WEST VIRGINIA:

At a regular meeting of the Raleigh County Commission held on the 19th day of May, 2020 in the Commission Courtroom thereof:

CALL TO ORDER

President Tolliver called the meeting to Order.

-0-

ROLL CALL

Present: David Tolliver, President
Linda K. Epling, Commissioner
Ron Hedrick, Commissioner
Carl Roop, County Attorney
Jeff Miller, County Administrator
Billy Michael, Assistant County Administrator

-0-

INVOCATION AND PLEDGE OF ALLEGIANCE

Meeting was opened with the invocation by R.D. Tolliver and the recitation of the Pledge of Allegiance.

-0-

EXONERATIONS

Commissioner Epling made a motion to approve 2 exonerations, 3 cancellations and 1 refund for personal property; and 1 exoneration, 0 cancellations and 0 letters of correction for real property as presented today. Motion was seconded by Commissioner Hedrick and motion carried unanimously. (SEE EXHIBIT A)

-0-

BUDGET REVISIONS

A motion was made by Commissioner Epling to approve the inhouse budget revision of the Sheriff's Law Enforcement division in the amount of $127,600.00. Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT B)

A motion was made by Commissioner Epling to approve the inhouse budget revision of the Sheriff's Tax Department in the amount of $5,881.00. Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT C)

-0-

NEW EMPLOYEE – GLENNA LAFFERTY, SHERIFF'S TAX DEPARTMENT (RECORDS CLERK)

A motion was made by Commissioner Epling to approve the hiring of Glenna Lafferty for a full time Record's Clerk in the Tax Department at the Glen Daniel office. Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT D)

-0-

NEW EMPLOYEE – KURT GILLISPIE, COUNTY CLERK'S OFFICE – VOTER'S REGISTRATION (DEPUTY CLERK)

Commissioner Epling moved to approve the hiring of Kurt Gillispie as a Deputy Clerk for the County Clerk in Voter's Registration Department. Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT E)

-0-

COUNTY CLERK – EMERGENCY CHANGE ORDER – PRECINCT 84

A motion was made by Commissioner Epling to approve the Emergency Change Order moving Precinct 84 from Perry Memorial United Methodist Church to Shady Spring Pentecostal Holiness Church. Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT F)

-0-

HEARING AND ADOPTION OF PROPOSED RALEIGH COUNTY PROPERTY SAFETY ORDINANCE (FORMERLY KNOWN AS ABANDONED BUILDING ORDINANCE)

Detlef Ulfers opened the hearing to approve the Raleigh County Property Safety Ordinance. There being no opposition, the hearing was closed by Commissioner Tolliver.

Commissioner Epling moved to adopt the Raleigh County Property Safety Ordinance, formerly known as the Abandoned Building Ordinance. Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT G)

-0-

2020 TAX YEAR – PERSONAL PROPERTY & REAL ESTATE OATH PAGES – TAX BOOKS

A motion was made by Commissioner Epling to approve the Personal Property and Real Estate Oath Pages for the 2020 Tax Year. Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT H)

-0-

INTERGOVERNMENTAL AGREEMENT – RALEIGH COUNTY COMMISSION, CITY OF BECKLEY & RALEIGH COUNTY SOLID WASTE AUTHORITY

Commissioner Epling moved to approve the Intergovernmental Agreement with Raleigh County Solid Waste Authority. This Agreement gives the County a reduced rate when disposing of abandoned buildings. Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT I)

-0-

RALEIGH COUNTY COMMUNITY CORRECTIONS MONTHLY GRANT REPORT

A motion was made by Commissioner Epling to approve the April 2020 Raleigh County Community Corrections Monthly Grant Report in the amount of $36,250.00. The total used to date is $138,686.30. Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT J)

-0-

MINOR BOUNDARY ADJUSTMENT – PETITION FOR ANNEXATION BY THE TOWN OF SOPHIA AND JEFFERY & KRISTY TAYLOR

Attorney Bill Roop stated the Petition for Minor Boundary adjustment by the Town of Sophia and Jeffery and Kristy Taylor was filed with the Town of Sophia City Council and approved.

Commissioner Epling moved to approve the annexation by the Town of Sophia and Jeffery and Kristy Taylor on the property adjacent to boundary of the town. Seconded by Commissioner Tolliver and motion carried.

Attorney Jim Sheatsley was present per audio conferencing and will prepare the Order. (SEE EXHIBIT K)

-0-

RALEIGH COUNTY MEMORIAL AIRPORT AUTHORITY GRANT APPROVAL

A motion was made by Commissioner Epling to approve the FAA Raleigh County Memorial Airport Authority Grant in the amount of $69,000.00 Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT L)

-0-

CLEAR FORK RAIL TRAIL – AML SOFT COST SUB RECIPEINT PAYMENT REQUEST NUMBER 5 ($157,500.00)

A motion was made by Commissioner Epling to approve the purchase of the Clear Fork Rail Trail in the amount of $157,500.00. Seconded by Commissioner Tolliver and motion carried. (SEE EXHIBIT M)

-0-

OLD BUSINESS

None

-0-

PUBLIC PARTICIPATION

John Woicevich addressed the Commission regarding an increase in his real estate taxes for 2019/20. He had mailed the 2018 "farmers" form, but the Assessor's Office did not have the form, therefore he lost his discount for 2019/20. Mr. Woicevich has spoken to many different County and State departments. Commissioner Tolliver stated the Commission will meet with County Attorney Roop and County Administrator Jeff Miller regarding this matter

-0-

APPROVAL OF MINUTES

Commissioner Epling moved to approve the May 5, 2020 minutes of this Commission. Seconded by Commissioner Tolliver and motion carried.

-0-

VACATION ORDERS

Commissioner Epling moved to approve the Vacation Orders from May 5, 2020 to May 18, 2020, inclusive. Seconded by Commissioner Tolliver and motion carried unanimously. (SEE EXHIBIT N)

-0-

FINAL ACCOUNTINGS AND WAIVERS OF FINAL SETTLEMENT

The following Final Accountings and Waivers of Final Settlement of the Fiduciary Supervisor (SEE EXHIBIT O) were read into the minutes and approved.

-0-

ADJOURNMENT

Commissioner Epling moved to adjourn this meeting until the next Commission Meeting on June 2, 2020 at 10:00 a.m. Seconded by Commissioner Tolliver and motion carried.

s/s David Tolliver
David Tolliver
President

-000-

RALEIGH COUNTY
SCOTT VANMETER, SHERIFF
History Report

From Date 04/30/2020 | From Year 2018 | Print Date 05/12/2020
Thru Date 05/12/2020 | Thru Year 2019 | Print Time 10:12:08AM
Date Type Transaction | Tax Type Personal-Supplement |

Type	Year	Ticket/Suff	Tax Name1/Tax Name2	Date	First Half	Second Half	Transaction Total
EXONERATION							
P	2019	610541	MILAM RICHARD	2020/05/01	-130.00	-130.00	-260.00
			MILAM JENNIFER L				
P	2019	604040	PANDELIOS JAMES G JR	2020/05/07	-66.72	-66.72	-133.44
			PANDELIOS PAMELA				
			Total For EXONERATION		-196.72	-196.72	-393.44
PENDING EXONERATION							
P	2018	502707	RAHALL NICK J III	2020/04/30	-10.72	-10.72	-21.44
			RAHALL LAURA				
P	2019	602675	RAHALL NICK J III	2020/04/30	-9.85	-9.85	-19.70
			RAHALL LAURA				
P	2019	610541	MILAM RICHARD	2020/05/01	-130.00	-130.00	-260.00
			MILAM JENNIFER L				
S	2018	80003267	GIBSON MICHAEL W	2020/05/01	-13.60	-13.60	-27.20
			GIBSON JENNIFER A				
P	2019	604040	PANDELIOS JAMES G JR	2020/05/07	-66.72	-66.72	-133.44
			PANDELIOS PAMELA				
P	2019	615023	PENNINGTON GLEN	2020/05/11	-64.25	-64.25	-128.50
			Total For PENDING EXONERATION		-295.14	-295.14	-590.28
REFUND							
P	2018	513354	GOINS BILLY	2020/05/05	62.72	60.26	122.98
			GOINS MELISSA				
P	2019	600855	DAVIS SHEENA	2020/05/05	12.01	11.38	23.39
S	2019	80004936	GOINS BILLY	2020/05/05	52.04	49.45	101.49
			GOINS MELISSA				
			Total For REFUND		126.77	121.09	247.86

Linda Sumpter (MC)
Assessor

Prosecuting Attorney

David L. Tolley
County Commission

At a regular session of the County Commission of Raleigh County, West Virginia, held at the Courthouse of said County, the County Commission did approve these exonerations on 5-19-20

RALEIGH COUNTY
SCOTT VANMETER, SHERIFF
History Report

From Date 04/30/2020 | From Year 2017 | Print Date 05/14/2020
Thru Date 05/14/2020 | Thru Year 2020 | Print Time 12:43:13PM
Date Type Transaction | Tax Type Real |

Type	Year	Ticket/Suff	Tax Name1/Tax Name2	Date	First Half	Second Half	Transaction Total
PENDING EXONERATION [redacted]							
R	2019	60045	WORKMAN MICHAEL E SR & TERRI LEE TAYLOR	2020/05/13	-91.37	-91.37	-182.74
Total For PENDING EXONERATION					-91.37	-91.37	-182.74

Linda Summers
Assessor

5/14/20
Prosecuting Attorney

Linda K. Epling
County Commission

At a regular session of the County Commission of Raleigh County, West Virginia, held at the Courthouse of said County, the County Commission did approve these exonerations on 5/19/20

Sheriff - Treasurer of Raleigh County
Raleigh County Courthouse
215 Main Street
Beckley, West Virginia 25801

Telephone: 304-255-9195
Fax: 304-255-9307

SCOTT VAN METER

TO: Jeff Miller, County Administrator

FROM: Sheriff Scott Van Meter SVM

DATE: May 07, 2020

RE: Budget Revision

Please transfer funds as follows:

		INCREASE	DECREASE
01-404-14	Travel		$ 4,556.00
01-404-21	Training & Education		$ 1,325.00
01-404-41	Materials & supplies	$5,881.00	

APRROVED BY: _____ Commissioner

_____ Commissioner

_____ Commissioner

SVM:cr
Cc: R.D. Tolliver

Sheriff - Treasurer of Raleigh County
Raleigh County Courthouse
215 Main Street
Beckley, West Virginia 25801

Telephone: 304-255-9195
Fax: 304-255-9307

SCOTT VAN METER

TO: Jeff Miller, County Administrator

FROM: Sheriff Scott Van Meter SVM

DATE: May 15, 2020

RE: Law Enforcement Budget Revision

I am requesting the following in-house budget revision for FY 2019-2020:

		DECREASE	INCREASE
01-700-03	Salaries & Wages	$100,000.00	
01-700-14	Travel	$ 5,000.00	
01-700-21	Training & Education	$ 9,000.00	
01-700-23	Professional Services	$ 700.00	
01-700-29	Court Costs & Damages	$ 10,000.00	
01-700-33	Investigation Expense	$ 2,900.00	
		$127,600.00	
01-700-30	Contracted Services		$ 9,700.00
01-700-41	Materials & Supplies		$111,500.00
01-700-53	Computer Software		$ 6,400.00
			$127,600.00

Thank you for your assistance in this matter.

Approved By: _____ Commissioner

_____ Commissioner

_____ Commissioner

SVM:ab
cc: R. Tolliver

County Commission of Raleigh County

116 ½ North Heber Street
Beckley, West Virginia 25801-4522

May 19, 2020

At a regular session of the Raleigh County Commission on the 19th day of May, 2020, Glenna Lafferty, was presented to the Commission by Scott Van Meter, Sheriff, to fill the position as Records Clerk/Tax Dept, for employment by Raleigh County.

David L. Tolliver, President

Linda K. Epling, Commissioner

Ronald R. Hedrick, Commissioner

Phone 304-255-9146 Fax 304-255-9166 ralcom@raleighcounty.com

County Commission of Raleigh County

116 ½ North Heber Street
Beckley, West Virginia 25801-4522

May 19, 2020

At a regular session of the Raleigh County Commission on the 19th day of May, 2020, Kurt Gillispie, was presented to the Commission by Danny Moore, County Clerk, to fill the position as Deputy Clerk, for employment by Raleigh County.

David L. Tolliver, President

Linda K. Epling, Commissioner

Ronald R. Hedrick, Commissioner

Phone 304-255-9146 Fax 304-255-9166 ralcom@raleighcounty.com

County of Raleigh,
State of West Virginia,

EMERGENCY CHANGE ORDER

Effective May 19, 2020, by order of the Raleigh County Commission, the polling location for **Precinct 84 – Glade Springs** has been changed from the **Perry Memorial United Methodist Church** to the **Shady Spring Pentecostal Holiness Church, 2952 Ritter Dr., Shady Spring.** (Voting will take place in the Church fellowship Hall located behind the Church)

President

Commissioner

Commissioner

Dated this the 19th day of May, 2020

PAGE NUMBER	COUNTY	DISTRICT	TAX YEAR	ASSESSED JULY 1	CLASS	TAX RATE	CLASS	TAX RATE
					2			

REAL ESTATE TAX BOOK
STATE OF WEST VIRGINIA

STC 12:21

TICKET NUMBER / ACCOUNT NUMBER (A)	TAXPAYER NAME / JOINT TAXPAYER NAME / HOMESTEAD EXEMPTION (B)	MAP PARCEL SUFFIX - SPLIT DEED BOOK - PAGE (C)	PROPERTY DESCRIPTION (D)	LEND. INST. COMB. ACCTS. FORF. AMT. (E)	ASSESSED VALUE LAND MINERAL BUILDING (F)	ASSESSED VALUE GROSS HOMESTEAD NET (G)	CLASS	TAX HALF YEAR (H)	

OATH AND CERTIFICATES - LAND BOOKS OATH OF ASSESSOR

STATE OF WEST VIRGINIA,
COUNTY OF Raleigh, SS:

I, Linda Sumner, ASSESSOR OF THE COUNTY OF Raleigh, DO SOLEMNLY SWEAR (OR AFFIRM) THAT IN MAKING THE FOREGOING ASSESSMENT I HAVE TO THE BEST OF MY KNOWLEDGE AND ABILITY PURSUED THE LAW PRESCRIBING THE DUTIES OF ~~ASSESSORS AND THAT I HAVE NOT BEEN INFLUENCED IN MAKING THE SAME BY FEAR, FAVOR, OR PARTIALITY;~~ SO HELP ME GOD.

Linda Sumner
ASSESSOR

SUBSCRIBED AND SWORN TO BEFORE ME, A Notary FOR THE COUNTY OF Raleigh, ~~WEST VIRGINIA,~~ AND STATE OF

THIS THE 15th DAY OF May, 2020

Debra A. Houck

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
DEBRA A. HOUCK
215 MAIN STREET
BECKLEY, WV 25801
My Commission Expires June 19, 2024

CERTIFICATE OF COUNTY COMMISSION

STATE OF WEST VIRGINIA,
COUNTY OF Raleigh, SS:

WE, THE UNDERSIGNED MEMBERS OF THE COUNTY COMMISSION IN AND FOR THE COUNTY OF Raleigh DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE FOREGOING LAND BOOK AND HAVE MADE SUCH CORRECTIONS AND FIXED SUCH VALUATIONS AS NOW APPEAR IN THE ~~FOREGOING RECORD, AND THAT THIS RECORD SHOWS THE COMPLETE VALUATIONS AND ASSESSMENTS OF THE LAND OF~~ Raleigh COUNTY FOR THE YEAR 2020 .

~~GIVEN UNDER OUR HANDS THIS~~ 26th DAY OF May, 2020

PRESIDENT

COMMISSIONER

COMMISSIONER

CERTIFICATE OF ASSESSOR

I, Linda Sumner, ASSESSOR OF Raleigh COUNTY, DO HEREBY CERTIFY THAT I DELIVERED ON THE ____ DAY OF ____, 2020 A DUPLICATE OF THE FOREGOING LAND BOOK TO Scott Van Meter ~~SHERIFF (OR COLLECTOR)~~ OF Raleigh COUNTY.

Linda Sumner
ASSESSOR

CERTIFICATE OF ASSESSOR

I, Linda Sumner, ASSESSOR OF Raleigh COUNTY, DO HEREBY CERTIFY THAT I DELIVERED ON THE ____ DAY OF ____, 2020 A DUPLICATE OF THE FOREGOING LAND BOOK TO Rachel Moore COUNTY CLERK OF Raleigh COUNTY.

Linda Sumner
ASSESSOR

ASSESSMENT TOTALS				TAX TOTALS		
CLASS - LAND	CLASS - MINERAL	HOMESTEAD EXEMPTION	CLASS - LAND	CLASS - MINERAL	CLASS - HALFYEAR	TOTAL 1/2 YEAR
2	2				2	
2	2					
CLASS - IMPROV.	CLASS - TOTAL	NET CLASS 2	CLASS - IMPROV.	CLASS - TOTAL	CLASS - HALFYEAR	TOTAL FULL YEAR

PERSONAL PROPERTY TAX BOOK - STATE OF WEST VIRGINIA — STC 12:22

PAGE NUMBER	COUNTY	DIST. NO.	DISTRICT	TAX YEAR	ASSESSED JULY 1	CLASS 1 TAX RATE	CLASS 2 TAX RATE	CLASS 3 OR 4 TAX RATE

KEY TO CLASS 1 CODES

1. ALL TANGIBLE PERSONAL PROPERTY EMPLOYED EXCLUSIVELY IN AGRICULTURE INCLUDING HORTICULTURE AND GRAZING.
2. ALL PRODUCTS OF AGRICULTURE INCLUDING LIVESTOCK WHILE OWNED BY THE PRODUCER.

T. THE TOTAL OF CODES ONE & TWO

TICKET NO. / ACCOUNT NUMBER	BUS. CODE	OWNER NAME / JOINT OWNER NAME / ADDRESS / REMARKS / HOMESTEAD EXEMPTION	CLASS 1 ASSESSED VALUE	CLASS 2 ASSESSED VALUE	VEHICLES MAKE	MODEL	YR	VALUE	INVENTORY OTHER PP TOTAL CL 3 OR 4	½ YR. TAXES CLASS 1 / CLASS 2 / CLASS 3 OR 4 / TOTAL	
		OATH AND CERTIFICATES - PERSONAL PROPERTY BOOK OATH OF ASSESSOR									1

STATE OF WEST VIRGINIA, Raleigh, SS:
COUNTY OF

I, Linda Sumner, ASSESSOR OF THE COUNTY OF Raleigh, DO SOLEMNLY SWEAR (OR AFFIRM) THAT IN MAKING THE FOREGOING ASSESSMENT I HAVE TO THE BEST OF MY KNOWLEDGE AND ABILITY PURSUED THE LAW PRESCRIBING THE DUTIES OF ASSESSORS AND THAT I HAVE NOT BEEN INFLUENCED IN MAKING THE SAME BY FEAR, FAVOR, OR PARTIALITY; SO HELP ME GOD.

Linda Sumner — 2

SUBSCRIBED AND SWORN TO BEFORE ME, A Notary FOR THE COUNTY OF Raleigh ASSESSOR, AND STATE OF WEST VIRGINIA,

THIS THE 15th DAY OF MAY, 2020. — 3

Debra A. Houck

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
DEBRA A. HOUCK
215 MAIN STREET
BECKLEY, WV 25801
My Commission Expires June 19, 2024

CERTIFICATE OF COUNTY COMMISSION — 4

STATE OF WEST VIRGINIA, Raleigh, SS:
COUNTY OF

WE, THE UNDERSIGNED MEMBERS OF THE COUNTY COMMISSION IN AND FOR THE COUNTY OF Raleigh DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE FOREGOING PERSONAL PROPERTY BOOK AND HAVE MADE SUCH CORRECTIONS AND FIXED SUCH VALUATIONS AS NOW APPEAR IN THE FOREGOING RECORD, AND THAT THIS RECORD SHOWS THE COMPLETE VALUATIONS AND ASSESSMENTS OF THE PERSONAL PROPERTY OF Raleigh COUNTY FOR THE YEAR 2020. — 5

GIVEN UNDER OUR HANDS THIS 26th DAY OF MAY, 2020 — 6

David L. Tolen — PRESIDENT
Linda K. Epling — COMMISSIONER — 7
Mark Nelson — COMMISSIONER

CERTIFICATE OF ASSESSOR

I, Linda Sumner, ASSESSOR OF Raleigh COUNTY, DO HEREBY CERTIFY THAT I DELIVERED ON THE 27th DAY OF MAY, 2020 A DUPLICATE OF THE FOREGOING PERSONAL PROPERTY BOOK TO Scott Van Meter, SHERIFF (OR COLLECTOR) OF Raleigh COUNTY. — 8

Linda Sumner — ASSESSOR

CERTIFICATE OF ASSESSOR

I, Linda Sumner, ASSESSOR OF Raleigh COUNTY, DO HEREBY CERTIFY THAT I DELIVERED ON THE DAY OF , 2020 A DUPLICATE OF THE FOREGOING PERSONAL PROPERTY BOOK TO Daniel Moore, COUNTY CLERK OF Raleigh COUNTY. — 9

Linda Sumner — ASSESSOR — 10

11

RALEIGH COUNTY PROPERTY SAFETY ORDINANCE*
(Formerly Known as "ABANDONED BUILDING ORDINANCE")

***note:** currently appointed members of the Abandoned Building Enforcement Agency shall automatically continue serving their remaining terms under this new ordinance.

Reference: From West Virginia State Code:

§7-1-3ff. Authority of county commission to regulate unsafe or unsanitary structures and refuse on private land; authority to establish an enforcement agency; county litter control officers; procedure for complaints; lien and sale of land to recover costs; entry on land to perform repairs and alterations or to satisfy lien; receipt of grants and subsidies.

AN ORDINANCE TO:

- Regulate Unsafe Structures or Unsanitary Structures - Article 1, Section 1.4 (A)
- Regulate Refuse on private land - Article 1, Section 1.4 (B)
- Establish an Enforcement Agency - Article 3, Section 3.1 (A)
- Establish County Litter Control Officer(s) - Article 3, Section 3.1 (B)
- Establish procedures for the Enforcement Agency - Article 3, Section 3.3
- Establish procedures for complaints brought before the County Commission - Article 4
- Establish procedures for the County Commission to enter on private land and to perform repairs and alterations or to satisfy lien; - Article 5
- Establish procedures for the County Commission to place liens and to perform sale of lands to recover costs; and - Article 6, Section 1.1
- Establish procedures for the County Commission to receive grants and subsidies. - Article 6, Section 1.2

BE IT ORDAINED AND ORDERED by the County Commission of Raleigh County, West Virginia, a Public Body corporate of Raleigh County, West Virginia, as follows:

ARTICLE 1 Authority, Effective Date, Title, Purpose, Jurisdiction and Severability

Section 1.1 Authority

This ordinance is adopted by virtue of the authority granted in Chapter 7, Article 1, Section 3ff of the Code of West Virginia as amended.

Section 1.2 Effective Date

This ordinance shall become effective thirty (30) days after the date on which the County Commission of Raleigh County, West Virginia (**Commission**) acts to adopt it.

Section 1.3 Title

This ordinance shall be titled the RALEIGH COUNTY PROPERTY SAFETY ORDINANCE.

Section 1.4 Purpose

The purpose of this ordinance is to promote the public safety or welfare of Raleigh County, West Virginia by enacting the following:

(A) The **Commission** shall have authority to regulate **Unsafe Structures** or **Unsanitary Structures**: by requiring, as the case may be: the repair, alteration, improvement, vacating, closing, removal or demolition of **Dwellings** or other **Buildings** or **Unsafe Structures** or **Unsanitary Structures**, or any combination thereof, unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of **Ventilation**, light or sanitary facilities or other conditions prevailing in any **Dwelling** or **Building** or **Unsafe Structures** or **Unsanitary Structures**, whether used for human habitation or not, which would cause such **Dwellings** or other **Buildings** to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare, whether the result of natural or manmade force or effect, exclusive of **Buildings** utilized for farm purposes on land actually being used for farming; and

(B) The **Commission** shall have authority to regulate **Refuse** on private land by requiring, as the case may be: the removal and clean up of any accumulation of **Refuse** or debris, or toxic spillage or toxic seepage located on private lands which is determined to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare, whether the result of natural or manmade force or effect.

(C) The **Commission** shall have authority to regulate **Vegetation** on private land by requiring, as the case may be, the removal and clean up of any **Vegetation** for the purpose of accessing **Structures** and **Refuse** indicated above in (A) and (B).

Section 1.5 Jurisdiction

This ordinance shall apply to all properties within Raleigh County, West Virginia, exclusive of the incorporated towns and cities, properties of the United States Government, and of the West Virginia State Government.

Section 1.6 Severability

Should any article, section, subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

ARTICLE 2 Definitions

Section 2.1 Interpretation

For the purpose of this ordinance, the following interpretations shall apply:

A. Words used in the present tense include the future.

B. The singular includes the plural.

C. The plural includes the singular.

D. The word "person" includes a corporation, unincorporated association or partnership, chartered associations, partnerships, natural persons, joint ventures, joint stock company, club, company, business trust, or the manager, agent, servant, officer or employee of any of them.

E. The term "shall" is mandatory and the term "may" is permissive.

F. The word "county" shall refer to Raleigh County, West Virginia.

G. The defined words in below Section 2.2 are generally presented throughout this entire ordinance in bold Title Case (e.g., **Citizen Complaint**) to assist the person reading this document.

Section 2.2 Definitions

Building	Any **Structure** on a parcel of land that has one or more walls.
Citizen Complaint	A **Citizen Complaint** is initiated by a **County Resident** (refer to definition) completing a **Citizen Complaint** Form in its entirety. This form is located in Appendix A.
Commission	The County **Commission** of Raleigh County, West Virginia.

Commissioner — An elected member of the County **Commission** of Raleigh County, West Virginia.

County Board of Health — An agency of local government either created pursuant to Chapter 16, Article 2 or Chapter 16, Article 2A of the Code of West Virginia to oversee the health needs of the citizens of a county in accordance with law.

County Engineer — An engineer employed by Raleigh County Government, who is a member of the **Enforcement Agency** and who is registered by the West Virginia Board of Registration of Professional Engineers as a "Professional Engineer".

County Health Officer — A physician appointed by the **County Board of Health** pursuant to Chapter 16, Article 2A, Section 4 of the Code of West Virginia, or a physician appointed by the direction of the West Virginia Department of Health pursuant to Chapter 16, Article 2, Section 1 of the Code of West Virginia, who is a member or His/her designee of the **Enforcement Agency.**

County Litter Control Officer — An officer hired to prevent litter and enforce litter control regulations within Raleigh County and who is a member of the **Enforcement Agency.**

County Resident — A person who lives in or regularly visits Raleigh County, a person who conducts business within Raleigh County, or a person who owns **Real Property** within Raleigh County.

Deed — A written instrument, signed and delivered by which a person transfers and conveys title to real estate to another person.

Deed of Trust A written instrument by which legal title to real estate is placed in one or more trustees to secure the payment of a sum of money or the performance of other conditions, which serves the purpose and function of a mortgage.

Dilapidated Falling to pieces or into disrepair; broken down; shabby and neglected.

Dwelling A **Dwelling** is any **Structure** capable of providing shelter to a person(s) and has the potential to be an **Unsafe Structure** and/or **Unsanitary Structure.** This includes campers, boats, inoperable **Vehicle**s, box trailers, storage sheds, tree houses, commercial **Buildings**, storage **Buildings**, homes, tiny homes, hunting stands, lean-tos, etc.

Easement A lawfully acquired right or privilege to use a parcel of land or portion thereof for a specified purpose such as a road.

Enforcement Agency An agency of Raleigh County Government charged under Chapter 7, Article 1, Section 3ff of the Code of West Virginia with the investigation and enforcement of violations of that statute and this ordinance. Its membership includes: **County Engineer**, **County Health Officer**, County Fire Chief, **County Litter Control Officer** and two other members at large. The Sheriff of Raleigh County is an ex officio member. (Also known as **RCPSEA**)

Judgment Lien A claim, encumbrance or charge on property for payment of some debt, obligation or duty owed to another person as decreed by a court of law and recorded among the land records of Raleigh County.

Motor Vehicle Any **Vehicle** which is self-propelled by use of internal combustion engine or by electrical engine which is intended to be driven upon a highway. (See **"Vehicle"**)

Motor Vehicle, Junked	Any **Motor Vehicle** which is discarded, wrecked, ruined, scrapped or dismantled which would not pass the State of West Virginia **Motor Vehicle** inspection laws and which is not serving a reasonable functional use or purpose and is not inside an enclosed **Building.** (See **"Vehicle"**)
Owner	A person (or persons) who holds legal title to the real estate or personal property. **Owner** is also the party associated with the property regarding enforcement of this ordinance which can include tenants, occupants, or persons leasing the real estate or property in question.
Owner's Point of Contact	A person (or persons) representing the **Owner** such as a family member, friend, or power of attorney. When possible, the **County Engineer** (or other technically qualified county employee or consulting engineer) should acquire documentation supporting the role of this person(s) regarding the **Owner.**
Public Body	**Public Body** shall mean the state or any municipality, county, township, board, **Commission**, authority, district or any other subdivision or **Public Body** of the State.
Real Property	**Real Property** shall include all lands including improvements and fixtures thereon and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right, legal or equitable therein including terms for years.
RCPSEA	Raleigh County Property Safety **Enforcement Agency** - (refer to definition: **Enforcement Agency**)
RCPSEA Complaint	A document intended for the **Commission**, generated by the **Enforcement Agency**

(**RCPSEA**) stating their findings and recommendations resulting from the investigation of the property in question. Note: this should not be confused with the **Citizen Complaint.**

Refuse Anything thrown away or rejected as worthless or useless: waste; trash; rubbish.

Structure Any constructed enclosure, which involves a stationary location on the ground persisting more than 30-days; or, anything fixed to something having such location. A **Structure** does not include fences, individual driveways, or retaining walls. **Structures** can include prefabricated **Buildings**, tree-stands, tree-houses, automobiles, campers, box trailers, boats and appliances.

Toxic Substance Means any substance which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating or reversible illness; or pose a substantial present or potential hazard to human health exclusive of any application of substances for bona fide farming operations.

Unsafe Structure A **Dwelling, Building,** or other **Structure** that due to dilapidation or defects increasing the hazard of: a) fire; b) accidents; or c) other calamities prevailing is therefore dangerous or detrimental to the public safety or welfare, whether used for human habitation or not, whether the result of natural or manmade force or effect. Example: a refrigerator with a locking handle is considered a **Structure** that has the defect known to cause entrapment and suffocation of a child entering the **Structure,** therefore dangerous or detrimental to the public safety.

Unsanitary Structure

A **Dwelling**, **Building**, or other **Structure** that due to lack of **Ventilation**, light or sanitary facilities, or any other conditions prevailing is therefore unsafe for human health or unsanitary for human health, whether used for human habitation or not, whether the result of natural or manmade force or effect. Example: a motor home, unable to move due to deteriorated wheel bearings and flat tires, also mold-infested and containing fecal matter from animals.

Vegetation

Trees, shrubs, bushes, vines, grass, etc.

Vehicle

A device capable for the transporting of people, goods, shelter, or temporary living quarters. Note: A device that has been determined to not meet the definition of a **"Vehicle"** can then be evaluated as an **Unsafe Structure** and/or an **Unsanitary Structure**. For example, a **Dilapidated** yacht or camper would be considered a potentially **Unsafe Structure** (not a **Vehicle**) if it was deemed immovable (e.g., **Owner** is not able to demonstrate it can be moved to a new location within a reasonable time frame of 30-days). The **Owner** has the burden to demonstrate that the device can viably transport people, goods, shelter, or temporary living quarters to the satisfaction of the **Enforcement Agency** and/or **Commission**. Alternately, the **Owner** can meet the **"Vehicle"** definition by providing proof of up-to-date DMV registration and paid property tax receipts for the device in question.

Ventilation

The natural or mechanical process of supplying or circulating conditioned air or unconditioned air to any space, or reproving air from any space.

ARTICLE 3 **Enforcement Agency**

Section 3.1 Membership

(A) Establishment of an Enforcement Agency: The **Commission** shall designate an **Enforcement Agency** (**RCPSEA**) which shall consist of the **County Engineer** (or other technically qualified county employee or consulting engineer), **County Health Officer** (or his or her designee), a Fire Chief from a county fire company, the **County Litter Control Officer**, if the **Commission** chooses to hire one, and two members-at-large selected by the county **Commission** to serve two-year terms. The county sheriff (or his or her designee) shall serve as an ex officio member of the **Enforcement Agency**.

(B) Establishment of County Litter Control Officers: The **Commission** may choose to hire Litter Control Officer(s). In addition to the powers and duties imposed by this section, **County Litter Control Officers** shall have authority to issue citations for open dumps, as prohibited by §22-15-10(a) of this code, unlawful disposal of litter, as prohibited by §22-15A-4 of this code, and failure to provide proof of proper disposal of solid waste, as prohibited by §22C-4-10(a) of this code, after completing a training course offered by the West Virginia Department of Environmental Protection: Provided, That any litter control officer who is trained and certified as a law-enforcement officer and whose certification is active has the same authority as any other law-enforcement officer to enforce all litter laws in this code. Nothing in this subsection supersedes the authority or duty of the Department of Environmental Protection or other law-enforcement officers to preserve law and order and enforce the litter control program.

Section 3.2 Meetings

A. Members of the **Enforcement Agency** shall, at a minimum, meet on a quarterly basis in public session. The time and place to be determined by the membership. Three members in attendance at the meeting shall constitute a quorum.

B. At its first meeting and on the one-year anniversary date thereafter, the members shall appoint a President, Vice-President and Secretary.

C. At public meetings, the **Enforcement Agency** shall receive **Citizen Complaints** from County Residents concerning:

1. **Unsafe Structures** or **Unsanitary Structures** or **Dwellings** or other **Buildings**, unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of **Ventilation**, light or sanitary facilities or any other conditions prevailing in any **Dwelling** or **Building**, whether used for human habitation or not, which would cause the **Dwellings** or other **Buildings** to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare whether the result of natural or manmade force or effect.

2. Accumulation of **Refuse**, debris, **Vegetation**, toxic spillage, or toxic seepage located on private lands which may be deemed to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare whether the result of natural or manmade force or effect.

Section 3.3 Procedures for the Enforcement Agency

Enforcement Agency Rules for Accepting **Citizen Complaints** and Conducting Investigations

A. Submission of **Citizen Complaints**:

1. **Citizen Complaints** shall only be accepted from a County Resident(s) affected by the **Unsafe Structure**, **Unsanitary Structure** and/or **Refuse**. Refer to definition of "County Resident."

2. Complainants shall complete the **Citizen Complaint** Form in its entirety. The form is located in Appendix A.

B. Procedure for **Citizen Complaint** Investigation and **Owner** Notification:

1. Upon the members voting to accept the **Citizen Complaint** and conduct an investigation, the **County Engineer** or other technically qualified county employee or consulting engineer ascertains the following information for the property in question: the **Owner's** mailing address (from the Sheriff's tax office), the tax district, tax map and parcel number, **Judgment Liens**, tax liens, mechanics liens, **Deed of Trust** liens, status of ownership (by **Deed**, will, etc.).

2. The **County Engineer** (or other technically qualified county employee or consulting engineer) shall deliver notice to the **Owner** by United States Mail postage prepaid and by certified mail, return receipt requested, to the **Owner's** address as ascertained from the Sheriff's tax office informing the **Owner** of the general nature of the **Citizen Complaint** and informing the **Owner** that the **County Engineer** and/or other members of the **Enforcement Agency** will visit the property at a specific time and date to investigate the allegations set forth in the **Citizen Complaint**. The notice shall inform the **Owner** that photographs will be taken of the property in question and/or that soil samples may be taken from the property in question. However, any such entrance upon the property in question shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.

3. The **County Engineer** (or other technically qualified county employee or consulting engineer) shall, whenever possible, take written statements from the complaining party, the **Owner**, neighbors and other interested persons and attach these statements to the investigative report. Written documentation can also establish the **Owner's Point of Contact**.

4. The **County Engineer** (or other technically qualified county employee or consulting engineer) shall prepare a written investigative report and present the report to the members of the **Enforcement Agency**

at the next meeting of the **Enforcement Agency** where the investigative report shall be considered.

5. The **County Engineer** (or other technically qualified county employee or consulting engineer) may propose an agreement between the **Owner** and the **Enforcement Agency** whereby the **Owner** agrees to remedy all deficiencies to the satisfaction of the **Enforcement Agency** within a designated period of time.

6. Should the **Owner** not remedy the deficiencies to the satisfaction of the **Enforcement Agency**, then the **Enforcement Agency** may elect to bring this "**Citizen Complaint**" before the **Commission** as a "**RCPSEA Complaint**" using necessary legal steps--to order the **Owner** to remedy the deficiencies regarding his/her property as described in ARTICLE 4.

ARTICLE 4 Procedures for Submission of Complaints (i.e., **RCPSEA Complaints** before the **Commission**)

Section 4.1 Preparation for submitting **RCPSEA Complaint(s)**:

A. The **Enforcement Agency** shall have completed their investigation and determined that any: **Unsafe Structure**, **Unsanitary Structure**, **Dwelling**, **Building**, accumulation of **Refuse** or debris, toxic spillage or toxic seepage is unsafe, unsanitary, dangerous, detrimental to the public safety or welfare, and should be repaired, altered, improved, vacated, removed, closed, cleaned, or demolished. **Vegetation** inhibiting access to the above items should be indicated on the **RCPSEA Complaint**.

B. The **County Engineer** or the **County Litter Control Officer** (or other technically qualified county employee or consulting engineer) shall, at the direction of the **Enforcement Agency**, be directed to initiate by petition/complaint (i.e., **RCPSEA Complaint**) an action before the **Commission** to seek an order of the **Commission** requiring the **Owner** to repair, alter, improve, vacate, remove, close, clean up, demolish the: **Unsafe Structure(s)**, **Unsanitary Structure(s)**, **Dwelling(s)**, **Building(s)**, accumulation of **Refuse** or debris, **Vegetation**, toxic spillage, or toxic seepage within a reasonable time.

C. In the event the **Owner** does not comply with the order as indicated by the **Commission**, the **Enforcement Agency** shall preemptively include a request (as part of the **RCPSEA Complaint)** that the **Commission** perform the work indicated in the order and institute a civil proceeding in the Circuit Court of Raleigh County, West Virginia, to subject the private land in question to a lien , and eventually a forced sale to satisfy the costs of bringing the property in compliance with the order.

Section 4.2 Proceedings before the **Commission**

A. **RCPSEA Complaints** shall be initiated by citation issued by the **County Litter Control Officer** or petition of the **County Engineer** (or other technically qualified county employee or consulting engineer) on behalf of and at the direction of the **Enforcement Agency**, but only after the **Enforcement Agency** has investigated and determined that

any: **Unsafe Structure**, **Unsanitary Structure**, **Dwelling**, **Building**, **Structure**, accumulation of **Refuse** or debris, overgrown **Vegetation**, toxic spillage or toxic seepage is unsafe, unsanitary, dangerous, detrimental to the public safety or welfare, and should be repaired, altered, improved, vacated, removed, closed, cleaned, or demolished.

B. The **Commission** shall cause the **Owner** of the private land in question to be served with a copy of the **RCPSEA Complaint**. Service shall be accomplished in the manner provided in rule four of the West Virginia Rules of Civil Procedure.

C. The **RCPSEA Complaint** shall state the findings and recommendations of the **Enforcement Agency** and that unless the **Owner** file a written request for a hearing before the **Commission** with the Clerk of the County Commission of Raleigh County at the address 215 Main Street, Beckley, West Virginia 25801 within 10 days of receipt of the **RCPSEA Complaint**, an order will be issued by the **Commission** implementing the recommendations of the **Enforcement Agency**. The **Commission** may also schedule the hearing, service accomplished to the **Owner**, also allowing the **Owner** 10 days to file the written request to a different hearing after receipt of the **RCPSEA Complaint** or date of legal advertisement.

D. If the **Owner** files a request for a hearing, the **Commission** shall issue an order setting this matter down for hearing within 20 days. Hearings shall be recorded by electronic device or by court reporter. The West Virginia Rules of Evidence do not apply to the proceedings, but each party has the right to present evidence and examine and cross-examine all witnesses.

E. The **Enforcement Agency** has the burden of proving its allegation by a preponderance of the evidence and has the duty to go forward with the evidence.

F. At the conclusion of the hearing, the **Commission** shall make findings of fact, determinations, and conclusions of law as to whether the **Unsafe Structure(s)**, **Unsanitary Structure(s)**, **Dwelling** or **Building**: Is unfit for human habitation due to dilapidation; has defects that increase the hazard of fire, accidents, or other calamities; lacks **Ventilation**, light, or sanitary facilities; or any other conditions prevailing in the

Unsafe Structure(s), Unsanitary Structure(s), Dwelling(s) or **Building(s)**, whether used for human habitation or not and whether the result of natural or manmade force or effect, which would cause the **Unsafe Structure(s), Unsanitary Structure(s), Dwelling** or other **Building** to be unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare; or whether there is an accumulation of **Refuse** or debris, **Vegetation**, toxic spillage or toxic seepage on private lands which is determined to be unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare, whether the result of natural or manmade force or effect.

G. The **Commission** has authority to order the **Owner** thereof to repair, alter, improve, vacate, remove, close, clean up, or demolish the **Unsafe Structure(s), Unsanitary Structure(s), Dwelling(s)** or **Building(s)** in question or to remove or clean up any accumulation of **Refuse** or debris, or toxic spillage or toxic seepage within a reasonable time and to impose daily civil monetary penalties on the **Owner(s)** who fails to obey an order.

H. The **Commission** has authority to order the **Owner(s)** to remove **Vegetation** that inhibits access to the **Structures** or area requiring improvement.

I. Appeals from the **Commission** to the circuit court shall be in accordance with the provisions of the Code of West Virginia §58-3-1 et seq., as amended.

ARTICLE 5 Entry on Land to Perform Repairs and Alterations or to Satisfy Lien

Upon the failure of the **Owner** of the private land to perform the ordered duties and obligations as set forth in the order of the **Commission**, the **Commission** may make the ordered repairs, alterations, or improvements or the ordered demolition, removal, or clean up. The **Commission** may enter into any contract with any contractor to accomplish the ordered repairs, alterations, or improvements or the ordered demolition, removal, or clean up.

The **Commission** may remove: fencing, **Vegetation**, etc. to whatever extent necessary to gain access to the area on the private land to make the ordered repairs, alterations, improvements, demolition, removal, and/or clean up.

ARTICLE 6 Cost Recovery and Program Funding

Section 1.1 Lien and Sale of Land to Recover Costs

A civil proceeding may be brought in circuit court by the **Commission** against the **Owner** of the private land or other responsible party that the subject matter of the order of the **Commission** to subject the private land in question:

(1) To a lien for the amount of the contractor's costs in making these ordered repairs, alterations, or improvements or ordered demolition, removal, or clean up, together with any daily civil monetary penalty imposed;
(2) to order and decree the sale of the private land in question to satisfy the lien;
(3) to order and decree that the contractor may enter upon the private land in question at any and all times necessary to make ordered repairs, alterations,

or improvements, or ordered demolition, removal, or clean up; and

(4) to order the payment of all costs incurred by the **Commission** with respect to the property and for reasonable attorney fees and court costs incurred in the prosecution of the action.

(5) The **County Engineer** (or other technically qualified county employee) shall, at the time the Order is issued from the **Commission** to the **Owner**, file a lien in the amount of five hundred dollars ($500.00) against the property to cover the cost of the investigation and notice, and to serve as a record in the courthouse of this on-going legal process to any new person becoming involved with the property in question.

Section 1.2 Receipt of Grants and Subsidies

The **Commission** may receive and accept grants, subsidies, donations, and services in kind consistent with the objectives of this section.

ADOPTED this 19th day of May 2020, upon motion duly made by Commissioner Linda K. Epling, which motion was seconded by Commissioner David L. Tolliver and upon and no Commissioners voting against.

Attest - Daniel W. Moore, Clerk

David L. Tolliver, President

CITIZEN COMPLAINT FORM

The following information **must be submitted complete** with **Signature of Complainant**:

Unsafe Property Information:

(Need Help Locating Information?: Call County Commission 304-255-9146)

Address of Unsafe Property:

Tax District
Tax Map No.
Tax Parcel No.

Name and Mailing Address of Owner(s) of above property in question:
(Owner Phone No. if available)

Describe the scope and nature of any hazardous conditions on this property which threatens the public health, safety and welfare of the community:
(continue on back of this sheet if more space is needed)

I have submitted a photograph(s) of the unsafe property: ( ) YES, photo(s) attached

If not attached, indicate how photo(s) submitted:

County Resident (or Citizen) Making Complaint:

(Please include telephone so we can to contact you if needed)

Name:
Address:
Telephone:

Signature of Complainant _____

Signature Date _____

Return this form & photo(s) to: Raleigh County Property Safety Enforcement Agency, 116 ½ North Heber Street, Beckley, WV 25801