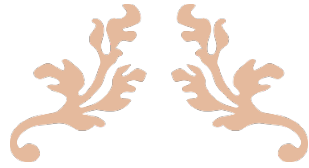


*Town of North Hills*



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# *Town of North Hills*

## **Municipal Code of Ordinances**

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CHAPTER 1

GENERAL PROVISIONS

Article 1

Section 1-1 Code Designated and Cited

The ordinance in this and the following chapters and sections shall constitute and is "The Code of the Town of North Hills, West Virginia," and may be so cited. Such ordinances may also be cited as "North Hills Town Code".

Section 1-2 Definitions and Rules of Construction

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the town council or unless clearly required otherwise:

Computation of time - The time within which an act is to be done shall be computed by excluding the

First and including the last day; and if the last day be Sunday or a legal holiday that shall be excluded.

Council; Town Council, Municipal Council - The words "the council" and the term town council, and "municipal council" shall mean the council of the Town of North Hills, West Virginia.

County - The words "the county" or "this county" shall mean Wood County, in the State of West Virginia.

Gender - A word imparting the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Land - "Land" and "Real Estate" includes rights and easements of an incorporeal nature.

May - The word. "May" is permissive rather than mandatory.

Mayor - The executive head of a municipal corporation.

Month - The word "Month" shall mean 30 calendar days.

Number - A word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; a word imparting the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Oath - The word "Oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

# *Town of North Hills*

Official Time Standard - Whenever certain hours are mentioned in this code or other ordinances, they shall mean standard time or daylight savings time, whichever may be in current use in the Town.

Owner - The word "Owner", applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

Person - The word "Person" shall include a corporation, body politic, firm, partnership, association, organization or any other group acting as a unit, as well as an individual.

Personal Property - Includes every species of property except real property, as herein defined.

Proceeding; Following - The words "Proceeding" and "Following" shall mean next before and next after, respectively.

Property - The word "Property" shall include real and personal property.

Real Property - Shall include lands, tenements and hereditaments.

Shall - The word "Shall" is mandatory.

Signature or Subscription - Includes a mark when person cannot write.

State - The words "the State" or "this State" shall mean the State of West Virginia.

Street - The word "Street" shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the Town, and shall mean the entire width thereof between abutting property lines, including rights-of-way as specified in plats recorded in Wood County.

Tenant or Occupant - The words "Tenant" or "Occupant" applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.

Time - Words used in the past or present tense include the future as well as the past and present.

Written, in Writing - "Written" or "in Writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year - The word "Year" shall mean a calendar year, and the word "Year" alone shall be equivalent to the expression "Year of our Lord".

## **Section 1-3 Catch lines of Section**

The catch lines of the several sections of this Code are intended as mere catch lines to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catch lines, are amended or reenacted.

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**Section 1-4 Severability of Parts of the Code**

It is hereby declared to be the intention of the common council that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this code, shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since they would have been enacted by the common council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**Section 1-5 Effect of Repeal or Expiration of Ordinances**

The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired. When any ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

**Section 1-6 General Penalty; Continuing Violations**

Wherever in this Code or in any ordinance or resolution of the Town council, or in any rule, regulation, notice or order promulgated by any officer or agency of the city under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or any offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof; the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation, notice or order shall be punished by a fine not exceeding \$2,000 unless found willful. Each day any violation of this Code or any such ordinance, resolution, rule, regulation, notice or order shall continue, shall constitute, except where otherwise provided, a separate offense.

Additionally, liens resulting from the unpaid fines for ordinance violations will be filed at the cost of \$100 and 18 percent interest on any unpaid monies due the Town.

Court costs of \$400 may be assessed for those found guilty in mayor's court or magistrate's court.

*Applicable fines for willful violations may be doubled.*

**Section 1-7 Invalidity of Part of Ordinance**

If a part of this ordinance is for any reason declared unconstitutional or otherwise invalid, the decision of the court shall not affect the remaining portions.



CHAPTER 2

ADMINISTRATION

Article 1 - Governing Body

Section 2-1 - Time and Place of Regular Meetings

The governing body shall hold regular meetings at 7:00 p.m. on the Second and Fourth Thursday of each month at a location or place to be designated by Council from time to time, either in the Town of North Hills or such other designated location. It may also establish at its discretion the time and date of any special meeting it deems necessary to secure the general welfare of the community. Special meetings may be called by the Mayor or by three members of the governing body upon written request to the Recorder. At least three days in advance of a special meeting, the Recorder shall send to all members of the governing body a written notice fixing the time, place and agenda of the meeting. The Recorder shall also notify the local newspapers of the same information. Written notice of a special meeting is not required if the time, place, and purpose of the meeting have been fixed at a regular meeting.

Section 2-2 - Who is to Preside at Meetings; Quorum; Interested Members of Governing Body Not to Vote

The Mayor shall serve as the presiding officer at all meetings of the governing body; in the absence of the Mayor the Recorder shall serve as presiding officer. If both the Mayor and Recorder are absent, then a member of the governing body, selected by a majority of the member's present shall preside. A quorum, consisting of a majority of the members of the governing body, must be present in order to transact business. No member of the governing body shall vote upon any ordinance, order, measure, resolution, or proposition, in which he or she may be interested in other than as a citizen of said municipality.

Section 2-3 - Tie Vote; Mayor May Vote

Unless otherwise provided by the charter, the Mayor and Recorder shall have votes as members of the governing body. In the case of a tie, the presiding officer at the time shall cast the tie-breaking vote, unless he/she has previously voted. If the Mayor or Recorder presides at meetings of the governing body of said municipality, he/she may elect not to vote on issues decided by the governing body; however, this choice does not restrict his right to cast a tie-breaking vote.

**Section 2-4 Order of Business**

Unless dispensed with by a majority of the members present, the governing body shall observe the following regular order of business:

- 1) Call to order by presiding officer.
- 2) Roll call by the Recorder or clerk.
- 3) Reading of minutes of the previous meeting by the Recorder or clerk and approval or correction,
- 4) Communications from the Mayor.
- 5) Reports from committees, members of the governing body.
- 6) Old business.
- 7) New business.
- 8) Hearing of grievances of citizens.
- 9) Adjournment.

**Section 2-5 - General Rules of Order**

The rules of order and parliamentary procedure contained in Roberts Rules of Order, revised shall govern the transaction of business by and before the governing body. Only in cases where they conflict with provisions of this Code will they be abandoned.

**Section 2-6 - Governing Body to Keep Records and Minutes of Proceedings**

The governing body of said municipality shall keep an accurate record of all proceedings, ordinances, orders, bylaws, acts, resolutions, rules and regulations; they shall be indexed and open to the general public of said municipality.

**Article 2 - Powers and Duties of the Mayor**

**Section 2-7 - Executes Acts of Governing Body**

The Mayor shall see to it that all ordinances, orders, bylaws, acts, resolutions, rules and regulations made by the governing body are faithfully executed.

**Section 2-8 - Has Control of Police**

The police of said municipality (whether employed by the Town of North Hills or contracted for) are subject to the control of the Mayor. The Mayor may appoint special police officers whenever he/she deems it necessary to preserve the peace and order of the community.

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**Section 2-9 - Shall be Bonded**

The Mayor, while in office, shall be bonded in the sum of \$10,000, with surety acceptable to the governing body. His/her bonding is not released until the complete transfer of office by his/her successor. All Council Members will also be insured for liability.

**Section 2-10 - Jurisdiction to Hear and Determine Violations of City Ordinances**

The Mayor shall have the power to hear and decide alleged violations of ordinances and to convict and sentence persons therefore; however, in no case shall he hand down a monetary penalty exceeding \$2,000 per offense unless the offense is found willful. The Mayor shall enjoy and exercise the duties vested in county magistrates, barring civil cases, within the corporate limits of the Town.

The Mayor possesses the authority to issue search warrants, warrants of arrest, summonses, subpoenas and other forms of process necessary to secure the peace and security of the community.

**Section 2-11 - Maintenance of Docket**

The Mayor shall maintain a docket of all judicial matters and proceedings which come before him/her. The docket shall include the defendant's name, warrant and/or summons numbers, description of alleged offense, disposition, fines and costs imposed and whether received, whether incarcerated, and other **information** relevant to the judicial proceeding.

**Section 2-12 - Issuance of Arrest Warrants**

The Mayor and the Recorder are vested with the authority to issue arrest warrants for violations of this Code.

**Section 2-13 - Issuances of Summonses**

The Mayor and Recorder shall have, at his/her discretion, the choice of either issuing an arrest warrant or a summons whenever an alleged violation of city ordinances occurs, the summons will order the defendant to appear before the municipal court at a specified time in order to answer the charges against himself/herself. The summons shall contain a brief description of the offense charged against him/her but need not be a verbatim account of the supposed violated ordinance. If the defendant fails to answer the summons, the municipal court may proceed with judgment and it shall be binding, subject to the defendant's right of appeal.

**Section 2-14 - Issuances of Subpoenas**

The official designated in Section 2-10 of this Code has invested in him/her the authority to subpoena witnesses whose testimony is relevant to any judicial proceeding. It shall be unlawful for any citizen to ignore said subpoena.

**Section 2-15 - Dispositions of Cases**

Every individual charged with a violation of a municipal ordinance shall have the right to an immediate trial and disposition of his case in conformity to due process requirements. However, this provision does not apply if the municipal court is not in session, if the Mayor is unavailable or if the defendant is not in clear possession of his/her faculties.

**Section 2-16 - Appearance Bonds**

Whenever the municipal court is not in session, or the Mayor is not available, the defendant may be allowed to post a reasonable appearance bond. He/She may also post an appearance bond if he/she has reasonable grounds for delaying his/her trial. Such a bond shall be posted with the Mayor and, in his/her absence, with the Recorder. However, this provision does not apply if an individual is intoxicated or in need of protective custody.

**Section 2-17 - Contempt**

It shall be unlawful for any individual to disrupt or hinder the proceedings of the municipal court through misbehavior in the presence of the court so near as to disrupt the administration of justice, threats of violence to the Mayor, officer of the court, jurors, witnesses or parties going to, attending, or returning from the court; the disobedience or resistance to an order of the court; or the utterance of indecorous and profane language. The court may punish contemptuous persons by imposing a fine of not more than \$50 and/or imprisoning said person for not more than 10 days.

**Section 2-18 - Imposition, Remission and Disposition of Fines and Costs**

All fines and costs imposed by the Mayor must be recorded in the court docket. Once recorded, it shall be beyond the power of the Mayor to remit the whole or any part of said fines and costs unless it is necessary to correct an error. Once recorded, it shall be the duty of the Mayor to turn over all fines and costs to the municipality daily. It shall also be the duty of the Mayor to submit an accounting report to the governing body at least once a month, detailing the collection and non-collection of all fines and costs imposed by his court. The report will give a run-down of all fines and costs for the current month and to date for the current fiscal year.



# *Town of North Hills*

## **Section 2-19 - Appeals**

It shall be the right of any defendant to appeal any verdict of the municipal court to the next term of the circuit court. Such an appeal must occur within 10 days following the judgment of the municipal court. All appeals must be accompanied with the posting of an appeal bond as set forth in Section- 2-20.

## **Section 2-20 - Bond Amounts, Conditions and Forms**

The amount of appearance bonds shall be set by the Mayor or Recorder in the Mayor's office. It is conditioned on the defendant's appearance before the municipal court at a stated time and place. Appeal bonds in all cases shall be set by the Mayor or Recorder in the Mayor's absence, and are conditioned that if the circuit court finds against the defendant, he/she shall promptly pay all costs of the trial and of the appeal. The forms of appearance and appeal bonds shall be made either by 1) cash deposits, 2) any corporate surety company authorized to do business in this state, and 3) property bond with justification of surety. No other type of bond is acceptable.

## **Section 2-21 - Authority to Hire Special Counsel**

It shall be within the power of the Mayor, subject to authorization of the governing body, to employ an attorney or firm of attorneys to represent and advise the municipality on legal matters. This action may be taken in lieu of a town solicitor.

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## **Section 2-22 - Recommend Important Measures**

It shall be the duty of the Mayor to recommend to the governing body measures he deems important to the welfare of the community.

## **Section 2-23 - Generally Supervises Municipality Affairs**

The Mayor shall have general supervisory powers over all the affairs of the municipality. He/she may require municipal officers, council and employees to submit reports whenever he deems it necessary to fully execute his executive functions.

## **Article 3 - Recorder**

### **Section 2-24 - Keep Minutes and Absence of Mayor**

It shall be the duty of the Recorder to keep a journal of the proceedings of the governing body. The Recorder shall also preserve all ordinances in a separate ordinance book.

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# *Town of North Hills*

In the event that the Mayor is temporarily unable to perform his/her duties by reason of illness, absence or any other reason, then he/she may give notice to the Recorder stating the period of time that he/she will be unable to perform his/her duties. During that period of time, the Recorder shall have all the powers, duties, and responsibilities of the Mayor, and shall act in the, Mayor's place and stead in all matters.

In the event that the Mayor is incapacitated due to illness and is unable to give notice to the Recorder of his/her inability to perform his/her duties, then the Town Council may, by majority vote in a regular or special meeting, give the Recorder the powers, duties and responsibilities of the Mayor during the clarification of his incapacity.

In the event that a vacancy occurs in the office of Mayor, Recorder, or Town Council, then the Town Council shall have the power and duty to appoint a person to fill the vacant position. Such appointment shall occur at a regular or special meeting of the Town Council. Appointments shall be for the unexpired term only and persons appointed are subject to all qualifications of duly elected municipal officials.

## **Section 2-25- Shall be Bonded**

The Recorder, while in office, shall be bonded in the sum of \$10,000, with surety acceptable to the governing body. His/her bonding is not released until the complete transfer of office by his/her successor.

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## **Section 2-26 - Replaces Mayor of Municipality**

Whenever the Mayor is unable to faithfully discharge his/her duties of his/her office, the Recorder shall perform all Mayoral duties and be invested with all of the Mayor's power and authority.

## **Section 2-27 - Performs General Administrative Duties**

Administrative duties not expressly assigned a municipal officer by the charter, or this Code, shall be performed by the Recorder. The Recorder shall also have custody and maintain the records, corporate bonds, papers, etc., of the municipality.

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**Article 4 - Rate of Compensation for Elected Officials and Municipal Officers**

**Section 2-28 - In General**

Compensation in the amount of \$650.00 per month shall be paid to the Mayor, and compensation in the amount of \$650.00 per month to the Recorder. Compensation will be paid quarterly; the Town shall report such compensation as required by Federal and State Law. The Town Officers and Council members will be forgiven of annual Street User Fee obligations.

Travel expenses for seminars or meetings which are of interest to the Town shall be authorized by the Town Council, with reimbursement made only after presentation of receipts for authorized expenses.

In the event a member of the governing body fails to execute their duties or misses more than 6 scheduled council meetings per year, then compensation(s) may be terminated by a majority vote of full council.

All of the governing body shall be insured under the municipality's insurance policy.

**Article 5 - Restrictions on Elected Officials, Municipal Officers and Employees**

**Section 2-29 - Business Dealings with the Town**

It shall be unlawful for any elected official, municipal officer, committee member or employee to be privately interested in or profit from any business dealing with the Town.

**Section 2-30 - Gifts and Bribes**

It shall be unlawful for any elected official, municipal officer or employee to accept money, favors, or any other form of gift which could reasonably be construed as an attempt to influence the performance of his/her municipal duties.

**Section 2-31 - Use of Municipal Time and Property**

It shall be unlawful for any elected official, municipal officer or employee to use or authorize the use of any municipal time or property for private benefit or for the benefit of other private individuals or groups. This ordinance shall not apply whenever the governing body has given proper authorization for the use of such time and property and is justly compensated for its use, at a rate normally charged by private sources for comparable service

**Section 2-32 - Use of Position or Title**

It shall be unlawful for any elected official, municipal officer or employee to use his/her position or title to secure unwarranted privileges or benefits for himself/herself or others. No elected official, municipal officer or employee shall use his/her position and title to make purchases in the name of the municipality when they are intended for private use.

**Article 6 - Commissions**

**Section 2-33 - In General**

It will be necessary, from time to time, for municipalities to formulate certain commissions to better oversee the development of specific areas under the supervision of the municipality. Examples include: park commissions; utility commission; or human relations commissions. In enacting enabling ordinances creating such commissions, council will include the following provisions:

- 1) Purpose
- 2) Creation; composition; appointment; terms and compensation of members; filling vacancies
- 3) Officers; rules; meetings; records
- 4) Powers and authority generally; budget; annual report
- 5) Duties and responsibilities

**Section 2-34 - Invalidity of Part of Ordinance**

If a part of this ordinance is for any reason declared unconstitutional or otherwise invalid, the decision of the court shall not affect the remaining portions.

# *Town of North Hills*

## Section 2-35 – Effective Date of Ordinance

This ordinance shall be in effect from and after final passage by the Town Council.

Passed First Reading: \_\_\_\_\_

Passed Second Reading: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recorder

\_\_\_\_\_  
Date

Chapter 3 (Open)

Chapter 4 (Open)

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Chapter 5

Building, Technical Codes and Permits

Section 5-1 General

Whereas the Town of North Hills is currently comprised of single family residences, recreation areas as owned by the Town of North Hills and the North Hills Swim and Racquet Club, roads, building lots and undeveloped acreage, it is the purpose of this ordinance to provide for the continued orderly development of the Town and establish standards which will insure the health and wellbeing of the community.

Section 5-2 Residences

Construction in existing platted areas shall be limited to single family residences constructed upon one or more lots and shall be used for residence purposes only. Only one residence and such private garage as may be needed with it shall be constructed thereon. No buildings shall be erected on any part of the lot so that the front wall of said building shall be closer than twenty-five (25) feet to the line of the street in front of said lot. No side wall of the residence or garage shall be closer than ten (10) feet to the boundary of the lot. No mobile home, travel trailer, motor home, truck-camper, trailer camper, tent, shack, garage, or other outbuilding located on the premises shall be used at any time as a residence, either temporarily or permanently, nor shall any structure of a temporary character be used as a residence. No residential lot in the town shall be used, or converted into, a public or private road or street for vehicular traffic without the approval of the Town Council. No residential structure currently erected within the boundaries of the town shall be removed without the approval of the Town Council.

"Swimming pools shall not encroach on any front or side yard. A wall of a swimming pool shall not be located less than fifteen (15) feet from any rear or side property line nor less than twenty-five (25) feet from any street property line."

# *Town of North Hills*

## **Section 5-3 The Building Advisory Board**

The Town Council shall function as the Building Advisory Board and will review all proposed development of roads, drainage, utilities and construction of residential homes to be sure appropriate standards are maintained which will protect the health, safety and welfare of the community. Council objectives should also be concerned with the effect of new proposals on current property values.

## **Section 5-4 Duties and Powers of the Building Advisory Board**

It shall be the responsibility of the Town Council to recommend issuance of building construction permits based on the following guidelines: No residence, addition to a residence or out-buildings shall be erected, placed or altered on any building site in the Town of North Hills without adherence to the following:

- a) No residence, addition to a residence, outbuildings, fences, swimming pools, or other structures shall be erected, placed or altered on any building site, or any roads or streets which may in the future be created within the Town of North Hills until building plans, specifications, building materials and plat plan showing the location of such residence, addition, outbuilding, fence, swimming pool or other structure and any such roads or streets are approved and recorded by the Town Council at a regularly scheduled council meeting and the appropriate building permit issued by the Recorder. A majority vote by the Town Council is required to give approval.
- b) Items to be considered in approving single family residences for construction shall include but otherwise not be limited to conformity and harmony of external design in relation to existing structures in the Town and the location of the building with respect to topography drainage and finished ground elevation.
- c) The total ground floor living area of the main structure of a single family residence exclusive of open porches, decks and garages shall not be less than (1500) square feet in the case of a one-story or split level structure, and provide off-street parking for no less than two automobiles for said premises.

## *Town of North Hills*

Only driveways and parking areas constructed of concrete, paving brick, or asphalt is allowed. All existing gravel or other materials (such as mulch) driveways or residential parking areas must be removed or upgraded by the owners of the residence by August 31<sup>st</sup>, 2015. Failure to comply will result in monthly fines and lien action.

d) The total ground floor areas of the main structure of a single family residence exclusive of open porches, decks and garages shall not be less than twenty-two hundred (2200) square feet in the case of 1.5, 2, or 2.5 story structure, and provide off-street parking for no less than two automobiles for said premises.

Only driveways and parking areas constructed of concrete, paving brick, or asphalt is allowed. All existing gravel or other materials (such as mulch) driveways or residential parking areas must be removed or upgraded by the owners of the residence by August 31<sup>st</sup>, 2015. Failure to comply will result in monthly fines and lien action.

e) The Town Council acting in a review capacity shall examine the proposals for development of all land areas not currently approved for single family residences within the Town of North Hills by the Wood County Court and Wood County Planning Commission. Plans for plats along with specifications for grading, storm sewers, sanitary sewer service, electric, water, natural gas, roads, curbing and other utilities as may be required shall be submitted to the Town Council at least ninety (90) days before the proposed work is to begin.

f) In no instance shall the Town Council delay review of requests for permits or proposed plats which would result in undue delay or monetary loss to the applicant. The Town Council shall not arbitrarily or unreasonably withhold approval of requests for building permits. In such instances the applicants should present their concerns to the Town Council in writing.



# *Town of North Hills*

## **Section 5-5 - Building, Plumbing and Electrical Codes**

The governing body of the Town of North Hills in order to provide additional safety to life and property and to insure the health and well-being of the community hereby requires that in the construction, repair or alteration of any building or other structure, or any part of any building or structure, the specifications to be met, the materials to be used, the methods to be employed and the standards of workmanship shall conform to nationally accepted standards as stated in publications of recognized experts in their respective fields. The current edition of the Southern Standard Building Code is to be used in determining acceptable standards.

The governing body of the Town of North Hills in order to promote the health, sanitation, general public safety and welfare of the community, hereby requires that in the construction, installation, extension or alteration of any plumbing system or device or any part thereof, the specifications to be met, the materials and devices to be used, the methods to be employed and the standards of workmanship shall conform to nationally accepted standards as stated in the current edition of the Southern Standard Plumbing Code, recommended by the State Building Code Congress.

The governing body of the Town of North Hills in order to provide for the practical safeguarding of persons and buildings from hazards arising from the use of electricity hereby requires that in the construction, installation, erection, extension or alteration of any electrical wiring, apparatus, fixture or device, or any part thereof, the specifications to be met, the materials and devices to be used, the methods to be employed and the standards of workmanship shall conform to nationally accepted standards as stated in the current edition of the National Electrical Code, recommended by the National Fire Protection Association.

The codes adopted in this section shall be known and cited as the "Municipal Building, Plumbing and Electrical Codes" and it shall have controlling effect within the municipality. It is the responsibility of the resident and or owner to adhere to current construction codes.

# *Town of North Hills*

## **Section 5-6 Building and Grading Permit Fees**

No building or grading permit shall be issued by the Recorder until the fee prescribed in this section has been paid. No amendment to a permit shall be approved until the additional fee, if any, due to an increase in the estimated cost of the building, structure, or grading has been paid. The home owner shall be required to pay all required inspection fees.

Building or grading permit fees shall be paid to the Recorder upon submission of an approved application for a permit. Permit fees shall be based upon the total valuation of the proposed construction in accordance with the following schedule:

<u>Total Valuation</u>	<u>Fee</u>
Less than \$500.00	No Fee
More than \$500.00, to and including \$3,000.00	\$15.00
Each additional \$1,000.00 or fraction thereof; to and including \$100,000.00	\$3.00
Each additional \$1,000.00 or fraction thereof; more than \$100,000.00	\$2.00

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A qualified inspector may be employed by the Town Council to insure that provisions of Section 5 are satisfied. All fees are to be paid by the Owner.

In case of abandonment or discontinuance, no adjustment of the fee will be made and the portion of the fee for uncompleted work will not be returned to the permit holder. If such discontinuance is due to revocation of a permit, an adjustment and return may be made, provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made, no work shall be resumed until a new application has been made and a new permit has been issued.

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## Section 5-7 Violations

Whenever the Town Council has been advised by a Building Inspector hired by the Town of North Hills or otherwise determines that there are reasonable grounds to believe that there has been a violation of any provision of the codes or whenever a petition is filed by at least five (5) residents to this effect and a preliminary investigation by the council discloses that there is a basis for such charges, the Council shall give notice of such alleged violation to all parties in interest. Such notice shall:

- (1) be in writing;
- (2) include a statement of the reasons why it is being issued;
- (3) allow a reasonable time for the performance of any act it requires

(4) be served upon the owner, his agent, or the occupant, as the case may require; provided that such notice be properly served. A notice shall be deemed as being properly served if it is served personally; or a copy of said notice is sent by registered mail to the last known address; or a copy is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is: served such. notice by any other means authorized by the laws of this state;

(5) advise the recipient that upon his request a hearing will be held before the Town Council at a designated time and place not less than ten (10) nor more than thirty (30) days after service of complaint. At this hearing the parties in interest may appear and be heard and be given an opportunity to show why such notice should be modified or withdrawn. Upon the request of the petitioner, the Board may postpone the date of the hearing beyond the thirty (30) day limit, if the petitioner has submitted a good and sufficient reason for such postponement.

After such hearing, the Town Council shall sustain, modify or withdraw the notice, depending on whether they feel the provisions of the technical code and the rules and regulations adopted pursuant to it have been complied with. If the council sustains or modifies the notice, it shall be deemed to be an order. Any notice which is served shall automatically become an order if the subject of said notice fails to appear at the hearing.

After a hearing in the case of a notice suspending any permit required by the building and technical code,' the permit shall be deemed as having been revoked if the council sustains the notice. Any permit which has been suspended by a notice will be automatically revoked if the subject of the notice fails to appear before the hearing.

# *Town of North Hills*

## Section 5-7 Violations (continued)

The proceedings at such a hearing, including the findings and decision of the Town Council, shall be summarized, reduced to writing and filed with the Recorder. Such record shall also include a copy of every notice or order issued. Any person aggrieved by any decision of the Town Council may seek relief by requesting a hearing before the Town Council of North Hills.

Any person violating the provisions of this ordinance or any rule or regulation adopted pursuant to authority granted in this ordinance shall be guilty of a misdemeanor and may be fined not in excess of \$2000 for each violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations within a reasonable time and when not otherwise specified each day that any prohibited condition is maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Any violator shall be liable to the municipality for any costs and expenses incurred by reason of such violation or by reason of abatement of any nuisance or hazard created thereof or by reason of the enforced rectification of prohibited conditions.

## Section 5-8 Businesses

No *notable* places of business or trade shall be constructed or permitted in the Town of North Hills. For example: no public garages, service stations, warehouses, food stores, drug stores, stables, apartment houses, room rentals, schools, hospitals, undertaking establishments, medical or dental offices, care facility practice, or modification of any residence for the conduct of any business or trade will be allowed.

As long as a "home business" does not use the residence for the manufacture of a product, employment, storage of materials, warehousing, posting of advertising, create objectionable noise or orders, renting of rooms within the residence, or cause undue traffic then the business practice may be acceptable. Simply stated, such a "home business" or "for profit" business must be conducted such that it is not noticeable to residents and has no impact to the Town or the Town's residents.

There will be no "grandfathering" for any current ongoing conduct that meets the definition of a notable place of business.

The one exception is the Snack Bar operated by the North Hills Swim and Racquet Club, and its operation shall be limited to the period each year beginning Memorial Day and ending with Labor Day.

# *Town of North Hills*

## Clarification of a Notable Business:

1. Rental of rooms within a residence shall not be permitted.
2. Dormitory living within Town residences is explicitly prohibited.
3. Residences shall not be used for halfway houses and/or other sponsored (government or private) social assistance programs.
4. No building or recreational vehicle outside the primary residence shall be used for routine habitat.
5. Day care for profit within a residence is not permissible; nonpaying assistance for relatives are permitted.
6. Home lawn care businesses conducted out of a residence shall not use the residence for the outside storage of operating equipment (trailers, trimmers, mowers, gasoline, etc).
7. The business vehicle(s) of a resident larger than a pickup truck or van and business trailers shall not be permitted to be routinely parked overnight on town streets or on a resident's property.
8. The work vehicle(s) of a resident with industrial hardware and/or flammable and/or hazardous materials shall not be routinely parked on a resident's property or town streets.
9. Periodic home parties such as Avon, Longaberger are acceptable; same for garage sales. Key word for any such enterprise is periodic and not routine.

# *Town of North Hills*

## Section 5-9 Swimming Pools

Plans for swimming pools shall be reviewed and approved by the Town Council. Pool design and construction standards shall comply with the appropriate sections of the current edition of the West Virginia State Building code.

The swimming pool and equipment shall be equipped to be completely emptied of water and the discharged water shall be disposed of in a manner that will not create a nuisance to adjoining property. Pool owners shall be liable for all damages to adjoining property owners resulting from water disposal or pool overflows.

Every person owning land on which there is situated a swimming pool, which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground or surrounding pool deck. All gates must be self-latching with latches placed four

(4) feet above the underlying ground and otherwise made inaccessible from the outside to small children.

A natural barrier, hedge, or alternative protective devices must be approved by the Town Council and may be used so long as the degree of protection afforded by the substituted devices or structures is no less than the protection afforded by the enclosure, gate and latch described herein.

The requirement for safety devices mentioned in this section shall apply to all swimming pools in the Town of North Hills. Swimming pools existing on or before May 15, 1982, shall be brought into compliance with the regulations on or before October 15, 1982, as hereinafter specified. The Recorder of the Town of North Hills, shall mail copies of this ordinance (return receipt requested) to all known owners of pools on or before May 15, 1982. On or before September 1, 1982, the owners of such pools shall notify the Town Council when such safety devices are in place. The Town Council will arrange for an inspection of the devices by the Building Inspector on or before September 15, 1982.

Swimming pools constructed after May 15, 1982, must be equipped with the safety devices prescribed herein. Such approved devices must be in place before the pool is filled with water.

Owners of swimming pools shall properly maintain the safety devices at all times.

**Section 5-10 - Grading Permits**

**Sub-Section 10-1 - Permit Required**

No person shall do or cause to be done any grading, stripping or cutting upon any site within the Town of North Hills unless and until he has obtained a grading permit issued by the Recorder of the Town of North Hills. Provided, however, that no grading permit shall be required for the tilling or cultivation of any plot of ground within the Town of North Hills for the purpose of growing flowers, vegetables or other plants.

**Sub-Section 10-2 - Requirements for Grading Permit**

Any person desiring a grading permit shall submit to the Town Council at least ten (10) days before proposed work is to begin the following information for the entire site upon which any grading, stripping or cutting is to be done:

- a) A plot or boundary line survey of the entire site on which the grading, stripping or cutting is to be done.
- b) Description of the features, existing and proposed, surrounding the site of important to the proposed development.
- c) Description of general topographic and general soil conditions on the site. (Information as to soil conditions are available from Little Kanawha Soil Conservation District's Erosion and Sediment Control Handbook for Urban Areas, 1972.)
- d) Location and description of existing and future manmade features of importance to the proposed development
- e) The plans and specifications for a grading permit shall contain needed and necessary soil erosion and sedimentation control techniques using one or more of the appropriate soil erosion control measures in accordance with the standards and specifications of the Little Kanawha Soil Conservation District's Erosion and Sediment Control Handbook for Urban Areas, 1972, if the proposed grading, stripping or cutting will result in soil erosion and/or siltation of the adjoining property or property in the area.
- f) A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to completion of effective erosion and sediment control measures.
- g) All applications for grading permits shall be made in writing upon a form provided by the Recorder of the Town of North Hills and shall be made under oath and signed by the owner of the site, or for the owner by the contractor proposing to do the work, or other authorized person.

**Sub-Section 10-3 - Approval by Building Inspector; Issuing Permit**

Upon receipt of an application for a grading permit, the Town Council of North Hills shall within three (3) days of the date thereof, make or cause to be made an inspection of the site to be graded, and if he finds that erosion or sediment control measures are not necessary or that the planned and specified measures contained in the application are adequate to control and prevent erosion and/or siltation of adjoining property or property in the area, he shall immediately recommend the issuance of the grading permit to the Town Council who shall approve the permit to be issued by the Recorder. In the event that the Town Council shall find that the proposed grading as planned will result in erosion and/or siltation of adjoining property or property in the area, he shall not recommend the issuance of the grading permit and return the application to the applicant for inclusion of recommended changes and resubmission of the application.

Grading permits upon tracts of land smaller than one-half (1/2) acre shall be approved by a qualified building Inspector if the following conditions are met:

- a) The proposed grading, stripping or cutting will not result in soil erosion and/or siltation upon adjoining property or property in the area, and,
- b) No disturbed soil shall be exposed for more than thirty (30) days without temporary or permanent cover. Grading permits upon tracts of land one-half (1/2) acre or larger shall be approved by the Building Inspector if the following conditions are met:
- c) The proposed grading, stripping or cutting will not result in soil erosion and/or siltation upon adjoining property or property in the area.
- d) No disturbed soil shall be exposed for more than thirty (30) days without temporary or permanent cover.
- e) If needed to prevent excessive soil erosion and/or siltation, the plans shall contain appropriate soil erosion and sedimentation control techniques using one or more of the soil erosion control measures in accordance with the standards and specifications of the Little Kanawha Soil Conservation District's Erosion and Sediment Control Handbook for Urban Areas, 1972.



**Sub-Sub-Section 10-4 - Period of Validity - Renewals**

Any grading permit issued under the provisions of this ordinance shall be valid for a period of six months from and after the date thereof. If the grading of the site has not been completed within six months from the date of such permit, the same may be renewed for an additional period of six months without assessment of any fee therefore. If any grading is not started and the work not actually begun within six months after the date of the original permit therefore, no renewal permit will be granted, but a new application therefore shall be made and an additional fee paid, such additional fee to be on the same schedule as any other permit.

**Sub-Section 10-5 - Fee for Permit**

Upon being granted a grading permit, the permit fee shall pay for the permit as prescribed in Section 10-6 Building and Grading Permit Fees.

**Sub-Section 10-6 Grading Without Permit or In Noncompliance with Provisions of Permit**

Until an application is made and approved in the manner prescribed in this ordinance and the grading permit issued, no grading, stripping or cutting of any site within the Town of North Hills shall be done, and no grading, stripping or cutting of any site within the Town of North Hills shall be done without strict compliance with soil erosion and siltation control measures set forth in the grading permit. Any owner, lessee, contractor and any workman who shall perform any work or labor, shall cause, permit or allow the same to be performed in the grading, stripping or cutting of any site within the Town of North Hills without obtaining a permit therefore or without complying with the soil erosion and siltation control measures set forth in the grading permit shall be considered in violation of this ordinance and will be penalized in accordance with Section 7 Violations.

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## **Sub-Section 10-7 - Definitions**

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- a) **Erosion**: The wearing away of the land surface by action of wind, water or gravity.
- b) **Erosion and Sediment Control Handbook for Urban Areas, 1972**: The handbook compiled by the Little Kanawha Soil Conservation District in cooperation with the U.S.D.A. Soil Conservation Service, other federal, state and local agencies, and in consultation with the State Soil Conservation Committee.
- c) **Grading**: Any stripping, cutting, filling, stockpiling or any combination thereof, and shall include the land in its cut or filled condition.
- d) **Grading Permit**: A permit issued to authorize work performed under this ordinance.
- e) **Little Kanawha Soil Conservation District**: The subdivision of the State of West Virginia created and organized in November 1946, pursuant to the provisions of the "Soil Conservation Districts Law of West Virginia".
- f) **Permit tee**: Any person to whom a permit is issued in accordance with the provisions of this ordinance.
- g) **Permanent Cover**: Perennial seedlings and plants used for critical areas to minimize soil erosion as permanent cover.
- h) **Person**: The word "person" shall extend and be applied to firms, partnerships, associations, bodies political and corporate or any other group acting as a unit, as well as individuals.
- i) **Sediment**: Solid material, both mineral and organic, that is in suspension, is being transported, or has moved from its site of origin by air, water or gravity as a product of erosion.
- j) **Soil**: All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.
- k) **Site**: Any plot or parcel of land or combination of contiguous lots or parcels of land where grading is performed or permitted.
- l) **Stripping**: Any activity which removes or significantly disturbs the vegetation surface cover including clearing and grubbing operations.

m) Standards and Specifications: Standards and specifications developed for use in minimizing soil erosion and siltation in the Little Kanawha Soil Conservation District's Erosion and Sediment Control Handbook for Urban Areas,1972.

n) Temporary Cover: Straw, hay, mulch or annual seedlings used for critical areas to minimize soil erosion for no more than one (1) season.

**Section 5-11 - Satellite Ground Stations or Other Antennas**

**Sub-Section 11-1 - Satellite Ground Stations or Other Antennas Placement**

Within the existing town limits, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites.

1. Such ground stations or antennas shall be for the personal use of residents and their guests only.
2. Such ground stations or antennas shall contain no graphic message or advertising.
3. Ground-mounted stations or antennas shall be considered accessory structures and shall comply with following condition and requirements.
  - 3a. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure and shall not exceed an above grade height of twelve feet.
  - 3b. Such stations or antennas shall not be located closer than ten feet to a rear lot line, or one foot from any easement.
  - 3c. Such stations or antennas shall be mounted in a concrete base in line with grade and only metal supports or galvanized construction shall be utilized.
  - 3d. Wiring between such station and any other structure shall be placed underground.
  - 3e. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.

# *Town of North Hills*

4. Roof mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:
  - 4a. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.
  - 4b. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than three feet above the roof on which it is mounted. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof.
  - 4c. The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed three feet.
5. Before such stations or antennas are installed, the proposal and plans shall be submitted to the Town Council for approval. The Town Council of North Hills shall conduct a compliance inspection upon completion of the installation and verify that the rules contained in Section 11 of the ordinance has been satisfied. This report will be in writing to the Town Council. No building permit fee shall be required.

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## **Sub-Section 11-2 Installation of Satellite Ground Stations or Other Antennas Prior To Enactment of This Ordinance**

Satellite ground stations or other antennas installed before 1982 shall be exempt from this law.

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**Section 5-12 - Regulations for Lot Maintenance**

**DUTY OF PROPERTY OWNER OR OCCUPANT TO REMOVE RUBBISH AND CUT WEEDS**

Every person owning or occupying any lot, tract, or parcel of land or property whether vacant or occupied, within the Town, shall keep the property free from and remove therefore any dirt, rubbish, debris, weeds, brush, trees, plant growth, filth or any other deleterious material which may endanger or injure neighboring property or health, safety or welfare of the residents of the Town; and every person owning or occupying any lot, tract, or parcel of land or property within the Town shall cause the grass, weeds, brush, trees, plant growth, filth or any other deleterious material thereon to be cut at least once each month during the months of May, June, July, August, and September of each year, and at such other times as the Town Council may direct to prevent such lot tract or parcel of land from becoming unsightly, unwholesome, offensive or a menace to health or safety.

**NOTICE TO REMOVE RUBBISH OR CUT WEEDS; ITS REMOVAL BY TOWN.**

a) In the event that any person owning or occupying any lot, tract, or parcel of land or property within the Town fails to perform his duty to cut and remove dirt, rubbish, debris, weeds, brush, trees, plant growth, filth or any other deleterious material there from, as required by the Town ordinance, the

Town Council shall give or cause to be given in writing to any person owning or occupying such lot, land or property, notice to remove such dirt rubbish, debris, weed's, brush, trees, plant growth, filth or any other deleterious material from such lot or parcel of land, within seventy-two hours from the date of the serving of the notice provided for herein.

b) Unless within the seventy-two hours provided for, the dirt, rubbish, debris, weeds, brush, trees, plant growth, filth or any other deleterious material is removed from such lot, land, or property as directed by such notice, the Town Council may cause the same to be removed either by the agents or employees of the Town, or otherwise as they may decide or direct, in which event the Town Recorder shall report the cost of cutting and removal and hauling immediately mail a bill , voucher, or statement of such cost to the person owning or occupying such lot, land, or property and the bill, voucher, or statement shall be due within ten (10) days of then date of the mailing of the bill, voucher, or statement.

c) The notice referred to in subsection (a) hereof shall be sufficient and shall be deemed to have been given when a written, notice is delivered in person to the owner or occupant, or deposited in the United States mail addressed to the owner or occupant at his last known address or by any of the 5-9methods prescribed for the service of process issued by the clerk of a circuit court of the State.

# *Town of North Hills*

d) No error in the name of the property owner, the description of the property or in the materials designated to be cut and removed shall affect the validity of such notice, provided that from the description of such lot, land, or property, the identity thereof may be established with reasonable certainty.

## **Section 5-13 Waiver and Modification**

Waiver of provisions of this ordinance except for Section 8 may be made only by majority vote of the Town Council.

Waiver of ordinance provisions, amendments or repeal of this ordinance insofar as it shall alter the intent of Section 5-8 Businesses, shall be made by the Town Council only after conducting a properly advertised public hearing for the citizens of the Town of North Hills. Standards and procedures as prescribed by the West Virginia Code for ordinance publication and passage including referendum provisions shall be reviewed at this public hearing along with the proposed changes. After the public hearing, Town Council may then proceed with the formal procedures to amend or repeal Section 5-8.

## **Section 5-14 Invalidity of Part of Ordinance**

If a part of this ordinance is for any reason declared unconstitutional or otherwise invalid, the decision of the court shall not affect the remaining portions.

## **Section 5-15 – Effective Date of Ordinance**

This ordinance shall be in effect from and after final passage by the Town Council.

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

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

\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Recorder Date

CHAPTER 6

ELECTIONS

Article 1 - Election Preparations

Section 6-1 Definitions

The provisions of this chapter shall apply to every town election of officers or to every town special election. County and state elections will be controlled by appropriate authorities as specified in chapters 3 and 8 of the West Virginia Code.

Unless the context clearly requires a different meaning, as hereby used:

"Voter" shall mean any person who possesses the. Statutory and constitutional qualification for voting;

"Election" shall mean the procedure whereby the voters of this State or any subdivision thereof elect persons to fill public offices, or elect members of a constitutional convention or vote on public questions;

"Any election" or "all election" shall include any primary, general or special election held in this State or any of its subdivisions.

"Office" shall be construed to mean "public office" which shall include any elective office provided for by this municipality.

"Candidate" shall mean any person to be voted for at an election.

"Public Question" shall mean any issue or proposition now or hereafter required by the governing body of this municipality for decisions at elections.

"Minor" shall mean a person who has not become eighteen years of age.

Section 6-2 Persons Entitled to Vote

The citizens of this municipality are allowed to vote in any town election, except a person who has not been registered, or who is a minor, or who is of unsound mind, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of this municipality for more than thirty days.

Section 6-3 Municipal Voting Precinct

The governing body of this municipality for purposes of a municipal election shall use the precinct as assigned by the Wood County Commission.

Section 6-4 Day and Hours of Election

The elections of town offices shall be held in November during the state's general election.

# *Town of North Hills*

## **Section 6-5 Voter Registration Forms**

Voter registration of The Town of North Hills will be conducted by the Wood County Clerk, at the Wood County Court House, in accordance to state and local election laws.

## **Section 6-6 Absentee Voting**

An absent voter's ballot may vote by mail or by personal appearance by requesting an absentee ballot from the county clerk's office or through early voting conducted by the county clerk's office.

## **Section 6-7 Notification to Residents Regarding Elections**

A notice to all residents via the June "Town Crier" will be given regarding the upcoming election. Instructions on how to file for candidacy will be given in this announcement which will include:

1. Instructions on how to file
2. Filing Deadline
3. Date of Drawing for Ballot Position

## **Section 6-8 Filing Announcements of Candidates; Requirements**

Any person who is eligible to hold an office shall file with the Recorder of the town a certificate declaring himself a candidate for the nomination for such office; which certificate shall be in form or effect as follows:

I, \_\_\_\_\_, hereby certify that I am a candidate for the nomination for the office of \_\_\_\_\_ and desire my name printed on the official ballot to be voted at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; that I am a legally qualified voter of the county of Wood, State of West Virginia; that my residence is number \_\_\_\_\_ of \_\_\_\_\_ street in the town of North Hills in Wood county in said State; that I am eligible to hold the said office; that I am a candidate for said office in good faith.

Signed and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Signature and official title of person before who signed.

\_\_\_\_\_  
Signature of Candidate

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# *Town of North Hills*

Such announcement shall be signed and acknowledged by the candidate before some officer qualified to administer oaths, who shall certify the same.

## **Section 6-9 Drawing for Ballot Position**

The Recorder will list the names, by office and individually numbered slips will be placed in a drawing box for each of the candidates running for office. Each candidate, or their representative, must draw a number for their ballot position for the office they are seeking. The date of drawing will be set by the council and will occur no later than 11 weeks and 1 day prior to the November Election.

## **Section 6-10 Submission of Sample Ballot to the Wood County Clerk's Office**

A sample ballot must be submitted by the Recorder to the County Clerk's office no later than 11 weeks prior to the general election with the following information:

1. Date of Election
2. Full names of the candidates for Mayor in order of ballot position drawing and the maximum number of candidates each voter is to vote for
3. Full names of the candidates for Recorder in order of ballot position drawing and the maximum number of candidates each voter is to vote for
4. Full names of the candidates for council in order of ballot position drawing and the maximum number of candidates each voter is to vote for

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## **Section 6-11 Certification of Sample Ballot**

The Town Recorder will send with the sample ballot the following statement certifying the sample ballot:

STATE OF WEST VIRGINIA  
COUNTY OF WOOD, TO WIT

I, \_\_\_\_\_, Recorder of the Town of North Hills, West Virginia, hereby certify that the above is a true and accurate copy of the list of candidates to be placed on the ballot for the general Election to be held on \_\_\_\_ day of November, YYYY.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of North Hills, County of Wood and State of West Virginia this the \_\_\_\_ day of August, YYYY.

\_\_\_\_\_  
Recorder, Town of North Hills

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# *Town of North Hills*

## **Section 6-12 Filing Fees and Their Disposition**

Filing fees are not required for candidates for town office.

## **Section 6-13 Certification and Posting of Candidacies**

Not less than 11 weeks prior to the General Election, the Recorder shall arrange the names of all the candidates, who have filed announcements with him, as provided in this article, and shall forthwith certify the same under his name and file the same with the county clerk's office.

Such certificate of candidates shall show the name and residence of each candidate, the office for which he is a candidate.

## **Section 6-14 Write-in Votes**

All voting procedures will be conducted by the Wood County Clerk, at the Wood County Courthouse, in accordance with state and local laws.

## **Section 6-15 Candidate Election Expenses**

All candidates for election to town office and all persons or organizations advocating or opposing the election or defeat of a candidate or the passage or defeat of any issue to be voted upon shall keep records of receipts and expenditures which are made for those political purposes. All such receipts and expenditures shall be subject to regulation by the provisions of this section.

Not less than five days nor more than ten days before each election, and again within thirty days after each. election, every candidate for election, and every financial agent, person, the treasurer or equivalent officer of any association or organization of any kind advocating or opposing the passage or defeat of any issue, thing or item to be voted upon or pertaining to the holding or conducting of any election shall file with the town Recorder a detailed itemized financial statement subscribed and sworn to before an officer authorized to administer oaths, setting forth all financial transactions which have taken place by the date of such report in connection with such election.

Blank financial statements may be obtained from the Recorder of the town and will comply with all requirements of the West Virginia Code (3-8-5a).

## **Section 6-16 Circulation of Written Matter**

No person shall publish, issue, or circulate, or cause to be published, issued, or circulated, any anonymous letter, circular, placard, or other publication tending to influence voting at any election.

# *Town of North Hills*

## **Section 6-17 Invalidation of Part of Ordinance**

If a part of this ordinance is for any reason declared unconstitutional or otherwise invalid, the decision of the court shall not affect the remaining portions.

6-3

## **Section 6-18 Effective Date of Ordinance**

This ordinance shall be in effect from and after final passage by the Town Council.

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

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

\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Recorder Date

# *Town of North Hills*

## Chapter 6, section 6-19 Minimum Qualification for serving on the Governing Body for the Town of North Hills.

Persons desiring to serve on the Governing Body for the Town of North Hills must be a resident of the State of West Virginia, a resident of the Town of North Hills (not a renter), shall be up to date on Street User Fee payments, and have no current liens for ordinance violations. For clarification, a person(s) who resides in a North Hills residence under a “land contract” shall be considered a “renter” if the land contract is not registered with the assessor’s office.

## Section 6 section 6-20 Recall or removal of an elected official

A resident (s) of the Town of North Hills may initiate a recall to remove a member (s) of the governing body for unsatisfactory performance of the duties of their position or engaging in illicit behavior deemed detrimental to the good of the town by:

1. Presenting a formal complaint to the governing body via written communication and or orally at a regular council meeting.
2. At an ensuing regular council meeting (or specially-called town hall meeting if warranted), having the complaint presented as an agenda item (or as THE agenda for the town hall meeting) in an effort to inform the residents of North Hills of the situation, provide a forum for discussion, and attempt to substantiate or unsubstantiated the claim. It may be desirable to have the town’s legal counsel present at this meeting.
3. Following this discussion, if the resident(s) initiating the complaint feels further action is warranted, presenting a recall petition to the governing body of North Hills containing the signatures of 25% of the registered voters residing in North the town of North Hills. The governing body will validate all the signatures through the county clerks office, and determine the final percentage.

# *Town of North Hills*

## Section 6 section 6-20 Recall or removal of an elected official (Continued)

4. Following consultation with the town's legal counsel, if deemed prudent, the governing body shall arrange, within 45 days of the receipt of the petition, a vote by the registered voters residing in the Town of North Hills to determine removal or retention of this member(s). Member(s) shall be immediately removed or retained based on a simple majority of those voting.

## CHAPTER 7 (OPEN)

CHAPTER 8

TAXATION, FINANCE AND LICENSING

ARTICLE 1 - TAXATION AND SPECIAL ASSESSMENTS

Section 8-1 Property Tax; Classes of Taxable Property

This municipality shall have the authority to tax real and personal property within the municipal boundaries at its "true and actual value" for each of three classes of property:

CLASSES OF PROPERTY

Class I- All tangible personal property exclusively in agriculture including horticulture and grazing; all products of agriculture (including livestock) while owned by the producer; all notes, bonds, bills and accounts receivable, stocks and-any other intangible property.

Class II - All property owned, used and occupied by the owner exclusively for residential purposes; all farms, including land used for horticulture and grazing, occupied and cultivated by their owners or bona fide tenants.

Class III - All real and personal property situated outside of this municipality exclusive of Classes I and II and, therefore, not taxable by this municipality.

Class IV - All real and personal property situated inside of this municipality exclusive of Classes I and II.

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Section 8-2 Maximum Property Tax Levy Rates

The maximum property tax levy rates for each property class per \$100 valuation that can be assessed without requiring a vote from the electorate are:

<u>Class I</u>	12.5 cents
<u>Class II</u>	25 cents
<u>Class IV</u>	50 cents

This municipality may impose an excess levy lasting up to three years for a special or general purpose if such a levy is approved by at least 60% of the votes cast in the special levy election. The maximum rates for each \$100 of assessed value are:

<u>Class I</u>	6.25 cents
<u>Class II</u>	12.5 cents
<u>Class IV</u>	25 cents

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**Section 8-3 Special Charges for Municipal Services**

Every municipality which furnishes any essential or special municipal service, including, but not limited to, police and fire protection, parking facilities on the streets or otherwise, parks and recreational facilities, street cleaning, street lighting, street maintenance and improvement, sewerage and sewage disposal, and the collection and disposal of garbage, refuse, waste, ashes, trash and any other similar matter, shall have plenary power and authority to provide by ordinance for the installation, continuance, maintenance or improvement of such service, to make reasonable regulations with respect thereto, and to impose by ordinance upon the users of such service reasonable rates, fees and charges to be collected in the manner specified in the ordinance

The municipality shall not, however, have a lien on any property as security for payments due under such ordinance.

Any ordinance enacted or substantially amended under the provisions of this section shall be published as a Class II legal advertisement in compliance with the provisions of article three (59-3-1 et seq.), chapter fifty-nine of the West Virginia State Code, and the publication area for such publications shall be such municipality. In the event thirty percent of the qualified voters of the municipality by petition duly signed by them in their own handwriting and filed with the Recorder of the municipality within fifteen days after the expiration of such publication protest against such ordinance as enacted or amended, the ordinance shall not become effective until it shall be ratified by a majority of the legal votes cast thereon by the qualified voters of such municipality at a regular municipal election or special municipal election, as the governing body shall direct. Voting thereon shall not take place until after notice of such submission shall have been given by publication as above provided for the publication of the ordinance after it is adopted or substantially amended.

# *Town of North Hills*

Notwithstanding any other provisions, of this section, in the event rates, fees and charges herein provided for shall be imposed by the governing body of any municipality for the purpose of replacing and in amounts approximately sufficient to replace in its general fund such amounts as shall be appropriated to be paid out of ad valorem taxes upon property within the municipality pursuant to an election duly called and held under the Constitution and laws of the State to authorize the issuance and sale of general obligation bonds of the municipality for public improvement purposes, in the call for which election it shall be stated that the governing body of the municipality proposes to impose rates, fees and charges in specified amounts under this section for the use of one or more of the services above specified, which shall be related to the public improvement proposed to be made with the proceeds of the bonds, no notice, publication of notice, or referendum or election or other condition or prerequisite to the imposition of such rates, fees and charges shall be required or necessary other than the legal requirements for issuance and sale of such general obligation bonds.

Every municipality shall have plenary power and authority to provide, by ordinance, penalties for the violation of any ordinance enacted pursuant to the provisions of this section.

## **Section 8-4 Collection of Municipal Taxes, Fines and Assessments**

Unless otherwise provided, it shall be the duty of the Recorder of the municipality, or other individual who may be designated by general law, or by the governing body, to collect and promptly pay into the municipal treasury all taxes, fines, special assessments and other moneys due the municipality. All such taxes, fines, special assessments (except assessments for permanent or semi-permanent public improvements) and other moneys due the municipality are hereby declared to be debts owing to the municipality, for which the debtor shall be personally liable, and the Recorder or other individual so designated, may enforce this liability by appropriate civil action in any court of competent jurisdiction, and is hereby vested with the same rights to distain for the same as is vested in the sheriff for the collection of taxes. Such Recorder or other individual shall give bond, conditioned according to law, in such penalty and with such security as the governing body may require.

- Section 8-5 Reserved
- Section 8-6 Reserved
- Section 8-7 Reserved
- Section 8-8 Reserved
- Section 8-9 Reserved



# *Town of North Hills*

## **ARTICLE 2 - BUDGETING**

### **Section 8-10 - Budget Meeting by Municipal Council**

Between March 7 and March 28 of each year this municipal council shall meet to construct the municipal budget (levy estimate) for the next fiscal year. During this period this municipal council shall identify its projected revenues and expenditures for the coming year and prepare the levy

estimate on the forms and in accordance with the System of Accounts required by the State Tax Commissioner.

Requirements to receive and use funds from sources such as Revenue Sharing or Coal Severance Tax shall be completed during the budget preparation period.

### **Section 8-11 - Submission of Levy Estimate to the State Tax Commissioner**

No later than March 29, this municipal council must mail or deliver two (2) copies of the completed budget (levy estimate) to the State Tax Commissioner.

### **Section 8-12 - Publication of Levy Estimate**

On or before March 29, the municipality shall begin publication of the levy estimate. It shall be published once a week for two (2) successive weeks in newspapers of general circulation in the area.

### **Section 8-13 - Audit and Review by the State Tax Commissioner**

The State Tax Commissioner will audit and review the levy estimate prior to the third Tuesday in April. The Commissioner will notify the municipal council by letter of the results of his audit and review and request for any change.

# *Town of North Hills*

## **Section 8-14 - Laying the Levy**

This municipal council shall meet on the third Tuesday in April to officially lay the levy. This entails the hearing of objections and the adopting of the levy rates to be used during the next fiscal year.

Within three (3) days after the council has laid the levy, the Recorder shall forward certified copies of the order laying the levy to the State Tax Commissioner, the State Auditor, and the Assessor of Wood County.

## **Section 8-15 - Revision of Levy Estimate during the Fiscal Year**

The State Tax Commissioner shall provide for the revision of the levy estimate of the Town to permit expenditures for purposes for which no appropriation or an insufficient appropriation was made, or for a reduction in the budget due to reduced revenue receipts in the annual budget' as approved by the State Tax Commissioner. Revisions shall be made only with the prior written approval of the State Tax Commissioner.

- 8-16 Reserved
- 8-17 Reserved
- 8-18 Reserved
- 8-19 Reserved

# *Town of North Hills*

## ARTICLE 3 - FINANCE

### Section 8-20 - Investment of Municipal Funds

All municipal funds, the investment of which is not governed by other provisions of this chapter and not required for the payment of current obligations, may be invested by the recorder in the following classes of securities and accounts and not otherwise; which securities and accounts mature on such dates as will make available such amount of cash as is required:

- (a) Certificates or other obligations of the United States in which the faith and credit of the United States is pledged.
- (b) Certificates of deposit secured by
  - (1) obligations of the United States of America;
  - (2) general obligations of revenue bonds of the State of West Virginia;
  - (3) general obligation bonds of other states;
  - (4) general obligation bonds of any county or any county board of education, or
  - (5) general obligation bonds of any municipality of this state.
- (c) Interest-bearing savings accounts which are insured by the Federal Deposit Insurance Corporation or a savings and loan association insured by the Federal Savings and Loan Insurance Corporation. Provided: that the amount invested is not more than would be insured unless the banking institution or savings and loan association would place a bond on the money. The security of the bonds is to be determined by the Recorder.
- (c) Insurance products, including but not limited to fixed annuities, variable annuities and/or fixed-indexed annuities, from insurance companies with an independent agency rating of "A" (or the appropriate rating agency's "A" equivalent) or higher.

# *Town of North Hills*

## Section 8-21 - Preparation, Publication and Disposition of Financial Statements

This municipality shall prepare in a format prescribed by the State Tax Commissioner a Financial Statement revealing:

- (a) The receipts and expenditures of the town during the previous fiscal year arranged under descriptive headings.
- (b) The name of anyone who received more than fifty (50) dollars from any fund during the year, how much he was paid, and for what purpose. Payees receiving \$50 or less from any fund during the reporting year are not required to be listed. Rather, at the end of each expenditure category or classification, such payees are added into an item "Less than \$50 (aggregate)". However, upon request by any resident of the municipality, a copy of the statement must be provided and supplemented by a document listing the names of each person who received less than \$50 from any fund during such reporting year, showing the amount paid to each and the purpose for which paid. All salaries appearing in the financial statement must reflect gross earnings.
- (c) All debts of the city, the purpose for which each debt was contracted, its due date, and to what date the interest thereon has been paid.

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Class IV municipalities, such as the Town of North Hills, are not required to publish their financial statements in newspapers. However, this municipality shall prepare a financial statement within 120 days after the beginning of each fiscal year and a copy thereof made available upon request to any resident of the municipality.

The financial statements shall be sworn to by the Recorder, Mayor and two members of the governing body of the municipality. As soon as such fiscal statement is drawn, a copy shall be sent to the Clerk of the County Commission and the Clerk of the Circuit Court.

<u>Section 8-22</u>	<u>Reserved</u>
<u>Section 8-23</u>	<u>Reserved</u>
<u>Section 8-24</u>	<u>Reserved</u>
<u>Section 8-25</u>	<u>Reserved</u>
<u>Section 8-26</u>	<u>Reserved</u>
<u>Section 8-27</u>	<u>Reserved</u>
<u>Section 8-28</u>	<u>Reserved</u>
<u>Section 8-29</u>	<u>Reserved</u>

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# *Town of North Hills*

## ARTICLE 4 LICENSING

Section 8-30 \_\_\_\_\_ Reserved

### Section 8-31 Invalidation of Part of Ordinance

If a part of this ordinance is for any reason declared unconstitutional or otherwise invalid, the decision of the court shall not affect the remaining portions.

### Section 8-32 – Effective Date of Ordinance

This ordinance shall be in effect from and after final passage by the Town Council.

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

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

\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Recorder Date

Chapter 9

Disturbing the Peace by Noise and Miscellaneous Offenses

Article 1 - DISTURBING THE PEACE BY NOISE.

Section 9-1 - General

The creation and continuation of any loud, disturbing and unnecessary noise in the Town is hereby prohibited. No person shall cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or such noises as disturb the quiet and peace of any resident of the Town. The following acts, among others, are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

Section 9-2 – Definition of Noise Offenses

- (a) Blowing Horns. The sounding or blowing of any horn or signal device on any automobile, motorcycle, motor bus or other vehicle, except as a danger signal; the creation by means of any signal device of any loud or harsh noise, and the sounding of such device for any unnecessary or unreasonable period of time.
- (b) Radios, Stereos, etc. The playing of any radio, stereo, or any musical instrument in such a manner or at such volume as to annoy or disturb any person.
- (c) Pets. The keeping of any animal or bird which, by causing frequent or long, continued noise, disturbs the comfort or repose of any person in the vicinity.
- (d) Use of Vehicle. The use of any automobile, motorcycle or vehicle so out of repair or repaired in such a manner as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting or other disturbing noises.
- (e) Exhaust Discharge. To discharge into the open air, the exhaust from any motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- (f) Devices Using Compressed Air. The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

# *Town of North Hills*

- (g) Building Operations. The erection, including excavation, demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on week days, except in cases of urgent necessity in the interest of public safety, and then only with a permit from the proper Town officials.
- (h) Loading and Unloading Operations. The creation of loud and excessive noises in connection with loading or unloading any vehicle, or repairing any vehicle, or opening and destroying bales, boxes, crates and containers.
- (i) Bells or Gongs. The sounding of any bell or gong attached to any building or a premise which disturbs the quiet or repose of any person in the vicinity thereof; wind chimes are not included.
- (j) Hawking, Peddling or Soliciting. Shouting, loud talking, crying or soliciting by peddlers, hawkers, taxi drivers, solicitors or vendors which disturb the quiet and peace of the neighborhood, or any person therein.
- (k) Noises to Attract Attention. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise, by the creation of noise.

Section 9-3 Reserved

Section 9-4 Reserved

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# *Town of North Hills*

## Article 2 – Miscellaneous Offenses

### Section 9-5 Dogs and Cats

#### a. Purpose and Definition

The purpose of this section is to prohibit dogs and cats from roaming at large within the Town of North Hills. For these purposes, "at large" means off the premises of the owner and not under the control of the owner, or some other person, either by leash, cord, chain or otherwise.

#### b. Running at Large Prohibited

Any person owning, keeping or maintaining any dog or cat which roams at large within the Town of North Hills shall be guilty of a misdemeanor. Any person who violates this section shall be fined not more than \$50.00. Each day such violation continues shall constitute a separate offense, and a separate penalty may be imposed for each such separate offense.

### Section 9-6 Invalidation Of Part Of Ordinance

If a part of this ordinance is for any reason declared unconstitutional or otherwise invalid, the decision of the court shall not affect the remaining portions.

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### Section 9-7 Effective Date of Ordinance

This ordinance shall be in effect from and after final passage by the Town Council.

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

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

\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Recorder Date

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# *Town of North Hills*

## Chapter 10

### Hunting and Trapping Ordinance

#### Article 1

##### Section 10-1 Purpose

Realize and Maintain Town of North Hills control over all Hunting and trapping activities.

##### Section 10-2 Privileges

Hunting and trapping privileges within the Town of North Hills will be regulated by the Mayor and council for the Town of North Hills and will be extended to interested participants only by a special written permit approved by the Mayor.

##### Section 10-3 Hunting and or Trapping

With the exception of special authorized hunts, damage control permits, and nuisance trapping approved by the Mayor and Council, the Town of North Hills is closed to hunting and trapping. Residents may "live trap" for nuisance animals, at will, and in accordance with WV State laws.

##### Section 10-4 Invalidity Of Part Of Ordinance

If a part of this ordinance is for any reason declared unconstitutional or otherwise invalid, the decision of the court shall not affect the remaining portions.

##### Section 10-5 Effective Date of Ordinance

This ordinance shall be in effect from and after final passage by the Town Council.

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

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

\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Recorder Date

Chapter 12

Street Maintenance and Fees

Article 1

Section 12-1 Definitions

1. The term “owners of improved real estate” shall mean the title holder of property as shown by the records of ownership in the office of the Clerk of the County Commission whose office is in the Wood County Courthouse.
2. The Term “Occupiers of improved real estate” shall mean the people who actually occupy the premises whether that person is the owner of the land or a tenant or other person.
3. The term “unimproved real estate” shall mean all vacant lots and acreage in the Town of North Hills plus other lots where the construction of a residential house is in the progress of construction but has not yet been completed and ready for occupancy.
4. The term “automobile” shall mean every motorized device in, upon or by which any person or property is or may be transported or drawn upon a highway, street or road, excepting devices moved by human power or used exclusively upon stationary rail, or tracks. The term automobile shall specifically exclude motorcycles as defined by West Virginia Code 17A-1-1 and other vehicles having less than four (4) wheels.

Section 12-2 Repair, Maintenance and Improvement of the Roads and Streets in the Town of North Hills.

The service of street and road repair and maintenance and improvement shall be continued and maintained by the Town, in part at the charge and expense of the owners and occupiers of improved and unimproved real estate in North Hills who also own or use automobiles which said owners or occupiers are declared to be the users and beneficiaries of such roads and streets. The charges and expenses with respect to each of such users and beneficiaries shall be imposed, assessed and collected as set out in this article.

# *Town of North Hills*

## **Section 12-3 Severability**

Should any section or sub-paragraph of this Ordinance be declared invalid or unenforceable by any court of competent jurisdiction, such ruling shall not affect the validity of any other section or sub-paragraph, and in such event this Ordinance should be interpreted and applied as if the invalid or unenforceable section were not in existence. Accordingly, each section and sub-paragraph of this Ordinance is severable.

## **Section 12-4 Assessment of Street User Fee**

- a. There is hereby imposed on the owner of each improved lot of real estate in the Town of North Hills having a residence located therein, an increase user fee of Fifty Dollars (\$50) for current fiscal year of 2023, so that the total user fee shall be Four Hundred Fifty Dollars (\$450).
- b. There is hereby imposed on the owner of each improved lot of real estate in the Town of North Hills having a residence located therein, a user fee of Five Hundred Dollars (\$500) for fiscal year starting in 2024.
- c. There is imposed upon the owner of each unimproved lot, tract or parcel of real estate with street frontage in the Town of North Hills, a user fee of Seventy-Five Dollars (\$75) per lot, Tract or Parcel per fiscal year.

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## **Section 12-5 Use of Funds for Street Improvement, Repair and Maintenance**

The revenues received from the collection of the Street User Fee (SUF) provided for in this ordinance shall be used only to defray the cost of the repair, maintenance, and improvement for the roads and streets within the town, and no part of such revenues shall be used for any other municipal service.

## **Section 12-6 Effective Date, Schedule of Payment Dates, Rates, Fees and Charges**

This Ordinance shall become effective on passage by the Town Council. The fees due under this ordinance shall be for only two such assessments under and by virtue for this Ordinance. The user fees hereby imposed shall be collected in two equal payments the first payment in February and the second payment in August of each year. The Recorder shall forward to each owner a statement showing the fees due, the due date and the statement of penalties for late payment.

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**Section 12-7 Penalty for Late Payment**

The following penalties and actions will be imposed due to late or non-payment of Street User Fee's.

1. A penalty of twenty percent (20%) will be imposed if payment is not received by the August 15<sup>th</sup> and February 15<sup>th</sup> of the month it is due and an additional one and a half percent (1.5%) of the fee shall be added for each succeeding thirty (30) days elapsing after the date due.
  - a. The determination of "received by" in the preceding paragraph is based on the post marked date of the mailed envelope and/or the physical transaction between the Town Recorder, in which the resident will be given a receipt as a burden of proof. Documents will be maintained by the town for a period of time as outlined in the WV Code.
  - b. In the event of a returned check, any and all fees and/or costs associated with the returned check will be the responsibility of the property owner who's check was returned.
2. 60 days after due date of the SUF the Town of North Hills shall place a lien on the property that is delinquent and an additional One Hundred Dollar (\$100) Lien Processing Fee will be charged to the owner of the property.
3. The Town of North Hills may collect the fees and all accrued penalties and interest by action against the Owner of property against whom the fee has been imposed by action brought before any Magistrate of Wood County, or by action or other appropriate proceedings in the Circuit Court of Wood County and all other means now or hereafter provided by the laws of this State.
4. Residents will be notified by certified mail if; (1) A lien has been filed on their property with the amount due and (2) Building permits or other town services will not be authorized to any resident who has an unpaid Street User Fee.
5. The resident's last name, amount owed, and address will be published in the January/February Town Crier under the title "Street User Fee Non-payment".

**Section 12-8 Hardship or Unusual Circumstances**

In the case of hardship or Unusual Circumstance, the town council will give consideration to the resident or the resident's legal representative. Such consideration does require the resident or their Legal representative to be present at a scheduled council meeting in order for their case to be considered.

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## **Section 12-9 Repeal of Inconsistent Ordinances**

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

## **Section 12-10 Invalidity of Part of Ordinance**

If a part of this ordinance is for any reason declared unconstitutional or otherwise invalid, the decision of the court shall not affect the remaining portions.

## **Section 12-11 Effective Date of Ordinance**

This ordinance shall be in effect from and after final passage by the Town Council.

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

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

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\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Recorder Date

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Chapter 13

Traffic Regulations

Article 1

Section 13-1 General Traffic Regulation

A-1 Vehicular traffic traveling on North Hills Drive, with the exception of the intersection of North Hills Drive with West Virginia Route 68, shall have the right of way, and vehicular traffic entering North Hills Drive from the following streets at their intersection with North Hills Drive, shall stop before entering North Hills Drive and shall yield the right of way to other vehicles traveling on North Hills Drive:

1. The extension of Twin Lakes Road
2. The easterly approach of North Hills Drive Extension where it intersects with North Hills Drive
3. The westerly extension of Lake Drive.
4. The easterly extension of Lake Drive.
5. The westerly extension of Parkview Drive.
6. Woodshire Drive
7. Oakwood Place

A-2 The intersection of North Hills Drive and North Hills Drive at the pond shall be a three-way stop to all vehicular traffic

B. Vehicular traffic entering North Hills Drive from the following streets at their intersections with North Hills Drive shall yield the right of way to other vehicles traveling on North Hills Drive:

1. Wedgewood Drive
2. Linwood Place
4. Tanglewood Place
5. Crestwood Place
6. Beechwood Place
7. Ashwood Place
8. Briarwood Place
9. Parkview Drive

# *Town of North Hills*

- C. Vehicular traffic traveling south on Brentwood Drive shall yield the right of way to other vehicles traveling south on Brentwood Heights.
- D. Vehicular traffic entering Woodshire Drive from Woodshire Court shall yield the right-of-way to other vehicles traveling south on Woodshire Drive. Vehicular traffic entering Wedgewood Drive from Wedgewood Place shall yield the right-of-way to other vehicles traveling on Wedgewood Drive.
- E. Vehicular traffic entering West Virginia Route 68 from North Hills Drive or from Brentwood drive shall stop before entering the intersection of North Hills Drive and Brentwood Drive and West Virginia Route 68 and yield the right of way to such vehicular traffic on West Virginia Route 68.
- F. The Mayor is directed to erect signs or other similar markers at the intersections designated in sub-paragraphs (A), (B), (C), (D) and (E) above, requiring the traffic entering North Hills Drive, Brentwood Drive, Woodshire Drive, Wedgewood Drive and West Virginia Route No. 68 from the streets designated to either stop, or yield the right of way, as provided in the afore-mentioned sub-paragraphs.

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## **Section 13-2 Speed Limitations**

- A. No person shall drive a vehicle on a street in the Town of North Hills at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards, then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, other conveyance or property, on or entering, the streets in compliance with legal requirements and the duty of all persons to use due care.
- B. Where no special hazard exists that requires lower speed for compliance with Subsection A of this section, the speed of any vehicle shall not exceed twenty-five (25) miles per hour.
- C. The driver of every vehicle shall, consistent with the requirements of Subsection A, drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

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## Section 13-3 Parking

### Sub-Section I - Definitions:

1. PARKING AREAS When used in these rules and regulations shall be held to mean all lands owned by the town which may be designated for the parking of motor vehicles by the town council and will include streets and parking lots.
2. DRIVERS Every person who is driving or is in actual physical control of a motor vehicle.
3. MOTOR VEHICLE Any self-propelled vehicle operated on wheels or tracks, including motorcycle, ATV and includes an inoperable motor vehicle, boats and all trailers.
4. POLICE OFFICER Every officer of the Wood County Sheriff's department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations or laws.
5. INDIVIDUAL PARKING SPACE A portion of the surface of the parking area of sufficient length and width to accommodate a motor vehicle to be parked.
6. ABANDONED MOTOR VEHICLE for the purpose of this ordinance, a motor vehicle shall be deemed to have been abandoned after it has been parked on any town owned and regulated parking area, for over twenty-four (24) hours without authority.
7. DRIVEWAY means an area adjacent to a curb cut providing vehicular access between a street and an off-street parking area.
8. TOWN ROAD The area of a Town Road is defined by the curbing for the lots adjacent to the Town Roads and includes those areas routinely maintained by the town.
9. DOUBLE-PARKED Parking a vehicle in the street adjacent to an existing parked vehicle, there by blocking traffic.

# *Town of North Hills*

## Sub-Section II - Parking Provisions:

1. The Mayor shall have the authority to designate "No Parking Areas". Signs may be posted at parking areas prohibiting parking or indicating the length of time that a motor vehicle may remain parked, and or such areas denoted with a single yellow line in the middle of the street. No person shall park or allow a motor vehicle to remain standing except as provided in this section.
2. No motor vehicle shall be parked in a Handicapped Parking space unless the vehicle bears a special registration plate or placard issues by the state of West Virginia or a similar plate issued by another state.
3. No motor vehicle or trailer shall be parked or allowed to remain standing at any time on the grassy portions of the town common grounds.
4. No person shall park a motor vehicle upon a town parking area for the principal purpose of advertising or displaying such vehicle for sale or for repairing such motor vehicle, except repairs necessitated by an emergency.
5. No person shall abandon any motor vehicle of any kind upon any of the town owned parking areas.
6. A person shall not park a motor vehicle in the front yard or side yard of any residential property, except in:
  - a. A driveway
  - b. A paved parking space
  - c. When other parking is not available due to street maintenance
7. Motorized vehicles may be parked on Town roads as long as the minimum path of 12 feet of width is maintained to permit safe and expedient passage of fire trucks, emergency vehicles, school buses and other large vehicles normally permitted on Town roads.
8. Trailers, boats and recreational vehicles are not permitted to be parked on Town Roads. Permission may be granted by the Mayor for temporary parking of these vehicles in the pond parking lot.
9. Parking during times of street maintenance:
  - a. No person shall park any vehicle or suffer or permit it to remain parked during street maintenance.

# *Town of North Hills*

- b. There shall be no parking on any street or public parking lot in this municipality contrary to any sign or marking, so as to prevent street maintenance crews from cleaning, repairing, surfacing, removing snow or otherwise maintaining such street or parking lot.
  - c. Parking on town streets is prohibited whenever conditions are such that snow removal or sanding / salting equipment may be needed. This prohibition is in place to allow contracted snow clearing equipment to clear or treat town streets. Plows cannot clear streets with vehicles parked upon them due to possible damage to the vehicle.
10. The town's authority to have vehicles towed: where any vehicle is parked or left unattended on any street or parking lot contrary to the provisions of this Ordinance, any police officer or Town of North Hills Council member, with the approval of the Mayor (or Recorder in the Mayor's absence), or two other council members, may cause such vehicle to be removed and stored, and the cost of such moving and storage, shall be paid by the owner of such vehicle.
11. Stopping and parking restrictions. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control device, in any of the following places:
- a. On a sidewalk
  - b. In front of a public or private driveway
  - c. Within an intersection
  - d. Within 15 ft. of a fire hydrant
  - e. On a crosswalk
  - f. Within 20 ft. of a crosswalk or an intersection
  - g. Within 30 ft. upon the approach to any flashing beacon, stop sign, or traffic control signal, located at the side of the roadway.
  - h. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
  - i. On the roadway side of any vehicle stopped or parked at the edge of the curb of a street, commonly known as double parking.
12. Storage on Lots is Prohibited. It shall be unlawful for any person to use public parking lots in this municipality for storage, although the Mayor may authorize the temporary storage of vehicles in the pond parking lot.

# *Town of North Hills*

## **Sub-Section III - Required Obedience to Parking Regulations**

No person shall willfully fail or refuse to comply with a lawful order or direction of a sheriff's deputy, police officer or the Mayor of the Town of North Hills.

## **Sub-Section IV - Unlawful Parking**

Any vehicle unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

## **Sub-Section V - Penalties**

The Mayor or Town Council may authorize the removal of any vehicle, parked improperly, at the owner's expense.

# *Town of North Hills*

## **Section 13-4 Miscellaneous**

If any person, by himself or agent, without lawful authority so to do, shall destroy, injure or deface any of the street signs, milestones or signposts, walks, culverts, bridges, masonry of any kind, gates belonging to or forming a part of a public road in the Town of North Hills, or who shall willfully break down or destroy any bench for the accommodation of travelers; or who shall injure lamp or lamp post, constructed on or being in any way connected with a public road, space or park, or any railing or fencing erected for public use, or inclosing any such space or park, or any railing, posts or guards along a public road for the protection of travel thereon, or any walk or crossing for food passengers; or who shall obstruct or injure any public road or ditch made for the draining thereof, leave in a public road any ashes, trash, cinders, earth, stone or other material, obstructive to the travel and use of such road; or who shall place or leave in any public road any vehicle or conveyance of any kind, or any kind of implement so as to interfere with travel thereon; or who shall divert any stream of water from its regular course or channel so as to injure or endanger a public road; or who shall connect any road with a public road in such manner as to impede the flow of water in the ditches or gutters thereof or obstruct or impede travel thereon; or who shall throw or place, or cause to be thrown or placed, on any public road, any tacks, nails, scrap metal, glass, crockery, wire or other substance injurious to the feet of persons or animals, or the tires of vehicles; or who shall remove, injure or destroy any material or equipment used or intended for use in the construction, reconstruction, repair or maintenance of any public road; or who shall kill a tree and leave it as an obstruction of a public road or leave it laying within eight feet of any public road; shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense, and shall moreover be liable to the Town of North Hills or individual, as the case may be, for any injury caused by such act and for the cost of repairs resulting from such act.

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## **Section 13-5 Enforcement**

The Wood County Sheriff's Department and West Virginia Department of Public Safety shall have authority to enforce the provisions of this ordinance. All enforcement for any traffic violation within the Town of North Hills shall be in accordance with Chapter 17C and 17D of the West Virginia Code as amended unless otherwise specified in this ordinance insofar as it does not conflict with the West Virginia Code.

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## Section 13-6 Invalidity of Part of Ordinance

If a part of this ordinance is for any reason declared unconstitutional or otherwise invalid, the decision of the court shall not affect the remaining portions.

## Section 13-7 Effective Date of Ordinance

This ordinance shall be in effect from and after final passage by the Town Council.

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

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

\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Recorder Date

Chapter 14

Parks and Recreation Department

Article 1

Section 14-1 Purpose

The Parks and Recreation Department shall be responsible for managing the parks and recreation facilities of the Town of North Hills. The purpose of this department is to enhance the lives of town residents by providing recreational facilities and other community amenities to Town residents.

In order to carry out this purpose, the Parks and Recreation Department shall operate and maintain the parks and recreation facilities of the Town as is necessary. The parks and recreation facilities of the Town include the pond, pond shelter, pool, pool buildings, tennis courts, basketball court, dog park, walking trails, and all other grounds or structures associated therewith, together with any parks and/or recreation facilities that may be constructed by the Town after the effective date of this ordinance.

Section 14-2 Director

The Mayor shall nominate an elected Town official to serve as Director of the Parks and Recreation Department. The nomination of the Director shall be approved by the Town Council. The Director shall be responsible for overseeing the functional operation of the department. The Director shall provide updates to the Town Council on a regular basis regarding the activities of the department but shall otherwise report to the Mayor.

Section 14-3 North Hills Pool

The North Hills Pool shall operate under the direction of its board of advisors and per its bylaws.

Section 14-4 North Hills Pool Board

The board of advisors of the North Hills Pool (hereinafter, the "Pool Board") shall be considered in these ordinances as a committee of the Parks and Recreation Department and shall oversee the operation of the North Hills Pool. The Pool Board shall include a Superintendent who will manage the Pool Board and work closely with the Director of the Parks and Recreation Department. The Pool Board shall also include a Treasurer who will manage the finances of the North Hills Pool in accordance with its annual budget as approved by the Town Council and work closely with the Town Recorder. The

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Superintendent and Treasurer shall report to the Director of the Parks and Recreation Department. The remainder of the members of the Pool Board – the composition of which may change over time as deemed appropriate according to the bylaws of the North Hills Pool – shall report to the Superintendent. All members of the Pool Board shall be members of the North Hills Pool in good standing. According to the bylaws of the North Hills Pool, a majority of the members of the Pool Board shall constitute a quorum for the transaction of business. Though all power and authority delegated to the Pool Board is subject to approval by the Town Council via approval of the bylaws of the North Hills Pool and its annual budget, the Pool Board shall have the autonomy to make any and all decisions necessary to effectively manage pool operations.

## **Section 14-5 North Hills Pool Board Terms**

Members of the Pool Board, including the Superintendent and Treasurer, shall each serve two- year terms. In order to maintain continuity, the expiration of these terms shall be staggered such that the terms of half of the positions on the Pool Board (including the Superintendent) expire on odd numbered years and the terms of the other half of the positions (including the Treasurer) expire on even numbered years. In the event that a member of the Pool Board does not complete his or her two- year term for any reason whatsoever, a new member shall be selected by the Pool Board to serve the remaining portion of the term of the exiting member. Pool Board terms for members shall start on January 1st and expire on December 31st two years thereafter. However, the terms of the Superintendent and Treasurer may be terminated earlier than the two-year term for performance deemed detrimental to the operation of the North Hills Pool as determined by the Town Council and/or Pool Board.

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## **Section 14-6 North Hills Pool Board Elections and Nominations**

Positions on the Pool Board shall be filled by an election among the members of the North Hills Pool in good standing. Pool Board elections will be scheduled and advertised in accordance with the bylaws of the North Hills Pool.

Nominations for such positions on the Pool Board shall be made by members of the North Hills Pool without approval of the nominees by the Town Council, except for the positions of the Superintendent and Treasurer. Nominations for the positions of the Superintendent and Treasurer shall be made by the Pool Board and then presented to the Town Council for approval of the nominees.

All nominations shall be made in January at the beginning of the two-year term of the position for which the nomination is made. All nominations shall be presented to the Town Council at its next upcoming meeting and elections shall be held thereafter at the earliest opportunity.

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## **Section 14-7 North Hills Pool Bylaws**

The bylaws of the North Hills Pool, and any changes to the bylaws, shall be approved by the Town Council.

## **Section 14-8 Effective Date of Ordinance**

This ordinance shall be in effect from and after final passage by the Town Council.

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

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

\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Recorder

Rev: 09/15/2022

Replaces: Rev: 2/24/2022

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