee of \$400.00 shall be imposed where the structure is vacant for not less than twenty-five (25) months nor more than thirty-six (36) months;

1810.07(a)(4). A fee of \$600.00 shall be imposed where the structure is vacant for not less than thirty-seven (37) months nor more than forty-eight (48) months;

1810.07(a)(5). A fee of \$800.00 shall be imposed where the structure is vacant for

not less than forty-nine (49) months nor more than sixty (60) months;

1810.07(a)(6). A fee of \$1,000.00 shall be imposed where the structure is vacant for not less than sixty-one (61) months nor more than seventy-two (72) months; and

1810.07(a)(7). A fee of \$1,500.00 shall be imposed where the structure is vacant for not less than seventy-three (73) months, and for each subsequent twelve (12) month period after seventy-three (73) months.

1810.07(b). Challenging Fee Assessed. Any Owner asserting that a registered vacant structure was occupied on any specific date has the burden of establishing by adequate proof that occupancy occurred on a later date.

1810.07(c). For purposes of challenging the fee assessed, evidence offered to prove a structure is occupied may include, but shall not be limited to, the receipt or delivery of regular mail through the U.S. Postal Service; evidence demonstrating the delivery and payment for telephone, cable, Internet, electric, gas, water and sewer services for a period of not less than one hundred eighty (180) days without interruptions of more than thirty (30) consecutive days; a valid city business license; or recent federal, state or city income statements indicating that the subject structure is the official personal or business residence of the owner, persons or businesses claiming occupancy of the subject structure.

1810.08. COLLECTION OF FEES.

1810.08(a). Statement. The City Treasurer shall annually mail a statement of accrued vacant structure registration fees to each owner charged with vacant structure registration fees: Provided, That failure to mail a statement for said fees shall not be grounds for avoiding payment.

1810.08(b). Notice. The City Treasurer shall send a notice to the notice address of each owner of vacant structures that is delinquent in the payment of required vacant structure registration fees, or any portion thereof, by certified mail return receipt requested, and shall post a copy of said notice on the front door or other conspicuous location on the vacant structure.

1810.08(c). Form of Notice. When a notice is sent as required by this section, the notice shall include at least the following information:

1810.08(c)(1). A description of the property on which the vacant structure is situated that is sufficient to identify the property,

1810.08(c)(2). A statement that delinquent vacant structure registration fees were assessed in accord with a City ordinance and are delinquent;

1810.08(c)(3). A statement that payment of the delinquent vacant structure registration fees are to be paid not more than thirty (30) days from the date of the notice;

1810.08(c)(4). A statement that the City may file a lien against the property on which the vacant structure is situated if payment is not received no later than forty-five (45) days from the date of the notice;

1810.08(c)(5). A statement that the City may bring a civil action in the Circuit Court of Kanawha County or Putnam County, as appropriate, to enforce payment and collection of such delinquent vacant structure registration fees; and

1810.08(c)(6). A statement that the owner has the right to appeal to the Circuit Court of Kanawha County or Putnam County, as appropriate.

1810.09 LIABILITY; REMEDIES AND CITY FUND.

1810.09(a). Liability of owner. The owner of the vacant structure shall be liable to the City for said vacant structure registration fees imposed pursuant to this Article. Multiple owners of a vacant structure shall be jointly and severally liable for the vacant structure registration fees assessed and imposed pursuant to this Article.

1810.09(b). Remedies of City. For the purpose of collecting delinquent vacant structure registration fees assessed pursuant to this Article, the City may impose the following remedies:

1810.09(b)(1). Lieu Against Real Property. The City shall have a lien upon the property on which a vacant structure is situated, any improvements thereon and any appurtenances thereunto belonging, and upon the interest of the owner therein, to secure the payment of any fees due, owing or imposed under this Article. The City may file a lien with the Clerk of the County in which the property is located, against such property and provide notice of the City's lien as provided for by West Virginia law.

1810.09(b)(2). A Civil Action. The City may bring a civil action in the Circuit Court of the County in which the property is located to:

1810.09(b)(2)(A). Enforce payment and collection of delinquent vacant structure registration fees assessed pursuant to this Article; and/or

1810.09(b)(2)(B). Seek the judicially ordered sale of the property to satisfy its lien.

1810.09(c). Vacant Structure Registration Fund. The City shall deposit all vacant structure registration fees collected pursuant to this Article into a separate account titled Vacant Structure Registration Fund. ~~The City shall use such funds to improve public safety efforts, including for police and fire personnel; monitor and administer this Article; and repair, close or demolish a vacant structure as authorized by West Virginia Code § 8-12-16.~~ *

1810.10. RIGHT TO APPEAL.

Any owner or other person aggrieved by any determination made by the City pursuant to this Article shall have the right to appeal the determination to the Property Maintenance Board. If the owner or other person is dissatisfied with the decision of the Property Maintenance Board, owner or other person may appeal that decision to the Circuit Court of the County in which the property is located.

1810.11. EXEMPTION FROM VACANT STRUCTURE STATUS,

1810.11(a). The owner of a vacant structure may formally request the City to exempt the subject structure from the registration provisions of Section 1810.03 of this Article. The City shall, upon a finding for good cause by the City Building Inspector that the owner of the structure will be unable to occupy the structure for a determinate period of time, exempt the owner from the registration provisions of Section 1810.03 of this Article. A finding for good cause may be established if the owner can demonstrate that, due to facts or circumstances that differentiate the structure from other structures required to be registered under the provisions of 1810.03 of this Article, or the requirements of this Article present a special or undue hardship that is unique or unduly burdensome to the specific structure.

1810.11(b). All property owned by the United States of America, the State of West Virginia, Kanawha County, West Virginia, Putnam County, West Virginia or the City is

exempt from the requirements of this Article.

1810.12. FORMS.

The City Building Inspector shall develop such forms or procedures, as deemed to be necessary, to carry out the requirements of this Article including, but not necessarily limited to, the requirements pertaining to registration, investigations, notice, findings and procedures, and the collection of fees.

1810.13. COMPLIANCE WITH OTHER CODE PROVISIONS.

In no instance shall compliance with this Article exonerate any owner of any vacant structure from compliance with any other City Code provisions and West Virginia Code provisions, including but not limited to structure and housing code provisions and requirements.

1810.14 EFFECTIVE DATE.

This ordinance shall be effective thirty (30) days from the date it is finally adopted.

~~NOTE: The purpose of this ordinance is to establish the requirements for registration of vacant structures.~~

Passed on First Reading April 2, 2013

Passed of Second Reading April 16, 2013

David Casebolt, Mayor

Rita Cox, Recorder

(9)

ALSO BE ADVISED:

**Part Eighteen - Property Maintenance Ordinance
Article 1803 General Requirements**

The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

1803.1(b). Responsibility. *The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Article. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.*

1803.1(c). Vacant structures and land. *All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.*

1801.3(a)(4) Property Maintenance Fee

There is hereby imposed a property maintenance fee for activities and services performed by the department in carrying out the property owner's responsibilities under this Ordinance; The property Maintenance Fee SHALL BE One Hundred Dollars (\$100.00) "per hour" for each employee of The City directed to perform or carry-out a specific activity or service under the authority of this Ordinance plus Two Hundred Dollars (\$200.00) for each piece of equipment used. The Property Maintenance fee hereby imposed SHALL be Due and PAYABLE no later than fourteen days after the service or activity occurs.

1801.6 (d) Violation Penalties.

Any person, who shall violate a provision of this Ordinance, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by the applicable state laws and this Ordinance. *The fine for each violation of this Ordinance or failure to comply with the requirements of this Ordinance shall be no less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1000.00) plus the cost of the City to institute the proceeding:* Provided, That in lieu of a monetary penalty, The Municipal Court may sentence the person responsible for the violation to a commensurate amount of Community Service. Each day that a violation continues after a Formal Notice has been served in accordance with the following section 1801.7 shall be deemed a separate offense. Additionally, any person who shall violate a provision of this Ordinance that results in the Department Carrying out the Property Owner's Responsibilities under this Ordinance shall pay the Property maintenance fee as calculated in accordance with section 1801.3(e) of this Article and any charge against the real property imposed under the authority of this Ordinance.

ORDINANCE _____

An Ordinance to amend Section 1810.09 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, relating to correcting the type of vehicle into which Vacant Structure Registration fees are to be deposited.

BE IT ORDAINED BY THE CITY OF NITRO, WEST VIRGINIA THAT ARTICLE 1810, SECTION 1810.09(c) OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, as amended, be amended and reenacted, all to read as follows:

**Part Eighteen - Property Maintenance Ordinance
Article 1810 - Vacant Structure Registration**

1810.09(c). Vacant Structure Registration Fund Account. The City shall deposit all vacant structure registration fees collected pursuant to this Article into a separate account titled Vacant Structure Registration Fund Account. The City shall use such funds to: improve public safety efforts, including for police and fire personnel; monitor and administer this Article; and repair, close or demolish a vacant structure as authorized by West Virginia Code § 8-12-16c .

This Ordinance shall take effect upon passage.

Passed on First Reading MARCH 5, 2019

Passed on Second Reading MARCH 19, 2019



Dave Casebolt, Mayor



Rita Cox, Recorder

ORDINANCE _____

An Ordinance to amend Section 1810.09 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, relating to correcting the type of vehicle into which Vacant Structure Registration fees are to be deposited.

BE IT ORDAINED BY THE CITY OF NITRO, WEST VIRGINIA THAT ARTICLE 1810, SECTION 1810.09(c) OF THE CODIFIED ORDINANCES OF THE CITY OF NITRO, WEST VIRGINIA, as amended, be amended and reenacted, all to read as follows:

Part Eighteen - Property Maintenance Ordinance
Article 1810 - Vacant Structure Registration

1810.09(c). Vacant Structure Registration Fund Account. The City shall deposit all vacant structure registration fees collected pursuant to this Article into a separate account titled Vacant Structure Registration Fund Account. The City shall use such funds to: improve public safety efforts, including for police and fire personnel; monitor and administer this Article; and repair, close or demolish a vacant structure as authorized by West Virginia Code § 8-12-16c .

This Ordinance shall take effect upon passage.

Passed on First Reading MARCH 5, 2019

Passed on Second Reading MARCH 19, 2019



Dave Casebolt, Mayor



Rita Cox, Recorder

2019 BUDGET

NITRO SOCCER FIELD

February ----- Round-up Application -----	\$150.00
April ----- Crabgrass Control -----	\$450.00
May ----- Fertilizer -----	\$360.00
June ----- Fertilizer -----	\$360.00
Core Aeration -----	\$1,200.00
July ----- Fertilizer w/Crabgrass Control -----	\$450.00
August ----- Fertilizer -----	\$450.00
September -----	\$325.00
TOTAL MAINTENANCE -----	\$3,745.00
Application of Dismiss (Herbicide) in April/May (if necessary)	\$300.00
Application of Broadleaf Weed Control (if necessary)	\$300.00

2019 BUDGET

WAR MEMORIAL

March - April -----	Crabgrass Control -----	\$125.00
May - June -----	Fertilizer + Fungicide -----	\$325.00
July - August -----	Fungicide -----	\$175.00
September - October -----	Fertilizer + Lime -----	\$125.00
November -----	Fertilizer + Winterization of Irrigation System -----	\$350.00
2019 Soil Test -----		\$70.00
TOTAL MAINTENANCE -----		\$1,170.00

ORDINANCE

An Ordinance to amend Section 1302.2 of Chapter 1302, and Sections 1305.1, 1305.2 and 1305.3 of Chapter 1305, all of Part Thirteen, of the Codified Ordinances of the City of Nitro, West Virginia, as amended, all relating to providing a definition for "tiny home," providing requirements for the construction of installation of tiny homes in residential zones, and providing value requirements for a tiny home.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA that Section 1302.2 of Chapter 1302, and Sections 1305.1, 1305.2 and 1305.3 of Chapter 1305, all of Part Thirteen, of the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended, all to read as follows:

CHAPTER 1302 DEFINITIONS

SECTION 1302.1 - GENERAL

1302.1(a) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this Part Thirteen of this Code, have the meanings ascribed.

1302.1(b) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

1302.1(c) Terms defined in other ordinances. Where terms are not defined in this Part Thirteen and are defined in the building or mechanical ordinances, such terms shall have the meanings ascribed to them as in those ordinances.

1302.1(d) Terms not defined. Where terms are not defined through the methods herein authorized, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 1302.2 - TERMS DEFINED

"Abandonment" means the relinquishment of property or a cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.

"Above-ground/on ground pool". See "Private swimming Pool."

"Accessory building" means an incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

"Accessory use" means a use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to, and customarily found in connection with, such primary use.

"Adult day care center" means a use providing supervised care and assistance primarily to persons who are over age 60, mentally retarded or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer disease or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week.

"Adult bookstore" means any commercial establishment in which is offered for sale as a substantial or significant portion of its stock in trade cassettes, movies, books, magazines or other periodicals or other media which are distinguished or characterized by their emphasis on nudity or sexual conduct or on activities which if presented in live presentation would constitute adult entertainment.

"Adult business" means an adult bookstore, commercial movie theater or movie house, or other adult entertainment as defined herein. In the event that an activity or business which might fall under a use category other than adult business is combined with and/or includes activities which constitute an adult bookstore, adult movie or movie house or adult entertainment as defined herein, then such activity or business shall constitute an adult business and shall be governed by those provisions in this Part Thirteen applicable to any other use category.

"Adult entertainment" means a commercial establishment providing, either as a sole use or in connection with or in addition to other uses, entertainment consisting of any exhibition, display, or dance which involves the exposure to view of any portion of the female breast below the top of the areola, male genitals, female genitals, or the pubic hair, anus, or cleft of the buttocks of any person or male genitals in a discernibly turgid state even if completely and opaquely covered.

"Adult movie theater" or "adult movie house" (including Adult Mini-Theaters or Adult arcades) means any commercial establishment to which the public is permitted or invited, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photograph reproductions are regularly shown depicting actual acts of masturbation, sexual intercourse, oral copulation, sodomy or displaying human genitals in a state of sexual stimulation, arousal, or tumescence, or depicting excretory functions as part of or in connection with any of the activities set forth in this definition.

"Amusement attraction" means any building, structure or open area around, over or through which people may move or walk without the aid of any moving device integral to the building, structure or open area that provides amusement, pleasure, thrills or excitement by use of stationary amusement rides and kiddie rides. The term may include any concession stand or booth for the selling of food or drink or souvenirs that is located within the building, structure or open area.

"Aggrieved" or "aggrieved person" means a person who:

1. Is denied by the planning commission or the board of zoning appeals, in whole or in part, the relief sought in any application or appeal; or
2. Has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county or municipality may suffer.

"Agriculture" means the tilling of the soil, raising of crops, animals, horticulture, gardening, beekeeping and aquaculture.

"Alley" means any public way or thoroughfare more than 10 feet, but less than 16 feet, in width which has been dedicated to the public for public use and designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

"Alteration" means any change, addition or modification in construction, occupancy or use.

"Amusement center" means an establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting gallery, table games and similar recreational diversions within an enclosed building.

"Amusement ride" means a mechanical device which carries or conveys passengers along, around or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement. The term includes an amusement ride or amusement attraction that is erected in a single physical location for a period of more than twelve consecutive months, but may not be construed to mean of include any mechanical device which is

coin operated.

"Animated sign" means a sign employing actual motion or the illusion of motion animated signs, which are differentiated from changeable signs as defined and regulated by this Part Thirteen, include the following types:

1. Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination of movement by simulating movement through employment of the characteristics of one or both of the classifications noted below:

a. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this Part Thirteen, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.

b. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

2. Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input, and includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

3. Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

"Apartment house" means a residential building designed or used for three or more dwelling units.

"Applicant" or "developer" means the owner of the land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

"Architectural projection" means any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "awning"; "backlit awning"; and "canopy, attached and freestanding".

"Automobile parking space" means a space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

"Automotive self-service station" means that portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a free-standing automatic car wash.

"Automotive service station" means that portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service and food sales.

"Awning" means an architectural projection or shelter projecting from and supported by the exterior wall of a building and comprised of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

"Awning signs" means a sign displayed on or attached flat against the surface or surfaces of an awning. See also "wall or fascia sign."

"Backlit awning" means an awning with a translucent covering material and a source of illumination contained within its framework.

"Banner" means a flexible substrate on which copy or graphics may be displayed.

"Banner sign" means a sign utilizing a banner as its display surface.

"Barrier" means a fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

"Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

"Bed and breakfast facility" means a limited commercial activity, conducted within a structure, which includes dining and bathroom facilities with sleeping rooms for short-term guest lodging.

"Billboard". See "off-premise sign" and "outdoor advertising sign."

"Block" means land, or a group of lots, bounded by streets or other rights-of-way, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines or waterways, or boundary lines of municipalities other than an alley, or land which is designated as a block on any recorded subdivision tract.

"Board" means the Zoning Board of Appeals created in Article 1307 of this Part Thirteen.

"Boarding house" means a dwelling containing a single dwelling unit and not more than ten guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than thirty days.

"Bond" means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Governing Body.

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and includes any structure.

"Building Code" means the International Building Code promulgated by the International Code Council, as adopted by the City.

"Building elevation" means the entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

"Building height" means the vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

"Building line" means the perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

"Building permit" means a permit issued by a municipality or county, in accordance with this Part Thirteen, for the construction, erection, installation, placement, rehabilitation or renovation of a structure or development of land, and for the purpose of regulating development within flood-prone areas.

"Business or financial services" means an establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

"Canopy (attached)" means a multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns as additional

points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of lights. See also "marquee."

Canopy (free standing)" means a multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

"Canopy sign" means a sign affixed to the visible surface(s) of an attached or free-standing canopy.

"Carport" means a roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles.

"Cemetery" means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

"Central sewerage system" means a community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

"Central water system" means a private water company formed by a developer to serve a new community development in an outlying area. It includes water treatment and distribution facilities.

"Changeable sign" means a sign with the capability of content change by means of manual or remote input, including signs which are:

1. Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations or alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See "electronic message sign or center."

2. Manually activated. Changeable sign whose message copy or content can be changed manually.

"Change of use" means the change within the classified use of a structure or premise.

"City" means the City of Nitro, West Virginia.

"City Attorney" means the licensed attorney designated by Council to furnish legal assistance for the administration of these Regulations.

"City Council" means the governing body of the City.

"City Engineer" means the licensed engineer designated by Council to furnish engineering assistance for the administration of these Regulations.

"Club" means buildings or lands owned or operated by a corporation, association, fraternal organizations or persons for a social, education, or recreational purpose, but not primarily for profit or to render a service that is customarily carried out as a business.

"Code" or "this Code" means the Codified Ordinances of the City of Nitro, West Virginia.

"Code Official" means the building inspector authorized in Article 1705 of this Code, and includes his or her designee.

"Collector road" means a road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

"Combination sign" means a sign that is supported partly by a pole and partly by a building structure.

"Columbarium" means

"Commercial" means engaging in a business, commerce, enterprise, activity, or other undertaking for a profit.

"Commercial parking garage" means a building, other than a private garage, used for the parking of automobiles with or without a fee.

"Community Commercial Center" means a completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

"Commercial retail sales and services" means establishments which engage in the sale of general retail goods and accessory services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions); businesses specializing in sale of either general merchandise or convenience goods.

"Commercial school" means a school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

"Community sign" means temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.

"Comprehensive plan" means a plan for physical development, including land use, adopted by the City Council, setting forth guidelines, goals and objectives for all activities that affect growth and development in the governing body's jurisdiction.

"Conditional use" means a use which because of special requirements or characteristics may be permitted in a particular zoning district only after review by the board of zoning appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the zoning ordinances.

"Condominium" means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interest in the common elements are vested in the owners.

"Construction plan" means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

"Contiguous" means lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous.

"Convalescent center" means a facility which is publicly or privately operated and intended for long-term patient care

due to human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners, excluding hospitals.

"Convenience commercial center" means a completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A convenience commercial center shall provide a small cluster of convenience shops or services.

"Copy" means those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

"Corner lot" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or intercept on does not exceed 135 degrees.

"Court" means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

"Cul-de-sac" means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

"Dance hall" or "discotheque" means an establishment intended primarily for dancing and entertaining within an enclosed building, using either live or electronically produced music, either open to the public or operated as a private club open to members only.

"Density" means the number of dwelling units which are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

"Destination tourism center" means an area containing a minimum of two hundred thousand square feet of buildable space adjacent or complementary to a tourism attraction, and which provides a variety of entertainment and leisure options.

"Development complex sign" means a free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with this chapter.

"Directional sign" means any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

"Dog racing" means the activity licensed under the authority of Article 23, Chapter 19 of the Code of West Virginia of 1931, as amended.

"Double faced sign" means a sign with two faces, back to back.

"Driveway" means a private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

"Duplex dwelling" means a building designed or arranged to be occupied by two families living independently, the structure having only two dwelling units.

"Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this Part Thirteen, for not more than one family, or a congregate residence for six or less persons.

"Easement" means that portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above said lot or lots.

"Educational institution" means public or parochial pre-primary, primary, grade, high, preparatory school or academy, junior college, college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

"Electric sign" means any sign activated or illuminated by means of electrical energy.

"Electronic message sign or center" means an electrically activated changeable sign whose variable message capability can be electronically programmed.

"Escrow" means a deposit of cash with the City in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Commission in a separate account.

~~"Essential utilities and equipment" means underground or overhead electrical, gas, communications not regulated by the federal communications commission, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone structures, police call boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connection therewith. Essential utility equipment is recognized in three categories:~~

1. Local serving;
2. Nonlocal or transmission through the county or municipality; and
3. Water and sewer systems, the activities of which are regulated, in whole or in part, by one or more of the following state agencies:
 - a. Public service commission;
 - b. Department of environmental protection; or
 - c. The department of health and human resources.

"Existing use" means use of land, buildings or activity permitted or in existence prior to the adoption of a zoning map or ordinances by the county or municipality. If the use is nonconforming to Part Thirteen and lawfully existed prior to the adoption of the Part Thirteen, the use may continue to exist as a nonconforming use until abandoned for a period of one year. Provided, That in the case of natural resources, the absence of natural resources extraction or harvesting is not abandonment of the use.

"Exterior sign" means any sign placed outside a building.

"Factory-built home". See, "Modular and manufactured homes".

"Family" means an individual or two or more persons related by blood, marriage or adoption, or a group not to exceed six unrelated persons living together as a single housekeeping unit.

"Family day care" means the keeping for part-time care and /or instruction, whether or not for compensation, of six or less children at any time within a dwelling, not including members of the family residing on the premises.

"Farm animals" means animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education, or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and

eons: Provided, That the term "farm animals" shall not include any animals prohibited by State law or this Code from being kept and maintained.

"Fascia sign". See, "wall or fascia sign."

"Final plat" means the map or plan or record of a subdivision and any accompanying material, as described in the Subdivision Regulations.

"Flag lot" means a lot so shaped and designed that the main building site is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

"Flashing sign". See "animated sign, electrically activated ."

"Flea market" means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

"Flood prone area" means any land area susceptible to repeated inundation by water from any source.

— "Floor area ratio" means the numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.

"Free standing sign" means a sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

"Front yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

"Frontage (Building)" means the length of an exterior building or structure of a single premise oriented to the public way or other properties that it faces.

"Frontage (Property)" means the length of the property line(s) of any single premise along either a public way or other properties on which it borders.

"Frontage street" means any street to be constructed by the developer or any existing street in which development shall take place on both sides.

"Gambling establishment" means an establishment that offers any form of gambling or games of chance that is regulated under the provisions of the Limited Video Lottery Act codified in section 101, Article 22B, Chapter 29 of the Code of West Virginia or 1931, as amended.

"General plan" means the declaration of purposes, policies and programs for the development of the City.

"Grade (Adjacent Ground Elevation)" means the lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet (1524 mm) from the building.

"Graffiti" means unauthorized marking on a structure.

"Gross acreage" means the overall total area of real property.

"Gross floor area" means the sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when

covered by a roof.

"Gross leasable area (GLA)" means the total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet as measured from the center line of joint partitions and from outside wall faces.

"Ground sign". See "free-standing sign."

"Group care facility" means a facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering the effects of drugs or alcohol; this does not include day-care centers, family day-care homes, foster homes, schools, hospitals, jails or prisons.

"Group day care" means an establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are included in this definition.

"Guest room" means any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

"Habitable space (Room)" means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

"Heavy commercial" means an establishment or business which generally uses open sales yards, outside equipment storage, or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors.

"Heavy manufacturing" means all other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

"Highway, limited access" means a freeway or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

"Heliport" means an area, either at ground level or elevated on a structure, licensed or approved for the landing, unloading, loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, and maintenance equipment.

"Historic district" means a geographically definable area, designated as historic on a national, state or local register, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

"Historic landmark" means a site, building, structure or object designated as historic on a national, state or local register.

"Historic site" means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure and designated as historic on a national, state or local register.

"Home occupation" means the partial use of a dwelling unit for commercial or nonresidential uses by a resident thereof which is subordinate and incidental to the use of the dwelling for residential purposes.

"Hospital" means an institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

"House trailer" means any licensed or unlicensed trailer or other vehicle designed or used for living or sleeping purposes regardless of whether the wheels are attached or unattached, or a permanent or semi-permanent foundation is constructed underneath or any structures of a permanent nature are attached thereto.

"Hot tub". See "Private swimming pool."

"Household pets" means dogs, cats, rabbits, birds, and other animals, maintained for family use only (noncommercial) with cages, pens, etc.

"Illuminated sign" means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated), or reflecting off its surface(s) (externally illuminated).

"Individual sewage disposal system" means a septic tank, seepage tile sewage disposal system or any other approved sewage treatment device. (26) "Joint ownership" means among persons, the same owner; "constructive ownership" for the purpose of imposing Subdivision Regulations.

"Indoor private swimming pool" means any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

"Indoor recreation" means an establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, billiards, pool, motion picture theatres, and related amusements.

"Industrial or research park" means a tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

"Infill development" means to fill in vacant or underused land in existing communities with new development that blends in with its surroundings.

"In-ground pool". See "Private swimming pool."

"Interior lot" means a lot other than a corner lot.

"Interior sign" means any sign placed within a building, but not including window signs. Interior signs, with the exception of window signs, are not regulated by this chapter.

"Irregular lot" means a lot whose opposing property lines are generally not parallel, such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

"Kennel" means any lot or premises on which five or more dogs or cats over four months of age are kept, for compensation or not.

"Kiddie ride" means an amusement ride or amusement attraction that is expressly designed for or offered to: (1) Children age 12 or less; (2) Persons who are forty-two inches in height or less; and (3) Persons who are ninety pounds

in weight or less.

"Kitchen" means any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

"Landscaping" means the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

"Light commercial" means an establishment or business which generally has retail or wholesale sales, office uses or services that do not generate noise, or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

"Light manufacturing" means the manufacturing, compounding, processing, assembling, packaging or testing of good; or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

"Limited video lottery/keno" means the lottery activity licensed under the authority of Article 22B, Chapter 29 of the Code of West Virginia of 1931, as amended.

"Livestock" means, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals.

"Local road" means a road intended to provide access to other roads from individual properties and to provide right of way beneath it for sewer, water and storm drainage pipes.

"Lot" means a single parcel of land.

"Lot area" means the horizontal area within the lot lines of a lot.

"Lot, corner" means a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

"Lot depth" means the mean horizontal distance between the front and rear lot lines.

"Lot improvement" means any building, structure, place, work of art, or other object, or improvement of the land on which it is situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in the Subdivision Regulations.

"Lot width" means the mean horizontal distance across the lot between the side lot lines measured at right angles to the depth.

"Main building" means a structure in which is conducted the principal use of the lot on which it is situated.

"Major automotive repair" means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, which is conducted within a completely enclosed building.

"Major subdivision" means all subdivisions not classified as minor subdivisions, including but not limited to the subdivision of four or more lots, or any size subdivision requiring any new street or extension of the local governmental

facilities, or the creation of any public improvements.

"Mansard" means an inclined decorative roof-like projection that is attached to an exterior building facade.

Manufactured home (mobile home)" means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet (2438 mm) or more in width or 40 body feet (12 192 mm) in length, or when erected on site is 320 square feet (29.7 m²) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

"Marina" means a facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft, including tour boats and river boats, that may include the sale of fuel, food and incidental supplies for the boat owners, crews, passengers and guests.

"Marquee". See "canopy (attached)."

"Marquee sign". See "canopy sign."

"Medium manufacturing" means the manufacturing, compounding, processing, assembling, packaging or testing of good: or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

"Menu board" means a free-standing sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more that 20 percent of the total area for such a sign utilized for business identification.

"Minor automotive repair" means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, which is conducted within a completely enclosed building, but not including activities specified under "automotive repair, major."

"Minor subdivision" means any subdivision containing not more than three lots fronting on an existing street, not involving any new street or road, or the extension of Municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan or Part Thirteen of this Code.

"Mobile home park" means a tract of land developed and operated as a unit with individual sites and facilities to accommodate two or more mobile homes.

"Model home" means a dwelling temporarily used as a sales office for a residential development under construction; said home being used for on-site sales and not for general real estate business.

"Modular home" means a factory-built home, other than a manufactured home, which meets all of the following requirements:

1. Is designed only for erection or installation on a site-built permanent foundation;
2. Is not designed to be moved once so erected or installed;
3. Is designed and manufactured to comply with a nationally recognized model building Code or an equivalent local ordinance, or with a state or local modular building ordinances recognized as generally equivalent to building ordinances for site-built housing; or
4. To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation.

"Mortuary, funeral home" means an establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

"Motel, hotel or inn" means a building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. A hotel, motel or inn may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

"Multiple faced sign" means a sign containing three or more faces.

"Multiple unit dwelling" means a building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, townhouses, or offered for rent.

"Natural waterways" means those areas, varying in width along streams, creeks, springs, gullies or washes, which are natural drainage channels as determined and identified by the City.

"Neighborhood commercial center" means a completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A neighborhood commercial center shall provide for the sales of convenience goods and services, with a supermarket as the principal tenant.

"Neighborhood Park and Recreation Improvement Fund" means a special fund established by the City Council to retain moneys contributed by developers in accordance with the "money in lieu of land" provisions of the Subdivision Regulations within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision.

"Net acreage" means the remaining area after all deductions are made; with deductions including streets, easements for access, street dedications and similar areas.

"Net floor area" means the gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

"Nonconforming lot" means a lot whose width, area or other dimension did not conform to the regulations when this Part Thirteen became effective.

"Nonconforming sign" means a sign or sign structure or portion thereof lawfully existing at the time this Part Thirteen became effective, which does not now conform.

"Nonconforming structure" means a building or structure or portion thereof lawfully existing at the time this Part Thirteen became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

"Nonconforming use" means a use which lawfully occupied a building or land at the time this Part Thirteen became effective, which has been lawfully continued and which does not now conform with the use requirements of this Part Thirteen.

"Nonresidential subdivision" means a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of the Subdivision Regulations.

"Off-premises sign". See "outdoor advertising sign."

"Off-site" means any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

"On-premises sign" means a sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of products sold on, or the sale or lease of, the property on which it is displayed.

"Open space" means land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

"Ordinance" or "This Ordinance" means the City of Nitro, West Virginia Planning and Zoning Code, Part Thirteen.

"Outdoor advertising sign" means a permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of products sold on, or the sale or lease of the property on which it is displayed.

"Outdoor private swimming pool" means any private swimming pool that is not an indoor swimming pool.

"Outdoor recreation" means an area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures used primarily for recreational activities.

"Owner" means any person, group of persons, firm or corporation, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under the Subdivision Regulations.

"Parapet" means the extension of a building facade above the line of the structural roof.

"Pari-mutual wagering" means the system of wagering occurring at a racing association licensed under the authority of Article 23, Chapter 19 of the Code of West Virginia of 1931, as amended, and includes pari-mutuel wagering on interstate and intrastate horse and dog racing as authorized in the said Article 23.

"Park" means a public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

"Park and ride facilities" means parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation areas.

"Parking lot" means an open area, other than a street, used for the parking of automobiles.

"Part Thirteen" means Part Thirteen of the Code .

"Perimeter street" means any existing street to which the parcel of land to be subdivided abuts on only one side.

"Permitted use" means any use allowed within a zoning district, subject to the restrictions applicable to that zoning district and is not a conditional use.

"Person" means a natural person, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, limited liability company, limited liability partnership, S-corporation, or any other form of business

organization, its or their successors or assigns, or the agent of any of the aforesaid.

"Plan" means a written description for the development of land.

"Planned group dwelling" means two or more detached buildings used as dwelling units located on a lot that is in single ownership having yards, courts or facilities in common.

"Planned unit development (PUD)" means a residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

"Planning Commission" means the Nitro Planning Commission for the City of Nitro, West Virginia.

"Plat" means a map of the land development.

"Plot map" means a plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

"Pole sign". See "free-standing sign."

"Political sign" means a temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor sign shall not be considered a political sign.

"Power safety cover" means a pool cover which is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.

"Preliminary plat" means the preliminary drawing or drawings, described in these Regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

"Primary arterial" means a road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas.

"Primary face of building" means the wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

"Private garage" means a building or a portion of a building not more than 1,000 square feet (in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

"Private street" means a right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

"Private swimming pool" means any structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 and which is available only to the family and guests of the householder. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

"Public improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrianway, treelawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established. All such

improvements shall be properly bonded.

"Public swimming pool" means any swimming pool other than a private swimming pool.

"Portable sign" means any sign not permanently attached to the ground or to a building or building surface.

"Preferred development area" means a geographically defined area where incentives may be used to encourage development, infill development or redevelopment in order to promote well designed and coordinated communities.

"Principal use" means a use which fulfills a primary function of a household, establishment, institution or other entity.

"Private club" means a business activity licensed under the authority of Article 7, Chapter 60 of the Code of West Virginia of 1931, as amended, where alcoholic beverages are dispensed for consumption on the premises and in which dancing or other forms of entertainment, excluding adult entertainment, are permitted and includes the term "cabaret."

"Professional office" means any office or business conducted that has been determined by the West Virginia Legislature to provide professional services.

"projecting sign" means a sign other than a wall sign that is attached to or projects more than 18 inches from a building or wall or from a structure whose primary purpose is other than the support of a sign.

"Public improvement" means any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation or for which the City responsibility is established.

"Public place" means any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a governing body or unit of government.

"Public services" means uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

"Public utility station" means a structure or facility used by a public or quasi-public utility agency to store, distribute, or generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

"Public way" means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

"Quasi-public" means essentially a public use, although under private ownership or control.

"Quorum" means a majority of the authorized members.

"Real estate sign" means a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

"Rear yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high water line and a line parallel thereto.

"Recreational vehicle" means a vehicular unit as defined in Chapter 17A of the West Virginia Code, other than a mobile home, whose gross floor area is less than 320 square feet, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer or van.

"Recycling facility" means any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

"Regional commercial center" means a completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

"Registered engineer" means an engineer properly licensed and registered in the State.

"Registered land surveyor" means a land surveyor properly licensed and registered in the State.

"Rehabilitation center (Halfway house)" means an establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

"Religious, cultural and fraternal activity" means a use or building owned or maintained by an organized religious organization or nonprofit association determined by the Internal Revenue Service as qualified under Section 501(c)(3) or (4) of the Internal Revenue Code, and used for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

"Renovation" means interior or exterior remodeling of a structure, other than ordinary repair.

"Required yard" means the minimum setback from the property line as stated within this Part Thirteen.

"Restaurant" means an establishment which sells prepared food for consumption. Restaurants shall be classified as follows:

1. Fast food restaurant which is an establishment which sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.
2. General restaurant which is an establishment which is used primarily for the on-site preparation, sale, serving and consumption of food and non-alcoholic beverages, and, if also licensed as a private club, where alcoholic beverages by the drink may also be served for consumption on the premises as an accessory to the principal use as a restaurant.
3. Take-out restaurant which is an establishment which sells food only for consumption off the premises.

"Resubdivision" means a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

"Revolving sign" means a sign that revolves 360 degrees about an axis. See also "animated sign, mechanically activated."

"Right of way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use. "Right of way" for landplanning purposes means that every right of way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right of way and not included within the dimensions

or areas of such lots or parcels. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established.

"Road, classifications" means the classification of each street, highway, road and right of way, based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan of the City.

"Road, dead-end" means a road or a portion of a street with only one vehicular traffic outlet.

"Road right-of-way width" means the distance between property lines measured at right angles to the centerline of the street.

"Roof line" means the top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

"Roof sign" means a sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

"Sale or lease" means any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a subdivision of part thereof, whether by metes and bound, deed, contract, plat, map, lease, devise, interstate succession or other written instrument.

"Same ownership" means ownership by the same person, corporation, firm entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockholder, partner or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

"Salvage yard" means any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, materials such as scrap metals, paper, rags, tires and bottles.

"Secondary arterial" means a road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic-generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches and offices, and/or are designed to carry traffic from collector streets to the system of primary arterials.

"Setback" means the minimum required distance between the property line and the building line.

"Shade tree" means a tree in a public place, street, special easement or right of way adjoining a street as provided in the Subdivision Regulations.

Shelter" or "mission" means a facility whose general purpose is to provide temporary food, clothing, or sleeping accommodations to persons, families, or parts of families on a temporary occupancy who are homeless or displaced. Short term counseling during stay may also be provided. The shelter shall have appropriate supervisory personnel. Such facility must meet all applicable standards of the Department of health, State Fire Marshall, and any other federal, state, county or city agency which has regulatory power over said facility.

"Shopping center" means a group of three or more retail business and service uses on a single site with common

parking facilities.

"Side yard" means an open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high water line.

"Sign" means any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

"Sign area" means the area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area shall be computed as the area of the circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

"Sign copy" means those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

"Sign face" means the surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border or a contrasting surface or color.

3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy with the color of the building or structure.

4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

"Sign structure" means any structure supporting a sign.

"Sightline" means a three and one-half (3-1/2) foot vertical zone, eye level of the driver of a vehicle, above the finished grade level of the cartway at the center-line of the right-of-way.

"Sight triangle area" means a triangle, two (2) sides of which are formed by the intersection of street centerlines and the third side by the sight line.

"Single-family dwelling" means detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

"Site plan" means a plan which outlines the use and development of any tract of land.

"Sketch plat" means a sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Commission as to the form of the plat and the objectives of the Subdivision Regulations.

"Spa". See "Private swimming pool."

"Special care manufactured home" means a home used as a temporary dwelling for a family member who is in need of special, frequent and routine care by reason of advanced age or ill health.

"Sporting event" means any event licensed under the authority of the State Athletic Commission in Article 5A, Chapter 29 of the Code of West Virginia of 1931, as amended, or licensed under the authority of another agency of the State of West Virginia.

"Sprawl" means poorly planned or uncontrolled growth, usually of a low-density nature, within previously rural areas, that is land consumptive, auto-dependent, designed without respect to its surroundings, and some distance from existing development and infrastructure.

"Story" means that portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused underfloor space shall be considered as a story.

"Street" means a dedicated thoroughfare or public way such as a street, avenue, boulevard, highway, road, lane, alley and is not less than 16 feet in width.

"Street line" means the line defining the edge of the legal width of a dedicated street right-of-way.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivider" means any person who:

- A. Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or
- B. Directly or indirectly, sells, leases or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel site, unit or plat in a subdivision; or
- C. Engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision; and
- D. Is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

"Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, unit, plots or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. "Subdivision" includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument.

"Subdivision agent" means any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing or developing, or offering to sell, lease or develop any interest, lot, parcel, unit, site or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

"Subdivision plat" means the final map or drawing, described in the Subdivision Regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the County Clerk for filing.

"Swimming pool". See, public swimming pool or private swimming pool.

"Temporary building" means a building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

"Temporary improvement" means improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

"Temporary sign" means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are not considered temporary signs.

"Temporary use" means a use that is authorized by this Part Thirteen to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

"Theater" means a building used primarily for the presentation of live stage productions, performances or motion pictures.

"Tiny house" or "tiny home" means a single family residential structure that satisfies the following requirements:

1. Site requirements:

A. If newly constructed, construction shall be in accordance with construction drawings and a site plan (drawn to scale or dimensioned to all lot lines to other structures on the same lot) indicating how the tiny house will be constructed and how it will be located on the building site, such drawings and site plan to first be submitted for approval to the City Building Official; tiny homes that are constructed shall be constructed upon permanent foundations meeting the 2015 International Residential Code Ch. 4; or

B. If a factory built tiny home, it shall be installed in accordance with a site plan (drawn to scale or dimensioned to all lot lines and other structures on the same lot) indicating how the tiny house will be located on the building site, such site plan to first be submitted for approval to the City Building Inspector: Provided, That, structures built to ANSI A119.5: Park Model Recreational Vehicle Standard shall not be acceptable as a tiny house. A factory built tiny house shall be permanently installed upon a permanent foundation meeting the 2015 International Residential Code Ch. 4.

2. No tiny house unit shall be less than thirteen feet in width.

3. Minimum square footage shall not account for the required cooking facilities and toilet facility areas, which are required in addition to the minimum clear floor area of 120 sq. feet for a single occupant and 220 sq. feet for two occupants and 320 sq. feet for three occupants. The maximum number of occupants shall not exceed three.

4. Tiny homes must have at least one habitable room with not less than 120 sq. feet of clear floor area.

5. Other habitable rooms must have not less than 70 sq. feet of floor area (except for kitchens).

6. Habitable rooms must not be less than 7 feet in any horizontal dimension.

7. Ceiling heights must be a minimum 7 feet in habitable spaces, hallways, bathrooms and toilet rooms.

8. Ceiling height effect on floor area: Portions of a sloped ceiling measuring less than 5 feet or a furred ceiling measuring less than 7 feet from the finished floor; floor areas below these ceilings shall not be permitted to contribute to the minimum required habitable area or that room.

9. Tiny homes shall be provided with a kitchen sink, cooking appliances and refrigeration facilities each providing the minimum clear working space of 30 inches in front.

10. Habitable rooms shall be provided with light and ventilation via operable glazing not less than 8% of floor area.

11. Tiny homes shall provide a heating facility capable of maintaining a minimum 68°F.

12. Tiny homes shall be provided with connection to an APPROVED method of sewage disposal and an APPROVED water supply to facilitate providing hot and cold water.

13. Units shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

14. Units shall meet the means of egress requirements of IRC R311.1 and the Emergency Escape and Rescue opening provisions of R310.1.1: Minimum opening area, height, width and operational constraints.

15. Stairways shall not be less than 36 inches wide, have a maximum 8 inch riser and 9 inch tread unless built as a spiral stairway in accordance with R311.7.9.1. Ladders/"Ship ladders" are NOT APPROVED.

16. Electrical systems shall be in accordance with the 2014 National Electrical Code (as amended).

17. Tiny homes shall meet all zoning requirements: setbacks, lot sizes, off street parking, etc. in addition to any community protective covenant requirements where applicable.

18. Tiny homes shall meet all building thermal envelope requirements (as amended) of the 2009 ICC Energy Conservation Code.

"Tourism attraction" means a cultural or historical site, a recreation or entertainment facility, an area of natural phenomena or scenic beauty, a West Virginia crafts or products center or a tourism destination center, but shall not include only a lodging facility unless the lodging facility constitutes a portion of a tourism destination center.

"Town house" means a type of dwelling unit normally having two, but sometimes three, stories, usually connected to a similar structure by a common wall, and commonly sharing and owning in common the surrounding grounds.

"Trailer" means a licensed or unlicensed piece of mobile equipment designed or constructed to be towed by a motor vehicle, on or off the public highways.

"Trailer park" means a lot or premises occupied or designed for occupancy by two (2) or more mobile homes.

"Under canopy sign" or "under marquee sign" means a sign attached to the underside of a canopy or marquee.

"Urban area" means all lands or lots within the jurisdiction of a the Planning Commission.

"Use" means the activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

"Utility" means a public or private distribution service to the public that is regulated by the West Virginia Public Service Commission.

"V sign" means a signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

"Variance" means a deviation from the height, bulk, setback, parking or other dimensional requirements established by this Part Thirteen.

"Vocation school" or "trade school" means a secretarial or business school or college when not publicly owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization, or a school conducted as a business enterprise for teaching instrumental music, dancing, barbering or hair styling, drafting, or for the teaching of industrial or technical arts.

"Wall sign" or "fascia sign" means a sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

"Wholesale warehouse" or "Storage warehouse" means a building or premises in which goods, merchandise or equipment are stored for eventual distribution.

"West Virginia Lottery table games" means the games authorized under Article 22C, Chapter 29 of the Code of West Virginia of 1931, as amended.

"Window sign" means a sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

"Wrecking yard" means any place where damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled or handled.

"Yard" means an open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this Part Thirteen.

"Zero lot line development" means single-family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line.

"Zoning" means the division of a municipality into districts which specify permitted and conditional uses and development standards for real property within the districts .

"Zoning map" means a map that geographically illustrates all zoning district boundaries within the City, as described within the zoning Part Thirteen, and which is certified as the official zoning map for the municipality or county.

CHAPTER 1305 RESIDENTIAL ZONES

Section 1305 - Residential Zone. Allowable residential (R) zone uses shall be:

1305.1 "R-1" Single-Family Residence Zone.

1305.1(a) Permitted uses. In R-1 Single-Family Residential Zones, the following uses of buildings may be permitted:

- 1305.1(a)(1). Single-family detached dwellings.
- 1305.1(a)(2). Educational, religious and philanthropic uses when not conducted as a gainful business.
- 1305.1(a)(3). Public parks, playgrounds, play lots, and community centers not conducted as a gainful business
- 1305.1(a)(4). City administrative buildings or public service buildings, except storage yard or sidings, equipment storage or warehouses.
- 1305.1(a)(5). Existing railroad rights-of-way, not including switching yards, storage yards or sidings.
- 1305.1(a)(6). Home gardening without sale of products.
- 1305.1(a)(7). A Bed and Breakfast facility: Provided, That the parking for a Bed and Breakfast facility shall provide vehicle parking as required in Table 1310.1(b)(1) of this Part Thirteen.

1305.1(b) Permitted uses when authorized by the Board of Zoning Appeals. In R-1 Single-Family Residential Zones, the following uses of buildings may be permitted when authorized by the Board of Zoning Appeals as a special exception:

- 1305.1(b)(1). Group care facility if adjacent to R-2 District or if part of such project if in R-1 and R-2 Districts.
- 1305.1(b)(2). Single family residences on lots that do not otherwise satisfy the area requirements for R-1 single family residences.

1305.1(b)(3). Home occupation.

1305.1(b)(4). Cemeteries.

1305.1(b)(5). Kindergartens or nursery schools provided the play lots are suitably fenced or screened in accordance with requirements of the board.

1305.1(b)(6). Essential utilities and equipment.

1305.1(b)(7). Private non-profit recreational facilities in the nature of swimming clubs, tennis clubs and other similar activities, when not located less than fifty (50) feet from any other lot in an "R" District and when the facility meets with the parking and fencing requirements of the Board of Zoning Appeals.

1305.1(c) Permitted Accessory Uses. In R-1 Single Family Residential Zones, the following accessory buildings and uses shall be permitted:

1305.1(c)(1). Any accessory building 150 square feet or greater in size or that has any utility service installed shall be separated from the main building by 10 feet and shall also be in compliance with all set-back Part Thirteens: Provided, That any accessory building less than 150 square feet in size that is used for storage or other similar use shall be permitted to be located in any portion of the rear yard or side yard. No storage building shall be located in the front yard.

1305.1(c)(2). All signs within an R-1 Single Family Residential Zone shall be subject to the restrictions in Chapter 1312 of this Part Thirteen.

1305.1(c)(3) Other accessory uses customarily incidental to a permitted principal use.

1305.1(d). Lot Areas. In any R-1 Single-Family Residential Zones, the area of lots of record at the time of enactment of this Part Thirteen shall be considered adequate for the erection of permitted buildings and uses, provided that they are not less than 2400 square feet.

1305.1(e). Lot Widths. In any R-1 Single-Family Residential Zones, the width of lots of record at the time of enactment of this Part Thirteen shall be considered adequate, provided that they are not less than forty (40) feet in width. Notwithstanding the limitations imposed by other provisions of the Part Thirteen, the Board of Zoning Appeals shall permit erection of a dwelling or structure on any lot shown upon a platted record in a R-1 Single Family Residential Zone separately owned or under contract of sale and containing, at the time of passage of this Part Thirteen, an area or width smaller than that required by this Part Thirteen: Provided, That the Board of Zoning Appeals shall require yard areas and other restrictions governed by this Part Thirteen equal to the average of those contained on existing built-upon lots along the street on which is located the lot in question.

1305.1(f) Front Yards. In any R-1 Single-Family Residential Zones, the front yard of any lot of record at the time of enactment of this Part Thirteen shall be equal to the average front yards of existing developed lots on the street on which it is located. In the absence of developed lots along any such streets, the minimum front yard shall be twenty (20) feet.

1305.1(g). Side Yards. In any R-1 Single Family Residential Zones, the Side Yards of lots of record at the enactment of this Part Thirteen shall be equal to the average side yards of developed lots on the street on which they are located, but in no case less than five (5) feet: Provided, That no accessory building or structure shall be closer than three (3) feet from the side yard lot line. This accessory building or structure side yard exception shall not apply to corner lots.

1305.1(h). Rear Yards. In R-1 Single-Family Residential Zones rear yards shall not be less than forty (40) feet in width: Provided, That no accessory building or structure shall be closer than five (5) feet from the rear lot line. This accessory building or structure rear yard exception shall not apply to corner lots.

1305.1(i). Residential structure requirements

1305.1(i)(1). Building Height. In R-1 Single-Family Residential Zones, single-family detached dwelling shall not exceed two and one-half (2-1/2) stories or thirty (30) feet in height. Structures associated with other permissive or excepted uses shall not exceed three (3) stories or fifty (50) feet in height.

1305.1(i)(2). Roof overhang. In R-1 Single-Family Residential Zones, single-family detached dwelling, roof overhang and eaves shall be designed for a minimum of six inches as measured from the vertical side of the building and not including rain gutters, which are required.

1305.1(i)(3). Building width. In R-1 Single-Family Residential Zones, single-family detached dwelling, no housing unit shall be less than twenty-four feet in width.

1305.1(j). Factory built housing units. The value of any factory built home sited in a R-1 Single-Family Residential Zone shall be equal to or greater than the average value of all existing homes located within 350 feet in each direction from the factory built home site: Provided, That the burden of establishing the value of existing homes located within 350 feet of the factory built home site shall be upon the owner of the factory built home.

1305.1(k). Tiny home housing units. The value of any tiny home, as defined in section 1302.2 of this Article 1302, sited in a R-1 Single-Family Residential Zone shall be equal to or greater than the average value of all existing homes located within 350 feet in each direction from tiny home site: Provided, That the burden of establishing the value of existing homes located within 350 feet of the tiny home site shall be upon the owner of the tiny home.

~~1305.1(k). Off-street Parking and Loading Requirements.~~ In R-1 Single-Family Residential Zones, off-street parking and loading requirements be scheduled according to the provisions of Chapter 1310 of this Part Thirteen.

1305.2 "R-2" General Residential Zones.

1305.2(a). Permitted Uses.

1305.2(a)(1). All uses permitted in R-1 Single-Family Residential Zones.

1305.2(a)(2). Duplex and multi-family dwellings.

1305.2(a)(3). Rooming house.

1305.2(a)(4). Bed and breakfast, if located adjacent to a State road

1305.2(a)(5). Congregate residence

1305.2(a)(6). General hospital, or a sanitarium or nursing home not for contagious diseases: Provided, That such buildings shall be not less than fifty (50) feet from any other lot in any "R" District.

1305.2(a)(7). Public library.

1305.2(a)(8). Professional office in conjunction with a residence, when no more than two (2) individuals are employed.

1305.2(b). When Authorized by the Board of Zoning Appeals. In R-2 General Residential Zones, the following uses and buildings may be permitted when authorized by the Board of Zoning Appeals as a special exception:

1305.2(b)(1). Group care facilities, half-way houses or group homes for drug or alcoholic addicts; and institutions not for penal, corrective or behavioral health purposes.

1305.2(b)(2). Private clubs, lodges and fraternal organizations, social or recreational buildings or properties when not conducted as a gainful business.

1305.2(c). Permitted Accessory Uses. In R-2 General Residential Zones, the following accessory buildings and uses shall be permitted:

1305.2(c)(1). All "R-1" Single Family Residential Zones accessory uses.

1305.2(c)(2). Other accessory uses customarily incidental to a permitted principal use, including signs, subject however, to the provisions of Chapter 1312 if this Part Thirteen.

1305.2(d). Lot Areas.

1305.2(d)(1). In R-2 General Residential Zones, no lot shall be less than 4800 square feet in area, subject however, to the provision that this minimum area shall be increased by 1200 additional square feet for each dwelling unit more than one that is contained in the structure.

1305.2(d)(2). In areas in excess of twenty five (25) per cent slope, the above stated minimum lot areas shall be increased by fifteen (15) per cent.

1305.2(e). Lot Widths. In R-2 General Residential Zones, lot widths shall not be less than sixty (60) feet. Notwithstanding the limitations imposed by other provisions of the Part Thirteen the Board of Zoning Appeals shall permit erection of a dwelling or structure on any lot shown upon a platted record in a R-2 General Residential Zone separately owned or under contract of sale and containing, at the time of passage of this Part Thirteen, an area or width smaller than that required by this Part Thirteen: Provided, That the Board of Zoning Appeals shall require yard areas and other restrictions governed by this Part Thirteen equal to the average of those contained on existing built-upon lots along the street on which is located the lot in question.

1305.2(f). Front Yards. In R-2 General Residential Zones, front yards shall be subject to the same provisions as specified for "R-1" Single Family Residential Zones.

1305.2(g). Side Yards. In R-2 General Residential Zones, side yards shall be subject to the same provisions as specified for "R-1" Single Family Residential Zones.

1305.2(h). Rear Yards. In R-2 General Residential Zones, rear yards shall not be less than forty (40) feet in width, provided however, that for any structure in excess of three (3) stories in height, the rear yard shall be increased by five (5) additional feet for each story.

1305.2(i). Residential structure requirements.

1305.2(i)(1). Building Heights. In R-2 General Residential Zones, residential structures shall not exceed two and one-half (2 1/2) stories or thirty (30) feet in height. Structures associated with other permissive or excepted uses shall not exceed six (6) stories.

1305.2(i)(2). Roof overhang. In R-2 General Residential Zones, roof overhang and eaves shall be designed for a minimum of six inches as measured from the vertical side of the building and not including rain gutters, which are required.

1305.1(i)(3). Building width. In R-2 General Residential Zones, no housing unit shall be less than twenty-four feet in width.

1305.2(j). Factory built housing units. The value of any factory built home sited in a R-2 Single-Family Residential Zone shall be equal to or greater than the average value of all existing homes located within 350 feet in each direction from the factory built home site: Provided, That the burden of establishing the value of existing homes located within 350 feet of the factory built home site shall be upon the owner of the factory built home.

1305.2(k). Tiny home housing units. The value of any tiny home, as defined in section 1302.2 of this Article 1302, sited in a R-2 Single-Family Residential Zone shall be equal to or greater than the average value of all existing homes located within 350 feet in each direction from tiny home site: Provided, That the burden of establishing the value of existing homes located within 350 feet of the tiny home site shall be upon the owner of the tiny home.

1305.2(k). Off-street Parking and Loading Requirements. In R-2 General Residential Zones, off-street parking and loading requirements shall be scheduled according to the provisions of Chapter 1310 of this Part Thirteen.

1305.3. "R-3" General Residential, Mobile Home and Mobile Home Parks

1305.3(a). Permitted Uses. In R-3 General Residential, Mobile Home and Mobile Home Parks Zones, the following buildings and uses are permitted:

1305.3(a)(1). All uses permitted in R-1 Single-Family Residential Zones and R-2 General Residential Zones.

1305.3(a)(2). Mobile home parks when established and operated in accordance with published standards of

either Kanawha County or Putnam County, whichever is applicable for the location of the mobile home park, and the State of West Virginia: Provided, That the following are additional requirements:

1305.3(a)(2)(A). A mobile home park site shall be comprised of a minimum of two (2) acres, and shall provide a minimum of five thousand (5,000) square feet of net area per mobile home unit;

1305.3(a)(2)(B). Off-street parking for two (2) automobiles for each mobile home unit;

1305.3(a)(2)(C). Setbacks for residential areas shall prevail, but no part of this open space shall be used for any of the mobile home site functions;

1305.3(a)(2)(D). Mobile home parks will be enclosed on side yards and rear lot lines, unless extending from one street to another. A six (6) foot wall or barrier of fire resistant material or a strip of trees or shrubs at least two (2) feet wide and three (3) feet high at the time of planting which will form a year round dense screen at least six (6) feet high within three (3) years must be provided;

1305.3(a)(2)(E). No spot or flood lights shall be used for lighting or advertising purposes. No lighting shall shine on adjacent properties;

1305.3(a)(2)(F). All points of entrance or exit for motor vehicles shall be located no less than one hundred twenty-five (125) feet from the intersection of two streets.

1305.3(a)(3). Individual single-wide mobile homes, double-wide mobile homes, single family dwellings and multiple family dwellings located in a R-3 General Residential, Mobile Home and Mobile Home Parks Zones or in other than a R-3 General Residential, Mobile Home and Mobile Home Parks Zone shall be subject to the requirements stated in Table 1303.2(a) of this Part Thirteen.

1305.3(b). Tiny home housing units. The value of any tiny home, as defined in section 1302.2 of this Article 1302, sited in a R- 3 General Residential, Mobile Home and Mobile Home Parks Zone shall be equal to or greater than the average value of all existing homes located within 350 feet in each direction from tiny home site: Provided, That the burden of establishing the value of existing homes located within 350 feet of the tiny home site shall be upon the owner of the tiny home.

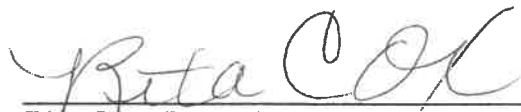
1305.3(c). Notwithstanding the limitations imposed by other provisions of the Part Thirteen the Board of Zoning Appeals shall permit erection of a dwelling or structure on any lot shown upon a platted record in a R-3 General Residential Zone separately owned or under contract of sale and containing, at the time of passage of this Part Thirteen, an area or width smaller than that required by this Part Thirteen: Provided, That the Board of Zoning Appeals shall require yard areas and other restrictions governed by this Part Thirteen equal to the average of those contained on existing built-upon lots along the street on which is located the lot in question.

Passed on First Reading March 19, 2013

Passed on Second Reading _____



Dave Casebolt, Mayor



Rita Cox, Recorder

Income Statement

For Fiscal: 2018-2019 Period Ending: 02/28/2019

Group Summary

Department	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 001 - GENERAL FUND					
Revenue					
	7,097,052.00	7,097,052.00	532,736.88	5,945,542.79	1,151,509.21
Revenue Total:	7,097,052.00	7,097,052.00	532,736.88	5,945,542.79	1,151,509.21
Expense					
409 - Mayor	113,130.99	113,130.99	8,108.53	70,026.20	43,104.79
410 - City Council	76,337.40	534,181.40	3,174.20	56,258.67	477,922.73
411 - Recorder	55,635.00	55,635.00	3,978.80	40,058.15	15,576.85
413 - Treasurer	72,111.85	72,111.85	5,328.42	47,361.42	24,750.43
416 - Municipal Court	91,091.31	91,091.31	5,971.01	52,336.35	38,754.96
435 - Regional Development Authority	3,000.00	3,000.00	0.00	2,058.68	941.32
436 - Building Department	129,410.62	129,410.62	3,265.80	86,310.37	43,100.25
440 - City Hall	507,646.96	507,646.96	21,032.19	317,929.78	189,717.18
566 - Public Works Department	448,717.92	448,717.92	36,281.75	300,463.77	148,254.15
700 - Police Department	1,854,084.94	2,007,244.94	146,126.72	1,273,023.18	734,221.76
706 - Fire Department	1,602,417.00	1,755,222.00	155,784.33	1,183,265.77	571,956.23
707 - Dog Warden/Humane Society	5,000.00	60,000.00	0.00	28,350.45	31,649.55
750 - Streets & Highways	508,425.80	508,425.80	16,729.23	410,089.51	98,336.29
800 - Garbage Department	354,088.31	354,088.31	25,978.67	219,690.78	134,397.53
801 - Landfill & Incinerator Department	180,000.00	180,000.00	11,526.93	122,410.49	57,589.51
900 - Parks & Recreation	61,776.83	61,776.83	12,595.76	90,248.49	-28,471.66
901 - Visitors Bureau	79,000.00	79,000.00	13,239.95	88,906.36	-9,906.36
903 - Fair Associations/Festival	25,000.00	25,000.00	1,800.00	34,004.28	-9,004.28
904 - Swimming Pools	110,768.00	110,768.00	3,784.94	99,590.95	11,177.05
905 - Concessions	32,599.95	32,599.95	0.00	20,679.28	11,920.67
911 - Historical Commission	2,300.00	2,300.00	8,035.70	11,839.76	-9,539.76
916 - Library	181,616.13	187,965.13	11,191.68	109,222.95	78,742.18
951 - Seniors	71,576.52	71,576.52	5,848.35	40,105.16	31,471.36
975 - General Government	60,000.00	60,000.00	0.00	13,150.00	46,850.00
976 - Public Safety	30,000.00	152,000.00	11,837.70	178,099.89	-26,099.89
977 - Streets & Transportation	0.00	0.00	11,500.00	38,700.00	-38,700.00
978 - Health & Sanitation	237,900.00	182,900.00	15,305.25	74,999.74	107,900.26
979 - Culture & Recreation	203,416.00	466,298.00	2,100.00	13,586.47	452,711.53
Expense Total:	7,097,051.53	8,252,091.53	540,525.91	5,022,766.90	3,229,324.63
Fund: 001 - GENERAL FUND Surplus (Deficit):	0.47	-1,155,039.53	-7,789.03	922,775.89	-2,077,815.42
Fund: 002 - COAL SEVERANCE FUND					
Revenue					
	15,000.00	15,000.00	0.00	16,738.72	-1,738.72
Revenue Total:	15,000.00	15,000.00	0.00	16,738.72	-1,738.72
Expense					
951 - Seniors	15,000.00	17,837.00	0.00	7,110.00	10,727.00
Expense Total:	15,000.00	17,837.00	0.00	7,110.00	10,727.00
Fund: 002 - COAL SEVERANCE FUND Surplus (Deficit):	0.00	-2,837.00	0.00	9,628.72	-12,465.72
Total Surplus (Deficit):	0.47	-1,157,876.53	-7,789.03	932,404.61	



Account	Name	Balance
Fund: 001 - GENERAL FUND		
Assets		
001-101-101	Receipts Account	146,238.97
001-101-102	Disbursements Account	-11,891.65
001-101-103	L GOV ACCOUNT	234.21
001-101-104	Payroll Account	10,125.62
001-102-105	THF Bank Account	205,415.08
001-102-106	City of Nitro Hotel, Motel, Ta	114,013.49
001-102-107	Fire Fee Account	75,734.49
001-102-108	Fair & Festivals	1,321.18
001-102-109	Firemen's Equip Fund	65,675.42
001-102-110	Peoples FCU CD	9,084.67
001-102-111	Peoples FCU CD	92,384.56
001-102-112	Peoples FCU CD	249,567.42
001-102-113	Police State M-Dent	83,096.57
001-102-114	Police To Be Forfeited	10,055.18
001-102-115	Federal Mdent Fund	6,378.11
001-102-116	Huntington Library Acc	22,117.95
001-102-118	Sales Tax Account	529,316.96
001-109-200	Taxes Receivable	1,048,694.68
001-109-201	Munci Fees Receivable	655,135.99
001-109-202	Accts Receivable Misc	255,481.97
001-109-204	Uncollectiable MFS	-359,326.46
001-122-201	Prepaid Expenes	46,701.82
001-125-202	Investments Real Estate	39,788.18
	Total Assets:	3,295,344.41
		3,295,344.41
Liability		
001-201-230	DISB - Accounts Payable	72,389.95
001-220-250	Wages Payable	-810.50
001-222-206	Federal Tax Payable	-34.02
001-222-207	Retirees Fed W/H Payable	-1,284.00
001-225-213	Insurance Payable	29,221.02
001-228-220	SUTA Tax Payable	8,843.74
001-239-221	Deferred Revenues	159,432.32
001-241-222	Funds Seized Police	10,055.18
001-242-000	Unapplied Credit Liabilities	2,857.35
	Total Liability:	280,671.04
Equity		
001-296-303	Restricted General Fund	240,539.18
001-297-304	Committed General Fund	160,686.55
001-299-301	Fund Balance General Fund	-224,361.92
001-299-306	Unassigned General Fund	1,915,033.67
	Total Beginning Equity:	2,091,897.48
Total Revenue		5,945,542.79
Total Expense		5,022,766.90
Revenues Over/Under Expenses		922,775.89
	Total Equity and Current Surplus (Deficit):	3,014,673.37
	Total Liabilities, Equity and Current Surplus (Deficit):	3,295,344.41

Balance Sheet

As Of 02/28/2019

Account	Name	Balance	
Fund: 002 - COAL SEVERANCE FUND			
Assets			
002-102-100	Coal Severance Tax Acct	12,465.77	
002-109-101	Taxes Receivable Coal Sev	5,890.82	
	Total Assets:	<u>18,356.59</u>	<u>18,356.59</u>
Liability			
	Total Liability:	<u>0.00</u>	
Equity			
002-298-102	Assigned Coal Severance	15,167.05	
002-298-108	Unassigned Coal Severance	-6,439.18	
	Total Beginning Equity:	<u>8,727.87</u>	
Total Revenue		16,738.72	
Total Expense		<u>7,110.00</u>	
Revenues Over/Under Expenses		9,628.72	
	Total Equity and Current Surplus (Deficit):	<u>18,356.59</u>	
	Total Liabilities, Equity and Current Surplus (Deficit):		<u><u>18,356.59</u></u>

UNOFFICIAL

City of Nitro, West Virginia
Official Levy Election
March 16, 2019

	Pct 349	Pct. 350	Pct. 351	Pct. 352	Pct. 354	Pct. 22 / 23	TOTAL	%
For the Levy	5	8	18	26	26	12	95	0.905
Against the Levy	2	0	1	5	1	1	10	0.095
								1.000
Total Ballots Counted							105	

The March recipient of the Spirit of Nitro Award is another one of the hardest working volunteers in Nitro, Bill Fortune. Bill is the leader of the Nitro Food Pantry and Mission Team. He works tirelessly with his team weekly acquiring, sorting and distributing food to those less fortunate in our community. In fact, he just received a call of thanks from US Senator Joe Manchin for the work the Food Pantry is doing in Nitro. Bill's work with the Nitro Mission Team is in close combination with the food pantry. The Mission Team sponsors the Taste of Nitro to raise funds for the Christmas food baskets and toy drive.

Bill is a long-standing member of the Nitro Antique Car Club and organizes Cruz-N's monthly through the summer including those held in conjunction with the Taste of Nitro, Nitro River Fest, Boom Town Days, and the Italian Feast.

During Nitro's Centennial Bill volunteered his time to be a part of Nitro Day at the Legislature, he portrayed Mayor WW Alexander in the production of "Nitro Alive 1917-2017" Dinner Theatre and all at all the other Centennial Events.

Bill is a retired Nitro High School teacher and is currently a member of:

- The Nitro Branding Committee
- The Nitro CVB Board

- The Nitro Mission Team

- The Nitro Food Pantry
- Nitro Antique Car Club