

TOWN OF BATH COUNCIL MEETING MINUTES

January 6, 2026

1. CALL TO ORDER: By Mayor Schene at 5:30pm followed by the Pledge of Allegiance and Invocation.
2. ROLL CALL: Greg Schene (X) Susan Webster (X) Elizabeth Skinner (X) Rick Weber (X) Mary Lynn Hickey (X) Ryan Kessel (X) Reba Dalson (X) - Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of December 16, 2025 were presented and approved by Common Consent.
4. COMMUNICATIONS FROM MAYOR:
Mayor Schene took this opportunity to highlight the Town of Bath's 2025 accomplishments, growth and future potential. He believes the community is going in the right direction. Challenges in the new year include BSWW plant rehab and refurbishment, adding staff to meet the needs moving forward and creating an improved Town Hall facility for the public and staff working environment. Attached is the Mayor's written statement detailing his assessment.
Announcement of the Deck the Meters award categories and winners was made (attached).
Appreciation was shown to all volunteers and participants in the project.

COMMITTEE AND BOARD REPORTS

1. ON TRAC: The next meeting is January 8.
2. PARKS /REC: The next meeting is January 21.
3. PLANNING COMMISSION (PC): No report at this time.
4. RAIL/TRAIL (NBRT): A written progress report was submitted by Co-Chair Pete Brown (attached).
5. STREETSCAPE: Co-Chair Pete Brown submitted a full written report (attached).
6. TRAIN DEPOT: Chairwoman Webster reported that she and TBS Executive Director Martin are discussing practical ways to improve the heating and insulation of the Depot. The mini-split has not yet been installed in the baggage room.
7. LANDMARK COMMISSION (HLC): The next meeting is January 12 at 4pm.
8. CLERK & RECORDER: Clerk Corrick reported that the WV State Auditors training will be in Martinsburg on January 20 (attached). Since that is a regularly scheduled Council meeting night, staff will attend and will report new regulations and practices to Council. Recorder Webster presented a Request for Revision to Approved Budget 2026 and explained the increase in the budget amount and the expense line items to which the increases will be added (attached). Resolution 2026-01-01 (attached) was presented for consideration.
MOTION: To approve Resolution 2026-01-01 as presented – Hickey/Weber
The Mayor conducted a Poll Vote with all members of Council voting in favor.
Council concurred approval of the attached Holiday schedule for the Bath office and staff.
9. FINANCE: Recorder Webster delivered the following bills for approval:
 - (a) Town of Bath \$19,596.29- Motion to approve- Webster/Weber- Carried
 - (b) BSWW \$19,649.94 - Motion to approve: Webster/Hickey-Carried

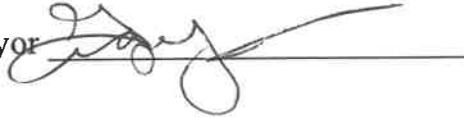
- (c) Cemetery \$57,50 – Motion to approve: Webster/Weber –Carried
- (d) Opioid Settlement \$2,870.00 – Motion to approve: Webster/Skinner – Carried
- (e) Tree Board \$5,545.52 – Motion to approve – Webster/Hickey- Carried
- (f) On Trac \$19.99 – Motion to approve- Webster/Weber – Carried

10. TREE BOARD: The next meeting is January 21 at 5pm. Board member Lehman submitted a written report (attached). Clerk Corrick will be submitting previously approved bills for reimbursement from the granting agency. This Board is continuing work completing grant requirements and future plans.
11. GRANTS: The next meeting is January 12 at 4:30. Chairwoman Dalson reported that efforts to fund the essential BSWW plant rehab and refurbish project will continue. She is looking into a Hometown Revitalization grant with T Mobile. Committee member Hickey added that she is looking into funding availability for the Ewing Street Bridge reconstruction. Additional funds will be needed for the Streetscape upgrade of west Independence Street for safety and parking purposes. She is looking into a \$20,000 grant possibility with Truist WV. The Committee is researching grants for all Town departments and the BSWW.
12. PUBLIC SAFETY: Patrolman Stengler reported that he is using the recently acquired Lidar Detection System to assist him with speed control. This system uses pulsed infrared laser light to measure speed. It is not a license plate camera. Crosswalk signage and marking was discussed. The next Public Safety meeting is January 21 at 3:30.
13. CEMETERY: The next meeting is January 15 at 1:30pm. Chairwoman Skinner thanked the Tree Board for all of their work in the Town cemeteries. She expressed appreciation for all of the effort and time that Greenway Cemetery Management & Maintenance Committee member Dave O'Connell has spent. He is now dedicated to researching unmarked graves in Greenway. The Preservation Alliance of West Virginia is interested in the recent Civil War study and Veterans Day event. They would like to see this replicated throughout West Virginia.
14. PUBLIC WORKS: Chairman Weber is pleased that the new sanitation truck will be delivered soon. The old trucks have been very costly with repairs. He is looking into skid steer prices. Weber has completed Labor Crew evaluations. The newly employed crew member is working out well and is a CDL driver. Due to much appreciated volunteer effort by citizens of Bath, Chairman Weber is considering creating a Citizen Service Award program.
15. ORDINANCE: The next meeting is January 15 at 3:30pm. Chairman Kessel presented for First Reading Town of Bath Ordinance 2026-01-01 Vacant Structure Registry (attached). He discussed with Council and the public present details and stipulations of the ordinance. It has been published on the Town of Bath website.
MOTION: To approve for First Reading Ordinance 2026-01-01- Hickey/Kessel- Carried
16. BSWW: The next meeting is January 7 at 4pm. Chairwoman Hickey explained her goals with the BSWW rehabilitation and refurbishment which are to stabilize the system and to place no burden for this on the rate payers. She is confident of the line up of possible granters and is continuing the search. Hickey and the Mayor have contacted all of our local, State and Federal representatives to be sure they are briefed on the BSWW issues and financial needs. The BSWW Committee is working to set up a doable pathway to the shorter term repairs and replacements.

17. PUBLIC COMMENT/ANNOUNCEMENTS: Councilwoman Hickey commended Bath citizen Claire Schene for her outstanding volunteer production of the Bath Christmas Market. All present joined in this praise and applauded her contributions to the community.
19. MOTION TO ADJOURN: – By Common Consent

Attest:

Mayor



Recorder



A Message from the Town of Bath, Office of the Mayor

Dear Editor,

As we stand at the threshold of 2026, I find myself reflecting on the past year and the remarkable spirit that defines our community. While the turning of the calendar is a simple passage of time, for us in the Town of Bath and Morgan County, it represents a renewed opportunity to build upon the resilience, self-reliance, and neighborly care that make this place home.

The past year has highlighted one of our greatest strengths: a tireless dedication to service. I have witnessed our business community and local government working hand in hand to support our nonprofits, children, families, veterans, and seniors with unwavering care and commitment. We watch over one another with purpose, ensuring no neighbor is left behind—and it is this collective heart that gives me profound hope for our future.

Our Vision for 2026

Excellence is not found in words alone; it is reflected in the choices we make every day—how we care for our streets, our neighbors, and our shared heritage, made even more important as we approach the 250th anniversary of both our Town and our Country. This year, that focus is taking shape through a philosophy of steady, intentional progress: **One Block at a Time**.

We believe that attention to small details builds pride, safety, and a sense of belonging. In 2026, you will see this commitment in action:

- **Curb Appeal:** Our focus begins with well-maintained streets, clean gutters, painted curbs, and upgraded street lighting—hallmarks of a town committed to care, safety, and long-term growth.
- **Tidy Walkways:** We are prioritizing safe sidewalks through an ongoing repair and replacement schedule, ensuring that every resident and visitor—from our children to our seniors—can navigate our neighborhoods with ease.
- **Spruced-Up Storefronts:** Through the Fabulous Facades program, we are pairing public infrastructure improvements with renewed investment in our local businesses, revitalizing the historic charm of downtown Bath.
- **Manicured Spaces:** A beautiful town is a welcoming one. Through well-tended gardens, manicured green spaces and ongoing restoration of our tree canopy, decorative banners, and outdoor seating, we are creating inviting public spaces where residents and visitors can gather, connect, and enjoy our community.

While we beautify our surroundings, we remain steadfast in our core responsibilities. Public safety continues to be a top priority, ensuring the Town of Bath Police Department has the training and resources necessary to keep our neighborhoods safe and peaceful. Critical updates to the Town of Bath Water Works are also underway to ensure this essential service remains reliable, sustainable, and protected for generations to come.

These projects are more than maintenance—they are a reflection of our values. To fully realize this vision, I ask you to join us. I encourage every resident to volunteer their time and talents in the coming year. Whether you bring a green thumb, a fresh perspective for one of our committees, technical skills, a willingness to help a neighbor, or a helping hand at our Apple Butter Festival or Bath Christmas Market, your involvement matters.

Together, we are building a remarkable community—one that honors its heritage of self-reliance while serving as a shining example for all of West Virginia. Let us step into this New Year with purpose, optimism, and our hands ready to work as we continue improving our town, **one block at a time.**

Wishing you a year filled with peace, good health, and a deep sense of purpose. I look forward to working with you in the year ahead.

Happy 2026,

Greg Schene
Mayor, Town of Bath

**Status Update of Streetscape & NBRT Projects for Town Council
January 6, 2026**

STREETSCAPE

Phase VI Design Funding Agreement & Start of Design

- After last DOH Conference (Dec 4th) – still waiting for formal Notice to Proceed with Phase VI Design work. Have asked DOH program office for next guess.

Other On-Going Projects for Town:

- Upgrade streetlights from HPS to LED. Potomac Edison Rep asked for help identifying the specific light pole numbers for the “First 50” LED lights. Did best look at existing poles and sent back to Rep. Some pole numbers are on old placards from previous electric companies. Suggested to use the street and corner locations that I previously provided. Also added three new LED lights in the Core Area on Congress, Independence and Union Streets to the “First 50” lights

Next Streetscape Committee Meeting will likely have to shift to Jan 22nd – I am out of Town on the 15th.

NBRT

NBRT Task Force

- Checking if the Updated (Rev 1) Timeline for the segments of NBRT Construction and the new Trailhead Project were sent to DOH for Coordination with the Bridge Design and Construction and the Trail Construction. I plan to send an estimated Rev 2 Timeline to Town & County leadership in advance of the January 28th Task Force Meeting.
- Proposals were received by the County the week of Dec 2nd. Evaluations and questions for the top three-ranked bidders from the Town were completed and sent to the County the week of Dec 22nd. Currently the County is preparing for the next round of questions to be sent to these top three ranked bidders. Will identify the dates for this question-round.
- Once awarded, this contract will provide the needed details for the infrastructure to be installed within the footprint of the Parcel 1 Area. This is now expected in the Mar/Apr Timeframe.
- Planning for a Task Force Meeting on Jan 28th.

Pete Brown
Streetscape Committee



State of West Virginia
Mark A. Hunt
State Auditor

Office of the State Auditor
Local Government Services
PO Box 1063
Clarksburg, WV 26302

Toll Free: (877) 982-9148
Telephone: (304) 627-2415
Fax: (304) 340-5090
www.wvsao.gov

December 9, 2025

To: All Municipal Officials

Once again, we will be conducting regional training workshops for municipal officials. **I would encourage all municipal officials including mayors, recorders/clerks and council members to attend one of these workshops.** I feel these workshops can be a valuable tool to all municipal officials, and we have therefore waived any registration costs. This is a great opportunity for you to meet with other municipal officials and some of our staff.

We have included, in this correspondence, a registration form that can be copied and used for each person planning to attend one of these trainings. In order to properly plan these trainings, we ask that you register as soon as possible.

If you should have any questions concerning these workshops, please call 304-627-2415 and speak with Shellie Humphrey x0304 or email LGS@wvsao.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ora L. Ash".

Ora L. Ash
Deputy State Auditor
Local Government Services



State Auditor's 2026 Municipal Budget Preparation Regional Workshops

The WV State Auditor's Office, Local Government Services Division, is pleased to announce regional Budget Preparation Workshops for municipal governments at convenient locations throughout West Virginia. These workshops will cover the basics of local government budget preparation in relation to preparing, approving, and adopting a budget. There will also be a discussion about current issues facing local governments.

| City | Type | Workshop Date/Time | Location | Deadline |
|---|-----------|------------------------|--|----------|
| CHECK-IN BEGINS 30 MINUTES PRIOR TO START TIME | | | | |
| Martinsburg | Municipal | Jan. 20 5:30pm-8:30pm | Holiday Inn, Martinsburg 301 Foxcroft Avenue - (304) 267-5500 | Jan. 13 |
| Wheeling | Municipal | Feb. 4 5:30pm-8:30pm | Oglebay Resort 465 Lodge Drive - (877) 436-1797 | Jan. 28 |
| S. Charleston | Municipal | Feb. 10 8:30am-11:30am | Holiday Inn and Suites 400 Second Ave - (304) 744-4641 | Feb. 3 |
| Beckley | Municipal | Feb. 17 5:30pm-8:30pm | Glade Springs Resort 255 Resort Drive, Daniels - (844) 668-5760 | Feb. 10 |
| Bridgeport | Municipal | Feb. 24 1:30pm-4:30pm | Best Western, Bridgeport 100 Lodgeville Road - (304) 842-5411 | Feb. 17 |

Note: At least ten participants must register for a workshop or we may be forced to cancel. (If we must cancel a meeting, we will send an email to the email address you provide on this form to notify you)

Please return the registration form **no later than the deadline** for the specific workshop. For questions regarding the workshops please call (304) 627-2415 or email LGS@wvsao.gov.

2026 BUDGET PREPARATION REGIONAL WORKSHOP Free to attend, but you must register!
Only one name per emailed form please

Name: _____ Municipality of: _____

Email: _____ Title: _____

NEW – ONLINE REGISTRATION AT: <https://www.wvsao.gov/Meetings/Default>

Contact: Shellie Humphrey
 Budget-Finance Specialist
LGS@wvsao.gov

| | |
|---|---|
| <input type="checkbox"/> Martinsburg, January 20 | <input type="checkbox"/> Wheeling, February 4 |
| <input type="checkbox"/> S. Charleston, February 10 | <input type="checkbox"/> Beckley, February 17 |
| <input type="checkbox"/> Bridgeport, February 24 | |

Email completed form to:
LGS@wvsao.gov or register online

If unable to attend after registering, please let us know by either calling our office at 304-627-2415 or emailing LGS@wvsao.gov.

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

REQUEST FOR REVISION TO APPROVED BUDGET

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

CONTROL NUMBER
 Fiscal Year Ending: **2026**
 Fund: **1**
 Revision Number: **5**
 Pages: **1**

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

Town of Bath
 GOVERNMENT ENTITY
 271 Wilkes Street
 STREET OR PO BOX
 Berkeley Springs WV 25411
 CITY ZIP CODE

Municipality
 Government Type

REVENUES: (net each acct.)

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | PREVIOUSLY APPROVED AMOUNT | (INCREASE) | (DECREASE) | REVISED AMOUNT |
|----------------|---------------------------|----------------------------|------------|------------|----------------|
| 314 | Sale Tax | 200,000 | 125,000 | | 325,000 |
| 320 | Fines, Fees & Court Costs | 2,500 | 7,500 | | 10,000 |
| 367 | Other Grants | | 2,225 | | 2,225 |
| 376 | Gaming Income | 5,107 | 2,175 | | 7,282 |
| 399 | Miscellaneous Revenues | 1,700 | 100 | | 1,800 |
| | #N/A | | | | |
| | | | 137,000 | | |

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

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

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | PREVIOUSLY APPROVED AMOUNT | (INCREASE) | (DECREASE) | REVISED AMOUNT |
|----------------|--|----------------------------|------------|------------|----------------|
| 440 | City Hall | 160,530 | 3,000 | | 163,530 |
| 444 | Contributions / Transfers to Other Funds | 148,778 | 125,000 | | 273,778 |
| 700 | Police Department | 283,086 | 2,000 | | 285,086 |
| 750 | Streets and Highways | 151,625 | 7,000 | | 158,625 |
| | #N/A | | | | |
| | #N/A | | | | |
| | #N/A | | | | |
| | #N/A | | | | |
| | #N/A | | | | |
| | #N/A | | | | |
| | | | 137,000 | | |

NET INCREASE/(DECREASE) Expenditures

APPROVED BY THE STATE AUDITOR
 BY: _____ Date _____
 Deputy State Auditor, Local Government Services Division

AUTHORIZED SIGNATURE
 OF ENTITY

APPROVAL
 DATE

RESOLUTION 2026-01-01

At a regular session of the municipal council, held January 6, 2026, the following order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices the municipal council does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 5 for fund 1 a copy of which is entered as part of this record.

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

| | |
|-------------------|--|
| Greg Schene | <input checked="" type="radio"/> Yes or No |
| Susan Webster | <input checked="" type="radio"/> Yes or No |
| Elizabeth Skinner | <input checked="" type="radio"/> Yes or No |
| Mary Lynn Hickey | <input checked="" type="radio"/> Yes or No |
| Reba Dalson | <input checked="" type="radio"/> Yes or No |
| Rick Weber | <input checked="" type="radio"/> Yes or No |
| Ryan Kessel | <input checked="" type="radio"/> Yes or No |

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

| TOWN OF BATH | | | |
|-------------------------------|-------------------------|---------------------|------------------------|
| EXPENDITURES AND ENCUMBRANCES | | | |
| BATCH DATE | YEAR: | 2026 | |
| | 1/6/2026 | | |
| Chart of account | | AMOUNT | DESCRIPTION |
| 1 416 000 00 | Kermit Ambrose | \$ 200.00 | Judge 12/17/25 |
| 1 440 213 01 | BSWW | \$ 39.49 | 271 Wilkes St |
| 1 751 213 00 | BSWW | \$ 38.72 | Myers St |
| 1 800 218 00 | BSWW | \$ 148.05 | GA Billing Postage |
| 1 440 222 00 | CNB Bank | \$ 45.00 | Box 213 |
| 1 440 219 00 | First Citizens Bank | \$ 169.50 | Copier |
| 1 700 219 00 | First Citizens Bank | \$ 169.50 | Copier |
| 1 440 223 00 | Lemongrass | \$ 145.00 | Wilkes St Qtr Cleaning |
| 1 700 223 00 | Lemongrass | \$ 125.00 | Myers St |
| 1 751 000 00 | Potomac Edison | \$ 2,248.02 | Master Street Lights |
| 1 751 000 00 | Potomac Edison | \$ 21.50 | N Wash Street Lights |
| 1 751 000 00 | Potomac Edison | \$ 45.61 | Union street lights |
| 1 440 341 00 | Petty Cash | \$ 21.73 | Replish PC |
| 1 752 000 00 | Panhandle Designs | \$ 793.20 | Stop Signs |
| 1 800 217 00 | Ricks Welding & Machine | \$ 15,342.29 | Kenworth Repairs |
| 1 440 213 03 | WSPSD | \$ 43.68 | Wilkes St |
| | | | |
| | Totals: | \$ 19,596.29 | |
| | | | |
| | | | Budget Balance |
| | | \$ | 800.00 |
| | | \$ | 2,962.00 |
| | | \$ | 1,367.00 |
| | | \$ | 490.00 |
| | | \$ | 665.00 |
| | | \$ | 1,483.00 |
| | | \$ | 1,483.00 |
| | | \$ | 3,195.00 |
| | | \$ | 1,303.00 |
| | | \$ | 16,500.00 |
| | | \$ | 16,500.00 |
| | | \$ | 16,500.00 |
| | | \$ | 2,206.00 |
| | | \$ | 22,000.00 |
| | | \$ | 2,962.00 |

Tree Board Report to the Council

January 6, 2026

Kate Lehman

Since the last report, the Tree Board has engaged in activities that represent 80 percent of their work.

- We checked out a report of trees being cut down on town property on south Sugar Hollow Road. The trees were cut down by Potomac Edison. The last time we looked, people were taking advantage of the downed trees to create firewood.
- We checked out a report of trees on town property on Myers Road that appeared susceptible to being blown down in heavy winds. All the trees in question seemed sound, although there is more of a tree canopy over the road than is normal.
- We submitted our completed inventory to Tree City USA. Being a TSUSA is important in terms of receiving grants from the Division of Forestry. The report is currently being reviewed by the WVDof.
- We researched how best to cut out and dispose of boxwood shrubs in Greenway Cemetery that have succumbed to an invasive insect that's destroying boxwoods throughout the Eastern Panhandle. Per the advice of Bartlett Tree Experts, we will
 - Remove dead boxwood shrubs
 - Make a pile and burn the debris when conditions are favorable. We will call the Burn number to inform them of our activities.

**Town of Bath Ordinance 2026-1
Vacant Structure Registry**

1. Purpose.
2. Definitions.
3. Inspection.
4. Corrective action.
5. Registration generally.
6. Fees.
7. Right of appeal.
8. Amending information.
9. Non-payment of fees/liens.

1. PURPOSE.

(a) The Town of Bath (Town) has determined that an uninspected and unmonitored vacant structure may present a fire hazard, may provide temporary occupancy by transients (including drug users and traffickers), may provide a nuisance from pests and vermin, may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and that the health, safety and welfare of the public is served by the regulation of such vacant buildings.

(b) Owners of uninspected and unmonitored vacant buildings shall register such vacant buildings with the Town, make payment of a fee for the registration thereof, and otherwise conform to these vacant building regulations.

(c) This ordinance ensures that, through a registration, inspection, and monitoring process, vacant buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not present otherwise a public hazard.

(d) The Town, by and through its departments shall inspect and monitor vacant buildings, shall assess the effects of the condition of those buildings on nearby structures, and shall promote substantial efforts to rehabilitate and develop such buildings when appropriate.

2. DEFINITIONS.

(a) Definitions. For purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them as follows:

(1) **Boarded:** A building or structure subject to the provision of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

(2) **Exterior maintenance and major systems:** The phrase "exterior maintenance and major systems" shall mean the safe and lawful maintenance of the facade, windows, doors, roof and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, driveway, if any, area of the lot, as applicable and as enforced by the Town, particularly in connection with codes adopted by the Town as well as all applicable local, state and federal laws.

(3) **Occupied:** Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a

building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid Town business license, or the most recent, federal or state income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of bonafide pre-rental inspection.

(4) Open: A building or structure subject to the provisions of this section shall be deemed to be "open" if anyone or more exterior doors other than a storm door is broken, open and/or closed but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.

(5) Owner: An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.

(6) Vacant: A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides, dwells, or lives in any part of the building as the legal or equitable owner(s) or tenant occupant(s), or owner-occupant(s), or tenant(s) on a permanent, non-transient basis. A building or structure shall be deemed vacant and subject to the registration and possible penalty provisions provided herein if the exterior maintenance and major systems of the building and the surrounding real property thereof, as defined in this section, are in violation of the building codes or health and sanitation codes and if there is no proof of continual utility service evidencing actual use of electric, water service, etc. Continued is meant to be without more than one (1) thirty (30) day interruption in any given three-hundred sixty (360) day period. In order for such continual utility service to be considered as being actually in use as described in this section, it must be more than merely registered to the owner for purposes of billing and must be utilized, at a minimum, in order to keep the property and the major systems of the building in compliance with building and safety codes. The person or entity asserting that there has been continued utility service has the burden to produce actual bills evidencing utility service for the relevant period.

(b) Applicability. The requirements of this section shall be applicable to each owner of any building that is found to be vacant pursuant to the language contained herein. Each such owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Town. The registration fee(s) as required by this section shall be billed by the Town and shall be paid by last day of the month when the property has been registered. For purposes of this section, the following shall also be applicable:

(1) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent annual franchise tax report filed with the secretary of state;

(2) If an estate, the name and business address of the executor of the estate;

(3) If a trust, the name and address of all trustees, grantors, and beneficiaries;

(4) If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;

(5) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(6) If an individual person, the name and residence address of that individual person.

3. INSPECTION.

(a) At the time of registration or to assess if registration is required, the Town Engineer, Fire Chief, and/or Chief of Police shall determine whether it is necessary for any or all of them to inspect the structure so as to identify any public safety issues needing addressed. Inspections shall also be available

to verify the status of any property concerning occupancy, vacancy, etc. If an internal inspection is deemed necessary, the owner will be notified of the same and arrangements made for the same. If the owner fails or refuses to consent to and arrange for an inspection, the Town will seek an administrative search warrant from a court of competent jurisdiction to authorize inspection of the premises for the purpose of determining the structural integrity of the building, the repairs necessary to insure its structural integrity and that it will be safe for entry by firefighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time that the building remains vacant.

(b) All vacant structures are subject to re-inspection on an annual basis or as deemed necessary.

4. CORRECTIVE ACTION.

The property owners shall be notified in writing of any corrective action deemed necessary for life, safety and building code matters by Town officials, the applicable code provisions or ordinances, and will be afforded a reasonable time to the corrective action. Corrective action concerning the occupancy of vacant structures is discussed later herein.

5. REGISTRATION GENERALLY.

(a) At the time of adoption of this ordinance, all owners of realty within the Town that contain a vacant structure, as defined above, shall register the same with the Town. For those structures that qualify as a vacant structure and after the adoption of this ordinance, the owner thereof shall be required to register the structure with the Town within thirty (30) days after the structure is found to meet the definition of a vacant structure. The registration form shall require information from the registrant deemed necessary by the Town Engineer, Fire Chief, and/or Chief of Police, so as to ensure that the purpose of this ordinance is met. Specifically, the above named Town officers shall have the authority to require that the property owner provide a professional opinion (architect, engineer, etc.) to determine the structural integrity of the building, the repairs necessary to ensure its structural integrity and that it will be safe for entry by firefighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time the building remains vacant. The above named officers shall have the authority to issue orders to the owner for corrective action deemed necessary. The Town Engineer and Fire Chief may rely upon the West Virginia State Building Code and Fire Code, as well as other applicable law, for guidance during any such structural review.

(b) Registration statement and fees; local agent. If none of the persons listed, as above, is shown at an address within the state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open, or vacant and boarded, and shall be required whenever any building has remained vacant for forty-five (45) consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering, but each structure constitutes a separate fee. The owner of the vacant property as of the last day of the month when the property has been registered of each calendar year shall be responsible for the payment of the non-refundable registration fee.

6. FEES.

Said fee shall be billed by the Town; and based on the duration of the vacancy as determined by the following scale:

- (1) \$500 for properties that are vacant during the first year;
- (2) \$1,000.00 for properties that are vacant for at least one year but less than two years;
- (3) \$1,500.00 for properties that are vacant for at least two years but less than three years;
- (4) \$2,000.00 for properties that are vacant for at least three years but less than four years;
- (5) \$3,000.00 for properties that are vacant for at least four years but less than five years; and
- (6) \$4,000.00 for properties that are vacant for at least five years, plus an additional \$300.00 for each year in excess of five years.

7. RIGHT OF APPEAL.

(a) **Appeal Rights.** The owner shall have the right to appeal the imposition of the registration fees to the Town Council upon filing an application in writing no later than thirty (30) calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in this ordinance specifically.

(b) **Waiver of Registration Fee.** A waiver of the registration fee, or an extension of a waiver for up to ninety (90) days from the date of the current billing statement, may be granted by the Town Council, if the owner:

(1) Demonstrates with satisfactory proof to the Town that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and

(2) Objectively demonstrates to the Town a reasonable anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building;

(3) Provides satisfactory proof to the Town was actively attempting to sell or lease the property during the vacancy period; or

(4) Provides satisfactory proof to the Town to be evaluated on a case-by-case basis, that the vacancy is temporary and may be due to illness of the owner, active military service, or some other reasonable explanation believed to be short term in nature and documentable as necessary.

(5) Within thirty (30) days, or as soon thereafter as possible, as the waiver application is received by the Town Council shall grant or deny the waiver, or request for extension, in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver or request for extension to the Town, and the Town rendered a decision which the owner seeks to appeal to the Town Council, the owner must file an application in writing no later than thirty (30) calendar days from the date of the Town's decision. Town Council shall either grant or deny the appeal.

(6) Thereafter the decision of Town Council is final unless within thirty (30) days of such decision the owner appeals for injunctive relief to the Circuit Court of Morgan County.

8. AMENDING INFORMATION.

(a) **Duty to Amend Registration Statement.** If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Town within thirty (30) days of the occurrence of such change and advise the division in writing of those changes.

(b) **Exceptions.** This section shall not apply to any building owned by the United States, the State, the County, the Town, or any of their respective agencies or political subdivisions.

(c) **Violations and Penalties for Failure to Register.** The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant building upon adoption of this ordinance, or to pay any fees required to be paid pursuant to the provisions of this ordinance, within thirty (30) days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00) for each failure or refusal to pay a required vacant building fee, as

applicable. In such cases, whenever the minimum fine of one-hundred dollars (\$100.00) is imposed, it shall not be subject to suspension or reduction for any reason.

9. NON-PAYMENT OF FEES/LIENS.

(a) Delinquent Registration Fees as a Lien. After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to section 7(b)(4) above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Town and the Town may commence a civil action to collect such unpaid debt.

(b) "Lien" or "Liens" as used in this section shall arise whenever the fees and charges as described in this section are levied or imposed.

(c) If an owner fails to pay the registration fee as assessed and the Town begins the collection action to enforce its lien, then the Town shall post the written notice on the property and send the written notice to the owner(s) by certified and regular mail.

(d) The Town may take action to sell the subject property by means of forfeiture and the court ordered enforcement process to collect the debt owed the Town. Should the Town take the steps necessary to sell the subject property, the Town shall do so, subject to all liens and real and personal property taxes that are due. Purchasers of the subject property shall be similarly responsible for registration pursuant to this section in the same manner as the prior owner and must begin the registration process anew if said property remains vacant.