



City of Weston, WV
Regular Session City Council Meeting
Lewis County Court House
Monday, May 3rd, 2021 at 6:00 p.m.
Call In# - (415) 762-9988
Meeting ID: 482 656 4989
Pass Code: 269

AGENDA

Full Agenda Packets Available on www.CityofWestonwv.com

1) Call to Order/Moment of Silence

2) Pledge of Allegiance

3) Roll Call

4) Approval of Minutes

- A. Agenda – April 5, 2021
- B. Regular Session - April 5th, 2021
- C. Special Session – April 20th, 2021
- D. Special Session – April 27th, 2021

5) Presentations

- A. Chelsey McCarthy
 - Approval/Deny Application for National Endowment of the Humanities Grant (No Match)

6) Receive and File Reports of City Boards, Commissions and Outside Agencies

A. Reports

- i. Weston Cemetery Board
 - Next Meeting – July 12th, 2021 at 9:00 a.m.
- ii. Historic Landmarks Commission
 - Next Meeting – May 13th, 2021 at 5:30 p.m.
- iii. Weston Planning Commission
 - Next Meeting May 12th, 2021 at 4:30 p.m.
- iv. Boards of Parks and Recreation
 - Next Meeting – May 21st, 2021 at 2:00 p.m.
- v. Lewis County EDA Authority
 - Next Meeting – May 4th, 2021
- iv. Weston Fine Arts Council – (Not Active)
- vii. Weston Urban Renewal Authority – (Not Active)
- viii. Board of Zoning Appeals – (Still Forming)
- ix. Municipal Appeals Boards- (Still Forming)

B. Known Vacancies Looking to be Filled

- i. Weston Fine Arts Council - (4)
- ii. Weston Urban Renewal Authority – (3)
- iii. Boards of Zoning Appeals – (2)
 - Approval/Deny Application for David Gump
- iv. Municipal Appeals Board – (3)
- v. Weston Fairs & Festivals Committee – (5)
- vi. Codes Appeal Board – (5)

7) Sanitary Board of Director

8) Department Reports

A. Finance

- i. Suttle & Stalnaker CPA Monthly Financial Report

B. Department Reports

- i. Street Department
 - April Report
- ii. Police Department
 - April Report
 - Promotion Officer Minney
- iii. Fire Department
 - April Report
- iv. Building/Code/Zoning Report
 - April Report
 - Burnt Structures and Dilapidated Houses for Discussion
- v. City Attorney
 - April Report
- vi. City Manager Report
 - Vacation Request for May and June
 - Transportation Alternative Scope Discussion

9) Old Business

- A. PAY INCREASE FOR STREET DEPARTMENT EMPLOYEES (ACTION REQUIRED)
- B. Mid Avenue Slip Boring CEC Approval

10) New Business

- C. Approval/Deny to Open New Bank Account for Community Development
- D. Approval/Deny to Open New Bank Account for COVID Funding
- E. Approval/Deny to Advertise for Mowing Bid for City Lots
- F. Approval/Deny Park Rules
- G. Approval/Deny for the Reap Grant
- H. Street Closure Permit Discussion
- I. Approval of 911 Agreement for 2021-2022
- J. Approval/Deny Request for Summer Intern
- K. Discussion of Ward Meetings for Neighborhood Watch
- L. Chapter 28 City Traffic Code (First Reading)
- M. East 7th Street Ordinance (First Reading)
- N. Main Street 2 Hour Parking (First Reading)

11) Visitors Section

12) Reports of City Council

13) Adjourn

Meeting Management Guidelines

- Regular meeting agendas will be posted and available to the public before closure two (2) days prior to the meeting.
- Person wishing to address City Council must register at least fifteen (15) minutes before meeting.
- Agenda items may require an executive session motioned per WV Code 6-9A-4.
- All votes are unanimous unless otherwise stated.
- Roberts Rule of Order is utilized as a guide for all Weston City Council meetings.

4. Approval of Minutes

- 1) Call to Order/Moment of Silence
- 2) Pledge of Allegiance
- 3) Roll Call
- 4) Approval of Minutes
 - A. Special Session - February 9, 2021
 - B. Regular Session - March 1, 2021
 - C. Special Session - March 4, 2021
 - D. Work Session - March 11, 2021
 - E. Special Session - March 16, 2021
 - F. Special Session - March 23, 2021
 - G. Special Session - March 29, 2021
- 5.) Presentations
 - A. Mon Health Systems Update/Future
 - i. Johnathan Board/Kevin Stalnaker
- 6) Receive and file reports of City Boards, Commissions, and Outside Agencies
 - A. Reports
 - i. Weston Cemetery Board
 - Next Meeting – April 12th, 2021 at 9:00 a.m.
 - ii. Historic Landmarks Commission
 - Next Meeting – April 8th, 2021 at 5:00 p.m.
 - iii. Weston Planning Commission
 - Next meeting – May 12th, 2021 at 4:30 p.m.
 - iv. Boards of Parks and Recreation
 - Next Meeting – April 16th, 2021 at 2 p.m.
 - v. Lewis County EDA Authority
 - Next Meeting - April 6th, 2021
 - Tuesday March 30th, 2021 Meeting
 - vi. Weston Fine Arts Council – (Not Active)
 - vii. Weston Urban Renewal Authority – (Not Active)
 - viii. Boards of Zoning Appeals - (Still Forming)
 - ix. Municipal Appeals Board – (Still Forming)
 - B. Known vacancies looking to be filled
 - i. Weston Fine Arts Council – (4)
 - ii. Weston Urban Renewal Authority – (3)
 - iii. Boards of Zoning Appeals – (2)
 - iv. Municipal Appeals Board – (3)
 - v. Weston Fairs & Festivals Committee – (5)
 - vi. Codes Appeal Board – (5)

7) Sanitary Board Director Report

8) Department Reports

- A. Finance
 - i. Suttle & Stalnaker CPA Monthly Financial Report
- B. Department Reports
 - i. Street Department
 - March Report
 - ii. Police Department
 - February Report
 - Status Update on New Hire
 - iii. Fire Department
 - March Report
 - Accident Billings
 - iv. Building /Code/Zoning Enforcement
 - March Report
 - v. City Manager
 - MyCivic App Cancellation
 - Robin Corsini Insurance Meeting
 - Special Session Final of Levy at 5:30 p.m.

9) Old Business

- Removal of Jason Lipps from Lewis/Gilmer Solid Waste Authority

10) New Business

- Approve/Deny Air Bottles for Fire Department
- Resolution of Support for WVML Federal Advocacy (Action Required)
- Proclamation Denoting April as Donate Life Month (Action Required)
- Timing of Salary Raise for Street Department (Action Required)

11) Visitors Section (5 Minute Maximum)

12) Reports of City Council

- A. Mayor Kim Harrison
- B. Councilwoman Sherry Rogers, Ward I
- C. Councilman Randy Bohan, Ward II
- D. Councilwoman Debbie Gump, Ward III
- E. Councilman Herb Curtis, Ward IIII

13) Adjourn

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- All votes are unanimous unless otherwise stated.
- Roberts Rule of Order is utilized as a guide for all Weston City Council meetings.



Weston City Council
Regular Council Meeting
Minutes

Lewis County Courthouse
117 Center Avenue
Weston, WV 26452
April 5th, 2021
6:00 p.m.

PRESENT: Mayor Kim Harrison-Edwards, Councilpersons Sherry Rogers, Randy Bohan, Debbie Gump, Herb Curtis. City Manager Nate Stansberry, Interim City Clerk Judy Piercy, City Attorney Bryan Bailey, Police Chief Josh Thomas, Chief Jimmy Suttle, Street Foreman Tyler Strader, Building/Code/Zoning Enforcement Officer Mike Starett, Weston Sanitary Board Director Dee Evans.

CALL TO ORDER: Mayor Harrison-Edwards called the meeting to order at 6:05 p.m.

APPROVAL OF MINUTES: Councilwoman Debbie Gump made the motion to approve all minutes with the March 4th, March 16th, March 23rd, March 29th, Work Session changed to Special Session on the Agenda seconded by Councilwoman Sherry Rogers. Motioned carried.

PRESENTATION: Mon Health Systems Chief Operating Officer Kevin Stalnaker from Stonewall Jackson Memorial Hospital gave an update on the services the hospital offered. A positive partnership in healthcare worked with Lewis County Health Department, EMS, Crestview Manor Nursing Home and the Sharpe Hospital during the pandemic. The hospital worked with the Lewis County Health Department and the National Guard with onsite testing at the Market Place Plaza which was transitioned to the hospital. RN Kristi Gannon the Nurse Manager for the Cardiac Rehab Program spoke about the Cardiac Rehab, Pulmonary Rehab (COPD), Stress Testing 5 days a week and Adult Fitness Program. Ms. Gannon informed that our hospital may be small but we offer big services that is close to home. Our patients don't need to travel 30 miles from home. President and CEO of Mon Health Systems David Goldberg gave a brief overview of Mon Health being one of the largest employers in the state. Stonewall Jackson is a rock solid hospital and Mon Healthcare commitment to Lewis County is rock solid. Mr. Goldberg spoke about services the hospital provided and the doctors that were at the hospital. Mr. Goldberg was excited about the fact the patients and family did not need to travel 30 miles or more for services. Mr. Goldberg will be back in the near future to keep the Mayor and Council informed on changes and updates.

REPORTS:

WESTON CEMETERY BOARD: Next meeting will be April 12th, 2021 at 9:00 a.m. Mayor Harrison-Edwards did relay that Machpelah Cemetery and Arnold Cemetery both were mowed before Easter and looks great.

HISTORIC LANDMARKS COMMISSION: President Anna Cardelli informed that Jesse Corlis will start sometime in the next two weeks to touch up the mural in Bank Alley testing a small section to see how it works with the brick situation. Still working on Oral History on the Walking Tour, and submitted a grant to Americorps should hear from them soon. We submitted the Columbia Grant and should hear back in June 2021. We are working on the social media hash tag walk Weston. The Crossroad will meet April 15th, 2021 at 5:00 p.m. at Ember Arts.

BOARD OF PARKS AND RECREATIONS: Did not meet. Next meeting will be April 16th, 2021 at 2:00 p.m.

LEWIS COUNTY EDA: Next meeting will be April 6th, 2021. Minutes in the packet. Mayor Harrison-Edwards informed that the Strategic Plans were completed.

WESTON FINE ARTS COUNCIL: Not active.

WESTON URBAN RENEWAL AUTHORITY: Not active.

BOARDS OF ZONING APPEALS: Still forming.

MUNICIPAL APPEALS BOARD: Still forming.

VACANCIES TO FILL: Mayor Harrison-Edwards read aloud the City Boards, Commissions and Outside Agencies with the number of vacancies for Weston Fine Arts Council (4), Weston Urban Renewal Authority (3), Boards of Zoning Appeals (2), Municipal Appeals Board (3), Weston Fairs & Festivals Committee (5) and the Codes Appeal Board with 5 needed.

SANITARY BOARD OF DIRECTOR REPORT: Report in packet.

DEPARTMENT REPORTS:

FINANCE: In your packet you received cash bases budget year to date we are working on this and it is not 100% completed. We are going to be working on the revenue classifications within the next month. At the Regular Session Meeting May 3rd, 2021 going to have Ryan Mink from Suttle & Stalnaker to go over Financial Reporting, Budget Revisions. We need to know how to set up the "Rainyday Fund" and how we want to move forward in the process. We need to make sure that in July we are ready to transfer the funds. City Manager Nate Stansberry "thanked" the council for all the help and input in doing the budget. City Manager Nate Stansberry feels it was a very informative and felt comfortable where we are in the next year. Mayor Harrison-Edwards ask if we received the money for the siren, it has not been on the Financial Report. We many need to contact the Development office. City Manager Nate Stansberry informed that we are working on reclassification going off of our bank statement. Councilman Randy Bohan questioned the increase in the line 977001. City Manager Nate Stansberry responded that it was a design increase. City Manager Nate Stansberry and Mayor Harrison-Edwards stated that the design was completed and waiting for construction bid. The last estimated bidding out construction was late May. Mayor Harrison-Edwards thought it would not hurt to make a call to see if we were on target with the date given. City Manager Nate Stansberry and Councilwoman Sherry Rogers are going to work together to get an update of the construction bidding.

STREET DEPARTMENT: Report in packet.

POLICE DEPARTMENT: Reports (February and March) in packet.

Corporal Minney will be returning from Military Services on April 12, 2021

Chief Thomas relayed to the council that at the Special Session Meeting on March 29th, 2021 the offer was accepted with a start date of May 17, 2021.

FIRE DEPARTMENT: Report in packet.

BUILDING/CODE ZONING ENFORCEMENT OFFICER: Report in packet.

City Manager:

City Manager Nate Stansberry explained that MyCivic App is not being utilized by the City of Weston and we do not have the full capability to use the app. City Manager Nate Stansberry spoke with the company and in the process of a refund.

City Manager Nate Stansberry spoke with Robin Corsini through United Insurance Service Agency. It is a co-op for Municipal Organizations providing insurance for WV Municipalities. The company provides Workers Comp, and other liability policies at a cheaper rate. This could provide the City Weston with savings thousands of dollars. City Manager Nate Stansberry will be working with them to get a competitive quote and then present to council.

City Manager Nate Stansberry informed council that the Special Session meeting on Tuesday, April 20th, 2021 at 5:30 p.m. will be to finally pass the levy. Also, City Manager Nate Stansberry let council know that City Attorney Bryn Bailey provided prior charters, codes and ordinances to American Legal, the turnaround time approximately six months. The Columbia Grant was submitted and could hear back in a month.

Councilwoman Debbie Gump made a motion and seconded by Councilman Randy Bohan to approve department reports. Motion carried.

OLD BUSINESS:

Councilwoman Sherry Rogers made a motion seconded by Councilman Randy Bohan to remove Jason Lipps from the Lewis/Gilmer Solid Waste Authority. The Lewis /Gilmer Solid Waste Authority has reached out to Mr. Lipps multiple times with no success.

NEW BUSINESS:

Councilman Herb Curtis made a motion seconded by Councilwoman Sherry Rogers to approve the purchase of air bottles for the Fire Department from the company Fire Chasers. Motioned carried.

City Manager Nate Stansberry provided council a template of a letter for the Resolution of Support for WVML Federal Advocacy. City Manager Nate Stansberry informed council as they review the letter he would be willing to consider any modifications. The Municipal League set out municipalities across West Virginia to lobby in effect a letter of support for their efforts to the WV Delegation. We want to see infrastructure this letter is a letter of support for their advocacy. City Manager Nate Stansberry is in

favor because of the WV Municipal League is an excellent advocacy group watching out for us a municipality. Mayor Harrison-Edwards agreed with City Manager Nate Stansberry that the Municipal League does a great job keeping us informed and advocating for city issues. Councilwoman Sherry Rogers made a motion seconded by Randy Bohan to adopt the Resolution of Support for the WVML Federal Advocacy. Motioned carried.

Councilwoman Debbie Gump ask for a proclamation denoting April as Donate for Life Month. Councilwoman Debbie Gump gave an overview on how donating organs saved her life as well as it saves others. Councilwoman Debbie Gump explained how easy it was to sign up to be a donor. Councilwoman Sherry Rogers made a motion seconded by Councilman Randy Bohan to approve the proclamation denoting April as Donate Life Month. Motion carried.

City Manager Nate Stansberry received a request from Councilman Herb Curtis discuss a salary increase for the Street Department. City Manager Nate Stansberry informed that Councilman Herb Curtis would like to see the raise sooner than July 01, 2021 if possible. City Manager Nate Stansberry stated it is probably likely but would like to get through the end of April with the budget revisions. Councilman Herb Curtis conveyed we need to take care of the interior of our house so is taking care of the people and the town. The Street Department is the only department since we've been in office this administration hasn't been recognized. City Manager Nate Stansberry recommending it be tabled until Regular Session meeting May 3rd, 2021. Councilman Herb Curtis made a motion seconded by Councilman Randy Bohan to table the timing of salary increase for the Street Department. Motion carried.

VISITORS SECTION:

Ray Smith the new director of the Lewis County Chamber of Commerce told City Council and Mayor Harrison-Edwards along City Manager Nate Stansberry his openness to work with each and everyone in the city for existing businesses and attracting new businesses with advance attractions and infrastructure to help aid the businesses to pull people off the interstate. Also Mr. Smith openness to work with any policies, ordinances that affect businesses, surveys and openness hopefully to make the transition show their opinions matter.

REPORTS OF CITY COUNCIL:

MAYOR KIM HARRISON-EDWARDS:

Mayor Kim Harrison-Edwards let everyone know that she attended numerous meetings. Mayor Harrison-Edwards congratulated Ray Smith as the new director of the Lewis County Chamber of Commerce.

COUNCILWOMAN SHERRY ROGERS WARD I:

Councilwoman Sherry Rogers congratulated Ray Smith as the director of the Lewis County Chamber of Commerce and looked forward to working with him. Councilwoman Sherry Rogers informed everyone that Penn Line will be back in our area clearing the city's right of ways. As citizens you have rights when this is happening, Penn Line will cut the wood in firewood size pieces. Councilwoman Sherry Rogers will provide the City Building with a phone new should we need to call. Councilwoman Sherry Rogers

attended all meetings, and told of the importance of volunteering for organizations. Councilwoman Sherry Rogers appreciated all the work the Street Department does.

CONCILMAN RANDY BOHAN WARD II:

Councilman Randy Bohan congratulated Ray Smith also. With the all meetings over we now have more time to focus on single issues.

COUNCILWOMAN DEBBIE GUMP WARD III:

Councilwoman Debbie Gump informed that the spring clean up the city is having is at no expense to the citizens, so please take advantage of the opportunity. Councilwoman Debbie Gump reminded the importance of registering to be an organ donor. Councilwoman Debbie Gump thanked all city employees for all that they do.

COUNCILMAN HERB CURTIS WARD III:

Councilman Herb Curtis thanked the Street Department for doing a great job on the Harrison Avenue Project. Councilman Herb Curtis would like to see about getting signs for the large trucks that turn from Third Street onto Center in front of the Middle School. We need speed limit signage for the inner streets. Councilman Herb Curtis also expressed the importance of taking advantage of the spring cleanup.

ADJOURNMENT:

Councilwoman Debbie Gump made a motion seconded by Councilman Randy Bohan to adjourn at 8:03 p.m. Motion carried.

Kim Harrison-Edwards, Mayor

Attest:

Judy Piercy, Interim City Clerk

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City Council Special Session

April 20, 2021

Minutes

Roll Call: Mayor Kim Harrison-Edwards, Councilpersons Sherry Rogers, Randy Bohan, Debbie Gump, Herb Curtis. City Manager Nate Stansberry, Interim City Clerk Judy Piercy, City Attorney Bryan Bailey, Chief Josh Thomas, Building/Code/Zoning Enforcement Officer Mike Starett.

Call to Order: Mayor Harrison-Edwards called the meeting to order at 5:30 p.m.

Pledge of Allegiance: Mayor Harrison-Edwards ask everyone to stand for the Pledge of Allegiance.

Discussion of Street Department Wage Increase: City Manager Nate Stansberry provided council with a printout of the Street Department wages and projected wage increase. City Manager Nate Stansberry informed council if they agreed to increase wages now instead of July 1st when revisions to the Budget were to be made it will be manageable. Provided was the increase of wages to be added on top of the amount that was already given. Councilwoman Sherry Rogers ask for a discussion of half the increase now and the other half of increase given July 1st, 2021. Discussions of evaluations and expectations for all City employees needs to happen. Councilwoman Sherry Rogers noted that we need to have clear directions on job duties for all employees. Councilman Herb Curtis add that the Code of Conduct and the Employee Handbook should guide our employees as well. Councilman Randy Bohan expressed that possibly give the full raise with the understanding of expectations, performances, evaluations after speaking with each employee one of one. After a six-month period reevaluate the employee and see if the work has met the wage increase.

City Manager Update:

City Manager Nate Stansberry discussed with council that the city will pay the wages for the Machpelah Cemetery Board Secretary and the expenses for the mowing will come through the Machpelah Cemetery Funding. However, more research on how the funding generates will need to be done. The City does not want to have the cemetery to touch the trust fund. City Manager Nate Stansberry hopes that in the future it will be able to support itself.

City Manager Nate Stansberry spoke with Mr. Chad Boram of the West Virginia Department of Highways about the target date for the 4th Street Bridge and he believed that the federal funding was the holdup in the project. City Manager Nate Stansberry and Mr. Boram will keep in contact about the project.

Paving Update: City Manager Nate Stansberry handed out to council a printout of the streets in each ward he would like to get paved. City Manager Nate Stansberry and Street Foreman Tyler Strader drove the city streets looking and prioritizing which needed paving. Along with the paving City Manager Nate Stansberry goals will be correcting drainage issues and sidewalks.

Police Department Update:

Councilwoman Sherry Rogers made a motion seconded by Councilman Randy Bohan to approve the Memorial Day Parade permit for May 29th, 2021. Motion carried.

Councilwoman Debbie Gump made a motion seconded by Councilwoman Sherry Rogers to approve up to \$5300.00 for accessories for the new police vehicle. Motion carried.

City Attorney Update:

City Attorney Bryan Bailey provided council with a copy of the East Seventh Street Parking Prohibition, Main Street 2Hour Parking Ordinance and the Draft of Chapter 28 City Traffic Code with additions. City Attorney Bryan Bailey highlighted the areas that needed possibly rewording. A work session for Tuesday April 27th, 2021 at 5:30 p.m. at the City Building was set to go over the ordinances. Mayor Harrison-Edwards ask council a possible need to discuss the ATV policy since we are trying to get a trail route in the future.

City Manager Nate Stansberry and City Attorney Bryan Bailey are looking into what the law states that we can give Business and Occupational Tax (B & O) credits for future annexation. City Manager Nate Stansberry would like for the businesses and the citizens to volunteer to be annexed in the city. We need to see all the possibilities we can provide them with better services, reduced rates, tax credits. City Manager Nate Stansberry would like to set up a work session in the near future to get ideas and suggestions from council.

Public Hearing Fiscal Year 2022 Final Approval of Levy Rates:

Councilwoman Debbie Gump made a motion seconded by Councilwoman Sherry Rogers to open the Public Hearing for the Fiscal Year 2022 Final Approval of Levy Rates at 6:38 p.m. Motion carried.

With no one to speak for or against the Fiscal Year 2022 Final Approval Levy Rates Councilman Randy Bohan made a motion seconded by Councilman Herb Curtis to close the Public Hearing at 6:46 p.m. Motion carried.

Approval Final Levy Rates:

Councilman Randy Bohan made a motion seconded by Councilman Herb Curtis to approve the Fiscal Year 2022 Approval of Levy Rates. Motion carried.

Adjournment:

Councilman Randy Bohan seconded by Councilman Herb Curtis to adjourn the meeting at 6:46 p.m.
Motion carried.

Kim Harrison-Edwards, Mayor

Attest:

Judy Piercy, Interim City Clerk



Weston City Council

Special Session Meeting

April 27, 2021

Minutes

Roll Call: Mayor Kim Harrison-Edwards Council persons, Sherry Rogers, Randy Bohan, Debbie Gump, Herb Curtis, City Manager Nate Stansberry, Interim City Clerk Judy Piercy, City Attorney Bryan Bailey, Chief Josh Thomas, Building/Code/Zoning Enforcement Officer Mike Starett.

Call to Order: Mayor Harrison-Edwards called the meeting to order at 5:36 p.m.

Pledge of Allegiance: Mayor Harrison-Edwards ask to stand for the Pledge of Allegiance.

City Manager Nate Stansberry ask with council's approval to move Approval/Deny for approval to apply for the JMK Innovation Grant to be first with Mrs. Chelsey McCarthy, Mrs. Victoria Stansberry, Lewis County Blueprint Coordinator detailing the grant.

Councilman Herb Curtis made a motion seconded by Councilman Randy Bohan to move Approval/Deny for approval to apply for the JMK Innovation Prize Grant to be first. Motion carried.

City Manager Nate Stansberry:

Approval/Deny Apply for JMK Innovation Grant:

Chelsey McCarthy informed council that she has been working with a group of volunteers on possibilities for the Columbia Club that would not cost the City any money. The JMK Grant is another opportunity with no match required. JMK Fund is a grant making organization based out of New York. Their mission is to find transformative early-stage projects in three areas social justice, environment and heritage conservation. The Columbia Club will be submitted under the heritage conservation. They will be giving ten prizes of \$150,000.00 cash award over three years, with \$25,000.00 for technical support. Chelsey McCarthy reached out to JMK Fund and confirmed that municipalities are eligible. The deadline to apply for the grant is Friday April 30TH, 2021. City Manager Nate Stansberry ask Chelsey McCarthy if this grant is in conjunction with previous filed grant. Chelsey McCarthy stated any language used for this grant will be taken from the previously filed grant. Councilman Herb Curtis ask what ideas have been put inside the grant writing. Chelsey McCarthy informed that the way they are framing this as the prior grant is we have a structure that must to be dealt with one way or another. We are contributing to saving an

Historic Structure and it could be a multi-purpose multi-use facility. It would help our revitalization efforts for the City and show people we have something that already exist and make it useful than another falling down structure. Councilman Herb Curtis ask what the technical support detailed Victoria Stansberry explained the technical support ranges from bringing in experts for architectural side to however we are planning to strategize. Victoria Stansberry went on to say that some of the programming we are talking about implementing is not available in the county which gives opportunities for Humanities, Arts (of all different types), Cultural Education and a component of Lewis County History and available funding for these types of things to continue improvement. Councilman Randy Bohan thought the foundation of the Columbia Club was solid was not sure of the second floor. Councilman Randy Bohan noted that the face of the building needed to be taken off and we take opportunities as they happen. Victoria Stansberry thought by getting the building cleaned up and more people will become excited and more interested. City Manager Nate Stansberry invited council members to tour the building and see the possibilities. Councilman Herb Curtis stated that he respects the history of the building but has concerns with money issues. City Manager Nate Stansberry felt that saving the building would be profitable in the future. Councilman Randy Bohan suggested to start fixing it up to be useable and you will be able to determine if we need to continue or do away with it. Councilman Herb Curtis made a motion seconded by Councilman Randy Bohan to approve applying for the JMK Innovation Grant. Motion carried.

Street Department Property Acquisition:

Councilwoman Debbie Gump made a motion seconded by Councilwoman Sherry Rogers to go into Executive Session at 6:00 p.m. Motion carried.

Councilwoman Sherry Rogers made a motion seconded by Councilman Randy Bohan to come out of Executive Session at 6:27 p.m. Motion carried.

Councilwoman Sherry Rogers made a motion seconded by Councilman Randy Bohan for City Manager Nate Stansberry to make a proposal for the property acquisition to the landowner. Motion carried.

City Attorney Bryan Bailey:

City Attorney Bryan Bailey provided council with the ability to see each traffic code from the Chapter 28 Traffic Code. While reviewing each code one at a time City Attorney Bryan Bailey pointed out code numbers not matching appropriate codes, typing errors and wording issues. City Attorney Bryan Bailey also provided the State Code as a reference for the codes. Councilwoman Sherry Rogers ask if we could adopt the State Code. City Attorney Bryan Bailey confirmed that it can be done. Chief Josh Thomas agreed with adopting the State Code but each code had to be dealt with individually with putting our own code numbers. Council discussed how they would like to have street, parking, larger truck and weight limits for the bridge signage. City Manager Nate Stansberry suggested having a meeting to inform property owners of parking changes in their area to provide input before a decision is made.

Councilwoman Debbie Gump made a motion seconded by Councilman Randy Bohan to disregard the East Seventh Street Parking Prohibition and the Main Street 2 Hour Parking on the agenda both are contained in the City Traffic Code. Motion carried.

Adjournment: Councilwoman Debbie Gump made a motion seconded by Councilwoman Sherry Rogers to adjourn the meeting at 8:09 p.m. Motion carried.

Attest:

Kim Harrison-Edwards, Mayor

Judy Piercy, Interim City Clerk

5. Presentations



NATIONAL ENDOWMENT FOR THE HUMANITIES

NOTICE OF FUNDING OPPORTUNITY

**Funding Opportunity Title:
American Rescue Plan: Humanities Organizations**

Funding Opportunity Number: 20210514-ARPO

Funding Opportunity Type: New

Federal Assistance Listing Numbers: 45.149, 45.161, 45.162, 45.164, and 45.169

Application Deadline: May 14, 2021

**Ensure your SAM.gov and Grants.gov registrations and passwords are current.
NEH will not grant deadline extensions for lack of registration.
Registration in all systems, including SAM.gov and Grants.gov,
may take up to 1 month to complete.**

Email: ARPorganizations@neh.gov
Federal Relay: 800-877-8399

OMB control number 3136-0134, expiration date June 30, 2021

Executive Summary

The National Endowment for the Humanities (NEH) is accepting applications for the American Rescue Plan: Humanities Organizations program. In keeping with Congress’s intent in enacting the American Rescue Plan Act of 2021, the purpose of this emergency relief program is to assist institutions and organizations working in the humanities that have been adversely affected by the coronavirus pandemic. Applicants may propose new humanities projects or focus on sustaining core humanities programs and activities.

Funding Opportunity Title:	American Rescue Plan: Humanities Organizations
Funding Opportunity Number:	20210514-ARPO
Federal Assistance Listing Numbers:	45.149, 45.161, 45.162, 45.164, and 45.169
Application Deadline:	May 14, 2021, 11:59 p.m. Eastern Time
Anticipated Announcement:	September 2021
Anticipated Funding:	Approximately \$40,000,000
Estimated Number and Type of Awards:	Approximately 150 grants
Award Amount:	Level I: up to \$50,000 Level II: up to \$200,000 Level III: up to \$500,000 See B. Federal Award Information .
Cost Sharing/Match Required:	No
Period of Performance:	The period of performance is one year. Projects may start as early as October 1, 2021 and as late as January 1, 2022.
Eligible Applicants:	U.S. nonprofit organizations with 501(c)(3) tax-exempt status, public and 501(c)(3) accredited institutions of higher education, state and local governmental agencies, and federally recognized Native American tribal governments. See C. Eligibility Information .
Program Resource Page:	https://www.neh.gov/program/american-rescue-plan-humanities-organizations
Technical Assistance:	A pre-recorded technical assistance webinar will be available on the program resource page by April 12, 2021. Frequently asked questions will be available on the program resource page and will be updated periodically during the application period.

6. Receive and File Reports of City Boards, Commissions, and Outside Agencies

COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue
Weston, WV 26452
Phone: (304)269-8200
Fax: (304)269-2416

Email: lewiscountycommission@lewiscountywv.org
Website: lewiscountywv.org



COMMISSIONERS:
ROD WYMAN
President
AGNES G. QUEEN
Commissioner
BOBBY STEWART
Commissioner

Meeting Agenda April 13, 2021

1. SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

2. 10:00 AM Call Meeting to Order

3. 10:05 AM John Breen, Lewis County Assessor

RE: Exonerations, Consolidations, Apportionments

Draft copies will be available for review on Friday, April 9, 2021

(action required)

APPOINTMENTS

4. 10:10 AM John Breen, Lewis County Assessor

RE: Advice and Consent to Hire per West Virginia Code §7-7-7

John Breen, Lewis County Assessor requests advice and consent per West Virginia Code §7-7-7 to hire Kelly J. Barbina as a personal property clerk. This approval will be contingent upon approval from the West Virginia Property Valuation Commission. *(action required)*

CORRESPONDENCE

5. **Upshur County Commission Meeting Agenda:** The Upshur County Commission Meeting Agenda for April 8, 2021 is presented for review. *(information only)*
6. **Jane Lew Public Service District Meeting Agenda:** The April 8, 2021 Regular Meeting Agenda for the Jane Lew Public Service District is presented for review. *(information only)*
7. **Sheriff's Monthly Vehicle Report:** The Sheriff's monthly vehicle report for March 2021 including fleet milage is presented for review. *(information only)*
8. **West Virginia Regional Jail and Correctional Facility Monthly Invoice:** Lewis County's March 2021 West Virginia Regional Jail and Correctional Facility Monthly Invoice is presented for review. This includes 1,059 Inmate Days X \$48.25 per diem totaling \$51,096.75. *(information only)*
9. **West Virginia State Auditor Approval of Fiscal Year 2022 Levy Estimate (Budget):** The West Virginia State Auditor's Office has approved Lewis County Fiscal Year 2022 Levy Estimate (budget). The Lewis County Commission shall now meet on the 3rd Tuesday in April (April 20, 2021) and officially lay the levy. *(information only)*

10. **Sheriff's Monthly Settlement (Reconciliation):** The Sheriff's Monthly Settlement (reconciliation of accounts) for March 2021 is presented for review. *(information only)*
11. **West Virginia State Auditor's Distribution of Public Utilities and IRP Truck Fees:** The West Virginia State Auditor will remit \$1,519,804.78 representing the Public Utilities Tax and IRP Ad Valorem Fees for the period 2/12/2021 to 3/10/2021. The General County Share is \$493,712.13. Last month the county received \$3,773.84. March of 2020 the county received \$372,818.27. *(information only)*
12. **Lewis-Gilmer Regional Solid Waste Authority Comprehensive Letter and Solid Waste Control Plan Public Hearing:** The Lewis-Gilmer Regional Solid Waste Authority will hold a public hearing for comments on their new 'Comprehensive Litter and Solid Waste Control Plan' at the Glenville Volunteer Fire Department on Friday, May 7, 2021 at 6:30 PM. The plans are available in the Lewis County Clerk's Office for review. *(information only)*

BUSINESS

13. **Board(s) and Committee(s) Reports:** The Lewis County Commission will give report(s) on any board(s) or committee(s) meetings attended: COVID Conference Calls, Vaccination Clinic; County Commissioner's Association of West Virginia Executive Committee; County Commissioner's Association of West Virginia and West Virginia Association of Counties legislative calls; Fiscal Year 2020 Audit exit interview; Lewis Gilmer E911; 26th Judicial Community Corrections. *(information only)*
14. **IBM Hardware and Software System Upgrade:** The County has received notification that the current 7.2 version of the IBM Hardware and Software used on the county's AS 400 will no longer be supported. The county just signed a maintenance contract. It will cost \$1,369.05 to stay at version 7.2 for the remainder of the contact (March 2022) or the county can upgrade to version 7.3 now for a one time charge of \$1,200.00. The County Commission will consider these options. *(action required)*
15. **Blueprint Community Appalachian Regional Commission Grant Applications:** The Lewis County Commission is asked to approve a Appalachian Regional Commission Grant Application for funds to develop a trail network in the county. This is a Blueprint Community Program initiative. *(action required)*
16. **Request to be Added to the County Towing Rotation:** Zach's Towing and Recovery has requested to be to be added to Lewis County E-911 Towing Rotation. Information has been provided the Lewis Gilmer E911 Center. The director will have a review for the county. *(action required)*
17. **Lewis County Commission Assistant Administrator/Assistant Grant Writer Employment Advertisement and Job Description:** The Lewis County Commission will be asked to approve the job description and advertisement for the position of Assistant Administrator/ Assistant Grant Writer for their office. *(action required)*
18. **Timesheets/Annual or Sick Leave Requests**

Barb Winans	Annual Leave
Lucinda Whetsell	Compensatory Time

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

19. **Actions of the Clerk:** County Clerk Cynthia S. Rowan presents actions of the clerk in recess of the county commission for approval. Draft copies will be available for review upon request Friday, April 9, 2021. *(action required)*
20. **Approval of Estates:** County Clerk Cynthia S. Rowan presents the estates ready for settlement to the Lewis County Commission for approval. Draft copies will be available for review upon request Friday, April 9, 2021. *(action required)*
21. **Presentation by the County Clerk of the Orders of Prior Meeting(s):** The Lewis County Clerk presents the Orders (minutes) of previous Lewis County Commission meeting(s) for approval. Draft copies will be available for review upon request Friday, April 9, 2021. *(action required)*
22. **Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Friday, April 9, 2021. *(action required)*

ADJOURNMENT:

23. **With no further action being required by the Lewis County Commission the meeting will be adjourned.** *(action required)*

LEWIS COUNTY COMMISSION MEETING MANAGEMENT

- Regular meeting agendas will be posted and available to the public before closure two (2) business days prior to the meeting date.
- Agenda matters to be reviewed and/or considered during the meeting are at the discretion of the Lewis County Commission.
- Appointments to speak with the county commission must be scheduled before 10 AM three (3) business days prior to the meeting. Appointments will be given a ten (10) minute time allowance.
- Agenda Items may require an executive session.
- Open discussion by Commission unless executive session is motioned per WV Code §6-9A-4.
- Input or recommendation from constitutional officers, staff or public that is not listed by name on the agenda will only be allowed if requested by the commission or required by statute.
- Those not scheduled on the agenda may sign up for public comment at a minimum fifteen (15) minutes prior to the start of the meeting. Public comment is limited to five (5) minutes per speaker.
- Motion required for consideration of vote.
- All votes unanimous unless otherwise stated.
- Roberts Rules of Order is utilized as a guide only. The Commission controls meeting management, discussion and input.
- Commissioners may participate and vote via conference call if two(2) commissioners are in attendance.

**Upshur County Commission
Meeting Agenda**

- Location:** Upshur County Courthouse Annex
If you prefer to participate by telephone, please dial 1-408-650-3123 Access Code: 272 564 045 to enter the conference call
- Date of Meeting:** April 8, 2021
- 9:00 a.m.** Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• April 1, 2021
- 9:15 a.m.** Bid award for the Camera Surveillance and Door Access Control Security Project
- 9:30 a.m.** Judith Williams, James W. Curry Public Library Head Librarian -- 2020 Annual Report
- 10:30 a.m.** Consider Court Security promotions as requested by Sheriff Virgil Miller
Item may lead to Executive Session per WV Code §6-9A-4 Under separate cover

Items for Discussion / Action / Approval:

1. Approval and signature of the Community Development Block Grant Budget Amendment Request #3 for the Elkins Road PSD Phase III Water System Improvement Project. This adjustment reflects expenses relative to the CDBG areas of the project. * Page 5
2. Review and signature of WV Communities Self Insurance Risk Pool Coverage Intent Form. The total annual contribution including workers' compensation is \$169,036. * Page 6-34
3. Review and signature of Renewal Agreement between the Upshur County Commission and Stanton Lawn Service for grounds keeping services for the 2021 season. Per the renewal clause, Owner and Contractor agree all terms set forth in the Agreement dated February 24, 2020 are in full force and effect for another one-year period effective March 29, 2021 and continuing through September 30, 2021. Owner shall pay the Contractor, upon completion of all work, no more than the sum of \$17,360, which includes one additional area at the B-U Recreational Park commencing this season. * Page 35-37
4. Approval and signature of JH Consulting Emergency Services Study contract. * Page 38-42
5. Correspondence from Tabatha R. Perry, Assistant Administrator, requesting the seasonal employment of Hannah Lively as the BU Recreational Park Facilities Director for the 2021 season. Upon approval, Ms. Lively will begin part-time work on or around May 9, 2021 and transition to full-time employment on May 30, 2021. Her seasonal employment is expected to end on August 14, 2021. *
Item may lead to Executive Session per WV Code §6-9A-4 Under separate cover
6. Approval of advertisement for Lifeguards, Admission Workers, Concession Stand Workers and Assistant Managers for the 2021 season at the Buckhannon-Upshur Recreational Park Facility. The temporary positions will commence mid-May and continue through mid-August. Applications must be received on or before the close of business on Friday, April 30, 2021. * Page 43

7. Consideration of the Upshur County Courthouse Security Advisory Board Membership Appointment Form appointing Magistrate Alan Suder, as the Magistrate Office representative on the Court Security Advisory Board. * Page 44
8. Consider revised retirement date of employee * Under separate cover
Item may lead to Executive Session per WV Code §6-9A-4
9. Correspondence from Sheriff Virgil D. Miller requesting the transfer of Danny Gould from part-time Court Security Officer to fill-in Court Security Officer, effective April 1, 2021. * Under separate cover
Item may lead to Executive Session per WV Code §6-9A-4
10. Correspondence from Sheriff Virgil D. Miller requesting the employment of Patricia W. Gould as a part-time Court Security Officer, effective April 25, 2021. * Under separate cover
Item may lead to Executive Session per WV Code §6-9A-4
11. Consider Resignation of Employee * Under separate cover
Item may lead to Executive Session per WV Code
12. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off, Remote Work Request(s).

For Your Information:

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Update from Brian K. Cooper, WVDOH District Engineer, regarding the Safety Study being conducted at the Route 33 intersections in Upshur County. The WVDOH has programmed two projects to help improve safety along US 33 in Upshur County. One project includes renovation and upgrading of the traffic signal located at the intersection of US 33 and Brushy Fork Road. The other project will install new traffic signals on US 33 at the intersection of Childers Run Road and also at the intersection of Kesling Mill Road. Engineering and design work for both of these projects is expected to be completed late this fall with construction beginning in the Spring of 2022. Page 45
2. Public Notices:
 1. Newsletters and/or Event Notifications:
 2. Agendas and/or Notice of Meetings:
 - Elkins Road PSD April 6, 2021 Page 46
 3. Meeting Minutes:
 4. Meetings:
 - 04/06/21 5:00 p.m. Elkins Road PSD
 - 04/06/21 4:00 p.m. Hodgesville PSD
 - 04/01/21 7:00 p.m. Banks District VFD

- 04/01/21 7:00 p.m. City Council of Buckhannon
- 04/01/21 7:00 p.m. Selbyville VFD
- 04/12/21 12:00 p.m. Upshur County Family Resource Network
- 04/12/21 4:30 p.m. Upshur County Solid Waste Authority
- 04/12/21 5:30 p.m. Buckhannon-Upshur Recreational Park Advisory Board
- 04/12/21 6:00 p.m. Lewis-Upshur Community Corrections Board – Lewis Co.
- 04/13/21 7:30 p.m. Adrian VFD
- 05/06/21 6:00 p.m. Buckhannon-Upshur Board of Health
- 04/21/21 7:00 a.m. Upshur County Development Authority –Executive Board
- 04/14/21 12:00 p.m. Upshur County Senior Center Board
- 04/14/21 3:00 p.m. Upshur County Conventions & Visitors Bureau
- 04/13/21 7:00 p.m. Warren District VFD
- 04/01/21 3:00 p.m. Adrian PSD
- 04/14/21 3:00 p.m. Tennerton PSD
- 04/08/21 3:00 p.m. Upshur County Safe Sites & Structures Enforcement Board
- 04/08/21 7:30 p.m. Buckhannon VFD
- 04/12/21 4:00 p.m. Buckhannon Upshur Airport Authority
- 04/15/21 6:30 p.m. Upshur County Youth Camp Board
- 04/11/21 6:00 p.m. Washington District VFD
- 04/19/21 12:00 p.m. Buckhannon-Upshur Chamber of Commerce
- 04/21/21 4:00 p.m. Upshur County Public Library Board
- 04/16/21 10:00 a.m. Wes-Mon-Ty Resource Conservation & Development Council
- 04/27/21 6:30 p.m. Upshur County Fire Board, Inc.
- 04/27/21 5:00 p.m. UC Enhanced Emergency Telephone Advisory Board
- 04/14/21 7:00 p.m. Ellamore VFD
- 04/21/21 12:00 p.m. Lewis Upshur LEPC
- 04/14/21 1:15 p.m. Upshur County Farmland Protection Board
- 04/26/21 7:00 p.m. Upshur County Fire Fighters Association
- 04/14/21 6:00 p.m. Buckhannon River Watershed Association - Farm Bureau
- 04/28/21 10:00 a.m. James W. Curry Advisory Board
- 04/26/21 12:00 p.m. Region VII Planning and Development Council
- 04/26/21 10:00 a.m. Mountain CAP of WV, Inc. a CDC

3. Appointments Needed or Upcoming:

- Buckhannon-Upshur Airport Authority (unexpired term -- 6/30/2021) – City Representative
- Buckhannon-Upshur Parks and Recreation Advisory Board (unexpired term – 06/30/2021) – City Representative
- Upshur County CVB Board of Directors (7/1/2021-6/30/2024) – Commission Tourism Representative

****If you are interested in serving on an Upshur County board, please submit your letter of interest to the Commission Office at 91 W. Main St., Suite 101, Buckhannon, WV 26201 or trperry@upshurcounty.org. Upcoming term expirations are listed in this section of the agenda; however, letters of interest can be submitted at any time. Letters of interest for boards that do not currently have a vacancy will be held until a vacancy occurs. Please note that submitting a letter of interest does not guarantee appointment. ****

Jane Lew Public Service District

70 Park Avenue
Jane Lew, WV 26378

Regular Meeting

April 8, 2021 4:00 PM

~~ Public Board Meeting Agenda ~~ **MEETING BY TELECONFERENCE**

I. Call to Order (Bailey)

~~ ROUTINE MONTHLY BUSINESS ~~

II. Minutes (03/11/2021)

III. General Manager's March Reports (Gee)

A. WATER:

1. Water Bills
2. Water Treasury Report
3. Water Adjustments Report
4. Water Purchase, Sales & Loss Report
5. Water Preventive Maintenance Report (*Preventing unplanned breakdowns*)
6. Water Repairs Report (*fixing unplanned breakdowns*)
7. Leak Detection Report (*finding and fixing leaks*)
8. Cross Connections/Backflow Report
9. New Taps (non-project)
10. Other

B. WASTEWATER:

1. Wastewater Bills
2. Wastewater Treasury Report
3. Wastewater Adjustments Report
4. Wastewater Treatment Purchase, Sales & Loss Report
5. Wastewater Preventive Maintenance Report (*Preventing unplanned breakdowns*)
6. Wastewater Repairs Report (*fixing unplanned breakdowns*)
7. New Taps (non-project)
8. Other

IV. PSD Policies and Job Descriptions (Flaxer)

V. Personnel (Gee)

VI. Announcements (Gee)

VII. Correspondence (Gee)

~~ OLD BUSINESS ~~

VIII. Rate Increase - Water & Sewer (Gee)

IX. Lawn Tractor (Gee)

~~ NEW BUSINESS ~~

X. May Meeting - In Office or by TeleConference (Gee)

XI. Plan of Action for Power Outages or Other Unforeseen Circumstances (Gee)

XII. Late-Received Agenda Items (Gee)

XIII. Adjournment

MARCH 2021 MILEAGE REQUEST

UNIT LIC.

- 150 D. Gosa / Vin. 2305 / 1236 - 21 SUV 3,542
- 151 M. Cayton / Vin. A78623 / 1235 - 20 SUV 4,240
- 152 Z. Lopez / Vin. A18031 / 4105 - 20 SUV 2,505
- 153 B. Hendershot / Vin. A42303 / 1696 - 20 SUV 1,884
- 154 B. Newbrough / Vin. A18030 / 1232 - 20 SUV 5,131
- 155 E. Brightbill / Vin. 2864 / 3184 - 20 SUV 8,200
- 156 C. Jones / Vin. 6495 / 3929 - 18 INTERCEPTOR 26,182
- 157 C. Matheny / Vin. 6351 / 3841 - 21 SUV 3,820
- 158 D. Shipman / Vin. 4451 / 4220 - 21 SUV 1,650
- 159 M. Ayooob / Vin. 9897 / 3258 - 14 CHARGE 37,286
- 160 N. Goldsbough / Vin. 8623 / 3370 - 14 EXPLORER 99,293
- 161
- 170 C. Kirkpatrick / Vin. C62863 / 1234 - 20 SUV 8,940
- 171

172 R. Posey / Vin. 3135/2726 - 11 DODGE NITRO 51,300

173 Jenkins / Vin. 0315 / 2007 - 5YJ 355 CHEVY SUB. 88,359

174 R. Bush / Vin. 3134 / 1233 - 10 DODGE NITRO 73,728

1500 Dep. Reserves / Vin. 6126 / 1910 -13 INTERCEPTOR 119,216

1500 Deputy Reserves 2511 / 07 CROWN VIC

1500 Dep. Reserves / Vin. 8311 / 1943 - 11 TAHOE 109,187

Spare / Vin. 2677 / 2868 - 09 TAHOE 107,176

Spare / Vin. 6494 / 3930 - 18 INTERCEPTOR 33,313

173 - J. Jenkins / 2017 JEEP -- 10,097

There have been a number of vehicle reassignments. Need actual mileage from each unit.

Thank You



STATE OF WEST VIRGINIA
 DEPARTMENT OF HOMELAND SECURITY
DIVISION OF CORRECTIONS
AND REHABILITATION



BETSY C. JIVIDEN
COMMISSIONER

JEFF S. SANDY, CFE, CAMS
CABINET SECRETARY

Office of the Commissioner
 1409 Greenbrier Street
 Charleston, WV 25311
 304-558-2036 – Telephone
 304-558-5367 – Fax

THE HONORABLE AGNES QUEEN, PRESIDENT
 LEWIS COUNTY COMMISSION
 LEWIS COUNTY COURTHOUSE
 WESTON, WV 26452

Statement Number: 31212a8e
Statement Date: 4/5/2021
Month Of Service: March, 2021

Pursuant to the provisions of W.Va. Code §15A-3-16, the Division of Corrections and Rehabilitation hereby provides you with a monthly statement of charges and costs of inmate maintenance and operational costs for LEWIS for the month of March, 2021. The costs per day for inmate maintenance and operation is in accordance with the provisions of W.Va. Code §15A-3-16.

Detailed information, including names of inmates and the number of days of inmate maintenance, to support the invoice is attached.

Month: March
 NUMBER OF INMATE DAYS: 1059
 PER DIEM RATE: \$48.25
 AMOUNT DUE - March, 2021 \$51,096.75

This statement amount is due and payable upon receipt.

Please Remit Payment to:
 WV Regional Jail and Correctional Facility Authority
 P O Box 40258
 Charleston, WV 25364



State of West Virginia
John B. McCuskey
State Auditor

Office of the State Auditor
Local Government Services
200 West Main Street
Clarksburg, West Virginia 26301

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

March 30, 2021

**NOTICE OF APPROVAL OF THE LEVY ESTIMATE
(BUDGET)**

TO: Lewis County Commission

In accordance with the provisions of Chapter 11, Article 8, of the West Virginia Code, as amended, the State Auditor of West Virginia hereby approves your Levy Estimate (Budget) for the fiscal year beginning July 1, 2021.

With this written approval, the levying body shall meet on the third Tuesday in April (April 20) to hear and consider any objections and to officially adopt the levy rates for property taxation. The clerk/recording officer, within three days of such meeting, shall prepare and forward to the State Auditor the officially adopted levy rates and levy order.

If you have any questions, please do not hesitate to contact me at 304- 627-2415 or 1-877-982-9148 extension 5114, Shellie Humphrey extension 5119, Tiffany Hess extension 5118 or Rebecca Clise extension 5101.

Sincerely,
John B. McCuskey
WV State Auditor

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

By: Ora L. Ash, Deputy State Auditor
Local Government Services

Lewis County Financial Statement
Month Ending- March 2021

	Beginning Balance	All Other Revenues	All Taxes Collected	Less: Orders Issued	Ending Balance
General County	4,681,382.36	\$312,525.45	\$282,135.85	\$667,126.37	4,608,917.29
Coal Severence	15,625.10	\$4.24	\$0.00	\$0.00	15,629.34
General School	7,504.71	\$4,472.78	\$0.00	\$9,650.00	2,327.49
Magistrate Court	2,902.09	\$893.39	\$0.00	\$400.00	3,395.48
Worthless Check	29,221.51	\$57.94	\$0.00	\$0.00	29,279.45
Dog and Kennel	11,184.95	\$146.52	\$0.00	\$688.19	10,643.28
Home Detention	5,670.80	\$4,509.15	\$0.00	\$4,271.36	5,908.59
Emergency 911 Fund	4,519,337.22	\$16,836.99	\$0.00	\$57,114.39	4,479,059.82
Lewis County Aquatic Fund	728,773.79	\$197.67	\$8.60	\$0.00	728,980.06
Citizens Education	21,946.39	\$2,305.70	\$0.00	\$8,000.00	16,252.09
Federal Equitable	0.71	\$0.00	\$0.00	\$0.00	0.71
Fire Fees	0.00	\$3,379.26	\$0.00	\$3,379.26	0.00
Sheriff Special Account-State	8,312.35	\$446.75	\$0.00	\$0.00	8,759.10
County Building	580,766.83	\$97.78	\$0.00	\$0.00	580,864.61
Board of Health	606,465.66	\$34,909.47	\$0.00	\$28,922.12	612,453.01
Tax Lien	389,049.96	\$9,880.90	\$0.00	\$109,283.29	289,647.57
Delinquent Nonentered	24,958.27	\$62.00	\$0.00	\$0.00	25,020.27
Concealed Weapons	50,081.49	\$736.07	\$0.00	\$5,177.43	45,640.13
Assessor Valuation	301,587.38	\$38,450.93	\$0.00	\$16,535.48	323,502.83
Voters Resistration	4,628.96	\$5.70	\$0.00	\$0.00	4,634.66
State Current	0.00	\$1.62	\$4,845.80	\$4,847.42	0.00
Criminal Charges	0.00	\$752.48	\$0.00	\$752.48	0.00
Court Reporter	0.00	\$50.00	\$0.00	\$50.00	0.00
State Police	10.00	\$1,020.00	\$0.00	\$1,030.00	0.00
Vehicle License - DMV	0.00	\$39,383.50	\$0.00	\$39,383.50	0.00
State Fines	0.00	\$500.00	\$0.00	\$500.00	0.00
Jury Fund	0.00	\$3,673.12	\$0.00	\$3,673.12	0.00
WV Deputies Fund	578.50	\$601.50	\$0.00	\$563.50	616.50
General Current Expenses	0.00	\$487.34	\$380,578.57	\$381,065.91	0.00
Excess Levy	0.00	\$13,596.22	\$200,052.43	\$213,648.65	0.00
Weston Current	0.00	\$13.65	\$40,737.88	\$40,751.53	0.00
Jane Lew Current	0.00	\$1.59	\$4,739.88	\$4,741.47	0.00
COVID-19 PANDEMIC	39.07	\$0.00	\$0.00	\$0.00	39.07
LC Blueprint Community	10,224.64	\$0.00	\$0.00	\$40.00	10,184.64
Small Cities Blk Grant-Broadband	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$12,000,252.74	\$489,999.71	\$913,099.01	\$1,601,595.47	\$11,801,755.99

Balance in county depositories - End of Month	\$12,615,489.80	Bank Errors	
Less: Orders Outstanding	\$1,394,050.36	Bank Errors	
Add: Deposits in Transit	\$576,816.55		
Cash in Office at End of Month	\$3,500.00		
Misc. Adjustments (+ or-)			
Total in county Depositories and Office	\$11,801,755.99	Bank Errors	
		Total	
		True Balance	\$11,801,755.99

I, D. Gosa, Sheriff of Lewis Co. West Virginia, do hereby certify that the foregoing is a true and correct statement of the finances of Lewis Co. West Virginia, for the month ending referenced above. The amount received, the amount distributed and the amount remaining in the Treasury and County Depositories.

D. Gosa - Lewis

 Sheriff & Treasurer, County

4/6/21

Dated and sworn to on this date.

Difference

Lewis County
04/06/2021 @ 02:06:53 PM



State of West Virginia

John B. McCuskey

State Auditor and
Commissioner of Delinquent
and Nonentered Lands

Office of the State Auditor
County Collections Division
State Capitol, Building 1, Suite W-118
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Toll Free: (888) 509-6568
Telephone: (304) 558-2262
Fax: (304) 558-4156
www.wvsao.gov

3/24/2021

Honorable David B. Gosa
Sheriff & Treasurer
Lewis County
110 Center Ave
Weston, WV 26452

Dear Sheriff & Treasurer:

You will be receiving a check in the amount of \$1,519,804.78 in the next few days from the State Auditor's Office representing the Public Utilities Tax and IRP Trucks Ad Valorem Fees collected by this office for the period of 2/12/2021 to 3/10/2021.

Please keep the following breakdown for your records:

Table with 4 columns: Description, Public Utilities Tax, IRP Trucks Fee, Total. Rows include 2020 County Current Expense, 2020 School Current, 2020 School Excess Levy, and Totals.

Any bond money collected is being forwarded to the Municipal Bond Commission for credit.

If this office can be of future assistance, please contact Russell Rollyson at (304) 558-2262.

Sincerely,

Handwritten signature of John B. McCuskey

John B. McCuskey
State Auditor

JBM/pu

APR - 7 2021
71503

[Print](#) | [Close Window](#)

Subject: [FWD]: Lewis / Gilmer Solid Waste Authority - plans for public hearing]

From: lewiscountyclerk@lewiscountywv.org

Date: Wed, Apr 07, 2021 7:53 am

To: "Rod Wyman" <centralwv@yahoo.com>; "Agnes Queen" <aqueen4500@aol.com>; "bobbystewart00@gmail.com" <bobbystewart00@gmail.com>; "Cindy Whetsell" <lwhetsell@lewiscountywv.org>

Attach: DOC040721-04072021074028.pdf
DOC040721-04072021074010.pdf

FYI... The public hearing is scheduled for May 7. The plans will be available for review in my office.

Have a good day! Cindy

*Cynthia S. Rowan
Lewis County Clerk
110 Center Avenue
Weston, WV 26452*

*304-269-8215
304-269-8202 (fax)*

1

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Lewis-Gilmer Regional Solid Waste Authority

Comprehensive Litter and Solid Waste Control Plan



Chairman

Table of Contents

I. Revision Statement

II. Goals and Objectives

III. Timetable

IV. Executive Summary

V. Part I - Basic Information

VI. Part II - Solid Waste Problems and Solutions

VII. Part III - Source Reduction, Resource Recovery and the Recycling Plan

VIII. Mandatory Garbage Disposal Program

IX. Conclusions and Recommendations

Appendix

Appendix A - Hauler Map

I. Revision Statement

The Plan is being updated as required by the SWMB's Rule 54CSR3 and W. Va. Code § 22C-4. Copies of this plan and all revisions to it will be filed with the Lewis and Gilmer County Clerks, the Region 7 Planning and Development Council, and the WV Solid Waste Management Board. One copy and all revisions will be retained by the Authority. All copies are to be available for public review during regular business hours.

II. Goals and Objectives

The goal of this plan is to dispose of collected materials in the most cost-effective and environmentally sound way. The Plan also satisfies the requirements of the law creating solid waste authorities and providing for proper solid wastemanagement in the Region by planning and establishing goals. Specific objectives include:

A. Devising strategies for reducing the solid waste stream during the next twenty (20) years following the hierarchy established by the WV Legislature as it appears in the WV Code §22C-4-1.

The State's hierarchy is as follows:

1. Source Reduction
2. Recycling and Reuse
3. Landfilling

Part II of the plan contains a detailed evaluation of the potential for reduction, recycling, reuse and resource recovery (composting) in the region. Part III describes collection. Part IV deals with disposal. A description of the Authority's evaluation of these alternative strategies as they may be applied to the Region's comprehensive program is provided on Page 18.

B. Find an effective way to enforce mandatory disposal by all residents by requiring proof that such legal disposal is occurring, especially for residents and businesses that do not subscribe to regular pick up service.

C. Providing for the disposal of solid waste from all sources.

D. Preventing use of open, illegal, roadside dumps, and promoting or providing for the cleanup of these dumps.

E. Reducing to the greatest extent possible litter from, and the littering of, the region's highways and roadways.

F. Increasing participation in recycling programs.

In attempting to establish a plan that will meet these objectives, the Authority followed the 14 planning elements that were established in State Law as essential to the creation of a comprehensive litter and solid waste control plan.

III. Timetable

Goal	2015	2020	2025	2030	2035
Open Dump Clean up	X	X	X	X	X
Litter Pickup	X	X	X	X	X
Increase Recycling	X	X	X	X	X

Update Plans		X	X	X	X
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IV. Executive Summary

A. Update

This update of the Lewis-Gilmer Regional Solid Waste Authority (SWA) Comprehensive Plan is a result of the close working relationship between the SWA, municipal solid waste companies, and state and local agencies. The Authority provides planning, clerical, and financial support and the haulers provide a strong operational capability and some in-kind resources. The region continues to utilize out-of-county landfills for disposing of municipal solid waste and industrial wastes.

B. Basic Information

The most recent population projections for Lewis and Gilmer Counties from the WVU Regional Research Institute show slight population decreases for the region through the 20 year planning period. This decline is also reflected in waste projections.

Most of the general, physical descriptive information about the Region has remained stable during the past five years. Economic activity is expected to increase during the planning period. The growth will require responsible planning for suitable solid waste disposal solutions.

C. Reduction, Recycling and Resource Recovery

Mountain State Waste (MSW) currently operates a residential curbside recycling collection program. In addition, MSW also services the collection bins operated by the Lewis-Gilmer Solid Waste Authority. MSW's program is available to all residential customers in Lewis and Gilmer counties who subscribe to MSW's trash collection service. The recyclable material is collected one day each month from participating customers. MSW estimates that 175 Gilmer County customers participate in curbside recycling pickup and 300 customers in Lewis County. The SWA bins are open to everyone. The collected material is transported to the Harrison County Recycling Center located in Hepzibah, WV.

MSW also offers cardboard (OCC, Old Corrugated Container) recycling to commercial customers for an additional fee. Currently, 84 customers participate in the program (17 in Gilmer County and 67 in Lewis County). Residential customers may also deposit cardboard at the MSW office in Jane Lew during business hours. The cardboard is baled at MSW, and marketed to cardboard recyclers via the North Central West Virginia Recycling Cooperative Markets.

D. Collection

Approximately 64% of the households in Lewis County and 45 % in Gilmer County currently subscribe to a collection service. Emphasis on future activity will be primarily directed toward

Approximately 64% of the households in Lewis County and 45 % in Gilmer County currently subscribe to a collection service. Emphasis on future activity will be primarily directed toward maintaining and enhancing the quality service received by most of the region's residents. There is interest in expanding service routes, finding innovative ways to reach remote areas, and ensuring that all residents on service routes are participating customers. Continued effort will be made to investigate mandatory disposal requirements in order to ensure the greatest possible use of existing collection service and to help prevent illegal dumping.

Another area of concern is to find ways to educate the public about the importance of and to encourage recycling, waste reduction, and distribute fairly collection costs.

E. Disposal

S & S (West Milford, WV) and Meadowfill (Bridgeport, WV) Landfills are currently providing service to the region for municipal solid waste. A Class D-1 construction/demolition landfill and waste tire monofill (Tire and Rubber, Inc.) was constructed and has been in continuous operation since 2005. Tire and Rubber, Inc. is currently investigating a possible expansion to receive oil and gas drill solid waste cuttings.

No satisfactory and economical method of disposal of batteries and hazardous household items has been identified. The SWA and Gilmer and Lewis County Commissions continue to cooperate and provide a "county-wide cleanup" programs annually. At least 218 tons of materials are hauled each year from Lewis County and 104 tons are hauled from Gilmer County. Both counties also benefit from the tire, electronic, and pharmaceutical collection events.

F. Litter Control and Open Dump Clean Up

Since the original plan was written, most of the identified promiscuous open dumps have been cleaned up and reclaimed. With the assistance and cooperation of the PPOD, Pollution Prevention and Open Dump Program, WV Department of Environmental Protection, there has been an active open dump identification and cleanup effort in the region.

PPPOD records indicate that Lewis County has cleaned up 142 open dumps, reclaimed 148 acres of land and removed 95,054 tires and a total of 2,081 tons of material since the program's inception. Gilmer County has cleaned up 89 open dumps, reclaimed 91 acres of land, removed 14,127 tires and 1,290 tons of material in the same time period.

A volunteer effort to clean up the West Fork River in Lewis County has been successful. This project is a joint effort with the City of Weston and the DEP. Students from Glenville State College periodically clean up portions of Cedar Creek and the Little Kanawha River. Planned activity includes continued effort to identify, clean up and prevent open dumps.

V. Part 1 Basic Information

1. Geographic Description

Gilmer and Lewis Counties are located in Central West Virginia. The terrain is hilly with some rolling foothills. The major highways serving the area are 1-79, US Rts. 33,19,119 and WV Routes 74, 47, 18, and 5. The currently non-navigable rivers include: West Fork and the Little Kanawha. Stonewall Jackson Resort and State Park has a reservoir with 82 miles of shoreline. Glenville and Sand Fork are the only municipalities in Gilmer County, while Weston and Jane Lew are the only incorporated areas in Lewis County.

The primary area for existing development is along 1-79 in Lewis County. However, with the completion of Corridor H east to Elkins and further infrastructure development along this highway, this area has become a favored development area. The primary of development in Gilmer County is along WV Routes 5 and 47.

Land Use

Lewis and Gilmer Counties have a long and extensive history of oil and natural gas exploration and production. The most productive wells were drilled in the 1950's and early 1960's; some of these have been exhausted, while other are still used for natural gas storage. Shale gas exploration and production are again expanding development in the two counties.

There are three soil types in the region: upland, terrace and alluvial. Upland soils are the most prevalent type in the region. Terrace soils are very sandy and were originally deposited by wind. Alluvial soils occur in flood plains and represent materials that have eroded from upland and terrace soils. Soil erosion is substantial and wide-spread due, in part, to easily erodible soils, present and past land use practices, and topography. Much of the present forest land was used beyond its capacity and, consequently, does not provide the protection against erosion that would otherwise be expected.

Several of the natural resource characteristics, including a steep topography, impervious shale bedding and lack of forest cover. These characteristics are conducive to rapid runoff during heavy rainfall. Because of this, rivers are generally turbid except at headwaters. Turbidity is also related to land use practices including drilling, past surface mining, agriculture, and construction on steep slopes.

2. Demographic Description of Gilmer County

According to the 2010 census, Gilmer County has a rural population of 8,693. The latest population figures indicate a slight decline through the 20 year planning period to 6,470 in 2035. Total land area encompasses 340 square miles. Glenville, the county seat, has a population of just over 1,537 and is home to Glenville State College. Cedar Creek State Park is located just eight miles from Glenville and the Federal Correctional Institution, Gilmer is about four miles away. The median

Total land area encompasses 340 square miles. Glenville, the county seat, has a population of just over 1,537 and is home to Glenville State College. Cedar Creek State Park is located just eight miles from Glenville and the Federal Correctional Institution, Gilmer is about four miles away. The median age of the population is 24 years. Median household income is \$24,176. Gilmer County is served by three major roadways, four state roads and numerous county and connecting roads. The county has a weekly newspaper, radio station, and cable services.

Projections for the Next Twenty (20) Years

Population size for Gilmer and Lewis Counties is expected to decline over the next twenty years.

Population Projections Table – Gilmer/Lewis Counties. P = population projection, W = monthly waste generation projection (tons).

		2015	2020	2025	2030	2035	
Gilmer	P	8,590	8,567	8,508	8,310	8,083	-6.8%
	W	579	577	573	560	545	-6.8%
Lewis	P	16,282	16,089	15,820	15,497	15,104	-7.7%
	W	1,097	1,084	1,066	1,044	1,018	-7.7%

<http://www.state.wv.us/swmb/SWA/WasteProjections.pdf>

Lewis County

Lewis County, as is Gilmer County, is located in Watershed B. The County had a rural population of 16,372 according to the 2010 Census. Total land area encompasses 391 square miles: Weston the county seat, has a population of just under 4,110 and is home to the William R. Sharpe, Jr. Hospital, Stone Wall Jackson Memorial Hospital, Jacksons Mill, and Stonewall Jackson Dam. The median age of the population is 41.1 years. Median household income is \$26,650. The County has a weekly newspaper, an AM radio station, a CBS affiliate TV station, and cable and fiber optic services.

Urban Concentration

According to the Bureau of Economic Research, neither Lewis nor Gilmer County is a part of a metropolitan statistical area. Incorporated towns and their populations are:

- Glenville (Gilmer County) 1,537
- Sand Fork (Gilmer County) 159
- Jane Lew (Lewis County) 409
- Weston (Lewis County) 4,110

Transportation Conditions

County, weight limits are 80,000 except for a section of US 119/33 limited to 65,000 pounds and a section of US 19 limited to 73,500 pounds. In Gilmer County, the gross weight limits on US33/119, WV Rts 5, 18, and 47 are listed at 65,000 pounds. The regions solid waste and recyclables are transported by truck to landfills outside the counties. Since there are no navigable rivers in the region, barge transportation is not possible. CSX has ceased operations and has removed much of its tracks, consequently the possibility of rail transportation of solid waste is virtually non-existent. No changes in these conditions are expected within the next twenty years.

Highways

Major highways serving the area are I-79, US 33,19,119, and WV Routes 74,47,18, 5. The only highway in the region considered a designated route for vehicles with STAA- authorized dimensions is I-79.

Railroads

Southern Lewis County is served by a siding of the CSX Railroad. Gilmer County is served by the Elk River Railroad and CSX.

River Routes

The currently non-navigable rivers in the region are the Little Kanawha and the West Fork. There are no navigable rivers in the region; therefore barge transportation is not possible. No changes in these conditions are expected within the next twenty years.

VI. Part II - Solid Waste Problems and Solutions

Goal: Dispose of collected materials in the most cost effective and environmentally sound way.

Objectives:

- A. Provide accessible and well maintained disposal methods.
- B. Haul material that must be landfilled to a regional landfill at the lowest cost and in an environmentally sound manner.
- C. Cooperate with other jurisdictions in developing a compost facility for the disposal of sewage sludge, yard waste and other appropriate organic material.
- E. Develop a regular system for disposal of special wastes such as household hazardous materials, batteries, used oil, electronics, and other materials prohibited from landfills.
- F. Expand placement of recycling bins in the area.

Disposal methods

Existing Conditions

Disposal methods

Existing Conditions

Municipal solid waste generated in Lewis and Gilmer Counties continues to be landfilled in Meadowfill Inc. and S&S Landfill. The expected remaining life of Meadowfill Inc., is 50+ years while the life expectancy of S&S Landfill is 30 years. The Authority utilizes Tire & Rubber, Inc.'s Class D landfill/monofill on Grass Run for permanent disposition of construction/demolition waste and long-term temporary disposal of scrap waste tires. Its life expectancy is estimated to be 30+ years.

Bio-hazardous waste generated at the Lewis County Health Department, Gilmer County Health Department, Stonewall Jackson Memorial Hospital, William R. Sharpe, Jr. Mental Hospital and Minnie Hamilton Health Systems is disposed of by BFI.

Residential hazardous waste

Disposal Plan

Since household hazardous waste generates potentially toxic leachate, consumer education on how to dispose of the waste properly is paramount. Also, additional product research to develop acceptable, more benign alternatives to such hazardous materials is necessary and should be encouraged on a national/ international level.

The Authority will try to develop a collection/disposal program to allow households an opportunity to dispose of these materials in a safe way, and to attempt to keep these materials out of the regular waste stream. The Authority will work with small businesses to assist them in disposing of their hazardous materials as cost effectively as possible.

Household hazardous waste, which should be consciously kept out of the regular municipal waste stream, includes these items:

Insect sprays, Smoke Detectors, Automatic Transmission Fluid, Swimming pool acid, Floor Care products Battery Acid (or Battery), Furniture Polish, Brake Fluid, Metal Polish with solvent, Car Wax with Solvent, Diesel Fuel, Fuel Oil, Gasoline, Kerosene, Paint Brush Cleaner with solvent, Motor Oil, Paint, Other Petroleum products, Paint Stripper Primer, Paint Thinner, Varnish, Turpentine, Fungicides, Wood Preservative, Artists' Paints, Mediums, Herbicides, Fiberglass, Epoxy, Rat Poison, Lighter Fluid, Ammunition, Naphthalene (moth balls), Dry Cleaning Solvents, Photographic Chemicals, Gun Cleaning Solvents, Mercury Batteries.

Used Tire Disposal

The WV Department of Environmental Protection (DEP) holds an annual collection event in each county. Tires are collected and transported by Tire and Rubber, Inc.

1. Open Dumps

Large and small area dumps are scattered throughout the region. Most of the dumps identified previously have been cleaned up with the assistance of PPOD programs, the Make It Shine Program or the Adopt-a-Highway program. Many of these areas were cleaned up with the assistance of local volunteers and civic organizations.

PPPOD records indicate that Lewis County has cleaned up 109 open dumps, reclaimed 66.33 acres of land and removed 76,499 tires and a total of 1,857.12 tons of material since the program's inception. Gilmer County has cleaned up 75 open dumps, reclaimed 66.5 acres of land, removed 9,881 tires and 1,217.29 tons of material in the same time period.

The Adopt A Highway Program is active within both counties. Lewis County has 30 groups, consisting of 350 members cleaning up 60.39 miles of adopted highways. Similarly, Gilmer County has 26 groups with 326 members cleaning 72.2 miles of highway.

Although great progress has been made in the cleanup of open dumps, these problems remain:

- Monitoring these areas to insure that they do not become active again; and
- Securing funding and resources (labor, equipment, financing) to clean up new or remaining sites.

2. Roadside Litter

The unsightly and irresponsible practice of throwing bottles, cans, and fast food packaging from vehicles onto roadsides continues. Also hauling waste and debris in uncovered vehicles has also been identified as a source of roadside litter.

3. Junked and Abandoned cars

The illegal accumulation of abandoned vehicles and other large junk items has slowed considerably in the last five years. Several local "junk" haulers have taken many items to a "material recovery center". Usually, the haulers will not charge for transporting the items if the landowner "gives" them the material. However, in certain areas of the region, there continues to be a problem.

Evaluation of Solid Waste Services

Solid waste services have been effective in the two counties. MSW has only recently begun service, but has already improved efficiency and recyclables pickup. Tire and Rubber, Inc. has worked well with SWA and WVDEP, particularly at tire collection events.

Out-of-County Waste Disposed of in Lewis and Gilmer Counties

Out-of-County Waste Disposed of in Lewis and Gilmer Counties

Because our two counties do not have solid waste landfills, we feel that we do not have a problem with out-of-county waste being illegally disposed of in Lewis and Gilmer Counties.

Entities that Produce more than Five Tons of Solid Waste Per Month -- I have attached in a separate file the list of business in the two county area with 100 employees of more -- we generally use this as a bench mark for 5 tons of waste or more. Since we used a purchased data base you will need to review it and add any companies that it doesn't show and remove those that are no longer in business.

(Add list and any solid waste programs)

Plan of Action

1. Illegal Dump Prevention

The Authority will continue to work closely with Mountain State Waste to extend and increase collection service throughout the region. The Authority will also work with the County Commissions in the region to co-sponsor county-wide cleanup programs. Additionally the Authority will continue to assist and encourage local law enforcement officers and the Division of Natural Resources to develop a well-publicized and systematic program for requiring households, which do not subscribe to collection services to furnish proof that their waste is being taken to permitted disposal facilities.

2. Dump Clean up and Reclamation

The Authority has cooperated energetically with the Division of Highways, the Division of Natural Resources, and volunteers to clean up many open dumps. Cooperation and support from volunteers and civic organizations has been essential to the dump cleanup efforts and is expected to continue.

3. River Clean Up

Since 1991, at least two programs to clean up the West Fork River through the City of Weston have taken place. Funds and personnel from the DEP made this effort successful. The Lewis County Chamber of Commerce and other volunteers participated in this effort.

Periodically, Glenville State College students conduct various riverbank clean-up projects. Also, during this time, several sports teams from the College staged river bank clean-up projects on the Little Kanawha and the Elk Rivers. Funds and personnel from the DEP made these projects successful.

4. Litter Control

The Adopt A Highway Program is active within both counties. Lewis County has 30 groups, consisting of 350 members cleaning up 60.39 miles of adopted highways. Similarly, Gilmer County has 26 groups with 326 members cleaning 72.2 miles of highway.

Interest appears to be waning somewhat, however, those that do continue to participate indicate the need to continue and/or enhance the program. Appropriate guidelines, support, and incentives should be developed to keep the program in the forefront of the public. Lewis and Gilmer Counties should continue to promote this program.

~~Work toward a litter control plan in both counties 2007~~

5. The Use of Voluntary Assistance

Private Industry- Many local businesses have provided substantial assistance and cooperation in the Adopt-a-highway program. Others have provided equipment, at cost and others have allowed employees to participate in various cleanup projects.

Organizations and Individuals- 4-H Clubs and Extension Homemakers lead the list of 29 active volunteer groups now participating in the Adopt-a-Highway program. Members of the Solid Waste Authority are volunteers.

7. Coordination with Local, State and Federal Agencies

The Authority will endeavor to build a strong working relationship with the Division of Natural Resources, the Division of Highways, the Adopt-a-Highway and Make It Shine programs, local County Commissions and the WV Solid Waste Management Board. Support from these agencies is essential to a successful litter control program. The effective management of the region's solid waste depends upon cooperation with the above groups.

8. State Hierarchy

We agree with the State's hierarchy of:

1. Reduction
2. Recycling, Reuse, Resource Recovery
3. Disposal in landfills

9. Funding Strategy

The Lewis/Gilmer Regional Solid Waste Authority will secure funding from the following sources:

WV Solid Waste Assessment Interim Fee processed by through the Solid Waste Management Board

WV Solid Waste Management Board Grants

WV Department of Environmental Protection Grants

VII. Part III - Source Reduction, Resource Recovery and the Recycling Plan

Source Reduction (Update Where Needed) – You might want to mention anything you have done with electronics recycling in this section – or where you feel it is appropriate.

A. Households

Objective: Reduction in the amount of household waste

Strategy: Develop public information and education programs which encourage buying habit that limits excess packaging and throwaway products, and other green shopping techniques.

Progress: Because waste reduction at the household level is largely a matter of changing personal consumption and buying habits, significant impact at the household level is limited and difficult to evaluate. Nevertheless, the Authority continue developing public education programs, aimed primarily at K-12 schools. The operation of farmers markets in both counties assists in the reduction in packaging.

B. Commerce and Industry

Objective: Reduction in the amount of industrial-commercial waste

Strategy: Encouraging waste reduction and proper disposal via direct contacts with businesses and industries

Progress: Waste reduction in industry is driven by market forces including the demand for efficient operations and the rapidly rising cost of waste disposal. Lewis and Gilmer Counties historically have not had waste disposal problems with their industries and commercial establishments.

Resource Recovery

A. Incineration

Currently state law prohibits incineration, therefore it is not considered to be an appropriate strategy.

B. Composting

The Authority feels that there should be more research conducted on siting and the implications of using composted municipal solid waste. The Authority supports continued research efforts to provide an alternative to landfilling municipal solid waste, sewage sludge, and other land applicable materials. However, a composting facility is available adjacent to Meadowfill Landfill

(Clarksburg) that accepts yard waste and sells compost. This operation may reduce the necessity of a local facility.

According to the West Virginia Code, by January of 1997, there is a complete ban on landfilling yard wastes in the state. Since yard waste comprises a small amount of the wastestream in the region, the yard waste ban does not have a great impact on the amount of waste being landfilled. The Authority in cooperation with the West Virginia University Extension Service have co-sponsored seminars to promote backyard/private composting.

The Authority sees the end product of yard waste composting on a commercial scale as a valuable resource for reclaiming strip mines, drilling areas, and highway landscaping. Additional education awareness will need to take place to ensure a "clean" product for such applications. The Authority also feels however, that to sustain a commercial venture, more than just Lewis and Gilmer Counties will need to be involved. A minimum "critical mass" (yet to be determined) is essential to the success of such a venture.

Collection

Goals: Extend and expand curbside service to every household which can be reasonably reached.

Encourage drop-off utilization for those household's which cannot be reasonably reached with curbside services.

Strategies: A. Work with Division of Natural Resources to enforce the mandatory disposal program to encourage every household to legally dispose of their rubbish. Work with local haulers using potential and actual customer lists and the Division of Natural Resources enforcement officers to ensure that all potential customers use proper disposal methods.

B. Work with haulers and the Division of Highways to extend service where requested and where feasible.

C. Support local haulers in identifying innovative ways to provide house-to-house collection by using special collection trucks, secondary routes, and other methods. Where house-to-house collection is not feasible, alternative methods of collection should be sought. Efforts will continue to assist haulers in finding alternative and innovative methods to serve these residents.

D. Illegal and promiscuous dumps often interfere with proper collection because they offer a convenient and inexpensive alternative. The Authority will continue to support the PPOD, and WV Make It Shine programs, the Litter Control Board and the Division of Natural Resources in cleaning up and patrolling these areas.

E. Continue to support annual "cleanup" programs in cooperation with the WWSWMB and local governments.

Existing Conditions

Currently, MSW provides collection service to approximately 4,800 customers in Lewis County and 1,700 in Gilmer County. Approximately 860 tons of residential waste, 331 tons of commercial waste, 175 tons of construction waste, and 115 tons of additional waste are collected each month.

Lewis/Gilmer Regional SWA

Recycling Plan

Introduction

The plan is divided into three areas of concern; collection, processing, and marketing and public information. Each element of the plan is dependent of each of the other elements.

Goal: To enhance a successful broad-based recycling program to:

1. Reduce the adverse impact of additional landfill disposal and other methods of disposal on the environment;
2. Reduce the high cost of landfill and other disposal methods; and
3. Benefit from the use of recycled materials in business, industry and households.

A. Collection

Goal: Increased recycling participation from all residents

1. Current Program -Implementation to date

Curbside Collection

Mountain State Waste (MSW) picks up recyclables on a monthly schedule. Materials picked-up curbside are: plastics #1 - #7, steel cans, tin cans, office paper, paperboard, junk mail, magazine, newspapers, and aluminum. In addition, from commercial accounts, 307 tons of cardboard was collected in a year (2015).

Drop-Off

The drop-off containers are utilized by citizens that do not have, or elect not to use, curbside service. Containers encompass ### cubic yds. MSW empties the containers. In 2014, MSWhauled 35 container loads of recyclables from the Weston site, 22 load from the Jane Lew site and 21 loads from Glenville.

A container for used motor oil is available for public use @ a limit of 3 gallons/per/customer at MSW.

Private Buy Back

Stout's Recycling Center at Horner, WV buys aluminum and other metals. Stout's will also buy old appliances, junk cars, and bulky scrap metals.

Business/Industry Collection

Some of the largest generators of waste corrugated products are participating in a program of baling and marketing the cardboard. Many large generators (including grocery stores and Walmart) of cardboard products bale and return the product to their own warehouse.

County schools, County Governments, and Glenville State College participate in recycling collection programs. The Authority will continue to provide educational programs and materials to schools and organizations in the region.

Objectives and Strategies to Maintain and Expand the Current Recycling Program

Objectives:

1. Greater participation of recycling programs
2. Greater school, government, and college participation in recycling

1. Greater participation of recycling programs

- a. Expand curbside collection to rural residents where economical

Strategy: Investigate opportunities, work with haulers in providing vehicles that are more easily maneuvered, work with residents to obtain their suggestions

- b. Expand public participation in tire, e-waste, and pharmaceutical collection events and expand recyclable material to be collected at collection events.

Strategy: Increase advertising for special events, expand school education programs, and discuss collection of additional materials with state and local agencies. The Authority will continue to sponsor a full scholarship to 4-H camp to the individual who scores the highest in the 4-H Recycling Project.

c. Public Information

Strategy: The SWA is developing a brochure to provide information on recycling facilities and opportunities.

- d. Provide additional selected drop off points for the regions residents

Strategy: With the purchase of additional drop-off containers, the SWA is determining the optimal location for placement of the old containers.

2. Greater school, government, and college participation in recycling

An essential part of the educational program is teaching young people about the value of recycling and reducing litter and household hazardous wastes.

a. Glenville State College

Currently, a recycling group at Glenville State College (GSC) coordinates paper, newspaper, cardboard, aluminum cans, and plastic bottle collections. MSW periodically picks up the materials. The recycling group also holds educational recycling events and distributes recycling information on campus.

Strategy: When collection of additional types of materials expands, SWA will work with GSC to expand the current recycling program.

b Elementary and Secondary Schools

Currently, the SWA is provides educational materials at 6th Grade Day Out event.

Strategy: Work with the curriculum designer in each county to encourage the adoption of the State Environmental Curriculum produced by the Division of Natural Resources. The SWA will encourage placement of collection bins at each school and strongly encourage utilization by students and staff. Further, the SWA will development materials to include or integrate into environmental sciences and other such programs.

Plans for Evaluating Recycling Education Effectiveness

The major aspect of effectiveness of a recycling education program is the amount of materials collected, processed, sold and/or reused. The SWA will collect data on the amount, type and source of materials collected and processed from the region.

VIII. Mandatory Disposal Program

In accordance with WV Code 22C-4-10, the Lewis/Gilmer Regional Solid Waste Authority does hereby adopt the following as its policy regarding mandatory disposal of solid waste. .

Each residence or business establishment in this region shall either:

1. Subscribe to and use a solid waste collection service and pay the fees established therefore; or
2. Provide appropriate proof that the household or business properly disposes of its solid waste at approved solid waste facilities or any other lawful manner.

The Authority will assist and support the State Division of Natural Resources enforcement division, the State Police, the Lewis and Gilmer County Sheriff's offices, the Weston and Glenville city police, and any other law enforcement agencies with appropriate jurisdiction in enforcing the Mandatory Solid Waste disposal law. Assistance includes identifying all households who have not subscribed to a solid waste collection service or who are not on the customer list of any sanitary landfill servicing the region.

The Authority will coordinate with the local haulers to obtain their customer routes and corresponding customers. Any households flagged as "Not Subscribing" will be notified by letter to respond to the Authority with proof of proper disposal. When the Authority has a final list of apparent non-subscribers or non-responders, the proper enforcement agencies will be asked to assist.

Proposed Ordinance

While the Lewis/Gilmer Regional Solid Waste Authority believes some extensive legislative changes need to be made and are being discussed this session, it is presently working on a proposal of mandatory regulations to be submitted to the each respective county commission at some point in the near future.

Enforcement:

Residents of West Virginia are required by law passed in 1988 to prove either (i) the payment of garbage collection fees or (ii) proper disposal at an approved solid waste facility, or in any otherwise lawful manner.

1. General

1.1 Scope -The purpose of these regulations is to implement the mandatory disposal requirements by the WV Code 22C-4-10.

1.2 Filing Date -

1.3 Effective Date -

1.4 Legislative Authority -WV Code 22C-4-23(3)

1.5 Savings Clause -The adoption of these regulations shall in no way preclude the L/G SWA from altering or amending them, in whole or in part. These regulations are intended to supplement the applicable statutes and do not replace or substitute any of the provisions of such statutes.

2. Definitions- The following word and terms, when used in these regulations, shall have the following meaning unless the context clearly indicates otherwise:

2.1 "Approved Solid Waste Facility" -means a commercial solid waste facility or practice which has a valid permit or compliance order under WV Code 22-15-1 et seq (or similar permit or order from another state).

2.2 "Authority" -means the Lewis/Gilmer Regional Solid Waste Authority as established by WV Code 22C-4-3.

2.3 "Solid Waste"- means any garbage, paper, litter, refuse, cans, bottles, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, other discarded material, including carcasses of any dead animal or any other offensive or unsightly matter, solid, liquid, semisolid, or contained liquid, or gaseous material resulting from industrial, commercial, mining or community activities but does not include solid or dissolved material in sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources and have permits under WV Code 22-11, or source, special nuclear or by product material as defined by the Atomic Energy Act of 1954, as amended, or hazardous waste either identified or listed under WV Code 22-18, or refuse, slurry, overburden or other wastes or material resulting from coal-fired electric power generation, the exploration, development, production, storage and recovery of coal, oil and gas, and other mineral resources placed or disposed of at a facility which is regulated under WV Code Chapter 22, Chapter 22A, or Chapter 22B, so long as such placement or disposal is in conformance with a permit issued pursuant to such chapters; "solid waste" shall not include material which are recycled by being used or reused in an industrial process to make a product, as effective substitute for commercial products, or returned to the original process as a substitute for raw material feedstock.

2.4 "Solid Waste Collection Service" -means a collection service offered either by a common carrier certified by the West Virginia Public Service Commission or by a municipality or other governmental body.

2.5 "Solid Waste Disposal" -means the practice of disposing of solid waste including placing, depositing, dumping or throwing or causing to be placed, deposited, dumped, or thrown any solid waste.

3. Proof of Proper Solid Waste Disposal includes:

3.2.1 Records demonstrating that a person has subscribed to and used a solid waste collection service and has paid the fees established therefore; or

3.2.2 Records, including bill of receipt, demonstrating that a person has delivered his waste to an approved solid waste facility for disposal

4. Maintenance of Records

4.1 The owner or operator of each approved solid waste facility in the region must maintain records of each delivery of solid waste made by an individual who is not in the business of hauling or disposing of solid waste. Such records must include:

4.1.1 The name and address of the individual who delivered the waste for disposal

4.1.2 A description of the origin, type, and estimated amount of the waste delivered for disposal; and

4.1.3 A copy of the bill of receipt for the waste delivered for disposal.

4.2 Each solid waste collection service in the County must maintain records of solid waste collection services provided to residences and businesses in the county. Such record must include:

4.2.1 The name and address of the person to whom an account is billed and the address of the location where the solid waste collection services for that account are provided.

4.2.2 The number of days, weeks, months, or quarters in any calendar or one business fiscal year, as the case may be, during which solid waste collection services were provided and for which payment for such services was made.

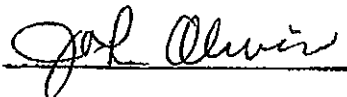
4.3 All records required under regulations must be maintained for a minimum of three (3) calendar or business fiscal years and be made available for inspection by an authorized representative of the Authority or any law enforcement agency upon request.

IX. Conclusions and Recommendations

A recycling program is in place, encompassing county citizens and academic institutions. To improve participation in the program, greater public education is required and planned. Further, the programs require expansion to include additional materials, such as household hazardous waste. The Authority will continue to explore cost-effective mechanisms to collect and recycle these additional materials.

**LEWIS/GILMER REGIONAL SOLID WASTE
AUTHORITY**

**COMMERCIAL SOLID WASTE FACILITY SITING
PLAN**

A handwritten signature in cursive script, appearing to read "Joe Oliver", is written over a horizontal line.

Chairman

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of publication, minutes from the public hearing, copies of any comments received and the
Authority's response, and the minutes for the authority board meeting when the plans are approved.)

Forward

The Lewis/Gilmer Regional Solid Waste Authority has completed a commercial solid waste facilities siting plan for the counties of Lewis and Gilmer in West Virginia. This siting plan has identified zones within each county where siting of the following facilities is authorized or prohibited:

1. Class A Facilities
2. Class B and C Facilities
3. Class D Facilities
4. Commercial Solid Waste Transfer Stations
5. Recycling Facilities
6. Material Recovery Facilities
7. Composting Facilities
8. Energy Recovery Facilities and Incinerators

The siting plan includes an explanation of the rationale for each zone.

The authority has developed the siting plan based upon the following considerations as stated in 54CSR4.3:

1. The efficient disposal of solid waste;
2. Economic development;
3. Transportation;
4. Property values;
5. Groundwater and surface waters;
6. Geological and hydrological conditions;
7. Aesthetic and environmental quality;
8. Historic and cultural resources;
9. The present or potential land uses for residential, commercial, recreational, environmental conservation or industrial purposes; and
10. The public health, welfare and convenience.

The Plan is based upon readily available information. Examples of such information include, but are not limited to: County highway maps; United States Geological Survey maps; West Virginia Geological and Economical Survey; West Virginia Department of Environmental Protection; County and regional planning commissions; West Virginia Development Office; Local libraries; West Virginia Department of Culture and History; Local Chamber of Commerce; County tax assessor's office; Existing solid waste facilities, to the extent such information is relevant; and local solid waste haulers in the area.

The Siting Plan has been drafted according to the Solid Waste Management Board's rule, 54CSR4, "Commercial Solid Waste Facility Siting Plans".

The Authority has authorized or prohibited solid waste facilities in a given zone only where the readily available information clearly established that the facility should be authorized or prohibited in that zone. Otherwise, the Authority has established zones as tentatively prohibited.

Summary for siting of solid waste facilities in the Lewis/Gilmer County area

Lewis and Gilmer Counties are rural counties in north central West Virginia. Lewis County has very good access to other areas of West Virginia due to I-79 running through the county and US 33 and 119 going east-west through Lewis and Gilmer Counties. US 33 and 119 from Weston to Glenville into Calhoun County is a two-lane highway with many curves and mountains across the area that offers limited access into Gilmer County.

The railroad system into Lewis County is limited to one line. It passes through southern Lewis County at Walkersville touching Gilmer County at Gilmer station and turning south into Braxton County.

Access to possible solid waste facilities becomes a prime consideration in the siting plan since most of Gilmer County is accessible only on narrow secondary roads. This limits prime locations in Gilmer County to the southeastern corner of State Route 5, which is accessible from I-79 in Burnsville and from the railroad at Gilmer Station. Prime locations in Lewis County must be looked at along I-79 and Route 19 south of Walkersville in order to have accessibility.

In northern Lewis County west of I-79 and north of US route 33 and 119, gas storage fields present a geologically unsuitable area for solid waste disposal. Oil drilling began in the late 1800's in the Fink Creek oil field. This field was exhausted of oil production in the 1940's and converted to gas storage. The Fink-Kennedy-Lost Creek storage field covers 73,000 acres in Lewis, Doddridge, and Harrison counties with storage capability of 165 billion cubic feet of natural gas at 900 to 975 pounds of pressure per square inch on the geological formations. The number and age of wells in this storage field create too many possibilities for contamination of the aquifer levels. The constant pumping of natural gas into and out of this field has caused natural gas problems with private water wells and has caused wells to be drilled in order to relieve pressure on some of the rock formations.

This leaves the best possibilities for solid waste facilities to be in northeast Lewis County, south to US 33, the southern portion of Lewis County south of Walkersville, and the southeastern section of Gilmer County just north of Gilmer Station.

Rationale for establishing solid waste facility zone

The Gilmer-Lewis Solid Waste Authority established the solid waste facility zone by using title 54 legislative rule, series 4. In using this legislative rule, we eliminated a 1,000 foot area from the right-of-way of I-79, US Rt. 19, Route 119, and Route 33, which are all federal aid primary roads. We placed a 1,000 foot area around the Stonewall Jackson State Park, Stone Coal Lake, Cedar Creek State Park, Glenville State College, and lands of the West Virginia Board of Regents, and the West Virginia State 4-H camp at Jackson's Mill.

The FEMA flood maps of Lewis and Gilmer counties were used to determine the 100 year flood plain and remove it from consideration. A six mile area was established around the airport at Jackson's Mill, which is used for piston type aircraft.

The FEMA flood maps of Lewis and Gilmer counties were used to determine the 100 year flood plain and remove it from consideration. A six mile area was established around the airport at Jackson's Mill, which is used for piston type aircraft.

Lewis and Gilmer counties have limited public water lines. In Lewis County, Weston and Jane Lew have had public water for many years. Glenville has public water, which has been extended to Cedar Creek, Cox's Mill, Sand Fork, Troy, and Rt. 5 to Third Run, among other areas. All the houses built in other areas before 1988 (98% of the housing) have water wells, which are available for use. This requires that 1,200 feet prohibited zone can be placed around all housing except for Glenville, Weston, Jane Lew, and immediate surrounding areas received a 500 foot prohibited zone from all housing.

Elimination of these areas was time consuming but straight forward as required in series 4 of legislative rule title 54. We contacted the Chamber Of Commerce and/or Economic Development Authority of each county. Gilmer and Lewis Counties have economic development plans that listed certain sites as primary development zones. These development zones were removed from consideration.

The gas and oil fields caused considerable problems due to the vast quantity in each county. Of particular concern were the Tanner, Fink, Murphy's Creek and Rhodes storage fields. The US Army Corp of Engineers had difficulty building the Stonewall Jackson Dam and Lake due to the Rhodes storage field. These problems included old wells that were not sealed around the outside of casings, unlisted abandoned gas wells and pressure pockets in the geologic formations. The Authority contacted geologists from the Division of Natural Resources, WV Geological Survey, and from EQT and CONSOL gas companies. All geologists agreed that oil and gas wells presented a geologic condition that could allow possible contamination to the groundwater if a landfill was sited too close. The Authority removed the storage field from consideration and placed a 1,200 foot prohibited zone around gas and oil wells since they are basically the same construction as public and private water wells.

In addition, geological maps were checked for springs, deep coal mines, karst regions and fault areas. Because of the numerous small wetlands, each site will be evaluated individually and a prohibited zone established within 300 feet of any wetlands.

Statement of purpose

The Lewis/Gilmer Solid Waste Authority is charged with the duty of developing a plan of action to eliminate environmental degradation and the hazards associated with solid waste and its disposal. The Authority considers economic growth as well as environmentally sound waste management practices as the plan is implemented over the next twenty years.

2. Reducing the waste of valuable non-renewable resources contained in solid waste through recycling while reducing the volume of these materials being landfilled.
3. Improving the natural beauty of the region by removing unsightly, illegal dumps from our roadbanks, streams, public and private lands.
4. Providing incentive for proper disposal of all solid waste generating from residential, commercial and industrial sources within the region.

The plan will assure the region's citizens that future waste management facility will be sited only in the most environmentally sound, least vulnerable area. The facility should not hinder economic development objectives.

The plan will focus on reducing the total amount of waste being landfilled; recycling as many products as can currently and prospectively be marketed; and assuring that all citizens will have equal access to solid waste and recycling services.

Groundwater, surface water & wetlands

Protection of water (ground and surface is precedence).

Lewis County is served by WV American Water in the Weston area with hopes of extending lines in the near future. The Jane Lew P.S.D. serves the Jane Lew area with public water. Gilmer County is served by Gilmer County P.S.D., which serves Glenville, Linn, Normantown, Sand Fork, Stouts Mills, Troy, Gilmer and Gilmer County industrial Park. This leaves a vast majority of rural areas in Lewis and Gilmer Counties being served by private water wells.

Twelve hundred feet are prohibited zones of any public and private water supply in existence at the time of zone establishment (54-4-5.3.e.2.f). Three hundred foot areas were placed along all rivers, lakes, and streams (54-4-5.3.e.2.b).

FEMA flood maps of Lewis and Gilmer counties were used to determine the 100 year flood plain to establish prohibited zones (54-4-5.3.e.2.d). Because of the numerous small wetlands, each site will be evaluated individually and a prohibited zone established within 300feet of any wetland (54-4-5.3.e.2.b).

Aesthetic and environmental quality

Lewis County encompasses one state park (Stonewall Jackson Lake State Park), one county park, municipal parks (prohibited areas), WVU Jackson's Mill 4-H Conference & Educational Center and Stonecoal Lake (Prohibited area of 1,000 feet) (54-4-5.3.g.1).

Gilmer County contains one state park (Cedar Creek State Park), one County Park, Glenville State College (GSC) and lands of the GSC Board of Governors. (Prohibited area 1,000 feet)

Lewis County encompasses one state park (Stonewall Jackson Lake State Park), one county park, municipal parks (prohibited areas), WVU Jackson's Mill 4-H Conference & Educational Center and Stonecoal Lake (Prohibited area of 1,000 feet) (54-4-5.3.g.1).

Gilmer County contains one state park (Cedar Creek State Park), one County Park, Glenville State College (GSC) and lands of the GSC Board of Governors. (Prohibited area 1,000 feet)

Lewis County also has an airstrip for piston powered engine planes. (Prohibited area 6 miles, 49 U.S. Code ' 44718).

Economic development & property values

The Lewis County Chamber of Commerce and Economic Development Authority and the Gilmer County Economic Development Authority may be requested to add input on local siting applications to consider the positive and negative impact on local siting applications.

Primary aspects to be considered for siting a commercial solid waste facility are as follows:

1. Reputed and financially sound company
2. Tax base produced by privately owned facility
3. Design, structure and maintenance of facility
4. Jobs created - employee salaries
5. Monitoring costs
6. Enhancement and/or devaluation of surrounding property and communities
7. Other deemed necessary evaluations

It is imperative to consider the economic development impact when siting a facility. The said groups will also be asked to access property values with a degree of difference between the values of urban, industrial/ commercial, and rural areas. Because siting procedures prohibit facilities within 500 feet of an occupied dwelling (at time of zoning) without the written permission of the owner, property values will conclude their own level within the zone areas (54-4-5.3.i.).

Public Health, Welfare and Convenience

Public health, welfare and convenience are reviewed when siting a solid waste facility. Reviews of upstream discharge, runoffs in tributaries and public water supplies are also considered. Each site will be reviewed individually.

Historical and cultural resources

Historical and cultural landmarks and properties will be determined on an individual bases. Established historical societies or groups will be asked for statistics on a site-by-site basis.

Lewis and Gilmer Counties have a very limited railway system. One railroad is limited to the Walkersville area in Lewis County and that same track touches Gilmer County in Gilmer Station.

Present and potential land uses

Gilmer County has a total land area of 342 square miles with a rural population of 8,693. Lewis County has a total land area of 391 square miles with a rural population of 16,372. Most of the land within both counties is privately owned and considered rural. Siting a commercial facility would affect not only the proposed site but also surrounding properties. Each site will be reviewed individually.

Geological and hydrological conditions

Geological studies, maps and the Division of Natural Resources have produced maps with many springs, deep coal mines, karst regions, fault areas and gas and oil storage fields. There are three main types of soil in Lewis and Gilmer Counties. Listed in order of their prevalence the soils are: Gilpin (loam), Upshur (clay) and Vandalia (silt). The maps show very few places suitable for landfill sites due to geology, hydrology and topography. Geology and hydrology will be determined site-by-site.

Incineration

State law prohibits incineration. Incineration is not an approved waste handling method.

Yard waste composting and sludge

A yard waste ban at the landfills began in West Virginia in January 1997. Since Lewis and Gilmer Counties are rural, the waste stream is not highly affected by yard waste. The Authority promotes backyard composting and has worked closely with the City of Glenville in their promotion.

Sludge from the sewage treatment plants is, for the most part, being landfilled. The Authority encourages farmland owners to become approved through the state for sludge usage. A few farms are using sludge. CORRECT? Because of the numerous farming areas in our counties, this is one way to potentially help reduce landfill tonnage.

Narrative of solid waste facility zones

Using the rationale previously stated, the maps for Lewis and Gilmer Counties were marked to eliminate all areas to identify the prohibited zones. These zones were given horizontal stripes so all available areas could be considered. The remaining areas were studied to find if any site could be found that would meet all requirements and be classified as "authorized". No areas could meet all requirements, especially since no leach treatment is available. This left areas that classified as tentatively prohibited zones.

Using the rationale previously stated, the maps for Lewis and Gilmer Counties were marked to eliminate all areas to identify the prohibited zones. These zones were given horizontal stripes so all available areas could be considered. The remaining areas were studied to find if any site could be found that would meet all requirements and be classified as "authorized". No areas could meet all requirements, especially since no leach treatment is available. This left areas that classified as tentatively prohibited zones.

Tentatively prohibited zones were prioritized as to how they should be considered for solid waste siting.

Provisions of the comprehensive litter and solid waste control plan

As stated previously, Gilmer County has a total land area of 342 square miles with a rural population of 8,693. Most of the area's residential population (1700 accounts) is served by Mountain State Waste (MSW). Commercial accounts (142) are also served by Mountain State Waste. BFI and Waste Management serve a few commercial account (roll-offs only).

Due to the rural nature and poor secondary road system, Mountain State Waste operates three satellite trucks, smaller single axle trucks with a 10 yd packer, to collect in areas with difficult access. Under some circumstances, waste is picked up at a central location, usually at the end of the road. The goal is to provide curbside service to as many residents as possible.

Lewis County has a land area of 391 square miles and a rural population of 16,372. Weston transfer services 4,800 residential accounts and 417 commercial accounts. The cities of Weston and Jane Lew, with a combined population of 4,519 make up 40 - 50% of these accounts. Approximately 95% of customers are serviced at the end of their driveways.

Recycling

Material collected for recycling is picked up by Mountain State Waste. It is collected single stream, and transported to the Harrison County Recycling Center. The Center sorts and prepares the material for marketing.

Mountain State Waste provides curbside pick-up of recyclable material and transports materials from the Lewis/Gilmer Solid Waste Authority bin site drop off centers. A drop off bin is located in in Weston, Jane Lew, and Glenville.

Zone descriptions for classified landfills

"Class A Solid Waste Facility" means a commercial solid waste facility, which handles an aggregate of between ten thousands (10,000) and thirty thousand (30,000) tons of solid waste per month. Class A facility includes two or more class B solid waste landfills owned or operated by the same person in the same county, if the aggregate tons of solid waste handled per month by such landfills exceeds nine thousand nine hundred and ninety-nine (9,999) tons of solid waste month.

reasonable subdivisions or subclassifications as the director may establish by legislative rule. In accordance with WV Code 29a-1-1 et seq.

"Class C Facility" means a commercial solid waste facility which receives, or is expected to receive, an average daily quantity of mixed solid waste of less than one hundred (100) tons each working day; and serves, or is expected to serve, a population of less than forty thousand (40,000) persons. A Class C facility does not include construction/demolition facilities.

Authorized: None.

Prohibited: These areas are prohibited because of one or more of the criteria established in title 54 legislative rules, series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) property within one thousand (1000) feet of the right-of-way of any state trunk highway, interstate or federal aid primary highway, (5) water supply wells and springs, including areas within twelve hundred (1200) feet of wells and springs, and (6) public parks and recreation areas. Although presently unmapped, any area identified as follows shall also be zoned as prohibited: (1) wetlands, and areas within three hundred (300) feet of wetlands, and (2) airports, including areas within six (6) miles.

Tentatively prohibited: All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

"Class D Solid Waste Facility" means any solid waste facility for the disposal of only construction/demolition waste and does not include the legitimate beneficial reuse of clean waste concrete/ masonry substances for the purpose of structural fill or roadbase material.

MAR 20 11

Authorized: Tire & Rubber, Inc. (Lewis County)

Prohibited: These areas are prohibited because of one or more of the criteria established in title 54 legislative rules, series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) property within one thousand (1000) feet of the right-of-way of any state trunk highway, (5) water supply wells and springs, including areas within twelve hundred (1200) feet of wells and springs, and (6) public parks and recreation areas. Although presently unmapped, any area identified as follows shall also be zoned as prohibited: (1) wetlands, and areas within three hundred (300) feet of wetlands, and (2) airports, including areas within five thousand (5,000) feet of any runway utilized by piston-type aircraft, or ten thousand (10,000) feet if turbojet aircraft.

Tentatively prohibited: All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

Transfer station means a combination of structures, machinery, or devices at a place, or facility where solid waste is taken from collection vehicles and placed in other transportation units (such as a walking floor, or other method of transfer as determined by the secretary) for movement to

Tentatively prohibited: All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

Transfer station means a combination of structures, machinery, or devices at a place, or facility where solid waste is taken from collection vehicles and placed in other transportation units (such as a A walking floor, or other method of transfer as determined by the secretary) for movement to another solid waste management facility. Provided, when the initial generator of solid waste disposes of said waste into a container such as a roll-off, green box or bin which is temporarily positioned (not more than five days) at a specific location for transport by a transportation unit, such container shall not be considered a transfer station. Under any circumstances, leachate, litter and windblown materials must be properly managed.

Authorized: None

Prohibited: These areas are prohibited because of one or more of the criteria established in title 54 legislative rules, series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) property within one thousand (1,000) feet of the right-of-way of any state trunk highway, (5) water supply wells and springs, including areas within twelve hundred (1,200) feet of wells and springs, and (6) public parks and recreation areas. Although presently unmapped, any area identified as follows shall also be zoned as prohibited: (1) wetlands, and areas within three hundred (300) feet of wetlands, and (2) airports, including areas within five thousand (5,000) feet of any runway utilized by piston-type aircraft, or ten thousand (10,000) feet if turbojet aircraft.

Tentatively prohibited: All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

Energy Recovery Facility means any solid waste facility at which solid wastes are incinerated with the intention of using the resulting energy for the generation of steam, electricity, or any other use not specified herein.

Incinerator means an enclosed device using controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

Authorized: None.

Prohibited: For these types of facilities, all areas are prohibited. The zoning limits are interpreted to be the county line. These areas are prohibited because of W.Va. Code '22-15-19.

Tentatively prohibited: none.

Prohibited: Prohibited areas include solely residential areas, wetlands, perennial streams, other surface waters, public parks, recreation areas, yard waste composting facilities, and any other area that may be excluded by application of the rationale contained in title 54 legislative rules, series 4.

Tentatively prohibited: None.

Materials Recovery Facility any solid waste facility at which source-separated materials or materials recovered through a mixed waste processing facility are manually or mechanically shredded or separated for purposes of reuse and recycling, but does not include a composting facility. No materials recovery facilities currently exist within the county.

Authorized: None.

Prohibited: These areas are prohibited because of one or more of the criteria established in title 54 legislative rules, series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) property within one thousand (1,000) feet of the right-of-way of any state trunk highway, (5) water supply wells and springs, including areas within twelve hundred (1,200) feet of wells and springs, and (6) public parks and recreation areas. Although presently unmapped, any area identified as follows shall also be zoned as prohibited: (1) wetlands, and areas within three hundred (300) feet of wetlands, and (2) airports, including areas within five thousand (5,000) feet of any runway utilized by piston-type aircraft, or ten thousand (10,000) feet if turbojet aircraft.

Tentatively prohibited: all other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

Commercial Composting Facility means any solid waste facility processing solid waste by composting, including sludge composting, organic waste or yard waste composting, but does not include a composting facility owned and operated by a person for the sole purpose of composting waste created by that person or such person and other persons on a cost-sharing or non-profit basis and shall not include land upon which finished or matured compost is applied for use as a soil amendment or conditioner.

Authorized: None.

Prohibited: (1) perennial streams, other surface waters and areas within three hundred (300) feet of surface waters; (2) areas within the 100-year floodplain; (3) wetlands and areas within three hundred (300) feet of wetlands; (4) areas within three hundred (300) feet of any spring; (5) geologically unstable areas; (6) public parks and recreation areas; (7) sites where topography exceeds six (6) percent grade; (8) sites of insufficient area and terrain to allow for proper management of run-on, run-off, and leachate; (9) areas within two thousand (2000) feet of any health care facility, school, church or similar type of institution; (10) areas within two hundred (200) feet of drinking water supply wells, other water supplies, and occupied dwellings; (11) areas within fifty (50) feet of a federal or state highway right-of-way or twenty-five (25) feet of a city street right-of-way; (12) areas

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Tentatively Prohibited: Sites with historic or cultural resources are zoned tentatively prohibited.

The coordination of the plan with the related solid waste collection and disposal services

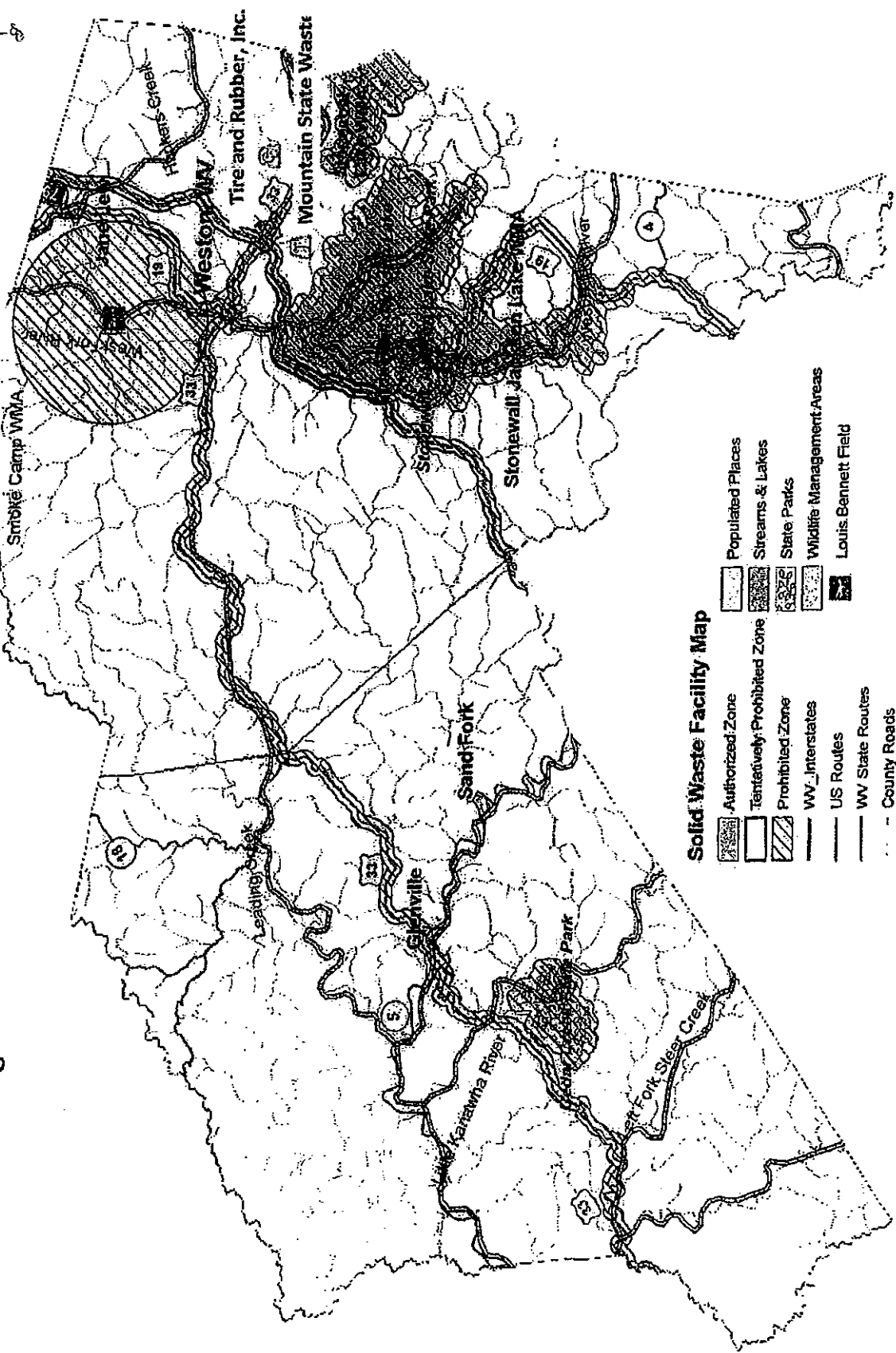
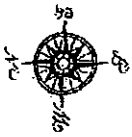
Lewis and Gilmer Counties are serviced by primarily two solid waste companies, Mountain State Waste (MSW) and Tire and Rubber, Inc. MSW collects and hauls residential and commercial wastes and recyclables. Tire and Rubber, Inc. collects and accepts tires and accepts construction material. Tire and Rubber, Inc. is exploring accepting oil and gas drill solid waste cuttings. BFI and WM collects from a few commercial accounts (roll-off containers only).

MSW transports waste primarily to S&S Landfill. Meadowfill is used only on occasions when S&S is not open. Construction and demolition waste is transported to Tire and Rubber, Inc.

Update and amendment process

A mandatory update must take place every five years. However, the plan can be amended at any time. A public notice and hearings on updates or amendments shall be given and held in the same manner as described in 54CSR 4.7. A revised plan is to cover a period of twenty (20) years and the solid waste management board must approve amendments in the same manner as the previous plan.

Lewis/Gilmer Counties Class A Landfill Zoning

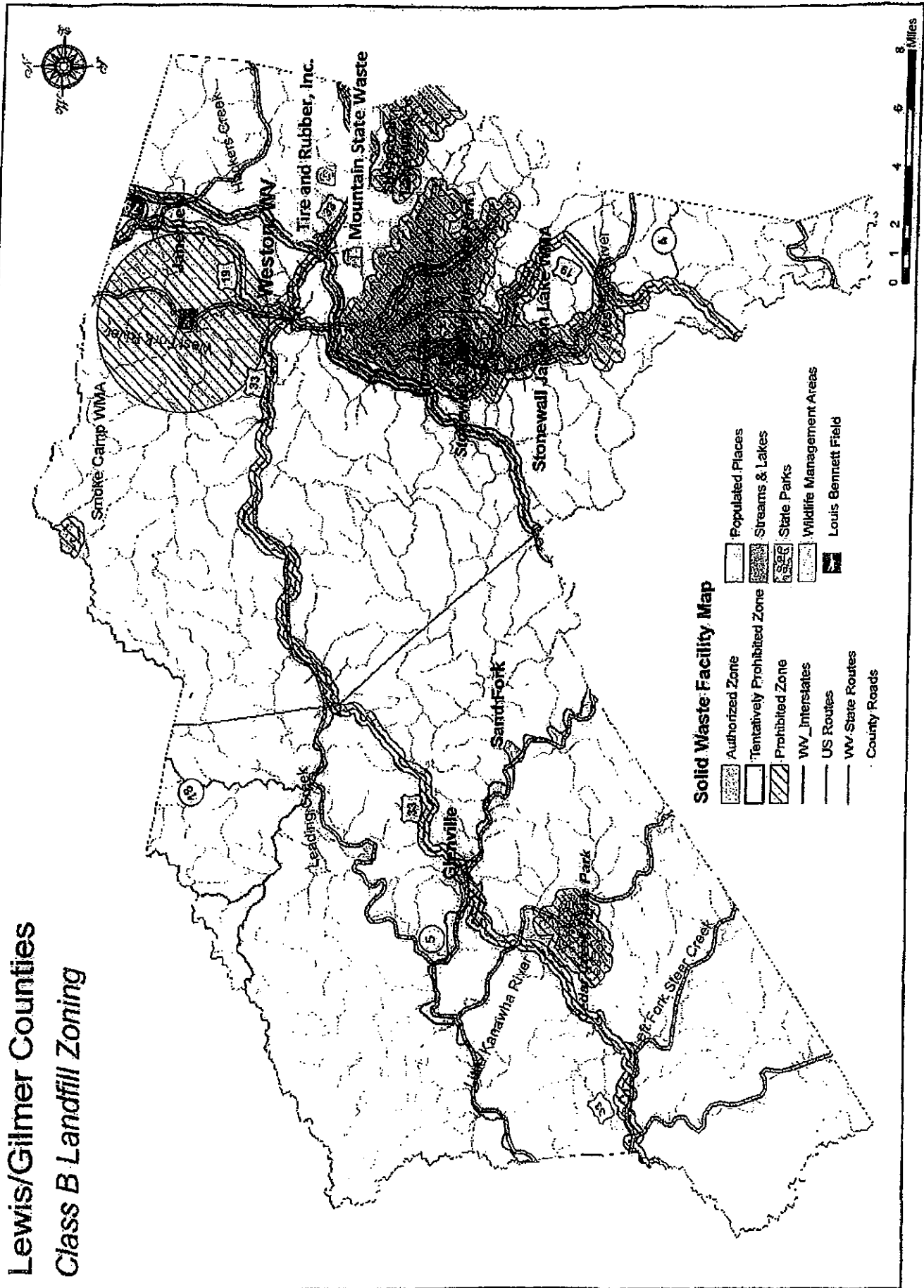


Solid Waste Facility Map

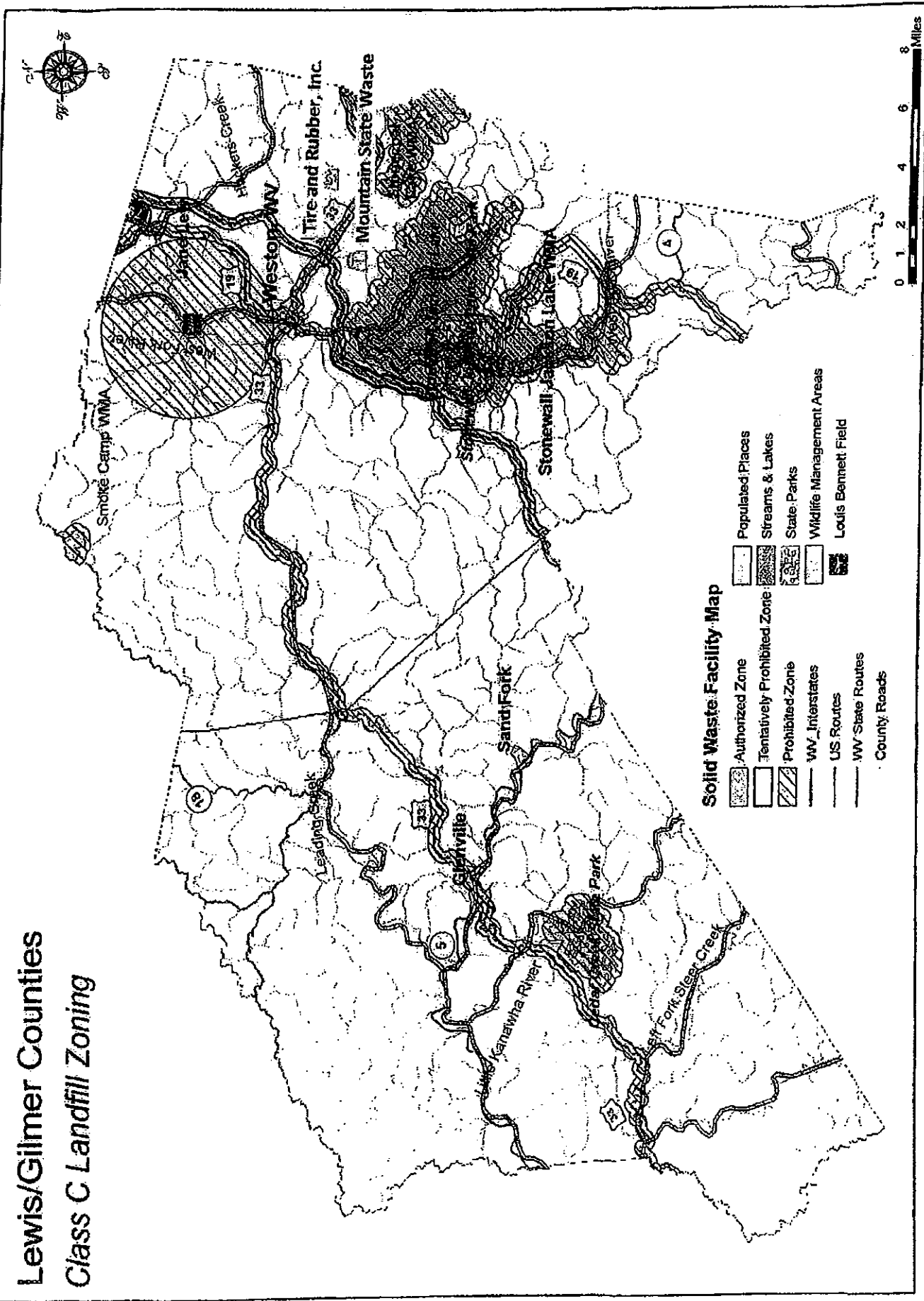
- Authorized Zone
- Tentatively Prohibited Zone
- Prohibited Zone
- WW_Interstates
- US Routes
- WV State Routes
- County Roads
- Populated Places
- Streams & Lakes
- State Parks
- Wildlife Management Areas
- Louis Bennett Field



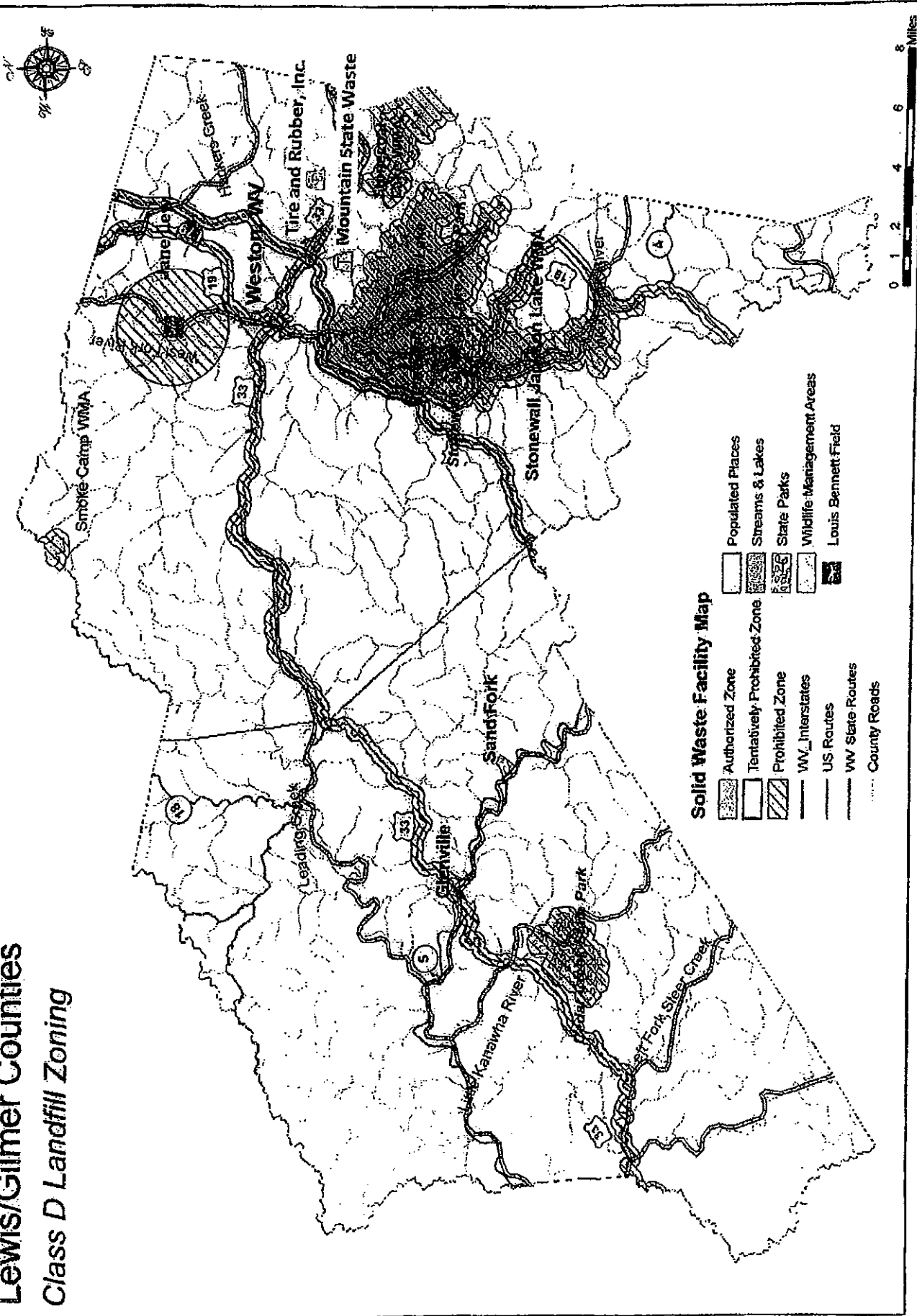
Lewis/Gilmer Counties Class B Landfill Zoning



Lewis/Gilmer Counties Class C Landfill Zoning

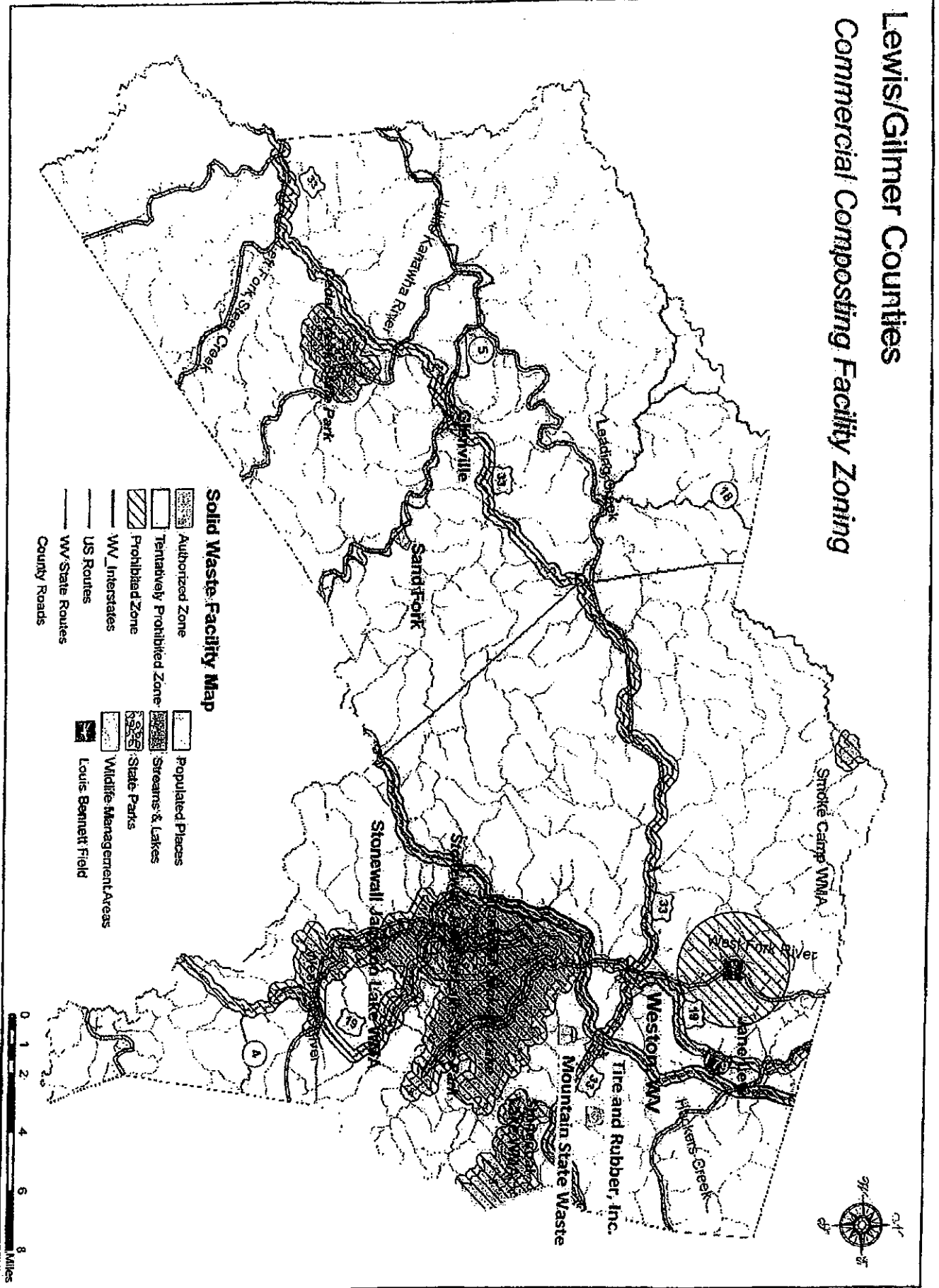


Lewis/Gilmer Counties Class D Landfill Zoning

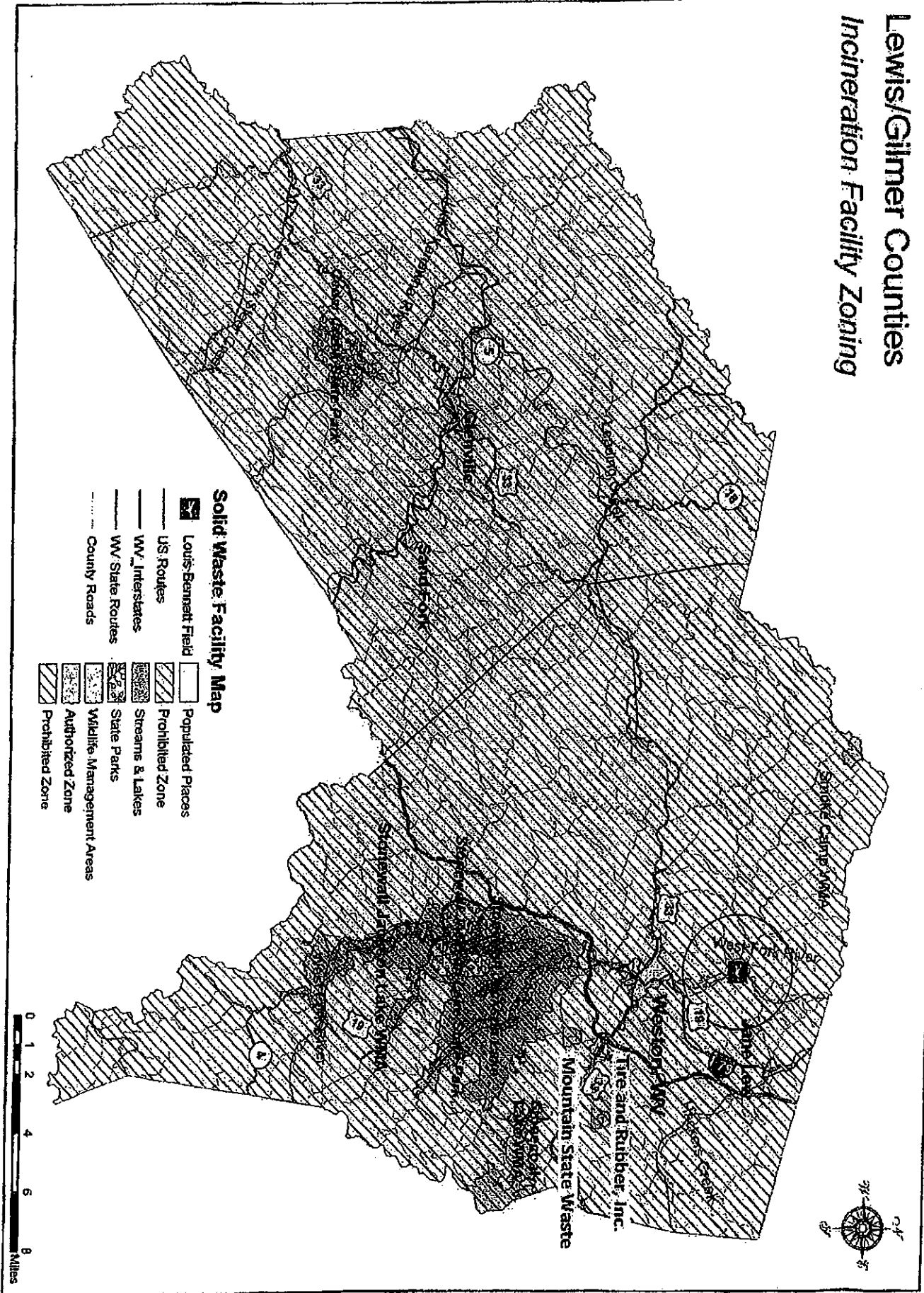


Lewis/Gilmer Counties

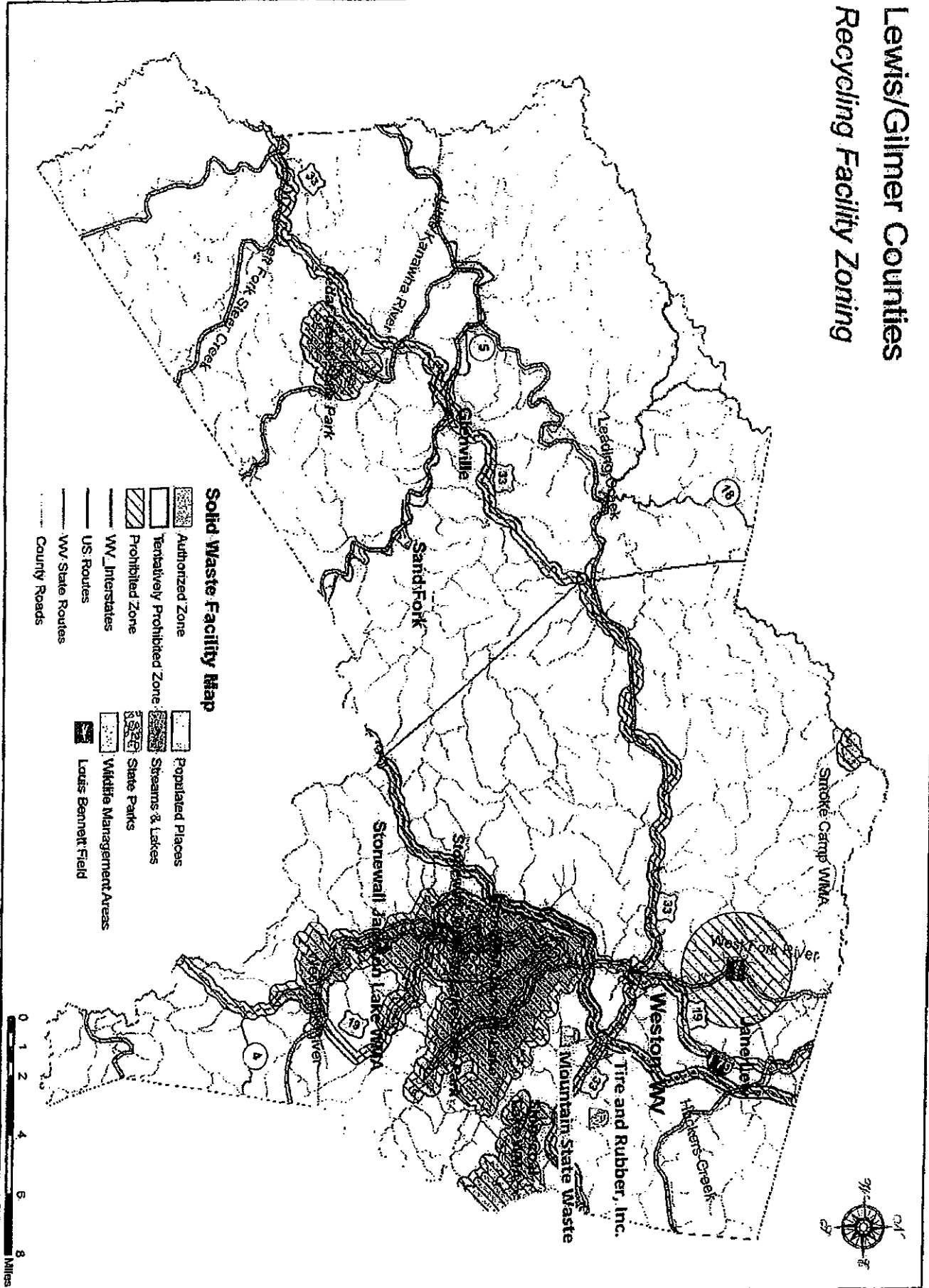
Commercial Composting Facility Zoning



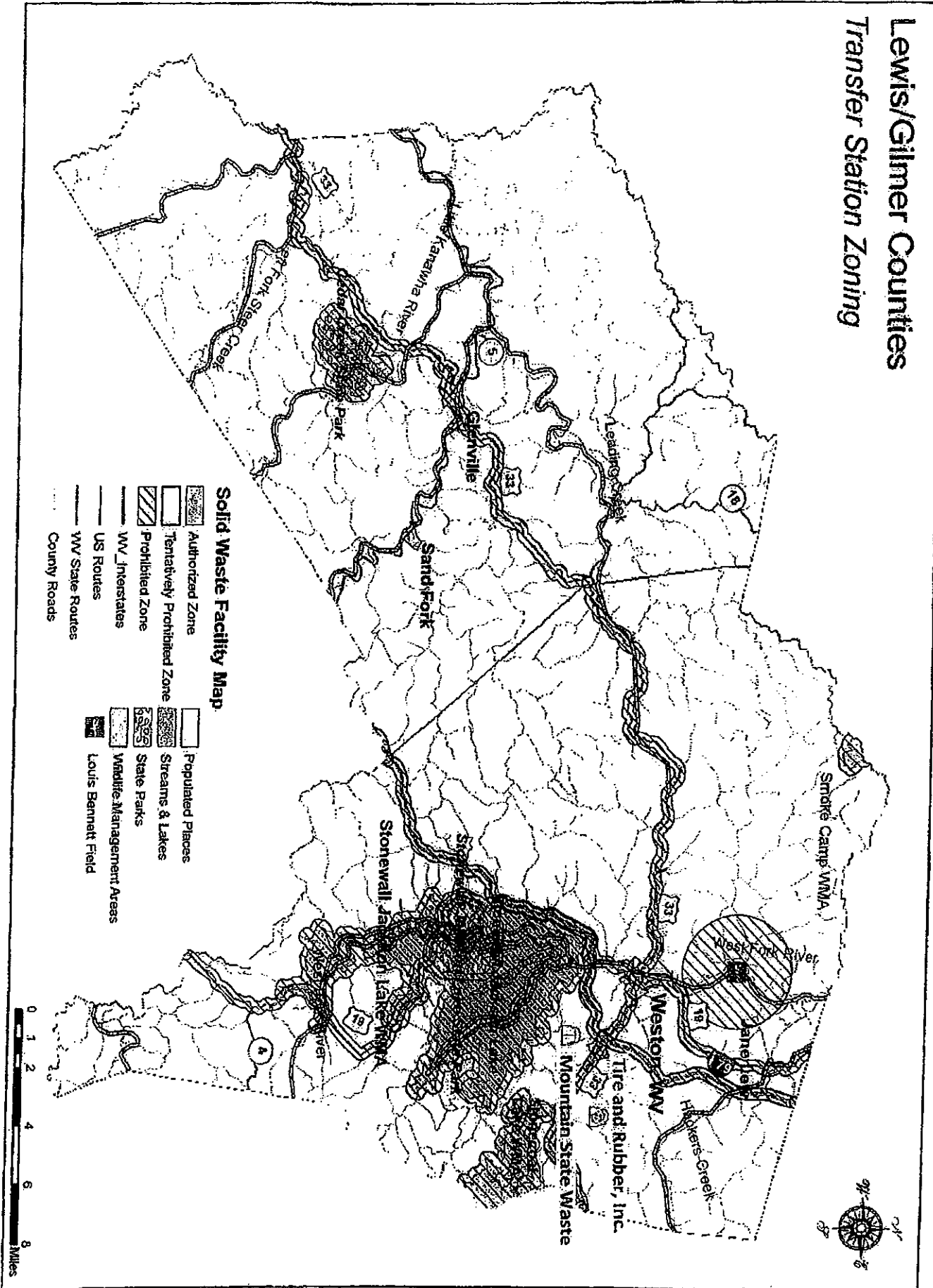
Lewis/Gilmer Counties Incineration Facility Zoning



Lewis/Gilmer Counties Recycling Facility Zoning



Lewis/Gilmer Counties Transfer Station Zoning





23 South University Avenue, Morgantown, WV 26508

Phone: (304) 292 – 2568 FAX: (304) 292 - 9836

March 19, 2021

Lewis County Commission
Cindy Whetsell, County Administrator
110 Center Avenue
Weston, WV 26452

Dear Ms. Whetsell,

Regarding your current IBM Hardware and Software Maintenance for your AS/400. IBM has announced end of (standard) support for version 7.2 of your operating system. What that means is that if you have a problem with your system, IBM will require you to be at a “current” version of the operating system before they can assist. Your IBM maintenance contract generally covers any problems with the hardware or system software. That maintenance was just recently renewed and is therefore not up for renewal again until March 9, 2022. However, your operating system is at version 7.2. Starting April 30, 2021, IBM will no longer support that version. **You will need to either pay an IBM extension price for support that is good for the remainder of your contract, or have Software Systems upgrade your software to version 7.3.**

We understand this is short notice and your fiscal budget did not include this cost. If needed, your payment for Option 2 can be billed after July 1, 2021. Payment for Option 1 would be required on or before April 30, 2021.

You have the following options:

OPTION 1: Your county pays the IBM extension price to stay at version 7.2 for the remainder of your contract (3/9/22). **\$ 1,369.05**

*Note that this extension price only covers the remainder of your current contract. With Option 1, IBM would add an additional extension cost to the regular maintenance contract renewal. We estimate this would raise the IBM maintenance by an additional \$1,500.00 for each renewed year.

OPTION 2: Software Systems upgrades your county to version 7.3 now, with no IBM penalty fee.
OS Upgrade installation
(services and expenses, one-time charge)** **\$1,200.00**

**assumes no unexpected problems (e.g. power outage, etc.)



23 South University Avenue, Morgantown, WV 26508

Phone: (304) 292 - 2568 FAX: (304) 292 - 9836

This upgrade is NOT part of your Software Systems annual IBM maintenance. We will send a quote for your IBM maintenance renewal closer to the end of your current contract date.

Please check below and return this form:

OPTION 1: Version 7.2 IBM Extension

OPTION 2: Upgrade to Version 7.3**

Authorized Signature Date County

* _____
Printed name

* _____
Email address

If you have any questions or concerns, please call us at 304-292-2568. If not, check which option you would like to proceed with and return this form to us as soon as possible.

Thank you,

Samantha Ricketts
sricketts@softwaresystems.com
fax: 304-292-9836



SOFTWARE SYSTEMS INC.

23 SOUTH UNIVERSITY AVENUE
 MORGANTOWN, WV. 26508
 PHONE (304) 292-2568 FAX (304) 292-9836

SALES INVOICE

SI-48314

Mar 17, 2021

Customer	Ship To
LEWIS COUNTY COMMISSION C/O LEWIS CO. CLERK'S OFFICE 110 CENTER AVE WESTON WV 26452	LEWIS COUNTY COMMISSION CINDY WHETSELL C/O LEWIS CO. CLERK'S OFFICE PO BOX 87 WESTON WV 26452

Account	Terms	Due Date	Account Rep	Schedule Date
10061	DUE UPON RECEIPT OF INVOICE	Mar 17, 2021	Samantha Ricketts	Mar 16, 2021
Sales Order	PO #	Reference	Ship VIA	Page Printed
SO-48521			ELECTRONIC	1 03/17/21 10:21

L	Item	Description	Order	Ship	Price	M	Discount	Amount
1		One year hardware/software IBM						
2		maintenance for 8286-41A						
3		S/N: 000067B6X						
4								
5	HMLEWIS	IBM HARDWARE MAINTENANCE LEWIS COUNTY	1	1	2174.94	EA		2174.94
6		1-Year / 12-Month Maintenance						
7	SMLEWIS	IBM SOFTWARE MAINTENANCE LEWIS COUNTY	1	1	1759.99	EA		1759.99
8		1-Year / 12-Month Maintenance						

Payment is due upon receipt of this invoice. A late charge of 2% per month will be added to the unpaid balance after 30 days. Opened software is not returnable. Customers with a history of late payment will revert to COD terms. We retain a security interest in all merchandise for which payment has not been received.	Payment Details	Taxable	0.00
		Tax	0.00
		Exempt	3934.93
		Total	3934.93
		Paid	0.00
		Tr Disc	0.00
		Balance	3934.93

Signature

Thank You

[Print](#) | [Close Window](#)

Subject: Undercover plates

From: "Huffman, Robert L" <Robert.L.Huffman@wv.gov>

Date: Thu, Apr 08, 2021 1:49 pm

To: "lewiscountycommission@lewiscountywv.org" <lewiscountycommission@lewiscountywv.org>

Attach: image001.png

Good afternoon,

I will have to have the title work for the 2017 Jeep(1C4PJMCB9HW568479) Before I can transfer the plate. It is still titled in the name of the previous owner.

Thank you

Robert Huffman

ASA III

Investigations, Security & Support Services

Main phone (304)926-3954

Phone, Direct (304)926-3877

Fax (304)957-7612



West Virginia Division of Motor Vehicles

Investigations, Security & Support Services

Po Bx 17400

5707 MacCorkle Ave, SE

Charleston, WV 25317

"Notice of Confidentiality" The information contained in this email message is intended for the use of the individual or entity named above and may contain information that is privileged, confidential, exempt or protected from disclosure by law. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, or copy of the communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy all content and attachments included with the original message

From: lewiscountycommission@lewiscountywv.org <lewiscountycommission@lewiscountywv.org>

Sent: Wednesday, April 7, 2021 3:09 PM

To: Huffman, Robert L <Robert.L.Huffman@wv.gov>


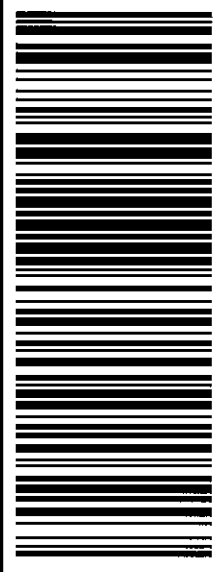

UPS Electronic Return Label: View/Print Label

1. Ensure that there are no other tracking labels attached to your shipment.
2. **Fold the printed label at the dotted line.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label. Take care not to cover any seams or closures.
3. **GETTING YOUR SHIPMENT TO UPS**
 - o Daily Pick up customers may add return package(s) to their outbound shipments by having them ready for the driver as usual.
 - o Take this parcel to any location of The UPS Store®, UPS Access Point™, UPS Drop Box, UPS Customer Center, UPS Alliance partners (Office Depot® or Staples®) or an Authorized Shipping Outlet near you. Return items sent via UPS Returns® services (including via UPS Ground) are accepted at all UPS Drop Box locations. To find the closest drop box location, visit [UPS Global Locator](#)

UPS Access Point™
 CVS STORE # 5947
 250 COURT AVE
 WESTON WV 26452-2062

UPS Access Point™
 ADVANCE AUTO PARTS STORE
 7310
 100 MARKET PLACE MALL
 WESTON WV 26452-6944

FOLD HERE

<p style="text-align: right;">1 OF 1</p> <p style="text-align: center;">4 LBS RS</p> <p>SHIP TO: RETURNS DEPT 2095274511 5.11 TACTICAL 3201 N AIRPORT WAY MANTECA CA 95336</p> <p>CHIEF JOSH THOMAS 102 W 2ND ST WESTON WV 26452</p>	<p style="font-size: 2em; font-weight: bold;">CA 953 9-21</p> 	<p style="font-weight: bold; font-size: 1.5em;">UPS GROUND</p> <p>TRACKING #: 1Z 14V 90F 90 9194 6Z09</p> 	<div style="text-align: center;">  </div> <p>BILLING: P/P DESC: boots RETURN SERVICE</p> <p>Reference #1: RA-0174282</p> <p style="font-size: 0.8em;">XOL 21.03.15 NV45 42.0A 01/2021*</p>
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COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue
Weston, WV 26452
Phone: (304)269-8200
Fax: (304)269-2416

Email: lewiscountycommission@lewiscountywv.org
Website: lewiscountywv.org



COMMISSIONERS:
ROD WYMAN
President
AGNES G. QUEEN
Commissioner
BOBBY STEWART
Commissioner

Meeting Agenda April 27, 2021

1. SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

2. 10:00 AM Call Meeting to Order

3. 10:05 AM John Breen, Lewis County Assessor

RE: Exonerations, Consolidations, Apportionments

Draft copies will be available for review on Friday, April 23, 2021

(action required)

APPOINTMENTS

4. 10:10 AM Proclamation for Autism Awareness

The Lewis County Commission will be asked to execute a proclamation for autism awareness. *(action required)*

5. 10:20 AM Director Ray Smith, Lewis County Chamber of Commerce

RE: Introduction to Lewis County Chamber of Commerce. *(information only)*

6. 10:35 AM Proclamation for Lewis County Youth Baseball Day-May 1, 2021

The Lewis County Commission is asked to execute a proclamation declaring May 1, 2021 Lewis County Youth Baseball Day. *(action required)*

7. 11:00AM Estate Hearing: Bryan Mitchell Hardman

RE: The Lewis County Commission is asked to consider the acceptance of a copy of the Last Will and Testament of Bryan Mitchell Hardman *(action required)*

CORRESPONDENCE

8. **Upshur County Commission Meeting Agenda:** The Upshur County Commission April 20, 2021 Meeting Agenda is presented for review. *(information only)*

9. **Coal Severance Tax Distribution:** Lewis County has received \$5,145.49 in Coal Severance Tax this quarter. Last quarter the county received \$6,013.55. *(information only)*

10. **Public Service Commission Distribution of E911 Wireless Fees:** The Lewis County Commission has received \$200,435.54 Wireless E-911 Subscriber Fees for January, February and March 2021. Last quarter the county received \$152,806.51. *(information only)*

11. **Lewis County Economic Development Authority Fiscal Year 2019 Audit Report:** Lewis County Economic Development Authority Fiscal Year 2019 Audit Report has been completed. The only finding was segregation of duties. *(information only)*
12. **Lewis County Commission Fiscal Year 2019 Audit Report:** Lewis County Commission Fiscal Year 2019 Audit Report has been completed. Findings include: Segregation of duties; Publication of Financial Statement deadline missed; Expenditures for Coal Severance Fund in Excess of Budget. *(information only)*

BUSINESS

13. **Board(s) and Committee(s) Reports:** The Lewis County Commission will give report(s) on any board(s) or committee(s) meetings attended: COVID Conference Calls, Vaccination Clinic, Community Leadership Academy, Lewis Upshur Local Emergency Planning Committee, North Central West Virginia Airport Authority, Region VII Planning and Development Council and Lewis County Park Board. *(information only)*
14. **Lewis County Fiduciary Commissioner:** W. T. Weber, Jr submits his resignation as Fiduciary Commissioner effective April 30, 2021. *(action required)*
15. **Cynthia Rowan, Lewis County Clerk Requests Approval:** Cynthia Rowan, Lewis County Clerk requests approval of the remainder of estates of Fiduciary Commissioner W. T. Weber Jr. be turned over to W. T. Weber III for settlement. *(action required)*
16. **Timesheets/Annual or Sick Leave Requests:** None

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

17. **Actions of the Clerk:** County Clerk Cynthia S. Rowan presents actions of the clerk in recess of the county commission for approval. Draft copies will be available for review upon request Friday, April 23, 2021. *(action required)*
18. **Approval of Estates:** County Clerk Cynthia S. Rowan presents the estates ready for settlement to the Lewis County Commission for approval. Draft copies will be available for review upon request Friday, April 23, 2021. *(action required)*
19. **Presentation by the County Clerk of the Orders of Prior Meeting(s):** The Lewis County Clerk presents the Orders (minutes) of previous Lewis County Commission meeting(s) for approval. Draft copies will be available for review upon request Friday, April 23, 2021. *(action required)*
20. **Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Friday, April 23, 2021. *(action required)*

ADJOURNMENT:

21. **With no further action being required by the Lewis County Commission the meeting will be adjourned.** *(action required)*

LEWIS COUNTY COMMISSION MEETING MANAGEMENT

- Regular meeting agendas will be posted and available to the public before closure two (2) business days prior to the meeting date.
- Agenda matters to be reviewed and/or considered during the meeting are at the discretion of the Lewis County Commission.
- Appointments to speak with the county commission must be scheduled before 10 AM three (3) business days prior to the meeting. Appointments will be given a ten (10) minute time allowance.
- Agenda Items may require an executive session.
- Open discussion by Commission unless executive session is motioned per WV Code §6-9A-4.
- Input or recommendation from constitutional officers, staff or public that is not listed by name on the agenda will only be allowed if requested by the commission or required by statute.
- Those not scheduled on the agenda may sign up for public comment at a minimum fifteen (15) minutes prior to the start of the meeting. Public comment is limited to five (5) minutes per speaker.
- Motion required for consideration of vote.
- All votes unanimous unless otherwise stated.
- Roberts Rules of Order is utilized as a guide only. The Commission controls meeting management, discussion and input.
- Commissioners may participate and vote via conference call if two(2) commissioners are in attendance.

LEWIS COUNTY ECONOMIC DEVELOPMENT AUTHORITY
110 CENTER AVENUE, 2ND FLOOR
WESTON, WV 26452
ANNUAL MEETING AGENDA
TUESDAY, MAY 4, 2021

SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

1. **5:00 PM** **Call Meeting to Order** (*action required*)
2. **Establishment of a Quorum via Sign In Sheet** (*action required*)
3. **Review and Approval of Prior Meeting Minutes (3/30/2021)**
 (*action required*)
4. **Review and Approval of Treasurer's Report**
 (*action required*)

APPOINTMENTS NONE

CORRESPONDENCE

5. **Jane Lew Public Service District and Weston Sanitary Board Updates:** The Jane Lew Public Service District April 8, 2021 meeting agenda the Weston Sanitary Board March 8, 2021 Meeting Minutes are presented for review. (*information only*)
6. **Weston Democrat Economic Development Update Advertisement:** The Lewis County Economic Development Authority advertisement for the Weston Democrat Economic Development Addition is presented for review. (*information only*)

BUSINESS:

7. **President, Projects, Board(s) and Committee(s) Reports:** Reports by the President, Project Reports, any board(s) and/or committee(s) reports by the membership. Site Review Committee/Site Selection Committee; Tower Grants; Strategic Planning Committee; Directors Update. (*information only*)
8. **Replacement of Sign at the Jane Lew Industrial Park:** The entrance sign of the Jane Lew Industrial Park is in need of repair. Many of the businesses listed on the sign are no longer residents of the park. The membership will be asked to consider replacing the entry sign to the Jane Lew Industrial Park. (*action required*)
9. **West Virginia Department of Environmental Protection Stormwater Permit Release:** The West Virginia Department of Environmental Protection has released the stormwater permit for the Laurel Lick/ Alum Fork water project. (*action required*)
10. **Request for Comments to the Federal Energy Regulation Commission in Support of the Mountain Valley Pipeline:** The Mountain Valley Pipeline has requested the Lewis County Development Authority submit comments for support of the project to the Federal Energy Regulation Commission. The membership will be asked to consider this request. (*action required*)

11. Approval of Expenses: The membership will be asked to consider approval of the following expenses: *(action required)*

NONE

ADJOURNMENT:

12. With no further action being required by the Lewis County Economic Development Authority the meeting will be adjourned. *(action required)*

**LEWIS COUNTY ECONOMIC DEVELOPMENT AUTHORITY
MEETING MINUTES
MARCH 30, 2021
ANNUAL MEETING
5:00 PM
LEWIS COUNTY COURTHOUSE
110 CENTER AVENUE, 2ND FLOOR
WESTON, WV 26452**

MEMBERS PRESENT: Marvin Murphy; Kim Gum; Bob Taylor; Ruth Straley; Stephanie Wolverton; Shannon Cunningham-Snead; Agnes Queen; Ray Smith; Chris Heater; Dwaine Doss; Kim Harrison-Edwards; Bob Taylor.

OTHERS PRESENT: Lewis County Commissioner Rod Wyman; Lewis County Commissioner Bobby Stewart; Lewis County Economic Development Authority Director Cindy Whetsell; Jackson's Mill Marketing Director Sherry Roger; Lacey Pratt, CEC.

PRESENT VIA TELEPHONE: Rod Wyman, Lewis County Commissioner; Ashley Montgomery.

CALL TO ORDER: The meeting was called to order at 5:00 PM by President Shannon Cunningham-Snead with a quorum of the membership present.

APPROVAL OF MINUTES: Minutes of the February 24, 2021 meeting were presented and approved on motion by Kim Gum with second by Ruth Straley.

APPROVAL OF TREASURER'S REPORT: The treasurer's report from was approved on motion by Kim Gum with second by Marvin Murphy.

APPOINTMENTS

None.

CORRESPONDENCE

Jane Lew Public Service District and Weston Sanitary Board Updates: The Jane Lew Public Service District March 11, 2021 meeting agenda the Weston Sanitary Board Meeting Minutes were presented for review. Mayor Kim Harrison-Edwards stated the Weston Sanitary Board is working on a long term control plan. They are also working with Region VII Planning and Development Council to get GIS data to identify sewer and storm water locations.

Stonewall Resort Master Plan: The Master Plan prepared by Stonewall Resort for submission to the Army Corps of Engineers was presented for review.

Notification of Berkshire Hathaway Energy Acquisition of Dominion's Gas Transmission and Storage: As of November 1, 2020, Berkshire Hathaway has completed its acquisition of Dominion Energy's Gas Transmission and Storage in the eastern region. A status update on office location and employment was provided for review. *(information only)*

BUSINESS

President, Projects, Board(s) and Committee(s) Reports: Reports by the President, Project Reports, any board(s) and/or committee(s) reports by the membership were presented

Review of Strategic Plan: A final copy of the Lewis County Economic Development Authority Strategic Plan was submitted for membership review. On motion by Ray Smith with second by Kim Harrison the submitted Lewis County Strategic Plan was approved. *(action required)*

Alum Fork/ Laurel Lick Water Project Requisition #17: Requisition #17 in the amount of \$8,552.24 for Region VII Planning & Development Council administration of the project was approved on motion by Ruth Straley with second by Stephanie Wolverson. This will close the project.

Weston Democrat Economic Development Update Advertisement: The membership was asked to consider advertising in the Weston Democrat Economic Update. In prior years the Economic Development Authority has done a ¼ page for \$150.00. The ad can additionally be run in the Exponent Telegram for an additional \$150.00. The membership voted to advertise in both the Weston Democrat and the Exponent Telegram. On motion by Ray Smith with second by Bob Taylor. The director will redesign the prior advertisement.

Approval of Expenses: There were no expenses presented.

ADJOURNMENT: With no further action being required by the Lewis County Economic Development Authority the meeting was adjourned at 5:20 PM on motion by Kim Harrison-Edwards with second by Kim Gum.

APPROVED

DATE

Lewis County Economic Development Authority
Account Balances
As of April 27, 2021

	<u>Apr 27, 21</u>
ASSETS	
Current Assets	
Checking/Savings	
CD's, Savings and Investments	
Certificate of Deposit	353,627.81
Golden Investment 2091119	45,703.98
Golden Investment 2108534	15,423.77
Golden Investment 2110431	50,396.18
Total CD's, Savings and Investments	<u>465,151.74</u>
Checking Accounts	
Citizens Bank Checkmate II	15,914.89
LCEDA Alum Fork/Laurel Lick	54,487.29
LCEDA Housing Authority	1,034.00
LCEDA Northwest Project	18,972.80
Total Checking Accounts	<u>90,408.98</u>
Total Checking/Savings	<u>555,560.72</u>
Total Current Assets	<u>555,560.72</u>
TOTAL ASSETS	<u><u>555,560.72</u></u>
LIABILITIES & EQUITY	0.00

Lewis County Economic Development Authority
Profit & Loss Detail
July 1, 2020 through April 27, 2021

Type	Date	Num	Name	Memo	Class	Cir	Split	Debit	Credit	Balance
Ordinary Income/Expense										
Income										
Direct Public Support										
Corporate Contributions										
Check	10/01/2020	1730	Corridor H Highw...	VOID:	X		Citizens Ban...	0.00		0.00
Total Corporate Contributions										
								0.00	0.00	0.00
Total Direct Public Support										
								0.00	0.00	0.00
Investments										
Interest-Savings, Short-term CD										
Deposit	07/31/2020			Interest			Citizens Ban...		3.43	3.43
Deposit	07/31/2020			Interest			Certificate of ...	1,982.95		1,986.38
Deposit	08/31/2020			Interest			Citizens Ban...	2.80		1,989.18
Deposit	08/31/2020			Interest			Certificate of ...	1,994.20		3,983.38
Deposit	08/31/2020			Interest			Golden Inves...	17.28		4,000.66
Deposit	09/30/2020			Interest			Citizens Ban...	2.71		4,003.37
Deposit	09/30/2020			Interest			Golden Inves...	18.14		4,021.51
Deposit	09/30/2020			Interest			Golden Inves...	4.18		4,025.69
Deposit	09/30/2020			Interest			Golden Inves...	20.97		4,046.66
Deposit	10/31/2020			Interest			Citizens Ban...	2.67		4,049.33
Deposit	10/31/2020			Interest			Golden Inves...	3.88		4,053.21
Deposit	10/31/2020			Interest			Golden Inves...	19.05		4,072.26
Deposit	11/30/2020			Interest			Citizens Ban...	2.68		4,074.94
Deposit	12/31/2020			Interest			Citizens Ban...	2.52		4,077.46
Deposit	01/29/2021			Interest			Citizens Ban...	2.32		4,079.78
Deposit	02/26/2021			Interest			Citizens Ban...	1.72		4,081.50
Deposit	03/26/2021			Interest			Citizens Ban...	0.86		4,082.36
Total Interest-Savings, Short-term CD										
								0.00	4,082.36	4,082.36
Total Investments										
								0.00	4,082.36	4,082.36
Total Income										
								0.00	4,082.36	4,082.36
Expense										
Contract Services										
Outside Contract Services										
Check	10/06/2020	1732	K & E Computer ...				Citizens Ban...	675.00		675.00
Check	12/24/2020	1734	K & E Computer ...				Citizens Ban...	450.00		1,125.00
Check	01/08/2021	1736	K & E Computer ...				Citizens Ban...	225.00		1,350.00
Check	03/31/2021	1740	K & E Computer ...				Citizens Ban...	607.50		1,957.50
Total Outside Contract Services										
								1,957.50	0.00	1,957.50
Total Contract Services										
								1,957.50	0.00	1,957.50

1:27 PM
04/27/21
Accrual Basis

Lewis County Economic Development Authority
Profit & Loss Detail
July 1, 2020 through April 27, 2021

Type	Date	Num	Name	Memo	Class	Clr	Split	Debit	Credit	Balance
Operations										
Dues and Subscriptions										
Check	11/02/2020	1733	Comidor H Highw...				Citizens Ban...	2,500.00		2,500.00
Check	02/05/2021	1737	WVEDC				Citizens Ban...	100.00		2,600.00
Total Dues and Subscriptions										
								2,600.00	0.00	2,600.00
Website, Webhosting										
Check	02/05/2021	1735	United Bankcard				Citizens Ban...	354.68		354.68
Total Website, Webhosting										
								354.68	0.00	354.68
Total Operations										
								2,954.68	0.00	2,954.68
Payroll Expenses										
Payroll Reimbursement										
Check	02/05/2021	1738	Lewis County Co...				Citizens Ban...	12,000.00		12,000.00
Total Payroll Reimbursement										
								12,000.00	0.00	12,000.00
Total Payroll Expenses										
								12,000.00	0.00	12,000.00
Travel and Meetings										
Conference, Convention, Meeting										
Check	10/06/2020	1731	United Bank				Citizens Ban...	50.00		50.00
Check	03/17/2021	1739	United Bank				Citizens Ban...	50.00		100.00
Total Conference, Convention, Meeting										
								100.00	0.00	100.00
Total Travel and Meetings										
								100.00	0.00	100.00
Total Expense										
								17,012.18	0.00	17,012.18
Net Ordinary Income										
								17,012.18	4,082.36	-12,929.82
Net Income										
								17,012.18	4,082.36	-12,929.82

Lewis County Economic Development Authority

4/27/2021 1:29 PM

Register: Checking Accounts:Citizens Bank Checkmate II

From 07/01/2020 through 04/27/2021

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
07/31/2020			Investments:Interest-Sa...	Interest		X	3.43	32,908.79
08/31/2020			Investments:Interest-Sa...	Interest		X	2.80	32,911.59
09/30/2020			Investments:Interest-Sa...	Interest		X	2.71	32,914.30
10/01/2020	1730	Corridor H Highway ...	Direct Public Support:...	VOID:		X		32,914.30
10/06/2020	1731	United Bank	Travel and Meetings:C...		50.00	X		32,864.30
10/06/2020	1732	K & E Computer Ser...	Contract Services:Outs...		675.00	X		32,189.30
10/31/2020			Investments:Interest-Sa...	Interest		X	2.67	32,191.97
11/02/2020	1733	Corridor H Highway ...	Operations:Dues and S...		2,500.00	X		29,691.97
11/30/2020			Investments:Interest-Sa...	Interest		X	2.68	29,694.65
12/24/2020	1734	K & E Computer Ser...	Contract Services:Outs...		450.00	X		29,244.65
12/31/2020			Investments:Interest-Sa...	Interest		X	2.52	29,247.17
01/08/2021	1736	K & E Computer Ser...	Contract Services:Outs...		225.00	X		29,022.17
01/29/2021			Investments:Interest-Sa...	Interest		X	2.32	29,024.49
02/05/2021	1735	United Bankcard	Operations:Website, W...		354.68	X		28,669.81
02/05/2021	1737	WVEDC	Operations:Dues and S...		100.00	X		28,569.81
02/05/2021	1738	Lewis County Comm...	Payroll Expenses:Payr...		12,000.00	X		16,569.81
02/26/2021			Investments:Interest-Sa...	Interest		X	1.72	16,571.53
03/17/2021	1739	United Bank	Travel and Meetings:C...		50.00	X		16,521.53
03/26/2021			Investments:Interest-Sa...	Interest		X	0.86	16,522.39
03/31/2021	1740	K & E Computer Ser...	Contract Services:Outs...		607.50			15,914.89

Jane Lew Public Service District

70 Park Avenue
Jane Lew, WV 26378

Regular Meeting April 8, 2021 4:00 PM

~~ Public Board Meeting Agenda ~~ **MEETING BY TELECONFERENCE**

I. Call to Order (Bailey)

~~ ROUTINE MONTHLY BUSINESS ~~

II. Minutes (03/11/2021)

III. General Manager's March Reports (Gee)

A. WATER:

1. Water Bills
2. Water Treasury Report
3. Water Adjustments Report
4. Water Purchase, Sales & Loss Report
5. Water Preventive Maintenance Report *(Preventing unplanned breakdowns)*
6. Water Repairs Report *(fixing unplanned breakdowns)*
7. Leak Detection Report *(finding and fixing leaks)*
8. Cross Connections/Backflow Report
9. New Taps (non-project)
10. Other

B. WASTEWATER:

1. Wastewater Bills
2. Wastewater Treasury Report
3. Wastewater Adjustments Report
4. Wastewater Treatment Purchase, Sales & Loss Report
5. Wastewater Preventive Maintenance Report *(Preventing unplanned breakdowns)*
6. Wastewater Repairs Report *(fixing unplanned breakdowns)*
7. New Taps (non-project)
8. Other

IV. PSD Policies and Job Descriptions (Flaxer)

V. Personnel (Gee)

VI. Announcements (Gee)

VII. Correspondence (Gee)

~~ OLD BUSINESS ~~

VIII. Rate Increase - Water & Sewer (Gee)

IX. Lawn Tractor (Gee)

~~ NEW BUSINESS ~~

X. May Meeting - In Office or by TeleConference (Gee)

XI. Plan of Action for Power Outages or Other Unforeseen Circumstances (Gee)

XII. Late-Received Agenda Items (Gee)

XIII. Adjournment

Weston Sanitary Board met Monday, March 8, 2021 at 4:30pm at 171 Main Avenue, Weston, WV 26452. Meeting was called to order by Chairperson, Kim Harrison. Others present were: Larry Bush, Alden Butcher, Tracey Weber, III, Dee Evans, Brock Perkins, Bernle McCourt, Nate Stansberry, Steve Haynes, Ms. Montgomery (resident), Lacy Pratt, (CEC), and Wes Donaldson, (resident).

Larry Bush made a motion to approve the February 8, 2021 Regular Session Minutes. Alden Butcher seconded the motion. Motion passed.

Larry Bush made a motion to approve the Treasurer's Report. Alden Butcher seconded the motion. Motion passed.

Larry Bush made a motion to approve the Outstanding Bills. Alden Butcher seconded the motion. Motion passed.

Larry Bush made a motion to approve the February 2021 Adjustments. Alden Butcher seconded the motion. Motion passed.

Old Business

BVTTSCC Project Update-Thrasher Engineering-Steve Haynes

Punch List Items:

Property Owners

Mr. Burnside-Will be going to look at his issues after the meeting today.

Asset Management Plan: Brock has copy. He is to review and get back to Steve. Copies to be given to Board once it is reviewed and completed.

LTCP- Board, Brock, Dee, Tracey and Thrasher to meet on March 16 at 2:00 pm to discuss further.

Steve to submit a written update to Dee on all customer issues and resolutions.

Change Order- Board has approved. Waiting on DEP to approve it and the Engineering Amendment.

Larry Bush made a motion to approve the Resolution for payment on the BVTTSCC Project to Region 7 in the amount of \$11,685.27. Alden Butcher seconded the motion. Motion Passed.

There was some brief discussion about the need to be mindful that we should start the process of mapping the sewer system areas, prioritizing line replacement projects, and determining which pump stations need upgrades as well as deciding the best and most cost-effective way to get rid of the sludge that has built up over several years.

Risk Management Consulting Agreement

Dee presented the Agreement to the Board for approval of the Safety Consulting that we have utilized during the past year under previous agreement.

Alden Butcher had several questions and asked if we could have the Representative from Assured who prepared the Agreement and performed the Safety Consulting and Reports for us during the last year come to the next Board Meeting and do a presentation on the Agreement and Program.

Page 2

Afterwards, he also asked that I meet with another insurance agent, Mike Lopez, from Dyer Insurance Group to compare their policy to ours. I met with Mike a few days later and he sent his findings to Tracey Weber, III and Alden as well as myself.

Larry Bush made a motion to table this item until after we have heard the presentation from Mr. Dixon. Alden Butcher seconded the motion, Motion passed.

Ms. Montgomery was present from 640 West Second Street. She has been having issues with sewer backing up into her basement off and on for approximately 3 years. She states that they have done what they could to help the situation themselves. She says the Plant guys have helped with the back up as well.

She states that they are in a low-lying area. She says everyone around them have plugged up their basement drains, but she has not. She feels that the 6-8-inch lines need to be bigger. She says the sewer is flowing uphill and she wants to know why.

She says that they have been told that their downspouts are connected to their sewer but she feels they are not. She says they were told that smoke testing was done but she says it was not. She states that she just finished cleaning up all the sewer and water in her basement yesterday and it was disgusting. She states that since December, the basement has backed up 4 times. She says there is usually a warning of odor and gurgling and she calls the guys to come flush out the lines.

Brock says that the main problem is that her basement drain needs to be plugged up. If she plugs it up and puts a sump pump in, she will not have an issue anymore, but they refuse to do that.

He says that during a rain or wet weather event, all the houses around that area that contribute to the I & I plus the sewer are overloading the lines. The pumps at the stations are fine, but the lines are completely full. We have done some line work to help alleviate the problem and if the basement drain is plugged up and all roof drains taken out, there should not be an issue anymore.

Our guys will go dye test her lines this week. Bernie said he would stop by to show her husband how to properly install the sump pump.

The question was asked...Is there a safe solvent that can be used to break down the wipes? Brock said not that he has been made aware of.

There will be a notice sent out in the next couple of months about not putting wipes down the drains.

Chairman stated that the WSB employees do all they can to help as long as customers will do their part.

Departmental Reports
Brock Perkins-Plant

Dee Evans-Director

We need to work on updating the Sewer Use Ordinance as well as the Stormwater Ordinance. We are in process of updating the Employee Handbook.

Board Member Comments
Nothing further at this time.

City Council/City Manager Comments
Nothing further at this time.

Adjournment
Larry Bush made a motion to adjourn the meeting. Alden Butcher seconded the motion. Motion passed.

Meeting Adjourned



Chairperson



Treasurer

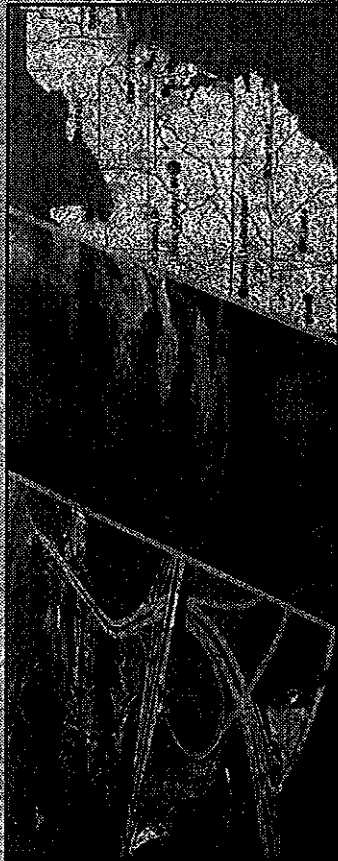


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- High quality of life

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Termination Inspection

Termination Approved

Termination Denied*

General Permit No WV0115924

**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
WV/NPDES CONSTRUCTION STORMWATER PERMIT**

FACILITY NAME:	Water Line Extension Project			REG. #	EXPIRE DATE:
PERMITTEE	LEWIS COUNTY ECONOMIC DEVELOPMENT AUTHORITY			WVR108556	4/5/2018
ADDRESS/PHONE:	Attn: MICHAEL D HERRON 110 CENTER AVE WESTON, WV 26452 3042694993				
LOCATION:	110 Center Avenue, Weston			Entry Date/Time:	3/10/2021 @ 2:41PM 3/12/2021 @ 9:57AM
COUNTY:	Lewis			Exit Date/Time:	3/10/2021 @ 4:35PM 3/12/2021 @ 12:36PM
Site Representative /Phone	N/A			PHOTOS <input checked="" type="checkbox"/>	
CO-PERMITTEE:				ADDRESS:	
SITE OPERATOR:				ADDRESS:	
PERMITTED ACREAGE	31.06	WEATHER:	Cloudy	LAST INSPECTION:	N/A
RECEIVING STREAM(S)	Murphy Creek/West Fork River/Monongahela				NOV: 0
Regular Mail <input checked="" type="checkbox"/>	Certified Mail <input type="checkbox"/>	Tracking #			
OVERALL FACILITY RATING:	Satisfactory		COMPLIANCE OUTCOME	No Violation	

PERMIT / SITE EVALUATION

S-Satisfactory	U-Unsatisfactory	N/A-Not Applicable	N/O-Not Observed	N/D Not Determined	M-Marginal	Y-Yes	N-No
1. PERIMETER CONTROLS	N/A	9. HOUSEKEEPING/SOLID WASTE	N/A	17. CONCRETE WASHOUT			N/A
2. DIVERSIONS/DITCH CHECKS	N/A	10. RECORDS, REPORTS & PLANS ON SITE	N/A	18. PUBLIC NOTICE SIGN			N/A
3. SEDIMENT TRAPS/BASINS	N/A	11. STABLE CONSTRUCTION ENTRANCE	N/A	19. SEDIMENT LADEN WATER LEAVING SITE			N/A
4. OUTLET MARKERS	N/A	12. MUD ON ROADWAY/DUST	N/A	20. CONDITIONS NOT ALLOWABLE			N/A
5. WASTE/BORROW SITES	N/A	13. APPROPRIATE BMP'S IMPLEMENTED	N/A	21. SWPPP/ GPP/PERMIT COMPLIANCE			N/A
6. OPERATIONS & MAINTENANCE	N/A	14. FILL SLOPE PROTECTION	N/A	22. ORDER COMPLIANCE			
7. WATER BARS	N/A	15. DEVICES INSTALLED IN TIMELY MANNER	N/A	23. OTHER:			
8. STABILIZATION PRACTICES	S	16 DROP INLET PROTECTION	N/A	24. OTHER:			

COMMENTS DEFICIENCIES AND RECOMMENDATIONS

This inspection was conducted due to an expired permit. A partial inspection was conducted on 3/10/2021. Site is stabilized and eligible for termination.

INSPECTOR: Timothy Wine

Telephone: (304)549-6640

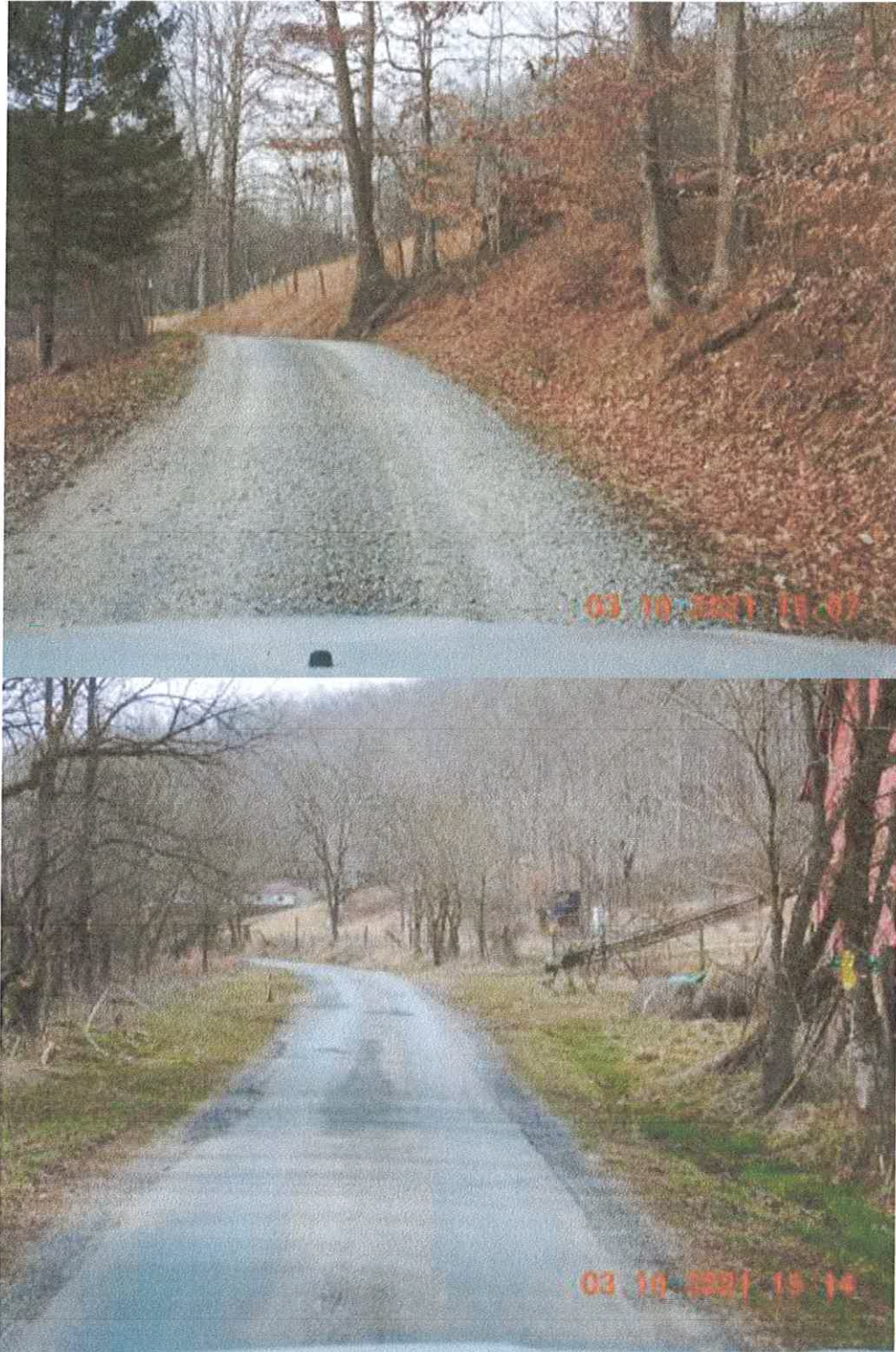
Modified: 10/13/2017 JHH

LEWIS COUNTY ECONOMIC DEVELOPMENT AUTHORITY, WVR108556, Water Line Extension
Project, 3/10/2021 & 3/12/2021



Site is stabilized and eligible for termination.

LEWIS COUNTY ECONOMIC DEVELOPMENT AUTHORITY, WVR108556, Water Line Extension
Project, 3/10/2021 & 3/12/2021



Site is stabilized and eligible for termination.

LEWIS COUNTY ECONOMIC DEVELOPMENT AUTHORITY, WVR108556, Water Line Extension
Project, 3/10/2021 & 3/12/2021



Site is stabilized and eligible for termination.

LEWIS COUNTY ECONOMIC DEVELOPMENT AUTHORITY, WVR108556, Water Line Extension
Project, 3/10/2021 & 3/12/2021



Site is stabilized and eligible for termination.



Site is stabilized and eligible for termination.

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Subject: Mountain Valley Pipeline / FERC Submission Instructions

From: bryan@browncomm.com

Date: Wed, Apr 21, 2021 3:15 pm

To: <lwhetsell@lewiscountymv.org>

Cindy, I believe I provided the incorrect filing instructions in the first email. To file comments as an organization (as opposed to an individual, you'd need to follow these instructions. Thanks!

To file a comment as an ORGANIZATION:

1. go to www.ferc.gov
2. on right, click on e-Filing
3. create ferc online account; create user name/password; click next
4. Under "Filing Type: How is Your Filing to be Directed", click on "general"
5. On same page, in next box (What kind of filing are you making), click on "Comment (on Filing, Environ. Report, Tech Conf)". click Next
6. Enter Docket number; **CP21-57** click "search"
7. Click on "Select", than hit "Next"
8. Choose your file to upload

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CITY OF WESTON BOARDS/COMMISSIONS
APPLICATION

Name: David h Gump

Address: 355 Spring Street
Weston WV. 26452

Telephone: (Home) (304) 269-4970 (Cell) (304) 322-0645

Please mark each board/commission you wish to be considered.

Planning Commission

Weston Fine Arts Committee

Historical Landmarks Commission

Fairs and Festivals Committee

Board of Parks and Recreation

Municipal Appeals Board

Board of Zoning Appeals

Weston Cemetery Board

Please provide a detailed summary of your experience, education and/or training that would contribute to the board and/or commission you are requesting appointment:

I have extensive knowledge in road maintenance,
infrastructure, and bridge inspection. I have worked
27 yrs with the DOT. I've worked with state
zoning codes and regulations dealing with my job.
I would also like to help move Weston forward and
~~improve~~ will do all I can to help our town and citizens.

David h Gump

3-9-21

Signature

Date

This application will be reviewed by the City of Weston Council. You will be contacted after the Council has rendered a decision. We appreciate your interest in assisting your local government.

7. and 8. Sanitary Board and Department Head Reports

**WESTON SANITARY BOARD
171 MAIN AVENUE
WESTON, WV 26452
(304)269-1300**

**MONTHLY REPORT
May 3, 2021**

PROJECT UPDATE

- Contract #1- is complete with exception of a couple punch list items.
- Request for remaining Contingency Money will be sent in by May 10, 2021.
- Stacey with Region VII is scheduled to start GIS Mapping of Sewer on May 4, 2021.

PLANT REPORT

- Met with Jackson Mill about their Infiltration Issues
- Webinar on Covid and Wastewater
- Assisted Engineer with preparation of numbers regarding Sludge Removal Options
- Working with Region VII to prepare for GIS Mapping
- Orders Construction working on issue with Membrane Building Roof
- Pro Contracting working on Punch List
- Routine Plant Maintenance
- Daily testing
- Mower Transfer Case-Rebuilt
- Routine Mowing, Weed-eating, Weed-killing at Plant and Stations
- Maintenance on Driveway

COLLECTION

- Installed Tap at 91 National Drive
- Repaired Line at Lights Lane
- Video, Jet, Installed Cleanout at 11th Street-Melvin James to prove there was no WSB leak
- Repaired Line at Bank Alley/Court Street. Spill Called In.
- 134 Brown Avenue-customer line failing causing our main line issues. We replaced 150' of line.
- Rt. 33/Gee Lick Intersection-DOH Storm Drain settled and crushed our line underneath. Had to call in Spill. Permits Required. Flaggers needed 3 directions. Line Replaced.

- Repaired Line on 4th Street. Polk Creek bank.
- Monroe Street-Spread gravel on Customer parking area-Pam Mitchell.
- 134 Brown Avenue-Spread gravel over completed jobsite
- Several Miss Utility Mark-outs
- Several New Customer Tie Ins

JET CALLS

- 33 Jet Calls 15 Main Line 18 Customer

PUMPS

- Maintenance on Pump Stations at Kincheloe, Cemetery, Stockyard,
- Panel Issue and Bad Components-Stockyard
- Pulled Pumps-Kincheloe, Dansers, Cemetery, Stockyard, Subway
- Call out in middle of night to Bendale Station-Power Company Issue
- Weed Killer at every Pump Station
- Replacement of Parts at Jordanville Station
- Working with Precision Pumps on Upcoming scheduled Repairs

PROJECTS TO BEGIN OR RESUME IN MAY

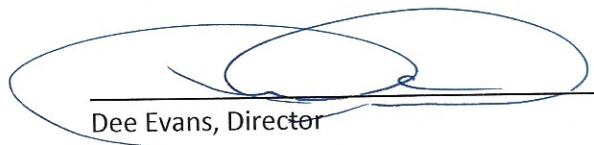
- Shadybrook-WV Avenue line replacement from road to pump station
- Plant-continue to install new water line and pump
- GIS Mapping

OFFICE

- Webinar on Covid and Wastewater
- Met with BVTSCC Customers RE: Project Issues
- Met with Engineer RE: Contingency Money
- Working on Budget Items with Accountant- Tentatively Scheduling Work Session with WSB and Accountant to discuss Budget and Financial Status May 11. Council to be invited as well.
- Preparing for 2019/2020 Audits
- Working on Water Terminations for non-pay of sewer.
- Working on Collections of Final Customer past due accounts
- Individual Employees Meeting with Bridgett Bishoff, an Independent Consultant for AFLAC
- Met with Thrasher Engineering regarding our LTCP
- Scheduled with Stacey from Region 7 Planning & Development- GIS Mapping
- Weekly Department Head Meetings with City Manager
- Pump Stations (43) Power Bill Analysis

STORMWATER

- Working with Mike Starrett to identify those customers who still have gutters and roof drains tied into their sewer lines. Letters will be sent out by our office as a follow up.



Dee Evans, Director

CITY OF WESTON
Profit & Loss Budget vs. Actual
July 2020 through April 2021

	Jul '20 - Apr 21	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
382.000 REFUNDS AND REBATES	50.00		
Fire Dept MVA Responses	500.00		
wv coal severance	5,412.20	5,416.66	-4.46
WV TREASURY VENDER NTE	104,226.72		
301.000 · PROPERTY (AD VALOREM) TAXES	361,260.51	340,226.66	21,033.85
302.000 · TAX PENALTIES & INTEREST	9,944.93	1,666.66	8,278.27
303.000 · GAS & OIL SERVANCE TAX	6,561.12	8,333.34	-1,772.22
304.000 · EXCISE TAX ON UTILITIES	214,993.35	312,500.00	-97,506.65
305.000 · B & O TAX	445,039.59	370,833.34	74,206.25
306.000 · WINE & LIQUOR TAX (WLP)	51,797.04	37,500.00	14,297.04
307.000 · ANIMAL CONTROL TAX	1,039.50	833.34	206.16
314.000 · Sales Tax Revenue	295,913.05	479,166.66	-183,253.61
320.000 · FINES, FEES & COURT COSTS			
Court	143.78		
320.000 · FINES, FEES & COURT COSTS - Other	9,063.00	20,833.34	-11,770.34
Total 320.000 · FINES, FEES & COURT COSTS	9,206.78	20,833.34	-11,626.56
321.000 · PARKING VIOLATIONS	290.00	1,250.00	-960.00
325.000 · LICENSES	11,436.05	8,750.00	2,686.05
326.000 · PERMIT FEES	9,277.65	416.66	8,860.99
327.000 · MISC. PERMITS	75.00		
328.000 · FRANCHISE FEES	33,389.76	33,333.34	56.42
330.000 · IRP FEES	0.00	41,666.66	-41,666.66
336.000 · CEMETERY REVENUES	0.00	833.34	-833.34
341.000 · MUNICIPAL SERVICE FEES	270,484.38	233,333.34	37,151.04
342.000 · PARKING METER REVENUES	1,391.23	12,500.00	-11,108.77
343.000 · OFF STREET PARKING	2,460.00	2,500.00	-40.00
344.000 · COLLECTIONS DELINQUENT ACCTS DELINQUENT MUNICIPAL	558.33		
Total 344.000 · COLLECTIONS DELINQUENT ACCTS	558.33		
361.000 · CHARGES FOR SERVICES	0.00	12,500.00	-12,500.00
366.000 · STATE GOVERNMENT GRANTS			
14LEDA0125 WFD \$2000 CLOSED	4.27		
Total 366.000 · STATE GOVERNMENT GRANTS	4.27		
367.000 · Other Grants			
367.005 · CARES ACT	253,912.86		
367.000 · Other Grants - Other	7,198.20	41,666.70	-34,468.50
Total 367.000 · Other Grants	261,111.06	41,666.70	219,444.36
368.000 · DONATIONS FOR NON GRANT CONTRIBUTIONS FROM OTHER ENTITI	0.00	0.00	0.00
Total 368.000 · DONATIONS FOR NON GRANT	0.00	0.00	0.00
376.000 · VIDEO LOTTERY/GAMBLING INCOME			
376.001 · GREENBRIER DISTRIBUTION INCOME	285.65		
376.002 · TABLE GAMES DISTRIBUTION INCOME	7,533.40		
376.000 · VIDEO LOTTERY/GAMBLING INCOME - Other	615.66	16,666.66	-16,051.00
Total 376.000 · VIDEO LOTTERY/GAMBLING INCOME	8,434.71	16,666.66	-8,231.95
381.000 · REIMBURSEMENTS	105,098.77		
383.000 · SALE OF FIXED ASSETS	143.10		
389.000 · ACCIDENT REPORTS/INCIDENT	1,860.00	1,666.66	193.34
397.000 · Video Lottery (LVL)	16,273.36	13,333.31	2,940.05
399.000 · MISCELLANEOUS REVENUE	1,885.88		
Total Income	2,230,118.34	1,997,726.67	232,391.67
Gross Profit	2,230,118.34	1,997,726.67	232,391.67
Expense			
103.0 · Salaries	382,716.47		
104.0 · Payroll Taxes	30,533.43		
105.0 · Insurance	19,477.92		
105.1 · Contrib. to Life Insurance	922.00		
107.0 · Pension Contribution	65,430.93		
210.0 · Advertising	178.85		
211.0 · Telephone	265.80		
213.0 · Utilities	5,030.34		
215.0 · Building Maintenance	364.00		
223.0 · Professional Services	4,071.35		
225.0 · Other Taxes	10,414.98		
231.0 · Bank Charges	6,706.25		
341.0 · Materials and Supplies	11,130.59		
343.0 · Gasoline and Oil	1,093.25		
345.0 · Uniforms	249.85		
409.103 · MAYOR'S OFFICE OFFICALS SALARIE	0.00	0.00	0.00
409.104 · MAYOR'S OFFICE PAYROLL TAXES	0.00	0.00	0.00
410.103 · CITY COUNCIL OFFICAL'S SALARIES	5,600.00	13,994.16	-8,394.16

CITY OF WESTON Profit & Loss Budget vs. Actual July 2020 through April 2021

	Jul '20 - Apr 21	Budget	\$ Over Budget
410.104 · CITY COUNCIL PAYROLL TAXES	428.40	0.00	428.40
410.341 · CITY COUNCIL MATERIALS & SUPPLY	275.00		
412.103 · CITY MANAGER WAGES	30,575.45	112,570.00	-81,994.55
412.104 · CITY MANAGER-PAYROLL TAXES	2,301.57	0.00	2,301.57
412.105 · CITY MANAGER'S EMP INSURANCE	0.00	0.00	0.00
412.106 · CITY MANAGER RETIREMENT EXPENSE	0.00	0.00	0.00
412.211 · CITY MANAGER TELEPHONE	203.32		
412.341 · CITY MANAGER'S SUPPLIES & MATER	4.31	0.00	4.31
413.101 · TREASURER OFFICE SALARIES	0.00	0.00	0.00
413.104 · TREASURER OFFICE-PAYROLL TAXES	0.00	0.00	0.00
413.105 · TREASURER'S OFFICE-EMP INSURANC	0.00	0.00	0.00
413.106 · TREASURER'S OFFICE-RETIREMENT	0.00	0.00	0.00
413.237 · TREASURER'S FEES AND TAXES	-220.00		
414.103 · FINANCE OFFICE	0.00	87,579.16	-87,579.16
414.220 · FINANCE LEGAL FEES AND ADVICE	350.00		
414.223 · FINANCE DEPT. PROF. SERVICES			
414.224 · FINANCE DEPT. AUDIT SERVICES	22,896.00		
414.223 · FINANCE DEPT. PROF. SERVICES - Other	37,029.55		
Total 414.223 · FINANCE DEPT. PROF. SERVICES	59,925.55		
414.230 · FINANCE DEPT CONTRACT SERV	23,598.99		
414.237 · FINANCE OTHER FEES & TAXES	8,530.38		
415.101 · CITY CLERK'S OFFICE - SALARY	46,753.03	62,795.84	-16,042.81
415.104 · CITY CLERK'S OFFICE-PAYROLL TAX	3,521.40	0.00	3,521.40
415.105 · CITY CLERK'S OFFICE-EMP INSURAN	59,918.84	0.00	59,918.84
415.106 · CITY CLERK'S OFFICE-RETIREMENT	3,042.56	0.00	3,042.56
415.220 · CITY CLERK'S ADV/ LEGAL	4,740.50		
415.221 · CITY CLERK'S TRAINING & ED	0.00	0.00	0.00
415.223 · CITY CLERK'S PROFESSIONAL SERVI	6,521.60		
415.341 · CITY CLERKS SUPPLIES & MATERIAL	5.80	0.00	5.80
416.101 · POLICE JUDGE'S OFFICAL'S SALARY	0.00	9,004.16	-9,004.16
416.104 · POLICE JUDGE'S PAYROLL TAX	0.00	0.00	0.00
416.221 · POLICE JUDGE'S TRAINING & ED	0.00	0.00	0.00
417.223 · CITY ATTORNEY PROFESSIONAL SERVIC	43,247.37	16,666.66	26,580.71
424.000 · CONTRIBUTIONS TO COMMS/AUTHORIT	0.00	42,083.34	-42,083.34
435.222 · REGIONAL DEV AUTHORITY-DUES&SUB	4,727.00	3,333.34	1,393.66
436.101 · CODE ENFORCEMENT WAGES	22,672.14	51,000.00	-28,327.86
436.104 · CODE ENFORCEMENT-PAYROLL TAX	1,716.62	0.00	1,716.62
436.105 · CODE ENFORCEMENT-EMP INSURANC	0.00	0.00	0.00
436.106 · CODE ENFORCEMENT-RETIREMENT	0.00	0.00	0.00
436.217 · CODE ENFORMENT VEHICLE MAINT	1,744.39		
436.221 · CODE ENFORCEMENT TRAINING & ED	75.00	0.00	75.00
436.230 · CODE ENFORCEMENT CONTRACT SVC	1,129.00		
436.341 · CODE ENFORCEMENT SUPPLIES	1,117.31	0.00	1,117.31
436.343 · CODE ENFORCEMENT FUEL	486.71	0.00	486.71
437.000 · CITY HALL PLANNING AND ZONING	0.00	89,422.50	-89,422.50
440.109 · CITY HALL EYE AND DENTAL INSUR	8,414.29		
440.112 · CITY HALL WORKERS COMP	37,668.00	0.00	37,668.00
440.211 · CITY HALL TELEPHONE	3,438.63	0.00	3,438.63
440.212 · CITY HALL WIRELESS PHONE	1,600.84		
440.213 · CITY HALL UTILITIES			
440.250 · CITY HALL GAS UTILITY	1,696.18		
440.251 · CITY HALL WATER	721.78		
440.213 · CITY HALL UTILITIES - Other	4,753.14	0.00	4,753.14
Total 440.213 · CITY HALL UTILITIES	7,171.10	0.00	7,171.10
440.215 · CITY HALL M & R BLDGS & GROUNDS	300.00	52,708.34	-52,408.34
440.216 · CITY HALL M & R EQUIPMENT	0.00	0.00	0.00
440.218 · CITY HALL POSTAGE	1,155.35	0.00	1,155.35
440.220 · CITY HALL - ADVERTISING	5,096.77	0.00	5,096.77
440.222 · CITY HALL DUES & SUBS	174.00	0.00	174.00
440.224 · CITY HALL -LEGAL AND AUDITING	0.00	0.00	0.00
440.226 · CITY HALL INSURANCE LIABILITY	83,213.77	0.00	83,213.77
440.229 · CITY HALL COMPUTER SER & SOFTWA	15,401.91		
440.230 · CITY HALL CONTRACTED SERVICES	10,454.27	0.00	10,454.27
440.232 · CITY HALL BANK CHARGES	321.99	0.00	321.99
440.236 · CITY H ALL PROPERTY TAXES	431.45		
440.237 · CITY HALL OTHER TAXES & FEES	0.00	0.00	0.00
440.252 · CITY HALL SANITARY SEWAGE	216.98		
440.341 · CITY HALL SUPPLIES & MATERIALS	7,133.69	0.00	7,133.69
440.353 · CITY HALL COMPUTER SOFTWARE	453.00		
440.457 · CIT HALL CAPITAL OUTLAY BULDIN	11,660.00		
571.101 · PARKING SALARIES & WAGES	0.00	17,558.34	-17,558.34
571.104 · PARKING PAYROLL TAX	0.00	0.00	0.00
571.105 · PARKING EMPLOYEE INSURANCE	0.00	0.00	0.00
571.106 · PARKING RETIREMENT EXPENSE	0.00	0.00	0.00
571.211 · PARKING TELEPHONE	0.00	0.00	0.00
571.216 · PARKING M & R EQUIPMENT	0.00	0.00	0.00
571.341 · PARKING SUPPLIES & MATERIALS	823.57	0.00	823.57
571.343 · Parking Enforcement-Fuel	0.00	0.00	0.00
700.101 · POLICE OFFICIAL'S SALARIES	0.00	439,882.50	-439,882.50
700.103 · POLICE SALARIES & WAGES	86,451.35	0.00	86,451.35
700.104 · POLICE PAYROLL TAXES	3,358.23	0.00	3,358.23

CITY OF WESTON
Profit & Loss Budget vs. Actual
July 2020 through April 2021

	Jul '20 - Apr 21	Budget	\$ Over Budget
700.105 · POLICE EMPLOYEE INSURANCE	0.00	0.00	0.00
700.106 · POLICE RETIREMENT EXPENSE	7,227.20	0.00	7,227.20
700.107 · POLICE CONTRIBUTION TO PENSION	34,984.55	0.00	34,984.55
700.110 · POLICE WORKERS COMP	161.71		
700.210 · POLICE MEDICAL WELLNESS BILLS	603.08		
700.211 · POLICE TELEPHONE	0.00	0.00	0.00
700.212 · POLICE DEPARTMENT WIRELESS PHONE	2,980.78		
700.216 · POLICE M & R EQUIPMENT	2,388.65		
700.217 · POLICE M & R AUTOS/TRUCKS	3,256.48	0.00	3,256.48
700.218 · POLICE POSTAGE	17.25		
700.221 · POLICE TRAINING & EDUCATION	345.00	0.00	345.00
700.222 · POLICE DUES & SUBSCRIPTION	0.00	0.00	0.00
700.223 · POLICE PROFESSIONAL SERVICES	3,205.28		
700.225 · POLICE LAUNDRY & DRY CLEANING	10.00		
700.229 · POLICE COURT COST & DAMAGES	100.00		
700.230 · POLICE CONTRACTED SERVICES	257.60		
700.341 · POLICE SUPPLIES & MATERIALS	3,102.44	0.00	3,102.44
700.343 · POLICE FUEL, OIL & TIRES	2,626.72	0.00	2,626.72
700.345 · POLICE UNIFORMS	2,549.92	0.00	2,549.92
700.350 · POLICE - K-9 EXPENSES	450.72	0.00	450.72
700.459 · POLICE CAPITAL OUTLAY	1,680.00	0.00	1,680.00
706 · .106 - FIREMEN RETIREMENT EXPEN	8,765.29		
706.103 · FIRE DEPT SALARIES & WAGES	61,048.29	375,230.00	-314,181.71
706.104 · FIRE DEPT PAYROLL TAXES	2,004.92	0.00	2,004.92
706.105 · FIRE DEPT EMPLOYEE INSURANCE	0.00	0.00	0.00
706.107 · FIRE DEPT CONTRIBUTION TO PENSI	23,206.57	0.00	23,206.57
706.114 · FIRE DEPARTMENT VFD INSURANCE	14,720.13		
706.211 · FIRE DEPT TELEPHONE	1,779.46		
706.213 · FIRE DEPT UTILITIES ELECTRIC	3,664.88		
706.216 · FIRE DEPT EQUIP MAINT	2,266.91		
706.217 · FD VEHICLE MAINTENANCE	4,813.67		
706.223 · F D PROFESSIONAL SERVICES	40.00		
706.230 · FIRE DEPT CONTRACTED SERVICES	716.11	0.00	716.11
706.250 · FIRE DEPT GAS UTILITY	2,465.25		
706.251 · FIRE DEPT WATER	494.23		
706.252 · FIRE DEPT SANITARY SEWAGE	212.44		
706.255 · FIRE DEPARTMENT WIRELESS PHONE	783.25		
706.341 · FD MATERIAL & SUPPLIES	1,867.29		
706.343 · FIRE DEPT GAS & OIL	1,937.25		
706.345 · FIRE DEPT UNIFORMS	770.27		
706.458 · FD CAPITAL OUTLAY OTHER IMP	8,661.84		
706.459 · FD CAPITAL OUTLAY AUTO/EQUIP	26,971.89		
711.230 · COMM. CENTER 911 CONTRACTED SER	33,000.00	0.00	33,000.00
714.001 · POLK CREEK WATER SHED AGREEMENT	4,400.00		
715.213 · FIRE HYDRANTS - UTILITIES	235.73	5,833.34	-5,597.61
715.251 · FIRE HYDRANT WATER UTILITY	4,149.87		
750.101 · STREETS & HWY OFFICAL'S SALARIE	0.00	307,091.66	-307,091.66
750.103 · STREETS & HWY SALARIES & WAGES	58,527.61	0.00	58,527.61
750.104 · STREETS & HWY PAYROLL TAX	4,317.15	0.00	4,317.15
750.105 · STREETS & HWY EMPL INSURANCE	0.00	0.00	0.00
750.106 · STREETS & HWY RETIREMENT EXPENS	0.00	0.00	0.00
750.213 · STREETS & HWY UTILITIES			
750.250 · STREET DEPT GAS UTILITY	4,699.01		
750.213 · STREETS & HWY UTILITIES - Other	2,411.39	0.00	2,411.39
Total 750.213 · STREETS & HWY UTILITIES	7,110.40	0.00	7,110.40
750.215 · STREETS & HWY BLDG & GROUNDS	150.00	0.00	150.00
750.216 · STREETS & HWY M & R EQUIPMENT	4,073.84	0.00	4,073.84
750.217 · STREETS & HWY M & R AUTOS & TRU	13,725.96	0.00	13,725.96
750.218 · STREETS & HWY POSTAGE	31.30		
750.219 · STREETS & HWY BLDG & EQUIP RENT	753.25	0.00	753.25
750.221 · STREETS & HWY TRAINING & ED	0.00	0.00	0.00
750.222 · STREETS & HWY DUES & SUBS	268.65		
750.225 · STREETS & HWY LAUNDRY & DRY CLE	599.64		
750.226 · STREETS & HWY INSURANCE & BOND	250.00		
750.229 · STREET DEPT COMPUTER SRVICES	1,464.83		
750.230 · STREETS & HWY CONTRACTED SERVIC			
750.231 · STREETS & HWY TREE REMOVAL	2,048.13		
750.232 · STREET DEPT CHRISTMAS LIGHTS	1,501.84		
750.230 · STREETS & HWY CONTRACTED SERVIC - Other	1,873.87	0.00	1,873.87
Total 750.230 · STREETS & HWY CONTRACTED SERVIC	5,423.84	0.00	5,423.84
750.251 · STREET DEPT WATER	2,919.83		
750.252 · STREET DEPT SANITARY SEWAGE	1,414.75		
750.341 · STREETS & HWY SUPPLIES & MAT			
750.600 · STREET DEPT HOT MIX ASPHALT			
750.602 · SEWER CUTS AND REPAIR	344.31		
750.600 · STREET DEPT HOT MIX ASPHALT - Other	13,198.56		
Total 750.600 · STREET DEPT HOT MIX ASPHALT	13,542.87		
750.601 · STREET DEPT STONE	2,541.82		

CITY OF WESTON
Profit & Loss Budget vs. Actual
 July 2020 through April 2021

	Jul '20 - Apr 21	Budget	\$ Over Budget
750.610 · STREET DEPT WINTER SALT	6,903.60		
750.620 · STREET DEPT STREET SIGNS	1,470.00		
750.341 · STREETS & HWY SUPPLIES & MAT - Other	35,803.73	0.00	35,803.73
Total 750.341 · STREETS & HWY SUPPLIES & MAT	60,262.02	0.00	60,262.02
750.342 · STORMWATER DRAIN REPAIR/REPLACE	32,113.41	0.00	32,113.41
750.343 · STREETS & HWY FUEL, OIL & TIRES	6,257.79	0.00	6,257.79
750.345 · STREET DEPT UNIFORMS	351.82		
750.615 · STREET DEPT DISPOSAL	485.93		
751.213 · STREET LIGHTS UTILITIES	54,424.11	52,500.00	1,924.11
752.213 · SIGNS & SIGNALS UTILITIES	1,230.49	2,083.34	-852.85
753.000 · STREETS SNOW REMOVAL	0.00	12,500.00	-12,500.00
755.230 · Street Const-Contracted Svcs	0.00	145,833.34	-145,833.34
903.000 · NON GRANT EXPENSES FROM DONATIO			
CITY PARKS	600.00		
FAIRS AND FESTIVALS	400.00		
Total 903.000 · NON GRANT EXPENSES FROM DONATIO	1,000.00		
920.002 · WV CULTURE & HISTORY GRANT	1,188.00		
950.230 · BEAUTIFICATION-CONTRACTED SVCS	0.00	416.66	-416.66
950.341 · BEAUTIFICATION-SUPPLIES	2,632.41	0.00	2,632.41
950.700 · BEAUTIFICATION HALLOWEEN CONT	175.00		
952.230 · CEMETERIES CONTRACTED SERVICES	7,900.00	0.00	7,900.00
977.000 · STREET DEPT-S/T CAP IMPROVEMENT	0.00	213,202.50	-213,202.50
977.001 · 4TH ST BRIDGE OVER POLK REPLACE	134,392.46		
Total Expense	1,834,884.85	2,113,289.18	-278,404.33
Net Ordinary Income	395,233.49	-115,562.51	510,796.00
Net Income	395,233.49	-115,562.51	510,796.00

CITY OF WESTON
Transactions by Account
As of April 30, 2021

Type	Date	Num	Name	Memo	Amount
101.1 - GENERAL FUNDS 01521008454					
Bill Pmt -Check	04/01/2021	15111	Amber Conrad	Lowe's Reimbursement	-48.13
Bill Pmt -Check	04/01/2021	15112	AT&T Mobility (FirstNet)	Acct 287284884202	-241.38
Bill Pmt -Check	04/01/2021	15113	Clinton Mayo -	Reimbursement	-40.00
Bill Pmt -Check	04/01/2021	15114	Core & Main		-705.17
Bill Pmt -Check	04/01/2021	15115	Hardman Trucking Inc		-253.86
Bill Pmt -Check	04/01/2021	15116	KND Cleaning LLC		-100.00
Bill Pmt -Check	04/01/2021	15117	LEAF		-49.48
Bill Pmt -Check	04/01/2021	15118	Marty Ratliff		-120.00
Bill Pmt -Check	04/01/2021	15119	Mon Power Electric		-1,417.60
Bill Pmt -Check	04/01/2021	15120	Municipal Emergency Services		-126.00
Bill Pmt -Check	04/01/2021	15121	Raven Rock		-3,040.00
Bill Pmt -Check	04/01/2021	15122	safelite		-271.87
Bill Pmt -Check	04/01/2021	15123	Shentel	acct 251756	-152.48
Bill Pmt -Check	04/01/2021	15124	The Standard Life Insurance Company	160-770193	-2,521.27
Bill Pmt -Check	04/01/2021	15125	West Virginia American Water Company	acct 1028-210016947765	-38.81
Bill Pmt -Check	04/01/2021	15126	West Virginia Tractor Company		-1,775.36
Bill Pmt -Check	04/01/2021	15127	Weston Sanitary Board.	Property 9280123141	-24.72
Bill Pmt -Check	04/01/2021	15128	Lewis County 911		-13,200.00
Bill Pmt -Check	04/01/2021	15129	Marty Ratliff		-30.00
Check	04/01/2021	15130	Vinson Ryder Jr.		-570.30
Bill Pmt -Check	04/19/2021	15174	C&M Precision		-510.00
Bill Pmt -Check	04/19/2021	15170	Dominion Hope.		-1,364.70
Bill Pmt -Check	04/19/2021	15172	ESO Solutions, Inc.		-716.11
Bill Pmt -Check	04/19/2021	15171	Fisher Auto Parts		-1,642.47
Bill Pmt -Check	04/19/2021	15169	Greer Industries, Inc.		-704.48
Bill Pmt -Check	04/19/2021	15168	Hardman Trucking Inc		-659.25
Bill Pmt -Check	04/19/2021	15167	Hart Office		-62.15
Bill Pmt -Check	04/19/2021	15166	J F Allen	85650	-689.31
Bill Pmt -Check	04/19/2021	15165	J T Martin		-333.99
Bill Pmt -Check	04/19/2021	15160	KND Cleaning LLC		-300.00
Bill Pmt -Check	04/19/2021	15164	Lewis County 911	Payment for April 2021	-3,300.00
Bill Pmt -Check	04/19/2021	15163	Lewis County Printing, LLC	9415-00	-60.00
Bill Pmt -Check	04/19/2021	15176	Mon Power Electric	acct 110 087 627 037	-4,688.43
Bill Pmt -Check	04/19/2021	15173	MOUNTAINEER HYDRAULICS & MACHI...		-495.00
Bill Pmt -Check	04/19/2021	15162	Municipal Emergency Services		-87.00
Bill Pmt -Check	04/19/2021	15159	P & G Hardware LLC		-66.42
Bill Pmt -Check	04/19/2021	15158	Radcliff's Service Center LLC		-924.70
Bill Pmt -Check	04/19/2021	15161	Shentel	Acct 386597	-234.71
Bill Pmt -Check	04/19/2021	15155	Suttle & Stalnaker PLLC		-2,965.00
Bill Pmt -Check	04/19/2021	15156	USDA APHIS		-413.68
Bill Pmt -Check	04/19/2021	15175	West Virginia American Water Company		-982.46
Bill Pmt -Check	04/19/2021	15157	West Virginia Law Enforcement Distributor		-900.00
Bill Pmt -Check	04/23/2021	15177	West Virginia Municipal League		-8,108.63
Bill Pmt -Check	04/30/2021	15178	Aramark	860031798	-101.97
Bill Pmt -Check	04/30/2021	15179	AT&T Mobility (FirstNet)		-707.01
Bill Pmt -Check	04/30/2021	15180	DataMax Corporation		-1,013.00
Bill Pmt -Check	04/30/2021	15181	Foster Feed.		-81.00
Bill Pmt -Check	04/30/2021	15182	KND Cleaning LLC		-200.00

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Accrual Basis

CITY OF WESTON
Transactions by Account
As of April 30, 2021

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	04/30/2021	15183	Mon Power Electric	acct 110 086 132 831	-41.62
Bill Pmt -Check	04/30/2021	15184	Mountain State Waste Co		-400.00
Bill Pmt -Check	04/30/2021	15185	Steptoe & Johnson, PLLC Attorneys at Law		-2,712.50
Bill Pmt -Check	04/30/2021	15186	The Standard Life Insurance Company		-28.68
Bill Pmt -Check	04/30/2021	15187	West Virginia American Water Company	acct 1028-210016947765	-35.68
Bill Pmt -Check	04/30/2021	15188	Weston Democrat, Inc..		-578.97
Bill Pmt -Check	04/30/2021	15189	Weston Sanitary Board.		-278.25
Bill Pmt -Check	04/30/2021	15190	WM Corporate Services, Inc.	acct 24-68987-33008	-313.52
Total 101.1 · GENERAL FUNDS 01521008454					-61,427.12
TOTAL					-61,427.12

CITY OF WESTON
Balance Sheet Prev Year Comparison
As of April 30, 2021

	Apr 30, 21	Apr 30, 20	\$ Change
ASSETS			
Current Assets			
Checking/Savings			
101-10 · COAL SEVERANCE 01521008409	16,799.97	11,387.77	5,412.20
101.1 · GENERAL FUNDS 01521008454	1,135,112.43	736,861.03	398,251.40
101.2 · PAYROLL ACCOUNT 01521008506	-124,362.65	-16,035.24	-108,327.41
101.3 · RAINY DAY FUND 01521224364	995.16	995.16	0.00
101.4 · POLICE EQUIPMENT 01521101076	495.88	495.88	0.00
101.75 · POLICE K-9 FUND 01221260149	358.70	358.70	0.00
101.8 · OFF SET PROGRAM01521118823	500.01	500.01	0.00
101.99 · POLICEMANS PENSION AND RELIEF F	39,563.72	24,155.42	15,408.30
101.999 · FIREMENS PENSION FUND 0067757...	52,960.19	24,361.84	28,598.35
Total Checking/Savings	1,122,423.41	783,080.57	339,342.84
Accounts Receivable			
ACCIDENT & INCIDENT REPORTS	30.00	30.00	0.00
B & O TAXES	3,117.12	4,455.55	-1,338.43
BUSINESS LICENSE.	5,269.98	5,103.30	166.68
EXCISE TAX	0.90	0.00	0.90
FINES, FEES & COURT COST	0.00	-408.00	408.00
Fire Dept MVA Response	19,975.00	17,625.00	2,350.00
LIEN ON PROPERTY	2,046.00	2,244.00	-198.00
MUNICIPAL FEES	203,056.24	200,825.94	2,230.30
PARKING VIOLATIONS.	0.00	-50.00	50.00
PENALTY/LATE FEE	6,172.78	6,662.78	-490.00
PERMITS	380.37	241.62	138.75
REIMBURSEMENTS.	6,870.10	5,130.81	1,739.29
UTILITY TAX	-0.10	0.00	-0.10
Total Accounts Receivable	246,918.39	241,861.00	5,057.39
Other Current Assets			
Firement Pension Account	1,314,022.46	1,314,022.46	0.00
Policeman Pension Fund	1,543,358.67	1,543,358.67	0.00
106 · PETTY CASH FUND	247.00	247.00	0.00
12000 · UNDEPOSITED FUNDS	11,755.91	-6,164.10	17,920.01
Total Other Current Assets	2,869,384.04	2,851,464.03	17,920.01
Total Current Assets	4,238,725.84	3,876,405.60	362,320.24
Fixed Assets			
131-1 · BUILDING-CITY HALL	225.00	225.00	0.00
131-2 · BUILDING-STREET DEPT	-234.49	-234.49	0.00
131-3 · Vehicles - Bldg Inspector	6,000.00	6,000.00	0.00
131-4 · S/D AUTOMOBILES	14,568.00	14,568.00	0.00
133.1 · EQUIPMENT-POLICE	30,217.00	30,217.00	0.00
133.2 · STREETS & HWY M & R EQUIPMEN	37,961.00	37,961.00	0.00
133.3 · CITY HALL - EQUIPMENT	19,183.62	19,183.62	0.00
Total Fixed Assets	107,920.13	107,920.13	0.00
TOTAL ASSETS	4,346,645.97	3,984,325.73	362,320.24
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
201 · ACCOUNTS PAYABLE	-669.61	56,625.90	-57,295.51
224 · CPRB EMPLOYEE W/H	-7,720.75	0.00	-7,720.75
225 · PEIA Insurance w/h	-20,432.40	-47,324.84	26,892.44
Total Accounts Payable	-28,822.76	9,301.06	-38,123.82
Credit Cards			

CITY OF WESTON
Balance Sheet Prev Year Comparison
As of April 30, 2021

	Apr 30, 21	Apr 30, 20	\$ Change
Fifth Third Bank Purchasing Car	-28,867.49	-9,748.30	-19,119.19
Total Credit Cards	-28,867.49	-9,748.30	-19,119.19
Other Current Liabilities			
221.2 · 941 Payroll W/H Liability	0.00	-31,805.99	31,805.99
224.1 · FIREMEN PENSION W/H	39,773.25	31,072.24	8,701.01
224.2 · POLICE PENSION E/H	34,012.88	20,650.62	13,362.26
224.3 · CPRS RETIREMENT W/H	10,688.41	-8,762.00	19,450.41
225.1 · PEIA W/H	-71,151.24	-12,516.90	-58,634.34
250 · PAYROLL DEDUCTIONS			
225.2 · Optional Life Insurance W/H	-3,439.71	191.52	-3,631.23
225.3 · Dependent Life Insurance	169.81	48.28	121.53
225.4 · Supplemental Insurance	7,800.59	810.48	6,990.11
227.2 · Municipal Fee-Employee w/h	737.50	325.00	412.50
Total 250 · PAYROLL DEDUCTIONS	5,268.19	1,375.28	3,892.91
Total Other Current Liabilities	18,591.49	13.25	18,578.24
Total Current Liabilities	-39,098.76	-433.99	-38,664.77
Total Liabilities	-39,098.76	-433.99	-38,664.77
Equity			
30000 · Opening Balance Equity	2,967,578.53	2,967,578.53	0.00
32000 · Unrestricted Net Assets	931,807.38	491,870.94	439,936.44
Net Income	486,358.82	525,310.25	-38,951.43
Total Equity	4,385,744.73	3,984,759.72	400,985.01
TOTAL LIABILITIES & EQUITY	4,346,645.97	3,984,325.73	362,320.24

CITY OF WESTON

Profit & Loss

April 2021

	Apr 21
Ordinary Income/Expense	
Income	
301.000 · PROPERTY (AD VALOREM) TAXES	40,751.53
302.000 · TAX PENALTIES & INTEREST	93.63
304.000 · EXCISE TAX ON UTILITIES	13,146.21
305.000 · B & O TAX	49,491.24
307.000 · ANIMAL CONTROL TAX	13.50
320.000 · FINES, FEES & COURT COSTS	1,849.00
325.000 · LICENSES	404.78
326.000 · PERMIT FEES	3,166.00
328.000 · FRANCHISE FEES	3,403.99
341.000 · MUNICIPAL SERVICE FEES	50.00
343.000 · OFF STREET PARKING	1,320.00
381.000 · REIMBURSEMENTS	36,120.51
383.000 · SALE OF FIXED ASSETS	143.10
389.000 · ACCIDENT REPORTS/INCIDENT	270.00
Total Income	150,223.49
Gross Profit	150,223.49
Expense	
103.0 · Salaries	0.00
104.0 · Payroll Taxes	0.00
410.103 · CITY COUNCIL OFFICAL'S SALARIES	1,500.00
410.104 · CITY COUNCIL PAYROLL TAXES	114.75
412.103 · CITY MANAGER WAGES	22,858.48
412.104 · CITY MANAGER-PAYROLL TAXES	1,736.19
412.341 · CITY MANAGER'S SUPPLIES & MATER	4.31
414.230 · FINANCE DEPT CONTRACT SERV	10,530.03
414.237 · FINANCE OTHER FEES & TAXES	8,133.13
415.101 · CITY CLERK'S OFFICE - SALARY	12,802.00
415.104 · CITY CLERK'S OFFICE-PAYROLL TAX	964.16
415.223 · CITY CLERK'S PROFESSIONAL SERVI	1,821.60
415.341 · CITY CLERKS SUPPLIES & MATERIAL	5.80
417.223 · CITY ATTORNEY PROFESSION SERVIC	2,712.50
436.101 · CODE ENFORCEMENT WAGES	7,261.86
436.104 · CODE ENFORCEMENT-PAYROLL TAX	549.60
436.217 · CODE ENFORMENT VEHICLE MAINT	56.65
436.341 · CODE ENFORCEMENT SUPPLIES	51.36
436.343 · CODE ENFORCEMENT FUEL	126.55
440.109 · CITY HALL EYE AND DENTAL INSUR	28.68
440.211 · CITY HALL TELEPHONE	203.31
440.213 · CITY HALL UTILITIES	89.51
440.218 · CITY HALL POSTAGE	220.00
440.220 · CITY HALL - ADVERTISING	578.97
440.229 · CITY HALL COMPUTER SER & SOFTWA	1,021.04
440.230 · CITY HALL CONTRACTED SERVICES	913.68
440.252 · CITY HALL SANITARY SEWAGE	26.89
440.341 · CITY HALL SUPPLIES & MATERIALS	2,096.42
440.353 · CITY HALL COMPUTER SOFTWARE	453.00
700.103 · POLICE SALARIES & WAGES	26,126.10
700.104 · POLICE PAYROLL TAXES	1,006.10
700.106 · POLICE RETIREMENT EXPENSE	570.30
700.212 · POLICE DEPARTMEN WIRELESS PHONE	586.32
700.217 · POLICE M & R AUTOS/TRUCKS	313.05
700.221 · POLICE TRAINING & EDUCATION	345.00
700.225 · POLICE LAUNDRY & DRY CLEANING	10.00
700.341 · POLICE SUPPLIES & MATERIALS	105.28
700.343 · POLICE FUEL, OIL & TIRES	711.16

CITY OF WESTON

Profit & Loss

April 2021

	<u>Apr 21</u>
700.345 · POLICE UNIFORMS	20.94
706.103 · FIRE DEPT SALARIES & WAGES	17,066.50
706.104 · FIRE DEPT PAYROLL TAXES	615.50
706.216 · FIRE DEPT EQUIP MAINT	79.81
706.217 · FD VEHICLE MAINTENANCE	25.21
706.230 · FIRE DEPT CONTRACTED SERVICES	716.11
706.251 · FIRE DEPT WATER	35.68
706.252 · FIRE DEPT SANITARY SEWAGE	24.72
706.255 · FIRE DEPARTMENT WIRELESS PHONE	120.69
706.341 · FD MATERIAL & SUPPLIES	25.90
706.345 · FIRE DEPT UNIFORMS	145.83
711.230 · COMM. CENTER 911 CONTRACTED SER	3,300.00
750.103 · STREETS & HWY SALARIES & WAGES	19,040.09
750.104 · STREETS & HWY PAYROLL TAX	1,399.87
750.217 · STREETS & HWY M & R AUTOS & TRU	3,089.22
750.222 · STREETS & HWY DUES & SUBS	268.65
750.230 · STREETS & HWY CONTRACTED SERVIC	530.51
750.251 · STREET DEPT WATER	347.17
750.252 · STREET DEPT SANITARY SEWAGE	226.64
750.341 · STREETS & HWY SUPPLIES & MAT	
Paving Pot holes	0.00
750.600 · STREET DEPT HOT MIX ASPHALT	
750.602 · SEWER CUTS AND REPAIR	344.31
750.600 · STREET DEPT HOT MIX ASPHALT - Other	345.00
Total 750.600 · STREET DEPT HOT MIX ASPHALT	689.31
750.620 · STREET DEPT STREET SIGNS	510.00
750.341 · STREETS & HWY SUPPLIES & MAT - Other	639.54
Total 750.341 · STREETS & HWY SUPPLIES & MAT	1,838.85
750.342 · STORMWATER DRAIN REPAIR/REPLACE	0.00
750.343 · STREETS & HWY FUEL, OIL & TIRES	750.63
750.345 · STREET DEPT UNIFORMS	101.97
750.615 · STREET DEPT DISPOSAL	400.00
751.213 · STREET LIGHTS UTILITIES	4,730.05
950.341 · BEAUTIFICATION-SUPPLIES	2,632.41
952.230 · CEMETERIES CONTRACTED SERVICES	800.00
Total Expense	164,966.73
Net Ordinary Income	-14,743.24
Net Income	<u>-14,743.24</u>

CITY OF WESTON
Profit & Loss Budget vs. Actual
 July 2020 through April 2021

	Jul '20 - Apr 21	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
382.000 REFUNDS AND REBATES	50.00		
Fire Dept MVA Responses	2,850.00		
wv coal severance	5,412.20	5,416.66	-4.46
WV TREASURY VENDER NTE	104,226.72		
301.000 · PROPERTY (AD VALOREM) TAXES	361,260.51	340,226.66	21,033.85
302.000 · TAX PENALTIES & INTEREST	6,174.04	1,666.66	4,507.38
303.000 · GAS & OIL SERVANCE TAX	6,561.12	8,333.34	-1,772.22
304.000 · EXCISE TAX ON UTILITIES	214,994.25	312,500.00	-97,505.75
305.000 · B & O TAX	446,549.51	370,833.34	75,716.17
306.000 · WINE & LIQUOR TAX (WLP)	51,797.04	37,500.00	14,297.04
307.000 · ANIMAL CONTROL TAX	1,039.50	833.34	206.16
314.000 · Sales Tax Revenue	295,913.05	479,166.66	-183,253.61
320.000 · FINES, FEES & COURT COSTS	9,063.00	20,833.34	-11,770.34
321.000 · PARKING VIOLATIONS	290.00	1,250.00	-960.00
325.000 · LICENSES	11,562.73	8,750.00	2,812.73
326.000 · PERMIT FEES	9,421.40	416.66	9,004.74
327.000 · MISC. PERMITS	75.00		
328.000 · FRANCHISE FEES	33,389.76	33,333.34	56.42
330.000 · IRP FEES	0.00	41,666.66	-41,666.66
336.000 · CEMETERY REVENUES	0.00	833.34	-833.34
341.000 · MUNICIPAL SERVICE FEES	291,970.79	233,333.34	58,637.45
342.000 · PARKING METER REVENUES	1,391.23	12,500.00	-11,108.77
343.000 · OFF STREET PARKING	2,460.00	2,500.00	-40.00
344.000 · COLLECTIONS DELINQUENT ACCTS DELINQUENT MUNICIPAL	700.00		
Total 344.000 · COLLECTIONS DELINQUENT ACCTS	700.00		
361.000 · CHARGES FOR SERVICES	0.00	12,500.00	-12,500.00
366.000 · STATE GOVERNMENT GRANTS 14LEDA0125 WFD \$2000 CLOSED	4.27		
Total 366.000 · STATE GOVERNMENT GRANTS	4.27		
367.000 · Other Grants			
367.005 · CARES ACT	253,912.86		
367.000 · Other Grants - Other	7,198.20	41,666.70	-34,468.50
Total 367.000 · Other Grants	261,111.06	41,666.70	219,444.36
368.000 · DONATIONS FOR NON GRANT CONTRIBUTIONS FROM OTHER ENTITI	0.00	0.00	0.00
Total 368.000 · DONATIONS FOR NON GRANT	0.00	0.00	0.00
376.000 · VIDEO LOTTERY/GAMBLING INCOME			
376.001 · GREENBRIER DISTRIBUTION INCOME	285.65		
376.002 · TABLE GAMES DISTRIBUTION INCOME	7,533.40		
376.000 · VIDEO LOTTERY/GAMBLING INCOME - Other	615.66	16,666.66	-16,051.00
Total 376.000 · VIDEO LOTTERY/GAMBLING INCOME	8,434.71	16,666.66	-8,231.95
381.000 · REIMBURSEMENTS	110,619.28		
383.000 · SALE OF FIXED ASSETS	143.10		
389.000 · ACCIDENT REPORTS/INCIDENT	1,860.00	1,666.66	193.34
397.000 · Video Lottery (LVL)	16,273.36	13,333.31	2,940.05
399.000 · MISCELLANEOUS REVENUE	1,885.88		
Total Income	2,257,483.51	1,997,726.67	259,756.84
Gross Profit	2,257,483.51	1,997,726.67	259,756.84
Expense			
103.0 · Salaries	382,716.47		
104.0 · Payroll Taxes	25,525.62		
105.0 · Insurance	19,477.92		
105.1 · Contrib. to Life Insurance	922.00		
107.0 · Pension Contribution	65,430.93		
210.0 · Advertising	58.85		
213.0 · Utilities	3,388.26		
215.0 · Building Maintenance	43.00		
223.0 · Professional Services	1,617.35		
225.0 · Other Taxes	10,414.98		
231.0 · Bank Charges	6,706.25		
341.0 · Materials and Supplies	8,526.13		
343.0 · Gasoline and Oil	1,016.16		
409.103 · MAYOR'S OFFICE OFFICIALS SALARIE	0.00	0.00	0.00
409.104 · MAYOR'S OFFICE PAYROLL TAXES	0.00	0.00	0.00
410.103 · CITY COUNCIL OFFICAL'S SALARIES	5,600.00	13,994.16	-8,394.16
410.104 · CITY COUNCIL PAYROLL TAXES	428.40	0.00	428.40
410.341 · CITY COUNCIL MATERIALS & SUPPLY	275.00		
412.103 · CITY MANAGER WAGES	30,575.45	112,570.00	-81,994.55
412.104 · CITY MANAGER-PAYROLL TAXES	2,301.57	0.00	2,301.57
412.105 · CITY MANAGER'S EMP INSURANCE	0.00	0.00	0.00

CITY OF WESTON
Profit & Loss Budget vs. Actual
July 2020 through April 2021

	Jul '20 - Apr 21	Budget	\$ Over Budget
412.106 · CITY MANAGER RETIREMENT EXPENSE	0.00	0.00	0.00
412.211 · CITY MANAGER TELEPHONE	203.32		
412.341 · CITY MANAGER'S SUPPLIES & MATER	4.31	0.00	4.31
413.101 · TREASURER OFFICE SALARIES	0.00	0.00	0.00
413.104 · TREASURER OFFICE-PAYROLL TAXES	0.00	0.00	0.00
413.105 · TREASURER'S OFFICE-EMP INSURANC	0.00	0.00	0.00
413.106 · TREASURER'S OFFICE-RETIREMENT	0.00	0.00	0.00
414.103 · FINANCE OFFICE	0.00	87,579.16	-87,579.16
414.220 · FINANCE LEGAL FEES AND ADVICE	350.00		
414.223 · FINANCE DEPT. PROF. SERVICES			
414.224 · FINANCE DEPT. AUDIT SERVICES	22,896.00		
414.223 · FINANCE DEPT. PROF. SERVICES - Other	30,259.55		
Total 414.223 · FINANCE DEPT. PROF. SERVICES	53,155.55		
414.230 · FINANCE DEPT CONTRACT SERV	23,598.99		
414.237 · FINANCE OTHER FEES & TAXES	8,530.38		
415.101 · CITY CLERK'S OFFICE - SALARY	46,753.03	62,795.84	-16,042.81
415.104 · CITY CLERK'S OFFICE-PAYROLL TAX	3,521.40	0.00	3,521.40
415.105 · CITY CLERK'S OFFICE-EMP INSURAN	59,918.84	0.00	59,918.84
415.106 · CITY CLERK'S OFFICE-RETIREMENT	3,042.56	0.00	3,042.56
415.220 · CITY CLERK'S ADV/ LEGAL	4,740.50		
415.221 · CITY CLERK'S TRAINING & ED	0.00	0.00	0.00
415.223 · CITY CLERK'S PROFESSIONAL SERVI	6,521.60		
415.341 · CITY CLERKS SUPPLIES & MATERIAL	5.80	0.00	5.80
416.101 · POLICE JUDGE'S OFFICAL'S SALARY	0.00	9,004.16	-9,004.16
416.104 · POLICE JUDGE'S PAYROLL TAX	0.00	0.00	0.00
416.221 · POLICE JUDGE'S TRAINING & ED	0.00	0.00	0.00
417.223 · CITY ATTORNEY PROFESSION SERVIC	32,643.02	16,666.66	15,976.36
424.000 · CONTRIBUTIONS TO COMMS/AUTHORIT	0.00	42,083.34	-42,083.34
435.222 · REGIONAL DEV AUTHORITY-DUES&SUB	4,727.00	3,333.34	1,393.66
436.101 · CODE ENFORCEMENT WAGES	22,672.14	51,000.00	-28,327.86
436.104 · CODE ENFORCEMENT-PAYROLL TAX	1,716.62	0.00	1,716.62
436.105 · CODE ENFORCEMENT-EMP INSURANC	0.00	0.00	0.00
436.106 · CODE ENFORCEMENT-RETIREMENT	0.00	0.00	0.00
436.217 · CODE ENFORMENT VEHICLE MAINT	1,287.44		
436.221 · CODE ENFORCEMENT TRAINING & ED	75.00	0.00	75.00
436.230 · CODE ENFORCEMENT CONTRACT SVC	1,129.00		
436.341 · CODE ENFORCEMENT SUPPLIES	1,057.31	0.00	1,057.31
436.343 · CODE ENFORCEMENT FUEL	486.71	0.00	486.71
437.000 · CITY HALL PLANNING AND ZONING	0.00	89,422.50	-89,422.50
440.109 · CITY HALL EYE AND DENTAL INSUR	8,414.29		
440.112 · CITY HALL WORKERS COMP	26,297.00	0.00	26,297.00
440.211 · CITY HALL TELEPHONE	3,438.63	0.00	3,438.63
440.212 · CITY HALL WIRELSS PHONE	1,600.84		
440.213 · CITY HALL UTILITIES			
440.250 · CITY HALL GAS UTILITY	1,696.18		
440.251 · CITY HALL WATER	638.54		
440.213 · CITY HALL UTILITIES - Other	4,753.14	0.00	4,753.14
Total 440.213 · CITY HALL UTILITIES	7,087.86	0.00	7,087.86
440.215 · CITY HALL M & R BLDGS & GROUNDS	300.00	52,708.34	-52,408.34
440.216 · CITY HALL M & R EQUIPMENT	0.00	0.00	0.00
440.218 · CITY HALL POSTAGE	1,155.35	0.00	1,155.35
440.220 · CITY HALL - ADVERTISING	5,096.77	0.00	5,096.77
440.222 · CITY HALL DUES & SUBS	174.00	0.00	174.00
440.224 · CITY HALL -LEGAL AND AUDITING	0.00	0.00	0.00
440.226 · CITY HALL INSURANCE LIABILITY	83,213.77	0.00	83,213.77
440.229 · CITY HALL COMPUTER SER & SOFTWA	15,401.91		
440.230 · CITY HALL CONTRACTED SERVICES	9,869.11	0.00	9,869.11
440.232 · CITY HALL BANK CHARGES	321.99	0.00	321.99
440.236 · CITY H ALL PROPERTY TAXES	431.45		
440.237 · CITY HALL OTHER TAXES & FEES	0.00	0.00	0.00
440.252 · CITY HALL SANITARY SEWAGE	216.98		
440.341 · CITY HALL SUPPLIES & MATERIALS	6,224.94	0.00	6,224.94
440.353 · CITY HALL COMPUTER SOFTWARE	453.00		
440.457 · CIT HALL CAPITAL OUTLAY BUILDIN	11,660.00		
571.101 · PARKING SALARIES & WAGES	0.00	17,558.34	-17,558.34
571.104 · PARKING PAYROLL TAX	0.00	0.00	0.00
571.105 · PARKING EMPLOYEE INSURANCE	0.00	0.00	0.00
571.106 · PARKING RETIREMENT EXPENSE	0.00	0.00	0.00
571.211 · PARKING TELEPHONE	0.00	0.00	0.00
571.216 · PARKING M & R EQUIPMENT	0.00	0.00	0.00
571.341 · PARKING SUPPLIES & MATERIALS	823.57	0.00	823.57
571.343 · Parking Enforcement-Fuel	0.00	0.00	0.00
700.101 · POLICE OFFICIAL'S SALARIES	0.00	439,882.50	-439,882.50
700.103 · POLICE SALARIES & WAGES	86,451.35	0.00	86,451.35
700.104 · POLICE PAYROLL TAXES	3,358.23	0.00	3,358.23
700.105 · POLICE EMPLOYEE INSURANCE	0.00	0.00	0.00
700.106 · POLICE RETIREMENT EXPENSE	7,227.20	0.00	7,227.20
700.107 · POLICE CONTRIBUTION TO PENSION	34,984.55	0.00	34,984.55
700.110 · POLICE WORKERS COMP	161.71		
700.210 · POLICE MEDICAL WELLNESS BILLS	603.08		
700.211 · POLICE TELEPHONE	0.00	0.00	0.00
700.212 · POLICE DEPARTMENT WIRELESS PHONE	2,980.78		

CITY OF WESTON
Profit & Loss Budget vs. Actual
July 2020 through April 2021

	Jul '20 - Apr 21	Budget	\$ Over Budget
700.216 · POLICE M & R EQUIPMENT	708.65		
700.217 · POLICE M & R AUTOS/TRUCKS	3,256.48	0.00	3,256.48
700.218 · POLICE POSTAGE	17.25		
700.221 · POLICE TRAINING & EDUCATION	345.00	0.00	345.00
700.222 · POLICE DUES & SUBSCRIPTION	0.00	0.00	0.00
700.223 · POLICE PROFESSIONAL SERVICES	3,205.28		
700.225 · POLICE LAUNDRY & DRY CLEANING	10.00		
700.229 · POLICE COURT COST & DAMAGES	100.00		
700.230 · POLICE CONTRACTED SERVICES	257.60		
700.341 · POLICE SUPPLIES & MATERIALS	3,102.44	0.00	3,102.44
700.343 · POLICE FUEL, OIL & TIRES	2,626.72	0.00	2,626.72
700.345 · POLICE UNIFORMS	2,519.92	0.00	2,519.92
700.350 · POLICE - K-9 EXPENSES	450.72	0.00	450.72
700.459 · POLICE CAPITAL OUTLAY	0.00	0.00	0.00
706 . .106 - FIREMEN RETIREMENT EXPEN	8,765.29		
706.103 · FIRE DEPT SALARIES & WAGES	61,048.29	375,230.00	-314,181.71
706.104 · FIRE DEPT PAYROLL TAXES	2,004.92	0.00	2,004.92
706.105 · FIRE DEPT EMPLOYEE INSURANCE	0.00	0.00	0.00
706.107 · FIRE DEPT CONTRIBUTION TO PENSI	23,206.57	0.00	23,206.57
706.114 · FIRE DEPARTMENT VFD INSURANCE	14,720.13		
706.211 · FIRE DEPT TELEPHONE	1,779.46		
706.213 · FIRE DEPT UTILITIES ELECTRIC	3,664.88		
706.216 · FIRE DEPT EQUIP MAINT	2,266.91		
706.217 · FD VEHICLE MAINTENANCE	4,089.60		
706.230 · FIRE DEPT CONTRACTED SERVICES	716.11	0.00	716.11
706.250 · FIRE DEPT GAS UTILITY	2,465.25		
706.251 · FIRE DEPT WATER	494.23		
706.252 · FIRE DEPT SANITARY SEWAGE	212.44		
706.255 · FIRE DEPARTMENT WIRELESS PHONE	783.25		
706.341 · FD MATERIAL & SUPPLIES	1,867.29		
706.343 · FIRE DEPT GAS & OIL	1,937.25		
706.345 · FIRE DEPT UNIFORMS	770.27		
706.458 · FD CAPITAL OUTLAY OTHER IMP	8,661.84		
706.459 · FD CAPITAL OUTLAY AUTO/EQUIP	26,971.89		
711.230 · COMM. CENTER 911 CONTRACTED SER	33,000.00	0.00	33,000.00
715.213 · FIRE HYDRANTS - UTILITIES	235.73	5,833.34	-5,597.61
715.251 · FIRE HYDRANT WATER UTILITY	4,149.87		
750.101 · STREETS & HWY OFFICAL'S SALARIE	0.00	307,091.66	-307,091.66
750.103 · STREETS & HWY SALARIES & WAGES	58,527.61	0.00	58,527.61
750.104 · STREETS & HWY PAYROLL TAX	4,317.15	0.00	4,317.15
750.105 · STREETS & HWY EMPL INSURANCE	0.00	0.00	0.00
750.106 · STREETS & HWY RETIREMENT EXPENS	0.00	0.00	0.00
750.213 · STREETS & HWY UTILITIES			
750.250 · STREET DEPT GAS UTILITY	4,699.01		
750.213 · STREETS & HWY UTILITIES - Other	2,240.39	0.00	2,240.39
Total 750.213 · STREETS & HWY UTILITIES	6,939.40	0.00	6,939.40
750.215 · STREETS & HWY BLDG & GROUNDS	150.00	0.00	150.00
750.216 · STREETS & HWY M & R EQUIPMENT	4,073.84	0.00	4,073.84
750.217 · STREETS & HWY M & R AUTOS & TRU	13,725.96	0.00	13,725.96
750.218 · STREETS & HWY POSTAGE	31.30		
750.219 · STREETS & HWY BLDG & EQUIP RENT	753.25	0.00	753.25
750.221 · STREETS & HWY TRAINING & ED	0.00	0.00	0.00
750.222 · STREETS & HWY DUES & SUBS	268.65		
750.225 · STREETS & HWY LAUNDRY & DRY CLE	599.64		
750.226 · STREETS & HWY INSURANCE & BOND	250.00		
750.229 · STREET DEPT COMPUTER SRVICES	1,464.83		
750.230 · STREETS & HWY CONTRACTED SERVIC			
750.231 · STREETS & HWY TREE REMOVAL	2,048.13		
750.232 · STREET DEPT CHRISTMAS LIGHTS	1,482.20		
750.612 · STREET DEPT WINTER CONTR SERVIC	0.00		
750.230 · STREETS & HWY CONTRACTED SERVIC - Other	1,873.87	0.00	1,873.87
Total 750.230 · STREETS & HWY CONTRACTED SERVIC	5,404.20	0.00	5,404.20
750.251 · STREET DEPT WATER	2,887.59		
750.252 · STREET DEPT SANITARY SEWAGE	1,414.75		
750.341 · STREETS & HWY SUPPLIES & MAT			
Paving Pot holes	0.00		
750.600 · STREET DEPT HOT MIX ASPHALT			
750.602 · SEWER CUTS AND REPAIR	344.31		
750.600 · STREET DEPT HOT MIX ASPHALT - Other	13,198.56		
Total 750.600 · STREET DEPT HOT MIX ASPHALT	13,542.87		
750.601 · STREET DEPT STONE	2,541.82		
750.610 · STREET DEPT WINTER SALT	6,903.60		
750.620 · STREET DEPT STREET SIGNS	1,470.00		
750.341 · STREETS & HWY SUPPLIES & MAT - Other	34,923.73	0.00	34,923.73
Total 750.341 · STREETS & HWY SUPPLIES & MAT	59,382.02	0.00	59,382.02
750.342 · STORMWATER DRAIN REPAIR/REPLACE	32,113.41	0.00	32,113.41

CITY OF WESTON
Profit & Loss Budget vs. Actual
 July 2020 through April 2021

	Jul '20 - Apr 21	Budget	\$ Over Budget
750.343 · STREETS & HWY FUEL, OIL & TIRES	6,257.79	0.00	6,257.79
750.345 · STREET DEPT UNIFORMS	351.82		
750.615 · STREET DEPT DISPOSAL	485.93		
751.213 · STREET LIGHTS UTILITIES	44,782.44	52,500.00	-7,717.56
752.213 · SIGNS & SIGNALS UTILITIES	1,230.49	2,083.34	-852.85
753.000 · STREETS SNOW REMOVAL	0.00	12,500.00	-12,500.00
755.230 · Street Const-Contracted Svcs	0.00	145,833.34	-145,833.34
903.000 · NON GRANT EXPENSES FROM DONATIO			
CITY PARKS	600.00		
FAIRS AND FESTIVALS	400.00		
Total 903.000 · NON GRANT EXPENSES FROM DONATIO	1,000.00		
920.002 · WV CULTURE & HISTORY GRANT	1,188.00		
950.230 · BEAUTIFICATION-CONTRACTED SVCS	0.00	416.66	-416.66
950.341 · BEAUTIFICATION-SUPPLIES	2,632.41	0.00	2,632.41
950.700 · BEAUTIFICATION HALLOWEEN CONT	175.00		
952.230 · CEMETERIES CONTRACTED SERVICES	6,800.00	0.00	6,800.00
977.000 · STREET DEPT-S/T CAP IMPROVEMENT	0.00	213,202.50	-213,202.50
977.001 · 4TH ST BRIDGE OVER POLK REPLACE	134,392.46		
Total Expense	1,771,124.69	2,113,289.18	-342,164.49
Net Ordinary Income	486,358.82	-115,562.51	601,921.33
Net Income	486,358.82	-115,562.51	601,921.33

CITY OF WESTON
Profit & Loss Budget vs. Actual
July 2020 through June 2021

	Jul '20 - Jun 21	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
382.000 REFUNDS AND REBATES	50.00		
Fire Dept MVA Responses	2,850.00		
wv coal severance	5,412.20	6,500.00	-1,087.80
WV TREASURY VENDER NTE	104,226.72		
301.000 · PROPERTY (AD VALOREM) TAXES	361,260.51	408,272.00	-47,011.49
302.000 · TAX PENALTIES & INTEREST	6,174.04	2,000.00	4,174.04
303.000 · GAS & OIL SERVANCE TAX	6,561.12	10,000.00	-3,438.88
304.000 · EXCISE TAX ON UTILITIES	214,994.25	375,000.00	-160,005.75
305.000 · B & O TAX	446,549.51	445,000.00	1,549.51
306.000 · WINE & LIQUOR TAX (WLP)	51,797.04	45,000.00	6,797.04
307.000 · ANIMAL CONTROL TAX	1,039.50	1,000.00	39.50
314.000 · Sales Tax Revenue	295,913.05	575,000.00	-279,086.95
320.000 · FINES, FEES & COURT COSTS	9,063.00	25,000.00	-15,937.00
321.000 · PARKING VIOLATIONS	290.00	1,500.00	-1,210.00
325.000 · LICENSES	11,562.73	10,500.00	1,062.73
326.000 · PERMIT FEES	9,421.40	500.00	8,921.40
327.000 · MISC. PERMITS	75.00		
328.000 · FRANCHISE FEES	33,389.76	40,000.00	-6,610.24
330.000 · IRP FEES	0.00	50,000.00	-50,000.00
336.000 · CEMETERY REVENUES	0.00	1,000.00	-1,000.00
341.000 · MUNICIPAL SERVICE FEES	291,970.79	280,000.00	11,970.79
342.000 · PARKING METER REVENUES	1,391.23	15,000.00	-13,608.77
343.000 · OFF STREET PARKING	2,460.00	3,000.00	-540.00
344.000 · COLLECTIONS DELINQUENT ACCTS DELINQUENT MUNICIPAL	700.00		
Total 344.000 · COLLECTIONS DELINQUENT ACCTS	700.00		
361.000 · CHARGES FOR SERVICES	0.00	15,000.00	-15,000.00
366.000 · STATE GOVERNMENT GRANTS 14LEDA0125 WFD \$2000 CLOSED	4.27		
Total 366.000 · STATE GOVERNMENT GRANTS	4.27		
367.000 · Other Grants			
367.005 · CARES ACT	253,912.86		
367.000 · Other Grants - Other	7,198.20	50,000.04	-42,801.84
Total 367.000 · Other Grants	261,111.06	50,000.04	211,111.02
368.000 · DONATIONS FOR NON GRANT CONTRIBUTIONS FROM OTHER ENTITI	0.00	0.00	0.00
Total 368.000 · DONATIONS FOR NON GRANT	0.00	0.00	0.00
376.000 · VIDEO LOTTERY/GAMBLING INCOME			
376.001 · GREENBRIER DISTRIBUTION INCOME	285.65		
376.002 · TABLE GAMES DISTRIBUTION INCOME	7,533.40		
376.000 · VIDEO LOTTERY/GAMBLING INCOME - Other	615.66	20,000.00	-19,384.34
Total 376.000 · VIDEO LOTTERY/GAMBLING INCOME	8,434.71	20,000.00	-11,565.29
381.000 · REIMBURSEMENTS	110,619.28		
383.000 · SALE OF FIXED ASSETS	143.10		
389.000 · ACCIDENT REPORTS/INCIDENT	1,860.00	2,000.00	-140.00
397.000 · Video Lottery (LVL)	16,273.36	15,999.97	273.39
399.000 · MISCELLANEOUS REVENUE	1,885.88		
Total Income	2,257,483.51	2,397,272.01	-139,788.50
Gross Profit	2,257,483.51	2,397,272.01	-139,788.50
Expense			
103.0 · Salaries	382,716.47		
104.0 · Payroll Taxes	25,525.62		
105.0 · Insurance	19,477.92		
105.1 · Contrib. to Life Insurance	922.00		
107.0 · Pension Contribution	65,430.93		
210.0 · Advertising	58.85		
213.0 · Utilities	3,388.26		
215.0 · Building Maintenance	43.00		
223.0 · Professional Services	1,617.35		
225.0 · Other Taxes	10,414.98		
231.0 · Bank Charges	6,706.25		
341.0 · Materials and Supplies	8,526.13		
343.0 · Gasoline and Oil	1,016.16		
409.103 · MAYOR'S OFFICE OFFICIALS SALARIE	0.00	0.00	0.00
409.104 · MAYOR'S OFFICE PAYROLL TAXES	0.00	0.00	0.00
410.103 · CITY COUNCIL OFFICIAL'S SALARIES	5,600.00	16,793.00	-11,193.00
410.104 · CITY COUNCIL PAYROLL TAXES	428.40	0.00	428.40
410.341 · CITY COUNCIL MATERIALS & SUPPLY	275.00		
412.103 · CITY MANAGER WAGES	30,575.45	135,084.00	-104,508.55
412.104 · CITY MANAGER-PAYROLL TAXES	2,301.57	0.00	2,301.57
412.105 · CITY MANAGER'S EMP INSURANCE	0.00	0.00	0.00

CITY OF WESTON
Profit & Loss Budget vs. Actual
 July 2020 through June 2021

	Jul '20 - Jun 21	Budget	\$ Over Budget
412.106 · CITY MANAGER RETIREMENT EXPENSE	0.00	0.00	0.00
412.211 · CITY MANAGER TELEPHONE	203.32		
412.341 · CITY MANAGER'S SUPPLIES & MATER	4.31	0.00	4.31
413.101 · TREASURER OFFICE SALARIES	0.00	0.00	0.00
413.104 · TREASURER OFFICE-PAYROLL TAXES	0.00	0.00	0.00
413.105 · TREASURER'S OFFICE-EMP INSURANC	0.00	0.00	0.00
413.106 · TREASURER'S OFFICE-RETIREMENT	0.00	0.00	0.00
414.103 · FINANCE OFFICE	0.00	105,095.00	-105,095.00
414.220 · FINANCE LEGAL FEES AND ADVICE	350.00		
414.223 · FINANCE DEPT. PROF. SERVICES			
414.224 · FINANCE DEPT. AUDIT SERVICES	22,896.00		
414.223 · FINANCE DEPT. PROF. SERVICES - Other	30,259.55		
Total 414.223 · FINANCE DEPT. PROF. SERVICES	53,155.55		
414.230 · FINANCE DEPT CONTRACT SERV	23,598.99		
414.237 · FINANCE OTHER FEES & TAXES	8,530.38		
415.101 · CITY CLERK'S OFFICE - SALARY	46,753.03	75,355.00	-28,601.97
415.104 · CITY CLERK'S OFFICE-PAYROLL TAX	3,521.40	0.00	3,521.40
415.105 · CITY CLERK'S OFFICE-EMP INSURAN	59,918.84	0.00	59,918.84
415.106 · CITY CLERK'S OFFICE-RETIREMENT	3,042.56	0.00	3,042.56
415.220 · CITY CLERK'S ADV/ LEGAL	4,740.50		
415.221 · CITY CLERK'S TRAINING & ED	0.00	0.00	0.00
415.223 · CITY CLERK'S PROFESSIONAL SERVI	6,521.60		
415.341 · CITY CLERKS SUPPLIES & MATERIAL	5.80	0.00	5.80
416.101 · POLICE JUDGE'S OFFICAL'S SALARY	0.00	10,805.00	-10,805.00
416.104 · POLICE JUDGE'S PAYROLL TAX	0.00	0.00	0.00
416.221 · POLICE JUDGE'S TRAINING & ED	0.00	0.00	0.00
417.223 · CITY ATTORNEY PROFESSION SERVIC	32,643.02	20,000.00	12,643.02
424.000 · CONTRIBUTIONS TO COMMS/AUTHORIT	0.00	50,500.00	-50,500.00
435.222 · REGIONAL DEV AUTHORITY-DUES&SUB	4,727.00	4,000.00	727.00
436.101 · CODE ENFORCEMENT WAGES	22,672.14	61,200.00	-38,527.86
436.104 · CODE ENFORCEMENT-PAYROLL TAX	1,716.62	0.00	1,716.62
436.105 · CODE ENFORCEMENT-EMP INSURANC	0.00	0.00	0.00
436.106 · CODE ENFORCEMENT-RETIREMENT	0.00	0.00	0.00
436.217 · CODE ENFORMENT VEHICLE MAINT	1,287.44		
436.221 · CODE ENFORCEMENT TRAINING & ED	75.00	0.00	75.00
436.230 · CODE ENFORCEMENT CONTRACT SVC	1,129.00		
436.341 · CODE ENFORCEMENT SUPPLIES	1,057.31	0.00	1,057.31
436.343 · CODE ENFORCEMENT FUEL	486.71	0.00	486.71
437.000 · CITY HALL PLANNING AND ZONING	0.00	107,307.00	-107,307.00
440.109 · CITY HALL EYE AND DENTAL INSUR	8,414.29		
440.112 · CITY HALL WORKERS COMP	26,297.00	0.00	26,297.00
440.211 · CITY HALL TELEPHONE	3,438.63	0.00	3,438.63
440.212 · CITY HALL WIRELSS PHONE	1,600.84		
440.213 · CITY HALL UTILITIES			
440.250 · CITY HALL GAS UTILITY	1,696.18		
440.251 · CITY HALL WATER	638.54		
440.213 · CITY HALL UTILITIES - Other	4,753.14	0.00	4,753.14
Total 440.213 · CITY HALL UTILITIES	7,087.86	0.00	7,087.86
440.215 · CITY HALL M & R BLDGS & GROUNDS	300.00	63,250.00	-62,950.00
440.216 · CITY HALL M & R EQUIPMENT	0.00	0.00	0.00
440.218 · CITY HALL POSTAGE	1,155.35	0.00	1,155.35
440.220 · CITY HALL - ADVERTISING	5,096.77	0.00	5,096.77
440.222 · CITY HALL DUES & SUBS	174.00	0.00	174.00
440.224 · CITY HALL -LEGAL AND AUDITING	0.00	0.00	0.00
440.226 · CITY HALL INSURANCE LIABILITY	83,213.77	0.00	83,213.77
440.229 · CITY HALL COMPUTER SER & SOFTWA	15,401.91		
440.230 · CITY HALL CONTRACTED SERVICES	9,869.11	0.00	9,869.11
440.232 · CITY HALL BANK CHARGES	321.99	0.00	321.99
440.236 · CITY H ALL PROPERTY TAXES	431.45		
440.237 · CITY HALL OTHER TAXES & FEES	0.00	0.00	0.00
440.252 · CITY HALL SANITARY SEWAGE	216.98		
440.341 · CITY HALL SUPPLIES & MATERIALS	6,224.94	0.00	6,224.94
440.353 · CITY HALL COMPUTER SOFTWARE	453.00		
440.457 · CIT HALL CAPITAL OUTLAY BUILDIN	11,660.00		
571.101 · PARKING SALARIES & WAGES	0.00	21,070.00	-21,070.00
571.104 · PARKING PAYROLL TAX	0.00	0.00	0.00
571.105 · PARKING EMPLOYEE INSURANCE	0.00	0.00	0.00
571.106 · PARKING RETIREMENT EXPENSE	0.00	0.00	0.00
571.211 · PARKING TELEPHONE	0.00	0.00	0.00
571.216 · PARKING M & R EQUIPMENT	0.00	0.00	0.00
571.341 · PARKING SUPPLIES & MATERIALS	823.57	0.00	823.57
571.343 · Parking Enforcement-Fuel	0.00	0.00	0.00
700.101 · POLICE OFFICIAL'S SALARIES	0.00	527,859.00	-527,859.00
700.103 · POLICE SALARIES & WAGES	86,451.35	0.00	86,451.35
700.104 · POLICE PAYROLL TAXES	3,358.23	0.00	3,358.23
700.105 · POLICE EMPLOYEE INSURANCE	0.00	0.00	0.00
700.106 · POLICE RETIREMENT EXPENSE	7,227.20	0.00	7,227.20
700.107 · POLICE CONTRIBUTION TO PENSION	34,984.55	0.00	34,984.55
700.110 · POLICE WORKERS COMP	161.71		
700.210 · POLICE MEDICAL WELLNESS BILLS	603.08		
700.211 · POLICE TELEPHONE	0.00	0.00	0.00
700.212 · POLICE DEPARTMENT WIRELESS PHONE	2,980.78		

CITY OF WESTON
Profit & Loss Budget vs. Actual
July 2020 through June 2021

	Jul '20 - Jun 21	Budget	\$ Over Budget
700.216 · POLICE M & R EQUIPMENT	708.65		
700.217 · POLICE M & R AUTOS/TRUCKS	3,256.48	0.00	3,256.48
700.218 · POLICE POSTAGE	17.25		
700.221 · POLICE TRAINING & EDUCATION	345.00	0.00	345.00
700.222 · POLICE DUES & SUBSCRIPTION	0.00	0.00	0.00
700.223 · POLICE PROFESSIONAL SERVICES	3,205.28		
700.225 · POLICE LAUNDRY & DRY CLEANING	10.00		
700.229 · POLICE COURT COST & DAMAGES	100.00		
700.230 · POLICE CONTRACTED SERVICES	257.60		
700.341 · POLICE SUPPLIES & MATERIALS	3,102.44	0.00	3,102.44
700.343 · POLICE FUEL, OIL & TIRES	2,626.72	0.00	2,626.72
700.345 · POLICE UNIFORMS	2,519.92	0.00	2,519.92
700.350 · POLICE - K-9 EXPENSES	450.72	0.00	450.72
700.459 · POLICE CAPITAL OUTLAY	0.00	0.00	0.00
706 . .106 - FIREMEN RETIREMENT EXPEN	8,765.29		
706.103 · FIRE DEPT SALARIES & WAGES	61,048.29	450,276.00	-389,227.71
706.104 · FIRE DEPT PAYROLL TAXES	2,004.92	0.00	2,004.92
706.105 · FIRE DEPT EMPLOYEE INSURANCE	0.00	0.00	0.00
706.107 · FIRE DEPT CONTRIBUTION TO PENSI	23,206.57	0.00	23,206.57
706.114 · FIRE DEPARTMENT VFD INSURANCE	14,720.13		
706.211 · FIRE DEPT TELEPHONE	1,779.46		
706.213 · FIRE DEPT UTILITIES ELECTRIC	3,664.88		
706.216 · FIRE DEPT EQUIP MAINT	2,266.91		
706.217 · FD VEHICLE MAINTENANCE	4,089.60		
706.230 · FIRE DEPT CONTRACTED SERVICES	716.11	0.00	716.11
706.250 · FIRE DEPT GAS UTILITY	2,465.25		
706.251 · FIRE DEPT WATER	494.23		
706.252 · FIRE DEPT SANITARY SEWAGE	212.44		
706.255 · FIRE DEPARTMENT WIRELESS PHONE	783.25		
706.341 · FD MATERIAL & SUPPLIES	1,867.29		
706.343 · FIRE DEPT GAS & OIL	1,937.25		
706.345 · FIRE DEPT UNIFORMS	770.27		
706.458 · FD CAPITAL OUTLAY OTHER IMP	8,661.84		
706.459 · FD CAPITAL OUTLAY AUTO/EQUIP	26,971.89		
711.230 · COMM. CENTER 911 CONTRACTED SER	33,000.00	0.00	33,000.00
715.213 · FIRE HYDRANTS - UTILITIES	235.73	7,000.00	-6,764.27
715.251 · FIRE HYDRANT WATER UTILITY	4,149.87		
750.101 · STREETS & HWY OFFICAL'S SALARIE	0.00	368,510.00	-368,510.00
750.103 · STREETS & HWY SALARIES & WAGES	58,527.61	0.00	58,527.61
750.104 · STREETS & HWY PAYROLL TAX	4,317.15	0.00	4,317.15
750.105 · STREETS & HWY EMPL INSURANCE	0.00	0.00	0.00
750.106 · STREETS & HWY RETIREMENT EXPENS	0.00	0.00	0.00
750.213 · STREETS & HWY UTILITIES			
750.250 · STREET DEPT GAS UTILITY	4,699.01		
750.213 · STREETS & HWY UTILITIES - Other	2,240.39	0.00	2,240.39
Total 750.213 · STREETS & HWY UTILITIES	6,939.40	0.00	6,939.40
750.215 · STREETS & HWY BLDG & GROUNDS	150.00	0.00	150.00
750.216 · STREETS & HWY M & R EQUIPMENT	4,073.84	0.00	4,073.84
750.217 · STREETS & HWY M & R AUTOS & TRU	13,725.96	0.00	13,725.96
750.218 · STREETS & HWY POSTAGE	31.30		
750.219 · STREETS & HWY BLDG & EQUIP RENT	753.25	0.00	753.25
750.221 · STREETS & HWY TRAINING & ED	0.00	0.00	0.00
750.222 · STREETS & HWY DUES & SUBS	268.65		
750.225 · STREETS & HWY LAUNDRY & DRY CLE	599.64		
750.226 · STREETS & HWY INSURANCE & BOND	250.00		
750.229 · STREET DEPT COMPUTER SRVICES	1,464.83		
750.230 · STREETS & HWY CONTRACTED SERVIC			
750.231 · STREETS & HWY TREE REMOVAL	2,048.13		
750.232 · STREET DEPT CHRISTMAS LIGHTS	1,482.20		
750.612 · STREET DEPT WINTER CONTR SERVIC	0.00		
750.230 · STREETS & HWY CONTRACTED SERVIC - Other	1,873.87	0.00	1,873.87
Total 750.230 · STREETS & HWY CONTRACTED SERVIC	5,404.20	0.00	5,404.20
750.251 · STREET DEPT WATER	2,887.59		
750.252 · STREET DEPT SANITARY SEWAGE	1,414.75		
750.341 · STREETS & HWY SUPPLIES & MAT			
Paving Pot holes	0.00		
750.600 · STREET DEPT HOT MIX ASPHALT			
750.602 · SEWER CUTS AND REPAIR	344.31		
750.600 · STREET DEPT HOT MIX ASPHALT - Other	13,198.56		
Total 750.600 · STREET DEPT HOT MIX ASPHALT	13,542.87		
750.601 · STREET DEPT STONE	2,541.82		
750.610 · STREET DEPT WINTER SALT	6,903.60		
750.620 · STREET DEPT STREET SIGNS	1,470.00		
750.341 · STREETS & HWY SUPPLIES & MAT - Other	34,923.73	0.00	34,923.73
Total 750.341 · STREETS & HWY SUPPLIES & MAT	59,382.02	0.00	59,382.02
750.342 · STORMWATER DRAIN REPAIR/REPLACE	32,113.41	0.00	32,113.41

CITY OF WESTON
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July 2020 through June 2021

	Jul '20 - Jun 21	Budget	\$ Over Budget
750.343 · STREETS & HWY FUEL, OIL & TIRES	6,257.79	0.00	6,257.79
750.345 · STREET DEPT UNIFORMS	351.82		
750.615 · STREET DEPT DISPOSAL	485.93		
751.213 · STREET LIGHTS UTILITIES	44,782.44	63,000.00	-18,217.56
752.213 · SIGNS & SIGNALS UTILITIES	1,230.49	2,500.00	-1,269.51
753.000 · STREETS SNOW REMOVAL	0.00	15,000.00	-15,000.00
755.230 · Street Const-Contracted Svcs	0.00	175,000.00	-175,000.00
903.000 · NON GRANT EXPENSES FROM DONATIO CITY PARKS	600.00		
FAIRS AND FESTIVALS	400.00		
Total 903.000 · NON GRANT EXPENSES FROM DONATIO	1,000.00		
920.002 · WV CULTURE & HISTORY GRANT	1,188.00		
950.230 · BEAUTIFICATION-CONTRACTED SVCS	0.00	500.00	-500.00
950.341 · BEAUTIFICATION-SUPPLIES	2,632.41	0.00	2,632.41
950.700 · BEAUTIFICATION HALLOWEEN CONT	175.00		
952.230 · CEMETERIES CONTRACTED SERVICES	6,800.00	0.00	6,800.00
977.000 · STREET DEPT-S/T CAP IMPROVEMENT	0.00	255,843.00	-255,843.00
977.001 · 4TH ST BRIDGE OVER POLK REPLACE	134,392.46		
Total Expense	1,771,124.69	2,535,947.00	-764,822.31
Net Ordinary Income	486,358.82	-138,674.99	625,033.81
Net Income	486,358.82	-138,674.99	625,033.81

April Report 2021

Street Department

- Stacked bricks on pallets for the Weston Democrat for the volunteer work on Bank Alley that is going to take place
- Painted lines for the building inspector
- Blacktopped Sewer Cuts for the Sanitation Department
- Blacktopped Storm Water Cut on Central Drive
- Purchased new pressure washer and cleaned all vehicles and equipment
- Built a new spreader rack for salt spreaders then proceeded to take down the plow trucks for the year
- Cut grass on the City Lots
- Annual Spring Cleanup
- We graveled the alley behind Brooke Street, Shady Drive, and Franklin St, and upper 11th street
- Cleaned the ditch along Montgomery Alley and Harrison Avenue
- Rebuilt Drop Inlets on 4th Street, Bennett Avenue and Harrison Avenue, and at the City Lot.
- Had a windshield put on the white GMC by Safelite
- Sprayed weedkiller on Polk Creek Water Channel, Curbs, Riverbank under hand rail, along parking curbs in the City Lot, and ditches
- Fixed a sink hole from an abandoned drain line in the alley behind Locust Avenue.
- Helped the Department of Highways remove the light poles at 1st and Main
- Weekly Trash Duty



Chief of Police Josh Thomas
102 West Second Street
Weston, WV 26452

Telephone: 304-269-3207
Fax: 304-269-6128
Email: jpthomas@cityofwestonwv.com

**April 2021
Criminal Investigations**

Misdemeanors:

Felonies:

<p>2 – Destruction of Property 04/03/21 – Open 04/19/21 – Open 1 – Possession Cont. substance 04/06/21 – Arrested 1 – Petit Larceny 04/09/21 – Open 2 – Driving Suspended 04/16/21 – Arrested 1 – Petit Larceny 04/19/21 – Open 1 – Driving under the influence 04/28/21 – Arrested</p>	<p>1 – Child Neglect 04/09/21 – Open 1 – Breaking and Entering 04/20/21 – Arrested/Open 1 – Grand Larceny 04/20/21 – Arrested/Open 1 – Federal Firearms Violation (zip gun) 04/23/21 – Open</p>
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Investigations carried over from previous month(s):

- 01/11/21 – Burglary/Grand Larceny – Arrested
- 01/22/21 – Fraudulent Use of Access Device – Open
- 02/05/21 – Petit Larceny – Open
- 02/09/21 – Petit Larceny – Open
- 02/14/21 – Petit Larceny – Open
- 03/02/21 – Grand Larceny – Open
- 03/02/21 – Child Neglect – Open
- 03/07/21 – Breaking and Entering and DOP – Open
- 03/19/21 – Destruction of Property - Open
- 03/27/21 – (Child) Sexual Abuse – Open

Weston Police Department Individual Monthly Activity Log

Year: 2021

Name: Thomas

ACTIVITY LOG				DAILY TOTALS										
MONTH	TOTAL HOURS	CALLS	# OF PERSONS ARRESTED	ARRESTS		ROAD VIOLATIONS		REPORTS		S & A HOURS	POLICE HOURS		SPECIALTY HOURS	OTHER HOURS
				Misdemeanor	Felony	Warnings	Citations	Criminal	Accident		PATROL	CI		
January	553.5	123	8	5	5	67	3	15	6	86.5	146	205.5	25	90.5
February	652	105	4	3	5	101	5	6	1	86	217	203	7	139
March	595.5	125	13	14	10	96	13	12	13	95	201	184.5	9.5	105.5
April	773	135	5	4	1	167	21	9	5	142	188	259	25	159
May														
June														
July														
August														
Sept.														
October														
Nov.														
Dec.														
TOTALS	2574	488	30	26	21	431	42	42	25	409.5	752	852	66.5	494



WESTON FIRE DEPARTMENT
 REPORT FOR THE MONTH OF
 April 2021
 "On the job 'til the job is done"



TOTAL CALLS
TOTAL MEETINGS & DRILLS
TOTAL CALLS INSIDE THE CITY
TOTAL CALLS OUTSIDE THE CITY

75
5
55
20

74%
20%

TOTAL MUTUAL-AID CALLS
ASSISTS TO JACKSONS MILL
ASSISTS TO JANE LEW
ASSISTS TO MIDWAY
ASSISTS TO PRICETOWN
ASSISTS TO WALKERSVILLE
ASSISTS TO THE SQUAD

1
0
1
0
0
0
51

FROM
FROM
FROM
FROM
FROM
FROM

0
2
0
3
1
0

OUT OF COUNTY CALLS
PAID MAN LEFT THE CITY
TOTAL MILES
TOTAL APPARATUS HOURS
TOTAL MAN HOURS
TOTAL LOSS IN THE CITY
TOTAL LOSS OUTSIDE THE CITY
BURNING PERMITS ISSUED
MVC's INSIDE THE CITY
MVC's OUTSIDE THE CITY
WORKING STRUCTURE FIRES
WORKING AUTO FIRES
WORKING BRUSH FIRES
WORKING FIRES, OTHER

0
1
299
34
178.97
\$0
\$0
32
1
6
0
0
1
0

SAVED
SAVED

\$0
\$0

ADDITIONAL REMARKS

Attended fire department meeting and drills
 attended all department head meeting excepts one
 attended county fire association meeting pricetown fire dept
 attended chiefs meeting pricetown fire dept
 Worked on ISO information for fire dept

Have Billed out \$2900 dollars for City MVC so far have collected \$510.00 dollars from 3/15/2021 thru 4/26

Weston Fire Dept.

Copy of Fire and EMS Combined List by Incident Num

Alarm Date Between {04/01/2021} And {04/29/2021}
and District = "1B "

Incident	Type	Date	Location	Description
21-0000250-0	FIRE	04/02/2021	101 MM Interstate 79	Dispatched & cancelled en
21-0000251-0	FIRE	04/02/2021	101 MM Interstate 79	Motor Vehicle Accident with
21-0000259-0	FIRE	04/05/2021	US Highway 33 E & Market Place Mall	Motor Vehicle Accident with
21-0000266-0	FIRE	04/06/2021	93 MM Interstate 79	Motor Vehicle Accident with
21-0000271-0	FIRE	04/08/2021	95 MM Interstate 79 /North Bound	Motor Vehicle Accident with
21-0000273-0	FIRE	04/08/2021	US Highway 19 S & Goosepen RD	Brush or brush-and-grass
21-0000274-0	FIRE	04/08/2021	823 LB Elliot RD	Medical assist, assist EMS
21-0000279-0	FIRE	04/11/2021	147 Forinash RD	Medical assist, assist EMS
21-0000284-0	FIRE	04/13/2021	205 Minuteman DR	Service Call, other
21-0000286-0	FIRE	04/14/2021	832 Loveberry RD	Power line down
21-0000287-0	FIRE	04/15/2021	65 Old Route 33	Dispatched & cancelled en
21-0000293-0	FIRE	04/18/2021	22 Quarry Glen /101	Dispatched & cancelled en
21-0000298-0	FIRE	04/20/2021	Quarry Glen /101	Medical assist, assist EMS
21-0000300-0	FIRE	04/21/2021	8000 US Highway 33 E	Motor Vehicle Accident with
21-0000308-0	FIRE	04/24/2021	US Highway 33 E & Georgetown RD	Motor vehicle accident with
21-0000316-0	FIRE	04/27/2021	205 Minuteman DR	Public service assistance,

Total Incident Count 16

Weston Fire Dept.

Copy of Fire and EMS Combined List by Incident Num

Alarm Date Between {04/01/2021} And {04/29/2021}
and District = "1A "

Incident	Type	Date	Location	Description
21-0000246-0	FIRE	04/01/2021	650 Craig ST	Medical assist, assist EMS
21-0000247-0	FIRE	04/01/2021	277 Rada AVE	Medical assist, assist EMS
21-0000248-0	FIRE	04/01/2021	E 4th ST & Main AVE	Motor Vehicle Accident with
21-0000252-0	FIRE	04/02/2021	124 E 1st ST /701	Medical assist, assist EMS
21-0000253-0	FIRE	04/02/2021	112 McGary AVE	Medical assist, assist EMS
21-0000254-0	FIRE	04/03/2021	122 Montgomery RD	Medical assist, assist EMS
21-0000255-0	FIRE	04/03/2021	244 W 2nd ST	Medical assist, assist EMS
21-0000256-0	FIRE	04/03/2021	309 Broad ST	Medical assist, assist EMS
21-0000257-0	FIRE	04/05/2021	650 Craig ST /207	Medical assist, assist EMS
21-0000258-0	FIRE	04/05/2021	238 Depot ST	Medical assist, assist EMS
21-0000261-0	FIRE	04/05/2021	210 Broad ST	Service Call, other
21-0000262-0	FIRE	04/05/2021	115 Burnside AVE	Medical assist, assist EMS
21-0000263-0	FIRE	04/05/2021	112 McGary AVE	Medical assist, assist EMS
21-0000264-0	FIRE	04/06/2021	111 Main AVE /1	Medical assist, assist EMS
21-0000265-0	FIRE	04/06/2021	444 Delaware AVE	Medical assist, assist EMS
21-0000267-0	FIRE	04/06/2021	104 Bank ST	Dispatched & cancelled en
21-0000268-0	FIRE	04/06/2021	311.5 Main AVE	Medical assist, assist EMS
21-0000269-0	FIRE	04/07/2021	1208 12th ST	Medical assist, assist EMS
21-0000270-0	FIRE	04/07/2021	250 Court AVE	Medical assist, assist EMS
21-0000272-0	FIRE	04/08/2021	401 John ST /Weston Arbors/Lobby	Medical assist, assist EMS
21-0000275-0	FIRE	04/09/2021	466 Jacob ST	Medical assist, assist EMS
21-0000276-0	FIRE	04/09/2021	658 Locust AVE	Medical assist, assist EMS
21-0000277-0	FIRE	04/09/2021	250.5 W 2nd ST	Medical assist, assist EMS
21-0000278-0	FIRE	04/09/2021	865 Terrace AVE	Medical assist, assist EMS
21-0000280-0	FIRE	04/12/2021	773 W 2nd ST	Medical assist, assist EMS
21-0000281-0	FIRE	04/12/2021	358 Court AVE /RLBMS	Medical assist, assist EMS
21-0000282-0	FIRE	04/13/2021	124 E 1st ST /610	Medical assist, assist EMS
21-0000283-0	FIRE	04/13/2021	122 Court AVE	Medical assist, assist EMS
21-0000285-0	FIRE	04/14/2021	650 Craig ST /307	Medical assist, assist EMS
21-0000288-0	FIRE	04/16/2021	177 Circle DR	Medical assist, assist EMS
21-0000289-0	FIRE	04/16/2021	307 N River AVE	Medical assist, assist EMS
21-0000290-0	FIRE	04/17/2021	346 Spring ST	Medical assist, assist EMS
21-0000291-0	FIRE	04/17/2021	55 Dolan Mobile Home PARK	Medical assist, assist EMS
21-0000292-0	FIRE	04/17/2021	433 Charles ST	Medical assist, assist EMS
21-0000294-0	FIRE	04/19/2021	177 Circle DR	Medical assist, assist EMS
21-0000295-0	FIRE	04/19/2021	420 W 2nd ST	No Incident found on arrival

Weston Fire Dept.

Copy of Fire and EMS Combined List by Incident Num

Alarm Date Between {04/01/2021} And {04/29/2021}
and District = "1A "

Incident	Type	Date	Location	Description
21-0000296-0	FIRE	04/20/2021	251 W 2nd ST	Medical assist, assist EMS
21-0000297-0	FIRE	04/20/2021	407 Court AVE	Medical assist, assist EMS
21-0000299-0	FIRE	04/21/2021	177 Circle DR	Medical assist, assist EMS
21-0000301-0	FIRE	04/21/2021	104 Court AVE	Medical assist, assist EMS
21-0000302-0	FIRE	04/21/2021	650 Craig ST	False alarm or false call,
21-0000303-0	FIRE	04/21/2021	138 Main AVE	Medical assist, assist EMS
21-0000304-0	FIRE	04/22/2021	147 Jackson ST	Medical assist, assist EMS
21-0000305-0	FIRE	04/23/2021	613 Broad ST	Medical assist, assist EMS
21-0000307-0	FIRE	04/24/2021	Market Place Mall	Dispatched & cancelled en
21-0000309-0	FIRE	04/24/2021	Market Place Mall	Dispatched & cancelled en
21-0000310-0	FIRE	04/24/2021	124 E 1st ST /Criss Manor/104	Medical assist, assist EMS
21-0000311-0	FIRE	04/25/2021	700 W 2nd ST	Medical assist, assist EMS
21-0000312-0	FIRE	04/25/2021	244 W 2nd ST /2	Medical assist, assist EMS
21-0000313-0	FIRE	04/26/2021	244 W 2nd ST /3	Medical assist, assist EMS
21-0000314-0	FIRE	04/26/2021	111 Main AVE	Medical assist, assist EMS
21-0000315-0	FIRE	04/27/2021	346 Spring ST	Medical assist, assist EMS
21-0000317-0	FIRE	04/27/2021	7 Kitson ST	Medical assist, assist EMS
21-0000318-0	FIRE	04/27/2021	251 W 2nd ST	Medical assist, assist EMS
21-0000319-0	FIRE	04/28/2021	205 W 4th ST	Medical assist, assist EMS

Total Incident Count 55

Weston Fire Dept.

Aid Responses by Department (Summary)

Alarm Date Between {04/01/2021} And {04/29/2021}

Type of Aid	Count
2 Jane Lew Volunteer Fire Department	
Mutual aid received	1
Automatic aid received	1
Mutual aid given	1
	<hr/>
	3
3 Pricetown Volunteer Fire Department	
Mutual aid received	1
Automatic aid received	2
	<hr/>
	3
4 Walkersville Volunteer Fire Department	
Mutual aid received	1
	<hr/>
	1
8 Lewis County Emergency Ambulance Authority	
Mutual aid received	1
Mutual aid given	3
Automatic aid given	47
	<hr/>
	51

Weston Fire Dept.

Incident Type Report (Summary)

Alarm Date Between {04/01/2021} And {04/29/2021}
and District = "1B "

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
142 Brush or brush-and-grass mixture fire	1	6.25%	\$0	0.00%
	<u>1</u>	<u>6.25%</u>	<u>\$0</u>	<u>0.00%</u>
3 Rescue & Emergency Medical Service Incident				
311 Medical assist, assist EMS crew	3	18.75%	\$0	0.00%
322 Motor vehicle accident with injuries	1	6.25%	\$0	0.00%
324 Motor Vehicle Accident with no injuries	5	31.25%	\$0	0.00%
	<u>9</u>	<u>56.25%</u>	<u>\$0</u>	<u>0.00%</u>
4 Hazardous Condition (No Fire)				
444 Power line down	1	6.25%	\$0	0.00%
	<u>1</u>	<u>6.25%</u>	<u>\$0</u>	<u>0.00%</u>
5 Service Call				
500 Service Call, other	1	6.25%	\$0	0.00%
550 Public service assistance, Other	1	6.25%	\$0	0.00%
	<u>2</u>	<u>12.50%</u>	<u>\$0</u>	<u>0.00%</u>
6 Good Intent Call				
611 Dispatched & cancelled en route	3	18.75%	\$0	0.00%
	<u>3</u>	<u>18.75%</u>	<u>\$0</u>	<u>0.00%</u>
Total Incident Count:	16		Total Est Loss:	\$0

Weston Fire Dept.

Incident Type Report (Summary)

Alarm Date Between {04/01/2021} And {04/29/2021}
and District = "1A "

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
3 Rescue & Emergency Medical Service Incident				
311 Medical assist, assist EMS crew	48	87.27%	\$0	0.00%
324 Motor Vehicle Accident with no injuries	1	1.81%	\$0	0.00%
	<u>49</u>	<u>89.09%</u>	<u>\$0</u>	<u>0.00%</u>
5 Service Call				
500 Service Call, other	1	1.81%	\$0	0.00%
	<u>1</u>	<u>1.81%</u>	<u>\$0</u>	<u>0.00%</u>
6 Good Intent Call				
611 Dispatched & cancelled en route	3	5.45%	\$0	0.00%
622 No Incident found on arrival at dispatch	1	1.81%	\$0	0.00%
	<u>4</u>	<u>7.27%</u>	<u>\$0</u>	<u>0.00%</u>
7 False Alarm & False Call				
700 False alarm or false call, Other	1	1.81%	\$0	0.00%
	<u>1</u>	<u>1.81%</u>	<u>\$0</u>	<u>0.00%</u>
Total Incident Count:	55		Total Est Loss:	\$0



MIKE STARETT AGENDA

14 DOOR WARNINGS

11 CITIZEN COMPLAINTS

21 BUILDING PERMITS

4 BUSINESS LICENSES

ALL VACANT HOUSES AND DILAPIDATED STRUCTURES ARE FINISHED IN ALL WARDS, WILL START PUTTING THEM ON GIS AND MAKE A MAP OF CITY TO SHOW WHERE HOUSES ARE ON THE STREETS.

WORKING WITH FAMILY DOLLAR STORE ON DAILY BASIS GETTING CONTRACTORS AND SUB CONTRACTORS SIGNED UP WITH CITY LICENSES & BUILDING PERMITS THAT ARE NEEDED.

FINISHING UP ON LAST SIGN THROUGHOUT CITY FOR TWO HOUR PARKING, HAVING HANDICAP SIGN MADE FOR MAIN STREET.

WORKING ON VACANT COMMERCIAL BUILDINGS TO PUT ON OUR WEB SITE.

TALK ABOUT DILAPIDATED & BURNT HOUSES

9. Old Business



February 18, 2021

Mr. Nate Stansberry, City Manager
City of Weston
102 West 2nd Street
Weston, West Virginia 26452

Dear Mr. Stansberry:

Subject: Proposal for Professional Engineering Services
Mid Avenue Landslide Repair
Weston, West Virginia
CEC Project 311-255

Civil & Environmental Consultants, Inc. (CEC) presents our proposal to provide the City of Weston (City) with professional geotechnical engineering services related to landslide repair located along Mid Avenue in Weston, West Virginia. The following sections of this proposal include background information, purpose, scope of services, estimated costs, invoicing and contract, schedule, and closing remarks. CEC's proposal is based on our project understanding following a site visit February 17, 2021, and our past experience on similar sites.

1.0 BACKGROUND

Based on our site meeting with you on February 17, 2021, CEC has been asked to prepare and submit a proposal for preliminary geotechnical engineering for the landslide located at Mid Avenue, Weston, West Virginia at an approximate Latitude of 39.048445° and Longitude of -80.466627° (NAD83).

2.0 PURPOSE

CEC visited the site and observed the landslide on February 17, 2021. The purpose of the visit was to familiarize ourselves with the site and to develop preliminary opinions for repairing the landslide. Based on our observations, it appears that the landslide at Mid Avenue originated at the downslope edge of Mid Avenue, likely fueled by infiltration of storm water runoff. Downslope of Mid Avenue, the hillside steeply slopes down to North River Avenue. Observations from North River Avenue indicate the road was excavated into bedrock on a bench above the stream, and an exposed rock face extends upward approximately 40 feet toward Mid Avenue. It appears that some of the slide mass from Mid Avenue did go over the rock face and onto North River Avenue. CEC understands that the City of Weston tried to repair the landslide by overexcavation of the slide mass and replacement with rock fill. At the time of the overexcavation, water was encountered and a drain was placed at the base of the new fill.

Other methods of remediation must be considered as the rock fill appears unstable and additional slope movement has been observed. CEC believes it may be possible to rebuild the section of

roadway through construction of a 1H:1V reinforced soil slope. A 2H:1V slope may be considered dependent upon the subsurface evaluation and site constraints. The purpose of CEC's services is to perform geotechnical subsurface exploration at the site to obtain information concerning material type, depth of groundwater, and depth to suitable material for landslide remediation, and to corroborate our preliminary field opinions.

3.0 SCOPE OF SERVICES

CEC proposes the following scope of services to achieve the above-stated purpose:

3.1 Planning, Coordination, HASP and Initial Assessment

CEC will plan, coordinate, and execute the office and field work. CEC representatives have already visited the site, assessed the existing landslide conditions, and developed preliminary landslide remediation approaches, as described in Section 2.0. Based on the findings of the subsurface exploration, these approaches could change if another option is deemed more feasible. A site-specific Health and Safety Plan (HASP) will be generated for the safety of CEC representatives working at the site. The HASP will be used for all field work involved with the project.

3.2 Surveying

CEC will provide the following survey services:

- CEC will provide a two-person survey crew to obtain the topographic survey and planimetric features, including guard rail/posts, visible utilities and other physical features that may be impacted by the slide remediation. CEC will also locate the existing underground utilities based upon surface evidence and mapping/markings as obtained through the placement of a utility line notification through an 811 Utility Ticket.
- CEC will utilize tax parcel property line shape files for the City and these property lines will be the basis of the property information shown on the plans. CEC will rely on this tax parcel information with the understanding that CEC will not be held liable for the accuracy of the tax parcel information, nor will CEC be held liable for conflicts that arise due wholly or in part to inaccuracies associated with said information.
- CEC will provide the services of a Professional Surveyor for survey project management and overall survey quality control.
- CEC will provide the services of survey office staff to prepare the surveying base map plan and provide project deliverables, including 1' contour and a topographic base map to be utilized for design.
- CEC will set two (2) 5/8 inch by 30 inch rebar control points at each site and supply the Northing, Easting, and Elevation to the client for use during construction layout.
- Horizontal Coordinates will be supplied in WV State Plane North Zone and the Vertical Datum will be NAVD 88.

3.3 Geotechnical Engineering

Test Boring Location Stakeout

CEC will stake the test boring locations in the field on the day of the proposed drilling. CEC will provide notification to the City of Weston when the test borings will be staked so that all the parties involved can agree on drilling locations and access conditions and constraints. Preliminary locations have already been discussed during the site visit.

Drilling

CEC understands that the City of Weston will close the street for the drilling operations. Therefore, a flagging crew will not be necessary. CEC will subcontract with a drilling contractor to perform the test borings. CEC proposes drilling up to three (3) test borings at the site. Two (2) of the test borings are expected to be performed at the top of the landslide within the outside lane of Mid Avenue. 10 feet of rock core will be obtained from each boring upon auger refusal depth. A third boring will be advanced near the center of the slide as close to the ditch as safely allowed due to overhead power lines on that side of the street. Each test borings will be backfilled with grout at the end of drilling operations. If boreholes are advanced through asphalt on Mid Avenue, they will be topped with an asphalt patch.

Monitor Test Borings or Test Borings and Log Samples

CEC will provide a qualified representative to monitor the test borings, and observe the materials encountered, prepare field logs, and make modifications to the exploration program, if necessary. Our representative will obtain water levels during and after drilling. Our representative's field logs will be computer-generated on 8-1/2 by 11-inch sheets in graphical format and included in our preliminary report.

Analysis & Geotechnical Letter Report

CEC will prepare a geotechnical letter report documenting the results of the test drilling, perform geotechnical analysis based on the data obtained, and develop conclusions on the site bedrock and groundwater conditions. The data obtained, as well as our recommendations for a remediation, will be provided in a letter report. One pdf copy of the report will be provided to the City of Weston.

3.4 Project Management

CEC will provide project management, which will include two (2) telephone consultations or meetings as requested by the City. In addition, project management will include development of a HASP as well as monitoring and control of project budget and schedule. The cost in this proposal is presented as an allowance. CEC will contact you for authorization of additional fees, if required.

4.0 ESTIMATED COSTS AND INVOICING

Project Management and HASP	\$500
Surveying	\$1,500
Drilling*	\$3,900
Field Monitoring of Test Borings and Preparation of Logs.....	\$1,000
Analysis and Letter Report	<u>\$2,000</u>
Estimated Total Cost	\$8,900

*Due to the uncertainty of the depth to bedrock, CEC has assumed 80 feet of soil drilling and 20 feet of rock coring in the preparation of this proposal. It is assumed that the city will close the street and that the drilling can be completed in one day. If the work is slowed due to unmarked utilities or other delays, the estimated fee may increase if a standby fee is charged. CEC proposes to perform the drilling task on a time and materials basis using the following unit rates:

- Drill Rig Mobilization (1 track rig at \$1,100/each)
- Soil Drilling (\$22.00/LF)
- Rock Coring (\$38.50/LF)
- Asphalt Patching (\$50)
- Slurry Backfill Fee (\$8.80/LF)
- Standby or Delays Caused by Others (\$275/hour)

Reimbursable and subcontracted services (drilling) will be invoiced at cost plus a 10% administrative fee which is included in our fees. The total fee for each item may vary based on the actual quantity needed to complete the work. Invoicing of CEC’s professional services will be on a time and materials basis.

The attached Terms and Conditions will apply to the provided services. Your oral or written authorization to proceed will form a binding contract and indicates acceptance of these terms. Any changes to the agreement must be agreed to in writing by both parties.

5.0 SCHEDULE

CEC has visited the site and has estimated a preliminary repair approach as discussed above. CEC can begin work immediately upon your notice to proceed. Currently, the drilling contractor’s schedule requires less than a week to mobilize. While waiting to mobilize the drill rig, the borings will be marked/staked and a West Virginia 811 utility location notice will be placed as required by state law. Two working days are required for the 811 request to clear the marked/staked test boring locations prior to drilling.

The drilling will take approximately one (1) to two (2) days to complete and the report can be completed within one (1) to two (2) weeks of completing the drilling. CEC can work with you to provide preliminary results and information if required to meet a compressed schedule.

6.0 CLOSING REMARKS

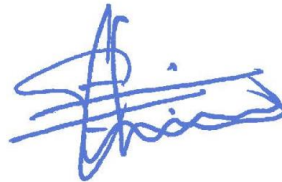
CEC appreciates this opportunity to be of service to the City of Weston. We look forward to working with you toward the successful completion of this project.

Very truly yours,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Jane Hicks
Senior Project Manager



Kow Eshun, P.E.
Principal

Attachment: Terms and Conditions



1. AGREEMENT

The following terms and conditions ("TERMS") shall apply to and are an integral part of the attached proposal ("PROPOSAL") between Civil & Environmental Consultants, Inc. ("CEC") and the client ("CLIENT") named in the attached PROPOSAL. CLIENT's acceptance of the PROPOSAL includes acceptance of these TERMS. CEC rejects any terms and conditions proposed by the CLIENT that materially alter these TERMS. Acceptance of this PROPOSAL, including acceptance of the TERMS shall form the entire agreement between the parties ("AGREEMENT"). In the event of a conflict or inconsistency between these TERMS and the PROPOSAL, these TERMS shall take precedence. Acceptance of the AGREEMENT by CLIENT will occur when CLIENT directs CEC, orally or in writing, to commence performance of its services.

2. STANDARD OF CARE

CEC shall perform its services consistent with the professional skill and care ordinarily provided by professionals, such as CEC, practicing in the same or similar locality under the same or similar circumstances and in effect at the time of performance. CEC provides no warranties or guarantees whether express or implied.

3. SITE ACCESS, SITE CONDITIONS AND SUBSURFACE FEATURES

CLIENT will grant or obtain free access to the site for all equipment and personnel for CEC to perform the services set forth in this AGREEMENT. CEC will take reasonable precautions to limit damage to the site, but it is understood by CLIENT that, in the normal course of the services, some damage may occur and the correction of such damage is not part of this AGREEMENT unless so specified in the PROPOSAL.

The CLIENT is responsible for the accuracy of locations for all subsurface structures and utilities. CEC will take reasonable precautions to avoid known subsurface structures, and the CLIENT waives any claim against CEC, and agrees to defend, indemnify, and hold CEC harmless from any claim or liability for injury or loss, including costs of defense, arising from damage done to subsurface structures and utilities not identified or accurately located. In addition, CLIENT agrees to reimburse CEC for time and expenses incurred by CEC in defense of any such claim based upon CEC's current fee schedule and expense reimbursement policy.

CEC may, but is not required to, undertake an investigation to locate any utilities, structures or materials as CEC deems prudent. Such investigation by CEC shall not impose any additional obligation or liabilities on CEC and CLIENT agrees that such investigation, if undertaken, is for CEC's convenience only.

The CLIENT recognizes that subsurface conditions may vary from those observed at locations where borings, surveys, or explorations are made, and that site conditions may change with time. Data, interpretation, and recommendations by CEC will be based solely on information available to CEC. CEC is responsible for the data, interpretations, and recommendations based on its services, but will not be responsible for other parties' interpretations or use of the information developed.

4. BIOLOGICAL POLLUTANTS, HAZARDOUS MATERIALS AND HAZARDOUS CONDITIONS

CLIENT warrants that a reasonable effort to investigate and inform CEC of known or suspected Biological Pollutants, Hazardous Materials and hazardous conditions on or near the site has been made by the CLIENT. The term "Biological Pollutants" includes, but is not limited to, molds, fungi, spores, bacteria, and viruses, and the by-product of any such biological organisms. The term "Hazardous Materials" shall mean any toxic substances, chemicals, pollutants, or other materials, in whatever form or state, including but not limited to smoke, vapors, soot, fumes, acids, alkalis, minerals, toxic chemicals, liquids, gases or any other material, irritant, contaminant or pollutant, that is known or suspected to adversely affect the health and safety of humans or of animal or plant organisms, or which are known or suspected to impair the environment in any way whatsoever. Hazardous Materials shall also include, but not be limited to, those substances defined, designated, or listed in Section 404 of the Solid Waste Disposal Act (42 USC Subsection 6903); Section 9601(14) of the Comprehensive Environmental Response, Compensation and Liability Act (42 USC Subsection 9601(14)); as listed or designated under Sections 1317 and

1321(b)(2)(a) of the Title 33 (33 USC Subsections 1317 and 1321(b)(2)(a)); or as defined, designated, or listed under any other federal, state, or local law, regulation or ordinance concerning hazardous wastes, toxic substances, or pollutants.

CEC and CLIENT agree that when unanticipated or suspected Biological Pollutants, Hazardous Materials and/or hazardous conditions are encountered it may be necessary for CEC to take immediate measures to protect health and safety. CEC agrees to immediately notify CLIENT when unanticipated or suspected Biological Pollutants, Hazardous Materials and/or hazardous conditions are encountered. CLIENT agrees to make any disclosures required by law to the appropriate governing agencies. In the event the site is not owned by CLIENT, CLIENT recognizes that it is the CLIENT's responsibility to inform the property owner of the discovery of unanticipated or suspected Biological Pollutants, Hazardous Materials and/or hazardous conditions.

Notwithstanding any other provision of the AGREEMENT, CLIENT waives any claim against CEC, and to the maximum extent permitted by law, agrees to defend, indemnify, and hold CEC harmless from any claim, liability, and/or defense costs for injury or loss arising from CEC's discovery of unanticipated or suspected Biological Pollutants, Hazardous Materials and/or hazardous conditions. CLIENT will be responsible for ultimate disposal of any samples secured by CEC which are found to be contaminated with Biological Pollutants and/or Hazardous Materials.

Nothing contained in this AGREEMENT shall be construed or interpreted as requiring CEC to assume liability for the generation, transportation, treatment, storage and/or disposal of hazardous waste within the meaning of the Resource Conservation and Recovery Act of 1976, as amended, or within the meaning of any similar federal, state, or local regulation or law.

If during remediation and/or construction activities waste manifests are required, CLIENT shall provide an authorized person to sign manifests or will provide CEC with a written limited power of attorney or agency agreement to sign manifests on CLIENT'S behalf.

5. EVOLVING TECHNOLOGIES

Services such as those provided by CEC may involve technologies which are new or emerging and these technologies may supersede current techniques. In addition, standards for our services, including statutes and regulations, may change with time. CLIENT understands that CEC's recommendations and/or services must be based upon the current Standard of Care utilizing established technologies and standards excluding new or emerging technologies unless agreed to by both parties in writing.

6. SAMPLE DISPOSAL

CEC will provide storage for samples collected for sixty (60) days. Further storage or transfer of samples can be made at CLIENT's expense and upon prior written request.

7. SAFETY/CONSTRUCTION OBSERVATION

CLIENT, its contractor or other representatives shall be solely responsible for working conditions on the site, including compliance with OSHA regulations and safety of all persons and property during the performance of the work. CEC will not be responsible for means, methods, techniques, sequences or procedures of construction including, but not limited to safety.

If CEC is retained by the CLIENT to provide a site representative for the purpose of observing specific portions of any construction work as set forth in the PROPOSAL, CEC will report observations and professional opinions. CEC's presence on the site does not in any way guarantee the completion or quality of the performance of the work by any party retained by the CLIENT to provide construction related services. CEC does not have the duty to reject or stop work of CLIENT or its agents unless contractually obligated.

8. BILLING AND PAYMENTS

8.1. General: Invoices will be submitted in accordance with the provisions outlined in the PROPOSAL. Invoices shall generally be submitted every four weeks for services performed during the previous four weeks. Payment is due from CLIENT thirty (30) days from the invoice date. Payment shall be made as follows:

Electronic Payment:
PNC Bank, Pittsburgh, PA 15222



PNC Bank Routing #043000096
CEC Account #2272405
SWIFT & BIC Code: PNCCUS33
Remittance Detail: accountsreceivable@cecinc.com

Lockbox (regular mail):
Civil & Environmental Consultants, Inc.
P.O. Box 644246
Pittsburgh, PA 15264-4246

In the event CLIENT fails to pay CEC within thirty (30) days of invoice, CLIENT agrees that CEC will have the right to suspend performance of services after seven (7) days written notice to CLIENT. CEC will be entitled to interest of one and one half percent (1.5%) per month for past due amounts. CEC will be entitled to collect for time and expenses (per CEC's current fee schedules), attorneys' fees and other costs incurred by CEC for collection of past due amounts.

Our PROPOSAL does not include gross receipts taxes, business or occupation taxes or assessments that the municipality where the project is located may assess upon CEC or its subcontractors. If such taxes are or become a liability of CEC, the CLIENT agrees to reimburse CEC at cost.

8.2. Reimbursable Expenses: Direct non-salary expenses (e.g. Travel, Equipment, Subcontractors/Vendors) will be billed according to the terms of our PROPOSAL.

8.3. Litigation Services: If litigation services are not part of the PROPOSAL to which these TERMS are attached and are requested by CLIENT, the scope and fee schedule for the requested litigation services will be identified in a separate PROPOSAL. CLIENT shall reimburse CEC for costs incurred in responding to subpoenas or other legal requests related to the services provided by CEC under this AGREEMENT.

8.4. Design Build: If CLIENT requests CEC to perform design-build services, such services will be performed in accordance with separate TERMS and a PROPOSAL for such design-build services.

9. CHANGES

9.1. Changes: Upon a change in CEC's scope of services or discovery of unforeseen conditions, or any direction or instruction outside of the PROPOSAL, CEC will provide CLIENT with the estimated cost of performing the change and any change in the AGREEMENT schedule. Prior to CEC being required to implement the change, CLIENT shall authorize the requested change either verbally or in writing amending the AGREEMENT price and schedule.

9.2. Unauthorized Changes: If changes are made in CEC work products by CLIENT or persons other than CEC, any and all liability against CEC arising out of such changes is waived and CLIENT assumes full responsibility for such changes unless CLIENT has given us prior notice and has received written consent from CEC for such changes.

10. DELAYS

Delays not due to CEC shall result in an extension of the schedule equivalent to the length of delay. If such delays result in additional costs to CEC, the AGREEMENT price shall be equitably adjusted by the amount of such additional costs.

11. INSURANCE

CEC will maintain Workmen's Compensation Insurance as required by state law and General Liability Insurance for bodily injury and property damage with a limit of \$1,000,000 per occurrence and an aggregate limit of \$2,000,000. Professional liability will be provided with a limit of \$1,000,000 per claim and \$1,000,000 in the aggregate, if applicable.

12. ALLOCATION OF RISK

12.1. Limitation of Remedies: CLIENT agrees to limit CEC's liability for any claim arising from, or alleged to arise from any acts, errors or omissions in the performance of services under this AGREEMENT, whether such claim is based in negligence, breach of contract, or other legal theory to an aggregate limit of the amount of fees paid to CEC under this AGREEMENT, or \$50,000, whichever is greater, except for CEC's willful misconduct or gross negligence.

12.2. Waiver of Consequential Damages: CEC and CLIENT agree to waive any claim against each other for consequential, incidental, special or punitive damages.

12.3. Indemnification: CEC shall indemnify and hold harmless CLIENT from and against any and all claims, damages, or liability arising from the negligent performance of services under this AGREEMENT by CEC, including injuries to employees of CEC.

13. TERMINATION

This AGREEMENT may be terminated by either party seven (7) days after written notice: i) in the event of breach of any provision of this AGREEMENT; ii) if the CLIENT suspends the work for more than three (3) months in the aggregate; or iii) for CLIENT or CEC's convenience. In the event of termination for suspension or convenience, CEC will be paid for services performed prior to the date of termination plus reasonable termination and demobilization expenses, including, but not limited to the cost of completing analyses, records and reports necessary to document job status at the time of termination.

14. DISPUTE RESOLUTION

14.1. Notice of Dispute: Within fifteen (15) days of the occurrence of any incident, act, or omission upon which a claim for relief may be based, the party seeking relief shall serve the other party with a written notice specifying the nature of the relief sought, the amount of relief sought, a description of the reason relief should be granted, and the provisions of this AGREEMENT that authorize the relief requested.

14.2. Meet and Confer: Within ten (10) days of receipt of the Notice of Dispute, the parties shall meet and confer in a good faith attempt to resolve the dispute. Participants in the meet and confer must have the authority to enter into a binding resolution on behalf of each party.

14.3. Jurisdiction and Venue: After completion of the meet and confer, either party may proceed to litigation. CEC and CLIENT agree that any court of record in Allegheny County, Pennsylvania, shall have the exclusive jurisdiction and venue over any claims relating to or arising under this AGREEMENT.

15. GOVERNING LAW

The law of the State of Pennsylvania will govern the validity of these TERMS and the AGREEMENT, their interpretation and performance. If any of the provisions contained in these TERMS and the AGREEMENT are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions will not be impaired.

16. ASSIGNMENT

CLIENT and CEC each binds itself and its successors and assigns to the other and its successors and assigns with respect to all covenants of this AGREEMENT. Neither CLIENT nor CEC shall assign, sublet or transfer any rights under or interest in this AGREEMENT without the prior written consent of the other party. This section shall not, however, apply to subrogation rights (if any) of any insurer of either party.

17. OWNERSHIP

CEC shall have title to all drawings, specifications or other documents ("WORK PRODUCT") furnished to CLIENT and intended for use in connection with projects under this AGREEMENT. CLIENT is granted a limited license to use and reproduce the WORK PRODUCT prepared by CEC for use in the execution of the project(s) under this AGREEMENT. The WORK PRODUCT is not to be used by CLIENT or other contractors, subcontractors, or material suppliers on other projects without the express written consent of CEC.

18. FILE RETENTION

Upon conclusion of the project, our file on the project will be closed and may be sent offsite for storage. Unless you make other arrangements with us, CEC reserves the right to destroy all file information seven (7) years after the project is closed.

19. SURVIVAL

In the event of termination, cancellation or avoidance of this AGREEMENT, the terms and conditions of Articles 3 (Site Access, Site Conditions and Subsurface Features), 4 (Biological Pollutants, Hazardous Materials and Hazardous Conditions), 5 (Evolving Technologies), 11 (Insurance), 12 (Allocation of Risk), 14 (Dispute Resolution), and 15 (Governing Law) shall survive termination of the AGREEMENT.

END OF TERMS

10. New Business



WELCOME TO LIVELY PARK

PARK RULES

- **PARK IS OPEN FROM DAWN TO DUSK. NO OVERNIGHT CAMPING IS PERMITTED.**
- **PARENTS ARE RESPONSIBLE FOR THE SAFETY AND SUPERVISION OF THEIR CHILDREN.**
- **PETS MUST BE ON A LEASH AT ALL TIMES. OWNERS MUST PROPERLY DISPOSE OF ALL SOLID WASTE DEPOSITED BY THEIR ANIMALS.**
- **GLASS CONTAINERS AND LITTERING ARE PROHIBITED.**
- **OPEN FIRES, BURNING OF ANY KIND, FIREWORKS, FIREARMS, AND ARCHERY ARE PROHIBITED.**

PARK RULES HAVE BEEN ESTABLISHED BY THE WESTON CITY COUNCIL. THESE RULES AND ANY ADDITIONAL ORDINANCES ADOPTED BY THE COUNCIL WILL BE ENFORCED, AS DEEMED NECESSARY. TO REPORT POSSIBLE VIOLATIONS, PLEASE CALL THE WESTON MUNICIPAL BUILDING AT (304)269-6141.

HELP US KEEP A CLEAN, BEAUTIFUL PARK!



WELCOME TO POLK CREEK PARK

PARK RULES

- **PARK IS OPEN FROM DAWN TO DUSK. NO OVERNIGHT CAMPING IS PERMITTED.**
- **PARENTS ARE RESPONSIBLE FOR THE SAFETY AND SUPERVISION OF THEIR CHILDREN.**
- **PETS MUST BE ON A LEASH AT ALL TIMES. OWNERS MUST PROPERLY DISPOSE OF ALL SOLID WASTE DEPOSITED BY THEIR ANIMALS.**
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HELP US KEEP A CLEAN, BEAUTIFUL PARK!



WELCOME TO WILLOW PARK

PARK RULES

- **PARK IS OPEN FROM DAWN TO DUSK. NO OVERNIGHT CAMPING IS PERMITTED.**
- **PARENTS ARE RESPONSIBLE FOR THE SAFETY AND SUPERVISION OF THEIR CHILDREN.**
- **PETS MUST BE ON A LEASH AT ALL TIMES. OWNERS MUST PROPERLY DISPOSE OF ALL SOLID WASTE DEPOSITED BY THEIR ANIMALS.**
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HELP US KEEP A CLEAN, BEAUTIFUL PARK!

COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue
Weston, WV 26452
Phone: (304)269-8200
Fax: (304) 269-2416
Email: lewiscountycommission@lewiscountywv.org
Website: lewiscountywv.org



COMMISSIONERS:
Rod Wyman
President
Agnes Queen
Commissioner
Bobby Stewart
Commissioner

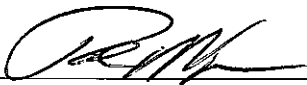
Letter of Agreement E-911 and Dispatch Services 2021-2022 Fiscal Year

Whereas the Lewis County Commission (Lewis County) and the City of Weston (Weston) have previously entered into an agreement whereby Lewis County is to provide E-911 Emergency Dispatch Service for the City of Weston (Weston). In return for collected E-911 Telephone Fees as well as other specified compensation; and whereas, this contract was executed for a one (1) year period, with the requirement to annually acknowledge a mutual desire to extend the terms of such contract; the said parties intend to so acknowledge by means of this letter of agreement.

Therefore, let it be known that Lewis County and City of Weston (Weston) hereby agree to the extension of the terms of this contract for the **2021-2022** Fiscal Year. Both parties agree and acknowledge by the acceptance of this agreement that all terms of the said original agreement are acceptable and will be abided to. Specifically, those services, which, Lewis County is to provide to the City of Weston (Weston) will be provided; and the City of Weston (Weston) will pay those fees specified in the original contract to Lewis County, in return for the service. The annual compensation paid by the City of Weston (Weston) to Lewis County over and above the collected E-911 Fees, will be a total of Thirty-Nine Thousand Six Hundred Dollars (\$39,600.00) effective beginning July 01, 2021.

Accepted this 20th day of April, 2021 by the Lewis County Commission, as attested

By:



Rod Wyman, President
Lewis County Commission

Accepted this _____ day of _____, 2021 by the City of Weston, as attested

By:

Kim Harrison, Mayor
City of Weston, Lewis County, West Virginia

Lewis County
Cynthia S. Rowan, Clerk
INSTRUMENT 189181
04/20/2021 @ 11:30:58 AM
AGREEMENT MISCELLANEOUS NO FEE
BOOK 23 @ PAGE 8
Pages Recorded 1

**AN ORDINANCE OF THE YEAR 2021 BY THE CITY OF WESTON, WEST VIRGINIA,
TO AMEND ITS TRAFFIC CODE BY REPEALING ANY AND ALL PRIOR CITY
TRAFFIC CODES AND ADOPTING THIS TRAFFIC CODE, CHAPTER 28 AS IT IS
COMMONLY KNOWN, PURSUANT TO POWERS GRANTED TO THE CITY OF
WESTON BY WEST VIRGINIA CODE §8-12-5 AND THE CHARTER OF THE CITY OF
WESTON, WEST VIRGINIA**

WHEREAS, the City of Weston, West Virginia, pursuant to the provisions of West Virginia Code §8-12-5, does regulate public streets, avenues, roads, alleys, ways, sidewalks, crosswalks, and public spaces belonging to the City of Weston; and

WHEREAS, the City of Weston has historically regulated the use of the same, also pursuant to the provisions of West Virginia Code §8-12-5, to impose traditional regulations upon the signage and use of said public streets; and

WHEREAS, the City of Weston, acting by and through its City Council as provided for by the laws of the State of West Virginia and the Charter of said City of Weston, does now desire to repeal its prior Traffic Code and replace said prior Traffic Code with this Traffic Code.

NOW, BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF WESTON AS FOLLOWS:

2021 CHAPTER 28 TRAFFIC CODE

THAT, as of the effective date of this Ordinance, the Traffic Code of the City of Weston, as codified in the following “Chapter 28,” is intended to repeal and replace any and all prior traffic codes that have been in prior use by the City of Weston. Chapter 28 shall now read as follows:

CHAPTER 28

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- Article 2** Obedience to and Effect of Traffic Laws..... 12
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**ARTICLE 1
DEFINITIONS**

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- 28.1.2 Authorized Emergency Vehicle
- 28.1.3 Bicycle
- 28.1.4 Bus
- 28.1.5 Business District
- 28.1.6 Controlled-Access Highway
- 28.1.7 Crosswalk
- 28.1.8 Driver

2021 City of Weston Traffic Code Chapter 28

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28.1.10	Explosives
28.1.11	Flammable Liquid
28.1.12	Gross Weight
28.1.13	Intersection
28.1.14	Laned Roadway
28.1.15	Moped
28.1.16	Motorcycle
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28.1.1 MEANING OF WORDS AND PHRASES.

The following words and phrases when used in this Traffic Code shall, for the purpose of this Traffic Code, have the meanings respectively ascribed to them in this article. Words in this Traffic Code that have not been defined shall be given definitions consistent with definitions found in (WV Code 17C-1)

28.1.2 AUTHORIZED EMERGENCY VEHICLE.

“Authorized emergency vehicle” means vehicles of the Fire Department, duly chartered rescue squad, Police Department, ambulance service, state, county or municipal agency and such privately owned ambulances, tow trucks, wreckers, flag car services, vehicles providing road service to disabled vehicles, service vehicles of a public service corporation, postal service vehicles, snow removal equipment, Class A vehicles of firefighters, Class A vehicles of members of ambulance services, and Class A vehicles of members of duly chartered rescue squads, and all other emergency vehicles as are designated by the agency responsible for the operation and control of these persons or organizations. Class A vehicles are as defined by West Virginia Code 17A-10-1. Agency authorization and emergency equipment are defined in West Virginia Code 17C-15-26. Agencies responsible for issuing authorization for emergency vehicle permits may promulgate such regulations that are necessary for the issuance of permits for emergency vehicles. (WV Code 17C-1-6)

28.1.3 BICYCLE.

“Bicycle” means every device which does not have a motor attached and which is propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter. (WV Code 17C-1-8)

28.1.4 BUS.

“Bus” means every motor vehicle designed for carrying more than seven passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (WV Code 17C-1-13)

28.1.5 BUSINESS DISTRICT.

“Business district” means the territory contiguous to and including a street or highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the street or highway. (WV Code 17C-1-4)

28.1.6 CONTROLLED-ACCESS HIGHWAY.

“Controlled-access highway” means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway. (WV Code 17C-1-41)

28.1.7 CROSSWALK.

“Crosswalk” includes:

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. (WV Code 17C-1-43)

28.1.8 DRIVER.

“Driver” means every person who drives or is in actual physical control of a vehicle. (WV Code 17C-1-31)

28.1.9 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.

“Electric personal assistive mobility device” or “EPAMD” means a self-balancing, two nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of seven hundred fifty watts (one horse power), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy pounds, is less than twenty miles per hour. (WV Code 17C-1-66)

28.1.10 EXPLOSIVES.

“Explosives” means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosive and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. (WV Code 17C-1-24).

28.1.11 FLAMMABLE LIQUID.

“Flammable liquid” means any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a Tagliabue or equivalent closed cup test device. (WV Code 17C-1-25)

28.1.12 GROSS WEIGHT.

“Gross weight” means the weight of a vehicle without load plus the weight of any load thereon. (WV Code 17C-1-26)

28.1.13 INTERSECTION.

“Intersection” includes:

- (a) The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict; and
- (b) Where a street or highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street or highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting street or highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such streets or highways shall be regarded as a separate intersection. (WV Code 17C-1-42)

28.1.14 LANED ROADWAY.

“Laned roadway” means a roadway which is divided into two or more clearly marked lanes for vehicular traffic. (WV Code 17C-1-39)

28.1.15 MOPED.

“Moped” means every motorcycle or motor-driven cycle unless otherwise specified in this Traffic Code, which is equipped with two or three wheels, foot pedals to permit muscular propulsion and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed thirty miles per hour on a level road surface and shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged. (WV Code 17C-1-5a)

28.1.16 MOTORCYCLE.

“Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor. (WV Code 17C-1-4)

28.1.17 MOTOR-DRIVEN CYCLE.

“Motor-driven cycle” means every motorcycle having a piston displacement of more than fifty cubic centimeters but not more than 150 cubic centimeters, or with not more than five brake horsepower. (WV Code 17C-1-5)

28.1.18 MOTOR VEHICLE.

“Motor vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except motorized wheelchairs. (WV Code 17C-1-3)

28.1.19 OWNER.

“Owner” means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Traffic Code. (WV Code 17C-1-32)

28.1.20 PARK.

“Park” when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading. (WV Code 17C-1-54)

28.1.21 PARKING AREA.

“Parking area” means lots, areas or other accommodations for the parking of vehicles off the street or highway and open to public use with or without charge. (WV Code 17C-1-60)

28.1.22 PASSENGER VAN.

“Passenger van” means any van or other motor vehicle owned by any agency, business or other legal entity and operated for the purpose of transportation of children under the age of eighteen years, other than a van utilized for private use, taxicab, bus or school bus. Passenger vans include, but are not limited to, vehicles used by daycare centers, after-school centers and nursery schools: provided, that the term “passenger van” does not include any van or other motor vehicle which is utilized for the specific purpose of transporting children to medical facilities for the purpose of medical or dental treatment and which loads and unloads the children on private property, making no stops for loading or unloading along public roads or highways. (WV Code 17C-1-64)

28.1.23 PEDESTRIAN.

“Pedestrian” means any person afoot or any person using a wheelchair. (WV Code 17C-1-30)

28.1.24 PERSON.

“Person” means every natural person, firm, copartnership, association or corporation. (WV Code 17C-1-29)

28.1.25 POLE TRAILER.

“Pole trailer” means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, trusses or structural members capable, generally, of sustaining themselves as beams between the supporting connections. (WV Code 17C-1-17)

28.1.26 POLICE OFFICER.

“Police officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (WV Code 17C-1-33)

28.1.27 PRIVATE ROAD OR DRIVEWAY; PRIVATE PROPERTY.

1. “Private road” or “driveway” means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
2. “Private property” means real estate in private ownership without regard to the manner in which it is used. (WV Code 17C-1-36)

28.1.28 RAILROAD.

“Railroad” means a carrier of persons or property, upon cars, other than streetcars, operated upon stationary rails. (WV Code 17C-1-21)

28.1.29 RAILROAD SIGN OR SIGNAL.

“Railroad sign” or “signal” means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (WV Code 17C-1-49)

28.1.30 RAILROAD TRAIN.

“Railroad train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars. (WV Code 17C-1-22)

28.1.31 RESIDENCE DISTRICT.

“Residence district” means the territory contiguous to and including a street or highway not comprising a business district when the property on such street or highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business. (WV Code 17C-1-46)

28.1.32 RESIDENTIAL STREET.

“Residential street” means the entire width between the boundary lines of every way, whether publicly or privately maintained, located within any subdivision, development or other similar area used primarily for residential purposes when any part thereof is open to the common use of those living in such area for the purpose of vehicular travel. (WV Code 17C-1-62)

28.1.33 RIGHT OF WAY.

“Right of way” means the privilege of the immediate use of the street or highway. (WV Code 17C-1-51)

28.1.34 ROADWAY.

“Roadway” means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street or highway includes two or more separate roadways, the term “roadway “ as used herein shall refer to any such roadway separately but not to all such roadways collectively. (WV Code 17C-1-37)

28.1.35 SAFETY ZONE.

“Safety zone” means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (WV Code 17C-1-44)

28.1.36 SCHOOL BUS.

“School bus” means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school. (WV Code 17C-1-7)

28.1.37 SCHOOL GROUNDS.

“School grounds” includes the land on which a school is built together with such other land used by students for play, recreation or athletic events while attending school. (WV Code 17C-1-55)

28.1.38 SEMITRAILER.

“Semitrailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. (WV Code 17C-1-16)

28.1.39 SIDEWALK.

“Sidewalk” means that portion of a street or highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians. (WV Code 17C-1-38)

28.1.40 STOP.

“Stop” when required, means complete cessation from movement. (WV Code 17C-1-52)

28.1.41 STOP, STOPPING OR STANDING.

“Stop”, “stopping,” or “standing,” when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal. (WV Code 17C-1-53)

28.1.42 STREET OR HIGHWAY; ALLEY.

1. "Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (WV Code 17C-1-35)
2. "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

28.1.43 THROUGH STREET OR THROUGH HIGHWAY.

"Through street" or "through highway" means every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this Traffic Code. (WV Code 17C-1-40)

28.1.44 TRAFFIC.

"Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street or highway for purposes of travel. (WV Code 17C-1-50)

28.1.45 TRAFFIC CONTROL DEVICES.

"Traffic control device" means any signs, signal marking and device not inconsistent with this Traffic Code placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. (WV Code 17C-1-47)

28.1.46 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. (WV Code 17C-148)

28.1.47 TRAILER.

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. (WV Code 17C-1-15)

28.1.48 TRUCK.

"Truck" means every motor vehicle designed, used or maintained primarily

for the transportation of property. (WV Code 17C-1-12)

28.1.49 VEHICLE.

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks or wheelchairs. (WV Code 17C-1-2)

28.1.50 WHEELCHAIR.

“Wheelchair” means a motorized or nonmotorized wheeled device designed for, and used by, a person with disabilities that is incapable of a speed in excess of eight miles per hour_ (WV Code 17C-1-65)

28.1.51 MUNICIPAL COURT

“Municipal Court,” when used in this Chapter refers to the Court System utilized by the City of Weston, whether it be called other names such as Police Court, City Court, or the like. Municipal Court is not Magistrate Court or West Virginia State Circuit Court.

Article 2

Obedience to and Effect of Traffic Laws

- 28.2.1 Authority of Police and Fire Department Officials.
- 28.2.2 Application to Vehicles Upon Streets and Highways; Exceptions.
- 28.2.3 Obedience to Police Officers; Fleeing.
- 28.2.4 Application to Government Vehicles; Exception.
- 28.2.5 Authorized Emergency Vehicles.
- 28.2.6 Application to Persons Riding Animals or Driving Animal Drawn Vehicles.
- 28.2.99 Penalty.

Article 2

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

28.2.1 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.

- (a) It shall be the duty of the officers of the Police Department to enforce all street traffic laws of this Municipality and all of the State vehicle laws applicable to street traffic in this Municipality.
- (b) Officers of the Police Department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that in the event

of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

- (c) Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

28.2.2 APPLICATION TO VEHICLES UPON STREETS AND HIGHWAYS; EXCEPTIONS.

The provisions of this Chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets and highways except:

- (a) Where a different place is specifically referred to in a given section.
- (b) The provisions of this Chapter ~~except Article 112?~~ shall apply upon streets and highways as defined in ~~Section 114.06.2~~ WV Code 17C-1-35.

28.2.20 OBEDIENCE TO POLICE OFFICERS; FLEEING

- (a) No person shall willfully fail or refuse to comply with a lawful order or direction of any police officer or designated special officer invested by law with authority to direct, control or regulate traffic. (WV Code 17C-2-3(c))
- (b) No person shall operate a vehicle so as to willfully elude or flee a police officer or designated special officer after receiving a visible or audible signal from such an officer to bring his vehicle to a stop.

28.2.4 APPLICATION TO GOVERNMENT VEHICLES; EXCEPTION.

- a) The provisions of this Chapter applicable to the drivers of vehicles upon the streets or highways shall apply to the drivers of all vehicles that are being operated on the streets and highways of the City of Weston.
~~(a) owned or operated by the United States; the State of West Virginia; (other states of the United States or other territories of the United States; other countries or political subdivisions of other countries) or any county, Municipality, town, district or any other political subdivision of the State of West Virginia, except as provided in this section and subject to such specific exceptions as are set forth in this Traffic Code with reference to authorized emergency vehicles.~~
- ~~(b)~~ Unless specifically made applicable, the provisions of this Traffic Code shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a street or highway but shall apply to such persons and vehicles when traveling to or from such work. (WV Code 17C-2-4)

28.2.5 AUTHORIZED EMERGENCY VEHICLES.

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- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
 - (1) Park or stand, irrespective of the provisions of this Traffic Code;
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the speed limits so long as he does not endanger life or property;
 - (4) Disregard regulations governing direction of movement or turning in specified directions.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted flashing lamp as authorized by Section 28.11.18 which is visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a warning light visible from in front of the vehicle.
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (WV Code 17C-2-5)

28.2.6 APPLICATION TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Traffic Code, except those provisions of this Traffic Code which by their very nature can have no application. (WV Code 17C-2-6)

28.2.7 REQUIRED OBEDIENCE TO TRAFFIC LAWS

It shall be unlawful and, unless otherwise declared in this Chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this Chapter.

28.2.7 COSTS OF COURT

All courts costs shall be paid by any driver convicted of a penalty under this Chapter.

28.2.99 PENALTY.

General Article Penalty. Whoever violates any provision of this Chapter for which no other penalty is provided shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).

Article 3

Traffic Signs, Signals and Markings

- 28.3.1 Obedience to Traffic Control Devices
- 28.3.2 Obedience to Traffic Control Instructions at Street Construction
- 28.3.3 Traffic Control Signal Terms and Lights
- 28.3.4 Pedestrian Control Signals
- 28.3.5 Flashing Signals
- 28.3.6 Unauthorized Signs and Signals, Biding From View, Advertising
- 28.3.7 Alteration, Injury, Removal of Traffic Control Devices
- 28.3.8 Traffic Violations in Construction Zones
- 28.3.99 Penalty

Article 3

TRAFFIC SIGNS, SIGNALS AND MARKINGS

28.3.1 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

- (a) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this Traffic Code, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Traffic Code.

- (b) No provision of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.
- (c) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.3.2 OBEDIENCE TO TRAFFIC CONTROL INSTRUCTIONS AT STREET CONSTRUCTION.

The driver of any vehicle shall obey the traffic-control instructions of any law enforcement officer or persons authorized by the Commissioner of Highways or by proper local authorities to operate traffic control devices, act as flagmen or operate authorized vehicles engaged in work at or near the site of street or highway construction maintenance work, for the purpose of regulating, warning or guiding traffic, subject to the exceptions granted the driver of an authorized emergency vehicle in this Traffic Code.

28.3.3 TRAFFIC CONTROL SIGNAL TERMS AND LIGHTS.

Whenever traffic is controlled by traffic control signals exhibiting the words “go,” “caution” or “stop,” or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and such terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (a) Green alone or “go”:
 - 1. Vehicular traffic facing the signal, except when prohibited under Section 28.10.2, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - 2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (b) Yellow alone or “caution” when showing following the green or “go” signal:

1. Vehicular traffic facing the signal is thereby warned that the red or "stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "stop" signal is exhibited.
2. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.

(c) Red alone or "stop":

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "go" is shown alone except as provided in subsection (c)(2) and (3) hereof.
2. A vehicle which is stopped in obedience to a red or "stop" signal as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection, may cautiously make a right turn but such vehicle shall yield the right of way to pedestrians lawfully within a crosswalk and to other vehicular traffic proceeding as directed by the signal at such intersection, except that Council may by ordinance prohibit any such right turn against a red or "stop" signal at any intersection which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.
3. A vehicle which is stopped in obedience to a red or "stop" signal as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection on a one-way street which intersects another one-way street on which traffic moves to the left, may cautiously make a left turn into the one-way street but such vehicle shall yield the right of way to pedestrians lawfully within a crosswalk and to other vehicular traffic proceeding as directed by the signal at such intersection, except that Council may by ordinance prohibit any such left turn against a red or "stop" signal at any intersection, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.
4. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) Red with green arrow:

1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
- (e) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (WV Code 17C-3-5)

28.3.4 PEDESTRIAN CONTROL SIGNALS.

Whenever special pedestrian control signals exhibiting the words “walk” or “wait” or other similar language, signals, or sounds are in place, such signals shall indicate as follows:

- (a) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles
- (b) Wait. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his or her crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing. (WV Code 17C-3-6)

28.3.5 FLASHING TRAFFIC SIGNALS.

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

- (a) Flashing Red (Stop Signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (b) Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (WV Code 17C-3-7)

28.3.6 UNAUTHORIZED SIGNS AND SIGNALS, BIDDING FROM VIEW, ADVERTISING.

- (a) No local authority or person shall place, maintain or display upon or in

view of any street or highway any unauthorized traffic control device or traffic control signal, or any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any street or highway any traffic control device bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to a street or highway of signs giving useful directional information and of a type that cannot be mistaken for official signs.

- (b) Every such prohibited device, signal, sign or marking is hereby declared to be a public nuisance and the Commissioner of Highways or other authority having jurisdiction over the street or highway is hereby empowered to remove the same or cause it to be removed without notice. (WV Code 17C-3-8)

28.3.7 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. (WV Code 17C-3-9)

28.3.8 TRAFFIC VIOLATIONS IN CONSTRUCTION ZONES.

- (a) At each and every location where street or highway construction work is to be conducted a sign shall be posted at least 1,000 feet from the construction site, or as close to 1,000 feet from the construction site as is practicable given the location of the site when workers are present, notifying all motorists as to the speed limit and displaying the words "construction work".
- (b) No person shall violate any posted speed restriction or traffic restriction at such construction site referred to in subsection (a) of this section.
- (c) Nothing in this section shall be construed to preclude prosecution of any operator of a motor vehicle who commits a violation of any other provision of this Traffic Code for such violation. (WV Code 17C-3-4B)

28.3.99 PENALTY

- (a) General Penalty. Whoever violates Section 28.3.1, 28.3.2 or 28.3 shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within

one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).

(b) Construction Zones.

1. Any person who exceeds any posted speed restriction or traffic restriction at a construction site referred to in Section 28.3.8 by less than fifteen miles per hour shall be fined not more than two hundred dollars (\$200.00).
2. Any person who exceeds any posted speed restriction or traffic restriction at a construction site referred to in Section 28.3.8 by fifteen miles per hour or more shall be fined not more than three hundred dollars (\$300.00).

(c) If no penalty is specified in any subsection of Article 3, then the penalties found in Article 2, Section 28.2.99 shall apply.

**Article 4
Crashes**

- 28.4.1 Immediate Reports of Crashes
- 28.4.2 When Driver Unable to Report
- 28.4.3 Garages to Report Bullet Damage
- 28.4.99 Penalty

28.4.1 IMMEDIATE REPORTS OF ACCIDENTS.

The driver of a vehicle involved in an accident resulting in bodily injury to, or the death of, any person, or total property damage to an apparent extent of one-thousand dollars or more shall immediately, by the quickest means of communication, whether oral or written, give notice of such accident to the Weston Police Department, or otherwise to the County Sheriff or nearest office of the West Virginia State Police.

Any person who violates West Virginia State Code §17C-4-1 shall be subject to penalties consistent with those found in West Virginia State Code §17C-4-1.

For the purposes of Article Four of this Chapter the definitions found in West Virginia Code §17C-4-1(e) shall be applicable unless the term(s) are otherwise defined in this Chapter.

28.4.2 WHEN DRIVER UNABLE TO REPORT.

Whenever the driver of a vehicle is physically incapable of making an immediate report of an accident as required in Section 28.4.1 and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report not made by the driver.

28.4.3 GARAGES TO REPORT BULLET DAMAGE.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by any bullet, shall report to the Police Department within twenty-four hours after such motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of such vehicle. (WV Code 17C-4-12)

28.4.99 PENALTY.

If no penalty is specified in any subsection of Article 4, then the penalties found in Article 2, Section 28.2.99 are applicable.

**Article 5
SERIOUS TRAFFIC OFFENSES**

- 28.5.1 Driving under the Influence
- 28.5.2 Reckless Driving
- 28.5.3 Hazardous Driving
- 28.5.99 Penalty

28.5.1 DRIVING UNDER THE INFLUENCE

The City of Weston shall enforce Driving Under the Influence situations in a manner consistent with the applicable state laws of the State of West Virginia.

28.5.2 RECKLESS DRIVING.

- (a) No person shall drive any vehicle upon any street or highway, or upon any residential street, or in any parking area, or upon the ways of any institution of higher education, whether public or private or upon the property of the Board of Education, or upon any property within the Municipal park and public recreation system, in willful or wanton disregard for the safety of persons or property.
- (b) The provisions of subsection (a) hereof shall not apply to those areas which have been temporarily closed for racing sport events or which may be set aside by the Municipality within the park and recreation system for exclusive use by motorcycles or other recreational vehicles. (WV Code 17C-5-3(b))
- (c) Every person convicted of reckless driving may be punished by a fine of not less than \$25 nor more than \$500, and on a second or subsequent conviction may be punished by a fine of not less than \$50 nor more than

\$1,000. Every person convicted of reckless driving may be subject to confinement or jail penalties consistent with said penalties found in West Virginia Code §17-5-3.

28.5.3 HAZARDOUS DRIVING.

- (a) No person shall operate a motor vehicle or motorcycle without exercising reasonable and ordinary control over such vehicle.
- (b) No person shall operate a motor vehicle or motorcycle in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.
- (c) No person shall operate a motor vehicle or motorcycle without giving his full time and attention to the operation of such vehicle.

28.5.4 USE OF CELL PHONES PROHIBITED WHILE DRIVING

- a) Except as provided in subsection (c) of this section, a person may not drive or operate a motor vehicle on a public street or highway while:

- (1) Texting; or

- (2) Using a cell phone or other electronic communications device, unless the use is accomplished by hands-free equipment.

- (b) For purposes of this section, the following terms shall mean:

- (1) "Cell phone" shall mean a cellular, analog, wireless or digital telephone.

- (2) "Driving" or "operating a motor vehicle" means operating a motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a motor vehicle after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary.

- (3) "Electronic communication device" means a cell telephone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device. For the purposes of this section, an "electronic communication device" does not include:

- (A) Voice radios, mobile radios, land mobile radios, commercial mobile radios or two way radios with the capability to transmit and receive

voice transmissions utilizing a push-to-talk or press-to-transmit function; or

(B) Other voice radios used by a law-enforcement officer, an emergency services provider, an employee or agent of public safety organizations, first responders, Amateur Radio Operators (HAM) licensed by the Federal Communications Commission and school bus operators.

(4) "Engaging in a call" means when a person talks into or listens on an electronic communication device, but shall not include when a person dials or enters a phone number on a pushpad or screen to initiate the call.

(5) "Hands-free electronic communication device" means an electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such electronic communication device, by which a user engages in a call without the use of either hand or both hands.

(6) "Hands-free equipment" means the internal feature or function of a hands-free electronic communication device or the attachment or addition to a hands-free electronic communication device by which a user may engage in a call or text without the use of either hand or both hands.

(7) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic communication device, and includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a World Wide Web page or engaging in any other form of electronic text retrieval or entry, for present or future communication. For purposes of this section, "texting" does not include the following actions:

(A) Reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device by the pressing the device in order to initiate or receive a phone call or using voice commands to initiate or receive a telephone call;

(B) Inputting, selecting or reading information on a global positioning system or navigation system; or

(C) Using a device capable of performing multiple functions, including fleet management systems, dispatching devices, smart phones, citizens band radios or music players, for a purpose that is not otherwise prohibited in this section.

(8) "Using a cell phone or other electronic communication device" means

holding in a person's hand or hands an electronic communication device while:

(A) Viewing or transmitting images or data;

(B) Playing games;

(C) Composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages or other electronic data; or

(D) Engaging in a call.

(c) Subsection (a) of this section shall not apply to:

(1) A law-enforcement officer, a firefighter, an emergency medical technician, a paramedic or the operator of an authorized emergency vehicle in the performance of their official duties;

(2) A person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergencies.

(3) The activation or deactivation of hands-free equipment or a function of hands-free equipment.

(d) This section does not supersede the provisions of section three-a, article two, chapter seventeen-b of this code or any more restrictive provisions for drivers of commercial motor vehicles prescribed by the provisions of chapter seventeen-e of this code or federal law or rule.

(e) Any person who violates the provisions of subsection (a) of this section is guilty of a traffic offense and, upon conviction thereof, shall for a first offense be fined \$100; for a second offense be fined \$200; and for a third or subsequent offense be fined \$300. No court costs or other fees shall be assessed for a violation of subsection (a) of this section.

(f) Notwithstanding any other provision of this code to the contrary, points may not be entered on any driver's record maintained by the Division of Motor Vehicles as a result of a violation of this section, except for the third and subsequent convictions of the offense, for which three points shall be entered on any driver's record maintained by the Division of Motor Vehicles.

(g) Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense. Driving or operating a motor vehicle on a

public street or highway while using a cell phone or other electronic communication device without hands-free equipment shall be enforced as a secondary offense until July 1, 2013, when it shall be enforced as a primary offense for purposes of citation.

- (h) Within ninety days of the effective date of this section, the Department of Transportation shall cause to be erected signs upon any highway entering the state of West Virginia on which a welcome to West Virginia sign is posted, and any other highway where the Division of Highways deems appropriate, posted at a distance of not more than one mile from each border crossing, each sign to bear an inscription clearly communicating to motorists entering the state that texting, or the use of a wireless communication device without hands-free equipment, is illegal within this state.
- (i) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law-enforcement agency.
- (j) No policy providing liability coverage for personal lines insurance shall contain a provision which may be used to deny coverage or exclude payment of any legal damages recoverable by law for injuries proximately caused by a violation of this section, as long as such amounts are within the coverage limits of the insured.

28.5.99 PENALTY.

- (a) Whoever violates Section 28.5.2 shall for a first offense be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), for a second or subsequent offense shall be fined not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000).
- (b) If no penalty is specified in any subsection of Article 5, then the penalties found in Article 2, Section 28.2.99 are applicable.

**Article 6
SPEEDING**

- 28.6.1 Maximum Speed Limits
- 28.6.2 Slow Speed
- 28.6.3 Special Speed Limitations
- 28.6.4 Racing on Streets and Highways Prohibited
- 28.6.99 Penalty

28.6.1 MAXIMUM SPEED LIMITS.

- (a) No person may drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the existing conditions and the actual and

potential hazards. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the streets and highways 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 not in excess of the limits specified in this section or established as hereinafter authorized is lawful, but any speed in excess of the limits specified below in this subsection or established as hereinafter authorized is unlawful. The following speed limits apply:
1. Fifteen miles per hour in a school zone during school recess or while children are going to or leaving school during opening or closing hours. A school zone is all school property including school grounds and any street or highway abutting such school grounds and extending one hundred twenty-five feet along such street or highway from the school grounds. Such speed restriction does not apply to vehicles traveling on a controlled-access highway which is separated from the school or school grounds by a fence or barrier approved by the Division of Highways;
 2. Twenty-five miles per hour in any business or residence district unless otherwise posted;
 3. Fifty-five miles per hour on open country highways; except as otherwise provided by this article.

The speeds set forth in this section may be altered as authorized in West Virginia Code Chapter 17C-6 or as said Code section(s) may be amended from time to time.

- (c) The driver of every vehicle shall, consistent with the requirements of subsection (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, 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.
- (d) The speed limit on controlled-access highways and interstate highways, where no special hazard exists that requires a lower speed, shall be not less than fifty-five miles per hour and the speed limits specified in subsection (b) of this section do not apply. (WV Code 17C-6-1)

28.6.2 SLOW SPEED.

No person shall drive a motor vehicle at such a slow speed as to impede

the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. (WV Code 17C-6-3a(a))

28.6.3 SPECIAL SPEED LIMITATIONS.

- (a) Subject to all other speed restrictions of this Chapter no person shall drive a vehicle not designed for carrying passengers and equipped with pneumatic tires at a speed in excess of:
 - 1. Twenty miles per hour in any business district, unless otherwise posted;
 - 2. Twenty-five miles per hour in any residence district, unless otherwise posted;
 - 3. Forty miles per hour on open country highway, unless otherwise posted; Trucks licensed at 8,000 pounds gross vehicle weight or less shall be permitted the same speed as passenger cars, unless otherwise posted. (WV Code 17C-6-4)
- (b) No person shall drive any vehicle equipped with other than pneumatic tires at a speed greater than a maximum of ten miles per hour.

No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a street or highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is so signposted. (WV Code 17C-6-5)

28.6.4 RACING ON STREETS AND HIGHWAYS PROHIBITED.

- (a) No person shall engage in, or aid or abet by serving as lookout or timer or in any other capacity whatever, any speed race, as defined herein, on any public street or highway in this Municipality. For the purposes of this section, "speed race" means:
 - 1. The operation of a motor vehicle in speed acceleration competition with another motor vehicle or motor vehicles; or
 - 2. The operation of a motor vehicle in speed acceleration competition against time; or
 - 3. The operation of a motor vehicle in speed competition with another motor vehicle or motor vehicles where the speed exceeds the lawful speed limit. (WV Code 17C-6-8(a))

28.6.99 PENALTY.

(a) General Article Penalty.

Whoever violates any provision of this Article for which no other penalty is provided shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).

(b) Speeding With Children Present. Any person who violates the provisions of of this Article where the offender exceeds the speed limit by fifteen miles per hour or more in the presence of one or more children, then upon conviction, that person shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or confined in jail for not more than 6 months, or both fined and confined. If the school zone signage required by West Virginia Code §17C-6-1(a)(1) is not present in the school zone at the time of the violation, then any person who violates said provision is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25.

(c) Street Racing Whoever violates Section 28.6.4 shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00); for a second offense fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for not less than six days nor more 60 days or both; and for a third and each subsequent offense fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000), or by imprisonment for not less than 60 days nor more than four months, or both. For the purposes of this section, a forfeiture of bail or collateral deposited to secure such person's appearance in court, which forfeiture has not been vacated, shall be equivalent to a final conviction. If at the time of any violation of the provisions of Section 28.6.4 by any person as an operator of a motor vehicle, such person was not entitled to operate a motor vehicle in this State because his operator's or chauffeur's license, or privilege to drive in this State if such person be a nonresident, had earlier been suspended or removed, then in addition to the penalties provided for in this section, the provisions of Section 28.14.10 shall be applicable. (WV Code 17C-6-8)

Article 7

DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING, ETC.

- 28.7.1 Driving Upon Right Side of Roadway; Exceptions
- 28.7.2 Passing to Right When Proceeding in Opposite Directions
- 28.7.3 Overtaking, Passing to Left; Driver's Duties
- 28.7.4 Overtaking and Passing Upon Right
- 28.7.5 Overtaking, Passing to Left of Center
- 28.7.6 Additional Restrictions on Driving Upon Left Side of Roadway.
- 28.7.7 Hazardous or No Passing Zones

- 28.7.8 One-Way Roadways and Rotary Traffic Islands
- 28.7.9 Driving in Marked Lanes or Continuous Lines of Traffic
- 28.7.10 Following Too Closely
- 28.7.11 Driving Upon Divided Roadways
- 28.7.12 Entering and Exiting Controlled-Access Highway
- 28.7.99 Penalty

28.7.1 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

- (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
 - 1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - 2. When the right half of a roadway is closed to traffic while under construction or repair;
 - 3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
 - 4. Upon a roadway designated and signposted for one-way traffic.
- (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
- (c) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.7.2 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.

- (a) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible. (WV Code 17C-7-2)
- (b) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall

be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.7.3 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions and special rules hereinafter stated.

- (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

28.7.4 OVERTAKING AND PASSING UPON RIGHT.

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - 1. When the vehicle overtaken is making or about to make a left turn;
 - 2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;
 - 3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
- (b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

28.7.5 OVERTAKING, PASSING TO LEFT OF CENTER.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle

overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

28.7.6 ADDITIONAL RESTRICTIONS ON DRIVING UPON LEFT SIDE OF ROADWAY.

- (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
 1. When approaching the crest of a grade or upon a curve in the street or highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 2. When approaching within 100 feet of or traversing any intersection or railroad grade crossing;
 3. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.
- (b) The foregoing limitations shall not apply upon a one-way roadway.
- (c) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.7.7 HAZARDOUS OR NO PASSING ZONES.

- (a) When signs or markings are in place and clearly visible to an ordinarily observant person indicating that overtaking and passing or driving to the left of the roadway would be especially hazardous, every driver of a vehicle shall obey the directions thereof.
- (b) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.7.8 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

- (a) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.
- (b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

- (c) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.7.8 DRIVING IN MARKED LANES OR CONTINUOUS LINES OF TRAFFIC

- (a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:
 - 1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
 - 2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane which is clearly marked as a left turn lane except in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
 - 3) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.
- (b) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.7.10 FOLLOWING TOO CLOSELY.

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicles and the traffic upon and the condition of the street or highway.
- (b) No operator of any motor truck, registered for a gross weight of more than 8,000 pounds, bus, special mobile equipment or any motor vehicle drawing another vehicle operating upon any roadway outside of a business or residence district, shall follow within 200 feet of another motor truck, bus, special mobile equipment or any motor vehicle drawing another vehicle; provided that this provision shall not be construed to:
 - 1. Prevent overtaking and passing;

2. Apply upon any lane specially designated for the use of motor trucks or combinations of vehicles, or within any section of a roadway posted or marked as a “no-passing zone”;
 3. Apply to any convoy of vehicles of the military service of the United States or of this State; and
 4. Apply to funeral processions.
- (c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to:
1. Funeral processions; or
 2. Any convoy of vehicles of the military service of the United States or of this State.

28.7.11 DRIVING UPON DIVIDED ROADWAYS.

Whenever any street or highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

28.7.12 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

- (a) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.
- (b) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.7.99 PENALTY.

Unless otherwise provided, whoever violates any provision of this Article shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00);

and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).

Article 8

Turning and Starting and Signals on Stopping and Turning

- 28.8.1 Conformity with Provisions Required
- 28.8.2 Right Turns
- 28.8.3 Left Turns on Two-Way Roadways
- 28.8.4 Left Turns on Other than Two-Way Roadways
- 28.8.5 Specified Turns at Intersections
- 28.8.6 "U" Turns Restricted
- 28.8.7 Signals Before Changing Course; Turning or Stopping
- 28.8.8 Signals to be Given by Hand and Arm or Signal Device
- 28.8.9 Hand and Arm Signals
- 28.8.99 Penalty

28.8.1 CONFORMITY WITH PROVISIONS REQUIRED.

The driver of a vehicle intending to turn at an intersection shall do so as provided in this Article.

28.8.2 RIGHT TURNS.

- (a) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (b) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.8.3 LEFT TURNS ON TWO-WAY ROADWAYS.

- (a) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection

to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

- (b) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.8.4 LEFT TURNS ON OTHER THAN TWO-WAY ROADWAYS.

- (a) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.
- (b) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.8.5 SPECIFIED TURNS AT INTERSECTIONS.

Council or other designated traffic authority may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this article be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

28.8.6 "U" TURNS RESTRICTED.

- (a) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.
- (b) No vehicle shall be turned so as to proceed in the opposite direction within an intersection, or upon any street in a business district, or upon a freeway, expressway or controlled-access highway, or where authorized signs are erected to prohibit such movement, or at any other location unless such movement can be made with reasonable safety to other users of the street and without interfering with the safe operation of any traffic that may be affected by such

movement.

28.8.7 SIGNALS BEFORE CHANGING COURSE; TURNING OR STOPPING.

- (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position-upon the roadway as required in subsection 2 through subsection 5 of this Article or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.
- (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.
- (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this Article to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- (d) Any person violating the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.8.8 SIGNALS TO BE GIVEN BY HAND AND ARM OR SIGNAL DEVICE.

Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device, but when a vehicle is so constructed or loaded that hand-and-arm signal would not be visible both to the front and rear of such vehicle then such signals must be given by such a lamp or lamps or signal device.

28.8.9 HAND AND ARM SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (a) Left Turn: Hand and arm extended horizontally.
- (b) Right Turn: Hand and arm extended upward.
- (c) Stop or Decrease Speed: Hand and arm extended downward. (WV Code 17C-8-10)

28.8.99 PENALTY.

Unless otherwise provided, whoever violates any provision of this article shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).

Article 9 Right of Way

- 28.9.1 Right of Way at Intersections
- 28.9.2 Right of Way When Turning Left
- 28.9.3 Right of Way at Through Street or Highway or Stop Intersections
- 28.9.4 Driving onto Roadway From Private Road or Driveway; Duty to Yield
- 28.9.5 Right of Way of Emergency Vehicle
- 28.9.6 Turning into Private Driveway, Alley or Building
- 28.9.99 Penalty

RIGHT OF WAY

28.9.1 RIGHT OF WAY AT INTERSECTIONS.

- (a) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different street or highway.
- (b) When two vehicles enter an intersection from a different street or highway at approximately the same time the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.
- (c) The right-of-way rules declared in subsections (a) and (b) hereof are modified at through streets or highways and otherwise as hereinafter stated in this article.

28.9.2 RIGHT OF WAY WHEN TURNING LEFT.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but such driver, having so yielded and having given a signal when and as required by this Traffic Code may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicles making the left turn.

28.9.3 RIGHT OF WAY AT THROUGH STREET OR HIGHWAY OR STOP INTERSECTIONS.

- (a) The driver of a vehicle shall stop as required by [WV Code §17C-9](#) at the entrance to a through street or highway and shall yield the right of way to other

vehicles which have entered the intersection from such through streets or highways or which are approaching so closely on such through street or highway as to constitute an immediate hazard but the driver having so yielded may proceed.

- (b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through street or highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

28.9.4 DRIVING ONTO ROADWAY FROM PRIVATE ROAD OR DRIVEWAY; DUTY TO YIELD.

The driver of a vehicle about to enter or cross a street or highway from a private road or driveway shall yield the right of way to all vehicles approaching on said street or highway.

28.9.5 RIGHT OF WAY OF EMERGENCY VEHICLE.

- (a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one flashing lighted lamp of a color authorized by Article 11, Section 18 of this Chapter which is visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle or bell.
- (b) The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (c) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street or highway.

28.9.6 TURNING INTO PRIVATE DRIVEWAY, ALLEY OR BUILDING.

The driver of a vehicle intending to turn into a private road or driveway, alley or building from a public street or highway shall be governed by the following rules:

- (a) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

- (b) Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the center line thereof.
- (c) Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.
- (d) It shall be the duty of the driver of any vehicle entering a private road or driveway, alley or building to yield the right of way to pedestrians lawfully using the sidewalk or sidewalk area extending across any alleyway, private road, driveway or building.

28.9.99 PENALTY.

Whoever violates any provision of this article shall be fined not more than two hundred dollars (\$200.00); upon a second conviction within one year thereafter shall be fined not more than three hundred dollars (\$300.00); and upon a third or subsequent conviction, shall be fined not more than one thousand dollars (\$1,000).

**Article 10
SPECIAL STOPS REQUIRED**

- 28.10.1 Through Streets and Stop Intersections
- 28.10.2 Driving onto Roadway from Place Other than Roadway; Stopping at Sidewalk
- 28.10.3 Stopping for School Bus; Signs and Warning Lights; Sale of School Bus
- 28.10.4 Stopping for Passenger Van; Signs and Warning Lights
- 28.10.5 Obstructing Intersection or Crosswalk
- 28.10.99 Penalty

28.10.1 THROUGH STREETS AND STOP INTERSECTIONS.

- (a) Council or other designated traffic authority may designate through streets or highways and erect stop signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection.
- (b) Every such sign shall bear the word "Stop" in letters not less than six inches in height and such sign shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign.
- (c) Every stop sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the roadway.

- (d) Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting street or highway where the driver has a view of approaching traffic on the intersecting street or highway before entering the intersection except when directed to proceed by a police officer or traffic control signal.

**28.10.2 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY;
STOPPING AT SIDEWALK.**

The driver of a vehicle within a business or residence district emerging from any alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or private driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on such roadway.

**28.10.3 STOPPING FOR SCHOOL BUS; SIGNS AND WARNING LIGHTS; SALE OF
SCHOOL BUS.**

- (a) The driver of a vehicle upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on such school bus flashing warning signal lights, as referred to in West Virginia Code §17C-12-8 and such driver shall not proceed until such school bus resumes motion, or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. This section applies wherever the school bus is receiving or discharging children, including, but not limited to, any street, highway, parking lot, private road or driveway: Provided, that the driver of a vehicle upon a controlled access highway need not stop upon meeting or passing a school bus which is on a different roadway or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

If the identity of the driver cannot be ascertained, then any such owner or lessee of the vehicle in violation of this subsection shall be subject to the penalty provided for a violation of this subsection provided, however, that such conviction shall not subject such owner or lessee to further administrative or other penalties for such offense, notwithstanding other provisions of the West Virginia Code or this Traffic Code to the contrary.

- (b) Every bus used for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. When a contract school bus is being operated upon a street or highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating

“school bus” shall be covered or concealed. Any school bus sold or transferred to another owner by a county board of education, agency or individual, shall have all flashing warning lights disconnected and all lettering removed or permanently obscured, except when sold or transferred for the transportation of school children.

- (c) Any driver in violation of Article 10, Section Four of this Chapter is guilty of a misdemeanor and, upon conviction for a first offense, shall be fined not less than \$500 or more than \$1000, or confined in jail not more than six months, or both fined and confined. Upon conviction of a second violation of Article 10 Section Four of this Chapter, the driver shall be fined not less than \$1,000 nor more than \$1,500, or confined in jail not more than six months, or both fined and confined. Upon conviction of a third or subsequent violation of Article 11, Section Four of this Chapter, the driver shall be fined \$2,000 and confined not less than 48 hours in jail but not more than six months.

28.10.4 STOPPING FOR PASSENGER VAN; SIGNS AND WARNING LIGHTS.

- (a) Every passenger van used for the transportation of children as defined in 28.1.22 of this Chapter shall bear upon the front and rear thereof a plainly visible sign containing the warning “Caution: Loading and Unloading Passengers” in letters not less than six inches in height. Every such passenger van shall be equipped with either flashing warning signal lights as are contemplated and referred to in West Virginia Code 17C-12-8, or a red caution flag which the driver or some other adult must use by exiting the passenger van and displaying while assisting in the loading or unloading of passengers. Such vehicles may also be equipped with a white flashing strobotron warning light that meets the requirements set forth in West Virginia Code 17C-15-26(e) as said Code section currently exists or may be amended from time to time.
- (b) The driver of a vehicle upon meeting or overtaking from any direction any passenger van which has stopped for the purpose of loading or unloading passengers shall stop his or her vehicle before reaching the passenger van when there is in operation on the passenger van flashing warning signal lights or when an adult is outside the passenger van with a red caution flag and assisting with the loading or unloading of passengers. The driver of a vehicle may not proceed until he or she is signaled by the passenger van driver to proceed, the passenger van flashing signal lights are no longer actuated, or the passenger van resumes motion. This section applies whenever the passenger van is loading or unloading children on any street, highway, parking lot, private road or driveway: provided, that the driver of a vehicle upon a controlled access highway need not stop upon meeting or passing a passenger van which is on a different roadway or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

28.10.5 OBSTRUCTING INTERSECTION OR CROSSWALK.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

28.10.99 PENALTY.

- (a) Driving Onto Roadway From Place Other Than Roadway. Whoever violates Section 28.10.2 shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).
- (b) Stopping For School Bus or Passenger Van. Any driver acting in violation of 28.10.4(b) shall be guilty of a misdemeanor and, upon conviction thereof, fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00). If the identity of the driver cannot be ascertained, then any such owner or lessee of the vehicle in violation of 28.10.4(b) shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00); provided, however, that such conviction shall not subject such owner or lessee to further administrative or other penalties for such offense, notwithstanding other provisions of this Traffic Code to the contrary.
- (c) If no penalty is specified in any subsection of Article 10, then the penalties found in Article 2, Section 28.2.99 are applicable.

Article 11

EQUIPMENT

- 28.11.1 Driving Unsafe Vehicles; Application; Farm and Road Equipment
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28.11.1 DRIVING UNSAFE VEHICLES; APPLICATION; FARM AND ROAD EQUIPMENT EXCEPTIONS.

- (a) No person shall drive or move and no owner shall cause or knowingly permit to be driven or moved on any street or highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of this article, or for any person to do any act forbidden or fail to perform any act required under this article.
- (b) Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.
- (c) The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable. Every farm tractor equipped with an electric lighting system shall at all times mentioned in Section 28.11.2 display a red tail

lamp and either multiple-beam or single-beam head lamps meeting the requirements of Section 28.11.2.

28.11.2 WHEN LIGHTED LIGHTS REQUIRED.

Every vehicle other than a school bus, motorcycle, motor-driven cycle or moped operated upon a street or highway within this Municipality at any time from sunset to sunrise or during fog, smoke, rain or other unfavorable atmospheric conditions, or at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the street or highway at a distance of 500 feet ahead shall display lighted head lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as provided for in Section 28.11.7(c). Every school bus, motorcycle, motor-driven cycle and moped shall display lighted head lamps at all times when upon the street or highway.

28.11.3 MEASUREMENT OF DISTANCES AND HEIGHTS.

- (a) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible such provisions shall apply during the times stated in Section 28.11.2 in respect to a vehicle without load when upon a straight, level, unlighted street or highway under normal atmospheric conditions unless a different time or condition is expressly stated.
- (b) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load. (WV Code 17C-15-3)

28.11.4 HEADLIGHTS ON MOTOR VEHICLES AND MOTORCYCLES.

- (a) Every motor vehicle other than a motorcycle, motor-driven cycle or moped shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article.
- (b) Every motorcycle, motor-driven cycle and moped shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this article.
- (c) Every head lamp upon every motor vehicle, including every motorcycle, motor-driven cycle and moped, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in Section 28.11.3.

28.11.5 TAIL LIGHT; ILLUMINATION OF REAR LICENSE PLATE.

- (a) Every motor vehicle, trailer or semitrailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as herein before required, shall emit a red light plainly visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.
- (b) Every tail lamp upon every vehicle shall be located at a height of not more than sixty inches nor less than twenty inches to be measured as set forth in Section 28.11.3(b).
- (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

28.11.6 RED LIGHT OR RED FLAG ON EXTENDED LOADS.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 28.11.2, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

28.11.7 LIGHTS ON PARKED OR STOPPED VEHICLES.

- (a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between sunset and sunrise and in the event there is sufficient light to reveal any person or object within a distance of 500 feet upon such street or highway no lights need be displayed upon such parked vehicle.
- (b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of 500 feet upon such street or highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle, and the location of such lamp or lamps shall always be such that

at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motorcycle, motor-driven cycle or moped.

- (c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

28.11.8 LIGHTS ON SLOW-MOVING VEHICLES.

All vehicles including animal-drawn vehicles and including those referred to in Section 28.11.1(c) not hereinbefore specifically required to be equipped with lamps, shall at the times specified in Section 28.11.2 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear.

28.11.9 SPOTLIGHTS AND AUXILIARY LIGHTS.

- (a) Spot Lamps. Any motor vehicle except a public utility company maintenance vehicle may be equipped with not more than one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle. A public utility company maintenance vehicle may be equipped with more than one spot lamp but all lighted spot lamps shall be aimed and used in conformity to the requirements of this subsection.
- (b) Fog Lamps. Any motor vehicle may be equipped with not more than two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes.
- (c) Auxiliary Passing Lamp. Any motor vehicle may be equipped with not more than one auxiliary passing lamp mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands and every auxiliary passing lamp shall meet the requirements and limitations set forth in this article.
- (d) Auxiliary Driving Lamp. Any motor vehicle may be equipped with not more than one auxiliary driving lamp mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands and every such auxiliary driving lamp shall meet the requirements and limitations set forth in this article.

- (e) Roof-Mounted Off-Road Light Bar Lighting Device. Any motor vehicle may be equipped with a roof-mounted off-road light bar lighting device comprised of multiple lamps: provided, that whenever the vehicle is operated or driven upon any road or highway, the roof-mounted off-road light bar lighting device shall be turned off and covered with an opaque covering that prohibits light from being emitted while the vehicle is being operated on any road or highway.

28.11.10 SIGNAL LAMPS AND SIGNAL DEVICES.

- (a) Any motor vehicle may be equipped and when required under this Chapter shall be equipped with the following signal lamps or devices:
 1. A stop lamp on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp.
 2. A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.
- (b) A stop lamp shall be plainly visible and understandable from a distance of 100 feet to the rear both during normal sunlight and at nighttime and signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from a distance of 100 feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.
- (c) All mechanical signal devices shall be self-illuminated when in use at the times mentioned in Section 28.11.2.

28.11.11 COWL, FENDER AND BACK-UP LIGHTS; FLASHING HAZARD LIGHTS.

- (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.
- (b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.
- (c) Except for school buses as provided in this subsection, any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion. School buses used for the transportation of school children in this Municipality, whether owned and

operated by a county board of education or privately owned and operated under contract with a county board of education, shall be equipped with two back-up lamps, one on each side of the rear door, with white lens or reflectors, capable of lighting the roadway and objects to the rear of the bus for safe backing during darkness, and which, at the option of the county board of education, may each provide fifty candlepower in illumination intensity instead of thirty-two candlepower.

- (d) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this article. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights or any shade of color between amber and red.
- (e) Vehicles used by "rural mail carriers" in carrying or delivering mail in rural areas may be equipped with amber flashing lights. Such lights shall be on the front and rear of the vehicle and may be activated when the vehicle is stopped or decreasing speed in order to stop in the course of carrying, delivering or picking up mail along the route.
- (f) Notwithstanding any other provision of this Chapter to the contrary, any motor vehicle may be equipped with not more than one electroluminescent solid state ceramic front identification plate without glare, mounted in conformance with the manufacturer's specifications.
- (g) Vehicles used as the lead car in a funeral procession are hereby authorized to be equipped with, but are not required to use, purple lamps or purple flashing lights. Such lamps may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing a funeral procession, and when so equipped may display such warning in addition to any other warning signals required by this article. The lamps or flashing lights used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously either illuminating or flashing purple lights. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing or illuminated purple lights.

28.11.12 MULTIPLE-BEAM ROAD-LIGHTING EQUIPMENT REQUIREMENTS.

Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle, motor-driven cycle or moped shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

- (a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.
- (b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.
- (c) Every new motor vehicle, other than a motorcycle, motor-driven cycle or moped, registered in the State after January 1, 1952, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Such indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

28.11.13 USE OF HEADLIGHT BEAMS.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 28.11.2, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

- (a) Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam specified in Section 28.11.12(b) shall be deemed to avoid glare at all times regardless of road contour and loading.
- (b) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this Chapter other than the uppermost distribution of light specified in Section 28.11.12(a).
- (c) Any person who violates any of the provisions of this section shall be guilty of a

misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00).

28.11.14 SINGLE-BEAM ROAD-LIGHTING EQUIPMENT.

Head lamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to July 1, 1952 in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

- (a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.
- (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

28.11.15 LIGHTS ON MOTORCYCLES, MOTOR-DRIVEN CYCLES AND MOPEDS.

- (a) Every vehicle other than a motorcycle, motor-driven cycle or moped operated upon a highway within that City at any time from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated. Every motorcycle, motor-driven cycle, and moped shall display lighted head lamps at all times when upon the highway.
- (b) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00).

28.11.16 ALTERNATE ROAD-LIGHTING EQUIPMENT.

Any motor vehicle may be operated under the conditions specified in Section 28.11.2 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in Section 28.11.12, or Section 28.11.14, provided that at no time shall it be operated at a speed in excess of twenty miles per hour.

28.11.17 NUMBER OF DRIVING LIGHTS REQUIRED OR PERMITTED.

- (a) At all times specified in Section 28.11.2 at least two lighted lamps shall be

displayed, one on each side at the front of every motor vehicle other than a motorcycle, motor-driven cycle or moped, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

- (b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a street or highway.

28.11.18 SPECIAL RESTRICTIONS ON LIGHTS.

- (a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps or flashing front-direction signals which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.
- (b) No person shall drive or move any vehicle or equipment upon any street or highway with any lamp or device thereon displaying other than a white or amber light visible from directly in front of the center thereof except as authorized by subsection (d) of this section.
- (c) Except as authorized in subsections (d) and (f) of this section and Section 28.11.11, flashing lights are prohibited on motor vehicles: Provided, that any vehicle as a means for indicating right or left turn, or any vehicle as a means of indicating the same is disabled or otherwise stopped for an emergency may have blinking or flashing lights.
- (d) Notwithstanding any other provisions of this Traffic Code, the following colors of flashing warning lights are restricted for the use of the type of vehicle designated:
 1. Blue flashing warning lights are restricted to police vehicles. Authorization for police vehicles shall be designated by the chief administrative official of this Municipality.
 2. Except for standard vehicle equipment authorized by Section 28.11.11, red flashing warning lights are restricted to the following:
 - A) Ambulances;
 - B) Fire-fighting vehicles;
 - C) Hazardous material response vehicles;
 - D) Industrial fire brigade vehicles;
 - E) Rescue squad vehicles not operating out of a fire department;
 - F) School buses;

- G) Class A vehicles, as defined by West Virginia Code 17A-10-1 of those firefighters who are authorized by their fire chiefs to have the lights;
- H) Class A vehicles of members of duly chartered rescue squads not operating out of a fire department;
- I) Class A vehicles of members of ambulance services or duly chartered rescue squads who are authorized by their respective chiefs to have the lights;
- J) Class A vehicles of out-of-state residents who are active members of West Virginia fire departments, ambulance services or duly chartered rescue squads who are authorized by their respective chiefs to have the lights; and
- K) West Virginia Department of Agriculture emergency response vehicles.
- L) Vehicles designated by the Secretary of the Department of Military Affairs and Public Safety for emergency response or emergency management by the Division of Corrections, Regional Jail and Correctional Facility Authority, Division of Juvenile Services and Division of Homeland Security and Emergency Management; and
- M) Class A vehicles of emergency response or emergency management personnel as designated by the Secretary of the Department of Military Affairs and Public Safety and the county commission of the county of residence.

3. Red flashing warning lights attached to a Class A vehicle shall be operated only when responding to or engaged in handling an emergency requiring the attention of the firefighters, members of the ambulance services or chartered rescue squads. The use of red flashing warning lights shall be authorized as follows:

- N) Authorization for all ambulances shall be designated by the Department of Health and Human Resources and the sheriff of the county of residence.
- O) Authorization for all fire department vehicles shall be designated by the Fire Chief and the State Fire Marshal's Office.
- P) Authorization for all hazardous material response vehicles and industrial fire brigades shall be designated by the Chief of the Fire Department and the State Fire Marshal's Office.
- Q) Authorization for all rescue squad vehicles not operating out of a fire department shall be designated by the squad chief, the sheriff of the county of

- residence and the Department of Health and Human Resources.
- R) Authorization for school buses shall be designated as set out in West Virginia Code 17C-14-12.
 - S) Authorization for firefighters to operate Class A vehicles shall be designated by their fire chiefs and the State Fire Marshal's Office.
 - T) Authorization for members of ambulance services or any other emergency medical service personnel to operate Class A vehicles shall be designated by their chief official, the Department of Health and Human Resources and the sheriff of the county of residence.
 - U) Authorization for members of duly chartered rescue squads not operating out of a fire department to operate Class A vehicles shall be designated by their squad chiefs, the sheriff of the county of residence and the Department of Health and Human Resources.
 - V) Authorization for out-of-state residents operating Class A vehicles who are active members of a West Virginia fire department, ambulance services or duly chartered rescue squads shall be designated by their respective chiefs.
 - W) Authorization for West Virginia Department of Agriculture emergency response vehicles shall be designated by the Commissioner or the Department of Agriculture.
 - X) Authorization for vehicles for emergency response or emergency management by the Division of Corrections, Regional Jail and Correctional Facility Authority, Division of Juvenile Services and Division of Homeland Security and Emergency Management shall be designated by the Secretary of the Department of Military Affairs and Public Safety.
 - Y) Authorization for Class A vehicles of emergency response or emergency management personnel as designated by the Secretary of the Department of Military Affairs and Public Safety and the county commission of the county of residence.

4. Yellow or amber flashing warning lights are restricted to the following:

- Z) All other emergency vehicles, including tow trucks and wreckers, authorized by the West Virginia Code Chapter 17C and 17C-15-27;
- AA) Postal service vehicles and rural mail carriers, as authorized in Section 28.11.11;

- BB) Rural newspaper delivery vehicles;
- CC) Flag car services;
- DD) Vehicles providing road service to disabled vehicles;
- EE) Service vehicles of a public service corporation;
- FF) Snow removal equipment; and
- GG) School buses; and
- HH) Automotive fire apparatus owned by a municipality or other political subdivision, by a volunteer or part-volunteer fire company or department or by an industrial fire brigade.

5. The use of yellow or amber flashing warning lights shall be authorized as follows:

- II) Authorization for tow trucks, wreckers, rural newspaper delivery vehicles, flag car services, vehicles providing road service to disabled vehicles, service vehicles of a public service corporation and postal service vehicles shall be designated by the sheriff of the county of residence.
- JJ) Authorization for snow removal equipment shall be designated by the Commissioner of the Division of Highways.
- KK) Authorization for school buses shall be designated as set out in West Virginia Code 17C-14-12 and any amendments.
- LL) Authorization for automotive fire apparatus shall be designated by the Fire Chief in conformity with the NFPA 1901 standard for automotive fire apparatus as published by the National Fire Protection Association (NFPA) on July 18, 2003, and adopted by the State Fire Commission by legislative rule (87 CSR 1, et seq.), except as follows:
 - 1) With the approval of the State Fire Marshal, used automotive fire apparatus may be conformed to the NFPA standard in effect on the date of its manufacture or conformed to a later NFPA standard, and
 - 2) Automotive fire apparatus may be equipped with blinking or flashing headlamps.

(e) Notwithstanding the foregoing provisions of this section, any vehicle belonging to a county board of education, an organization receiving funding from the state or federal transit administration for the purpose of providing general public transportation, or hauling solid waste may be equipped with a white flashing strobotron warning light. This strobe light may be installed on the roof of a school bus, a public transportation vehicle, or a vehicle hauling solid waste not to exceed one-third the body length forward from the rear

of the roof edge. The light shall have a single clear lens emitting light three hundred sixty degrees around its vertical axis and may not extend above the roof more than six and one-half inches. A manual switch and a pilot light must be included to indicate the light is in operation.

(f) No person shall install or use flashing warning lights of an unauthorized color on a vehicle other than as specified in this section, except that a police vehicle may be equipped with either or both blue or red warning lights.

28.11.19 MOTOR VEHICLE OR MOTORCYCLE BRAKES.

(a) Brake Equipment Required.

1. Every motor vehicle, other than a motorcycle, motor-driven cycle or moped, when operated upon a street or highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
2. Every motorcycle, motor-driven cycle and moped, when operated upon a street or highway, shall be equipped with at least one brake which may be operated by hand or foot.
3. Every trailer or semitrailer of a gross weight of 3,000 pounds or more when operated upon a street or highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and such brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.
4. Every new motor vehicle, trailer or semitrailer hereinafter sold in this State and operated upon the streets or highways shall be equipped with service brakes upon all wheels, with the following exceptions:
 - a) Trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two steerable axles, the wheels of one such axle need not be equipped with brakes, and
 - b) Any motorcycle, motor-driven cycle or moped and any semitrailer of less than 1,500 pounds gross weight need not be equipped with brakes.

5. In any combination of motor-driven vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

6. Every such vehicle and combination of vehicles, except motorcycles, motor-driven cycles and mopeds, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

7. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that a failure of any one part shall not leave the vehicle without operative brakes.

8. The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

(b) Performance Ability of Brakes. Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake, within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

Feet to stop	Deceleration
from 20 miles in feet	
per per hour second	
Vehicle or combinations	
of vehicles having	
brakes on all wheels	30 14

Vehicles or combinations

of vehicles not having brakes

on all wheels 40 10.7

- (b) Maintenance of Brakes. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

28.11.20 INSPECTION OF BRAKES ON MOTORCYCLES, MOTOR-DRIVEN CYCLES AND MOPEDS.

No person shall operate on any street or highway any motorcycle, motor-driven cycle or moped in the event the Commissioner of Highways has disapproved the brake equipment upon such vehicle or type of vehicle.

28.11.21 HORN, SIREN AND THEFT ALARM SIGNAL.

- (a) Every motor vehicle when operated upon a street or highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a street or highway.
- (b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.
- (c) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
- (d) Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Department of Motor Vehicles, but such siren shall not be used except when such vehicle is operated in response to an emergency or in the immediate pursuit of an actual or suspected violator of the law, in which such latter events the driver of such vehicle shall sound such siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

28.11.22 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.

- (a) No person shall drive or move on any street or highway within this Municipality any motor vehicle, trailer, semitruck or pole trailer or any combination thereof, unless the equipment upon every such vehicle is in good working order and adjustment and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon any street or highway of this Municipality. Any person violating the provisions of this section shall be guilty of a misdemeanor.
- (b) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise; such muffler shall be the muffler originally installed by the manufacturer of the vehicle or if a replacement, the equivalent thereof. No person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a street or highway within the City of Weston. The engine and power mechanisms of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. Any person violating the provisions of this section shall be guilty of a misdemeanor.

28.11.23 REAR-VIEW MIRROR.

Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the street or highway for a distance of at least 200 feet to the rear of such vehicle.

28.11.24 WINDSHIELD TO BE UNOBSTRUCTED; WINDSHIELD WIPER.

- (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the street or highway or any intersecting street or highway.
- (b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.
- (d) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

28.11.25 TIRE EQUIPMENT RESTRICTIONS.

- (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- (b) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.
- (c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:
 - 1. It shall be permissible to use farm machinery with tires having protuberances which will not injure the street or highway;
 - 2. It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; and
 - 3. It shall be permissible to use studded tires during the period from November 1, of each year until April 15 of the following year. Provided that in the interest of highway maintenance, no vehicle moved on a street or highway, other than school buses, shall be equipped with studded tires which are operational with a recommended air pressure greater than forty pounds per square inch.
 - 4. No studded tires or chains shall be sold or used within the Municipality which do not meet the specifications established by the rules and regulations which the Commissioner of Highways shall promulgate.
- (d) Council may in its discretion issue special permits authorizing the operation upon the street or highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this Traffic Code.

28.11.26 SAFETY GLASS IN MOTOR VEHICLES.

- (a) On and after July 1, 1951, no person shall operate any motor vehicle as specified herein, nor shall any motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glass of a type approved by the Commissioner of Highways wherever glass is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glass shall apply to all glass used in doors, windows, and windshields in the drivers' compartments of such vehicles.

- (b) The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the Commissioner.

28.11.27 VEHICLES TRANSPORTING EXPLOSIVES.

Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a street or highway shall at all times comply with the provisions of this section.

- (a) Such vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.
- (b) Every such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use and placed at a convenient point on the vehicle so used.

28.11.28 TELEVISION RECEIVER IN DRIVER'S VIEW PROHIBITED.

No motor vehicle shall be operated on any street or highway in this Municipality when equipped with a television receiver unless such receiver is so placed that the screen or picture tube of such receiver is visible only in the rear seat of such motor vehicle and not in view of the operator of such motor vehicle. Exceptions to this rule as outlined in West Virginia Code 17C-15-42(b), or any of its amendments, shall not be considered violations of this section.

28.11.29 SAFETY EQUIPMENT FOR MOTORCYCLISTS, MOTORCYCLES, MOTOR-DRIVEN CYCLES AND MOPEDS.

- (a) No person shall operate or be a passenger on any motorcycle or motor-driven cycle unless he is wearing securely fastened on his head by either a neck or chin strap a protective helmet designed to deflect blows, resist penetration and spread impact forces. Any helmet worn by an operator or passenger shall meet the current performance specifications established by the American National Standards Institute Standard, Z 90.1, the United States Department of Transportation Federal Motor Vehicle Safety Standard No. 218 or Snell Safety Standards for Protective Headgear for Vehicle Users or any other standard as may be adopted by the State of West Virginia.
- (b) No person shall operate or be a passenger on any motorcycle or motor-driven cycle unless he is wearing safety, shatter-resistant eyeglasses (excluding contact lenses), or eyegoggles or face shield that complies with the performance specifications established by the American National Standards Institute for Head,

Eye and Respiratory Protection, Z 2.1, or any other standard adopted by the State of West Virginia. In addition, if any motorcycle, motor-driven cycle or moped is equipped with a windshield or windscreen, the windshield or windscreen shall be constructed of safety, shatter-resistant material that complies with the performance specifications established by Department of Transportation Federal Motor Vehicle Safety Standard No. 205 and American National Standards Institute, Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard Z 26.1, or any other standard adopted by the State of West Virginia.

- (c) No person shall operate a motorcycle, motor-driven cycle or moped on which the handlebars or grips are more than fifteen inches higher than the uppermost part of the operator's seat when the seat is not depressed in any manner.
- (d) A person operating a motorcycle, motor-driven cycle or moped shall ride in a seated position facing forward and only upon a permanent operator's seat attached to the vehicle. No operator shall carry any other person nor shall any other person ride on such a vehicle unless the vehicle is designed to carry more than one person, in which event a passenger may ride behind the operator upon the permanent operator's seat if it is designed for two persons, or upon another seat firmly attached to the vehicle to the rear of the operator's seat and equipped with footrests designed and located for use by the passenger or in a sidecar firmly attached to the vehicle. No person shall ride sidesaddle on a seat. An operator may carry as many passengers as there are seats and footrests to accommodate those passengers. Additional passengers may be carried in a factory produced side car provided that there is one passenger per seat. Passengers riding in a sidecar shall be restrained by safety belts.
- (e) Every motorcycle, motor-driven cycle and moped shall be equipped with a rearview mirror affixed to the handlebars or fairings and adjusted so that the operator shall have a clear view of the road and condition of traffic behind him for a distance of at least 200 feet.

28.11.30 CERTIFICATION LABELS ON MOPEDS.

Every moped sold in this Municipality shall have permanently affixed to it a certification label which shall contain the following information:

- i. Name of manufacturer;
- ii. Month and year of manufacture;
- iii. Gross vehicle weight rating (GVWR);
- iv. Gross axle weight rating for front and rear axles (GAWR);

- v. Vehicle identification number;
- vi. Classification type; and
- vii. Statement of, conformance to Federal standards as required by Federal law.

28.11.31 CHILD PASSENGER SAFETY DEVICES REQUIRED; CHILD SAFETY SEATS AND BOOSTER SEATS.

Every driver who transports a child under the age of eight years in a passenger automobile, van or pickup truck other than one operated for hire shall, while the motor vehicle is in motion and operated on a street or highway, provide for the protection of the child by properly placing, maintaining and securing the child in a child passenger safety device system meeting applicable federal motor vehicle safety standards; provided, that if a child is under the age of eight years and at least four feet nine inches tall, a safety belt shall be sufficient to meet the requirements of this section.

- (a) Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than twenty dollars (\$20.00).
- (b) A violation of this section does not by virtue of the violation constitute evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages.
- (c) If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity may not affect other provisions or applications of this section and to this end the subsections of this section are declared to be severable.
- (d) If all seat belts in a vehicle are being used at the time of examination by a law officer and the vehicle contains more passengers than the total number of seat belts or other safety devices as installed in compliance with federal motor vehicle safety standards, the driver may not be considered in violation of this section.

28.11.32 ALTERATION OF SUSPENSION SYSTEM.

- (a) No person shall operate upon a public street or highway any motor vehicle registered or required to be registered in this State if it has been modified by alteration of its bumper mounting on the frame more than four inches from the lower edge of the original manufactured bumper configuration for that vehicle. The bumper must be at least three inches in vertical width, centered on the center line of the motor vehicle and not less than the width of the wheel track

distance. The maximum distance between the vehicle body to the vehicle frame shall not exceed three inches. The distance from the vehicle body to the vehicle frame shall be measured from the vehicle body mount seat to the vehicle frame mount seat. No vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation. No part of the original suspension system shall be disconnected to defeat the safe operation of the suspension system. Front end suspension by the use of lift blocks is expressly prohibited. However, nothing contained in this section prevents the installation of heavy-duty equipment, including shock absorbers and overload springs. Nothing contained in this section prohibits the operation on a public street or highway of a motor vehicle with normal wear to the suspension system if such normal wear does not adversely affect the control of the vehicle.

- (b)** No person shall operate upon a public street or highway any motor vehicle registered in this State if it has been modified by alteration of its altitude from the ground to the extent that its bumpers, measured to any point on the lower edge of the main horizontal bumper bar, exclusive of any bumper guards, do not fall within the limits specified herein for its gross vehicle weight rating category. The front and rear bumper height of trucks whose gross vehicle weight rating is 10,000 pounds or less may be no less than six inches and no more than thirty-one inches. The provisions of this subsection do not apply to trucks with a gross vehicle weight rating in excess of 10,000 pounds. For the purpose of this section, the term "gross vehicle weight ratings" means manufacturer's gross vehicle weight ratings established for that vehicle.
- (c)** In the absence of bumpers, and in cases where bumper heights have been lowered or modified more than four inches, height measurements under subsection (a) or (b) shall be made to the bottom of the frame rail.
- (d)** This section does not apply to specially designed or modified motor vehicles when operated off the public streets or highways in races and similar events. Such motor vehicles may be lawfully towed on the highways of this State.
- (e)** No person shall operate upon a public street or highway any motor vehicle registered or required to be registered in this State if it has been modified by alteration as set out in the provisions of this section unless the tires on the altered motor vehicle meet specifications approved by the United States Department of Transportation. In addition, neither the motor vehicle nor the chassis shall come in contact with the tires under normal operation.
- (f)** Modified vehicles must have a special inspection sticker which must be inspected by July 31, 1990. The Municipal Police Department shall record on accident report forms whether a modified vehicle was involved in the accident. (WV Code 17C-15-48)

28.11.33 SUN SCREENING DEVICES.

- (a) No person may operate a motor vehicle that is registered or required to be registered in the State on any public highway, road or street that has a sun screening device on the windshield, the front side wings and side windows adjacent to the right and left of the driver and windows adjacent to the rear of the driver that do not meet the requirements of this section. Provided, that law-enforcement, K-9, and other emergency vehicles that are designed to haul animals are exempt from this requirement. No unmarked law-enforcement vehicle, herein exempted, may engage in routine traffic stops.
- (b) A sun screening device when used in conjunction with the windshield must be nonreflective and may not be red, yellow or amber in color. A sun screening device may be used only along the top of the windshield and may not extend downward beyond the ASI line or more than five inches from' the top of the windshield whichever is closer to the top of the windshield.
- (c) A sun screening device when used in conjunction with the automotive safety glazing materials of the side wings or side windows located at the immediate right and left of the driver shall be a nonreflective type with reflectivity of not more than twenty percent (20 %) and have a light transmission of not less than thirty-five percent (35 %). The side windows behind the driver and the rear most windows may have a sun screening device that is designed to be used on automotive safety glazing materials that has a light transmission of not less than thirty-five percent (35 %) and a reflectivity of not more than twenty percent (20%). If a sun screening device is used on glazing behind the driver, one right and one left outside rear view mirror is required.
- (d) Each manufacturer shall:
 - 1) Certify to the State Police and Division of Motor Vehicles that a sun screening device used by it is in compliance with the reflectivity and transmittance requirements of this section;
 - 2) Provide a label not to exceed one and one-half square inches in size, with a means for the permanent and legible installations between the sun screening material and each glazing surface to which it is applied that contains the manufacturer's name and its percentage of light transmission; and
 - 3) Include instructions with the product or material for proper installation, including the affixing of the label specified in this section. The labeling or marking must be placed in the left lower corner of each glazing surface when facing the vehicle from the outside.

(e) No person shall:

- 1) Offer for sale or for use any sun screening product or material for motor vehicle use not in compliance with this Article
- 2) Install any sun screening product or material on vehicles intended for use on public roads without permanently affixing the label specified in this section.

(f) The provisions of this section do not apply to a motor vehicle registered in this State in the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this State that states that the person has a physical condition that makes it necessary to equip the motor vehicle with sun screening material which would be of a light transmittance or luminous reflectance in violation of this section. The affidavit must be in the possession of the person so afflicted, or the person's legal guardian, at all times while being transported in the motor vehicle.

(g) The light transmittance requirement of this section does not apply to windows behind the driver on trucks, buses, trailers, mobile homes and multipurpose passenger vehicles.

(g) As used in this section:

- 1) "Bus" means a motor vehicle with motive power, except a trailer, designed for carrying more than ten persons.
- 2) "Light transmission" means the ratio of the amount of total light to pass through a product or material to the amount of the total light falling on the product or material.
- 3) "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or materials.
- 4) "Manufacturer" means any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with vehicle glazing materials for the purpose of reducing the effects of the sun.
- 5) "Motor homes" means vehicular units designed to provide temporary living quarters built into and an integral part of or permanently attached to a self-propelled motor vehicle chassis.

- 6) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a trailer, designed to carry ten persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation.
- 7) "Nonreflective" means a product or material designed to absorb light rather than to reflect it.
- 8) "Passenger car" means a motor vehicle with motive power, except a multipurpose passenger vehicle, motorcycle or trailer, designed for carrying ten persons or less.
- 9) "Sun screening device" means film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.
- 10) "Truck" means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment. (WV Code 17C-15-36a)

28.11.34 OPERATION OF VEHICLES WITH SAFETY BELTS.

- (a) A person shall not operate a passenger vehicle on a public street or highway unless the person, any passenger in the back seat under eighteen years of age, and any passenger in the front seat of such passenger vehicle is restrained by a safety belt meeting applicable federal motor vehicle safety standards. For the purposes of this section, "passenger vehicle" means a motor vehicle which is designed for transporting ten passengers or less, including the driver, except that such term does not include a motorcycle, a trailer or any motor vehicle which is not required on the date of the enactment of this section under a federal motor vehicle safety standard to be equipped with a belt system. The provisions of this section shall apply to all passenger vehicles manufactured after the first day of January, 1967, and being 1968 models and newer.
- (b) The required use of safety belts as provided herein does not apply to a duly appointed or contracted rural mail carrier of the United States Postal Service who is actually making mail deliveries or to a passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety belt if the condition is duly certified by a physician who shall state the nature of the disability as well as the reason such restraint is inappropriate.
- (c) A violation of this section is not admissible as evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages and shall not be admissible in mitigation of damages: provided, that the court may, upon motion of the defendant, conduct an in camera hearing to determine whether an injured party's failure to wear a safety

belt was a proximate cause of the injuries complained of. Upon such a finding by the court, the court may then, in a jury trial, by special interrogatory to the jury, determine (1) that the injured party failed to wear a safety belt, and (2) that the failure to wear the safety belt constituted a failure to mitigate damages. The trier of fact may reduce the injured party's recovery for medical damages by an amount not to exceed five percent (5%) thereof. In the event the plaintiff stipulates to the reduction of five percent (5%) of medical damages, the court shall make the calculations and the issue of mitigation of damages for failure to wear a safety belt shall not be presented to the jury. In all cases, the actual computation of the dollar amount reduction shall be determined by the court.

- (d) Notwithstanding any other provision of this Code to the contrary, no points may be entered on any driver's record maintained by the Division of Motor Vehicles as a result of a violation of this section.
- (e) Nothing contained in this section shall be construed to abrogate or alter the provisions of 28.11.31 of this Chapter relating to the mandatory use of child passenger safety devices.
- (f) Any person who violates the provisions of this section shall be fined not more than twenty-five dollars (\$25.00). No court costs or other fees shall be assessed for a violation of this section. Enforcement of this section shall be accomplished only as a secondary action when a driver of a passenger vehicle has been detained for probable cause of violating another section of this code.

28.11.35 USE OF ENGINE COMPRESSION BRAKES PROHIBITED.

- (a) It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within this Municipality, any engine brake, compression brake or mechanical exhaust device designed in the aid of braking or decelerating of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle on any public ways, including, but not limited to, streets, alleys, easements, and rights-of-way, established for vehicle operation, except when necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression brakes which is effectively muffled or if the application is necessary for the health, safety, and welfare of the City is exempt from the provisions of this section. Noise created by emergency equipment for emergency purposes is also exempt.
- (b) Any person violating this section shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).

28.11.99 PENALTY.

- (a) General Article Penalty. Unless otherwise provided for in this Article, any person violating any provision of this Article is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).
- (b) Brakes. Any person violating Sections 28.11.19 or 28.11.20 shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars (\$200.00) and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).
- (c) Sunscreening Devices. Whoever violates Section 28.11.33 shall be fined not more than two hundred dollars (\$200.00).

Article 12

SIZE, WEIGHT AND LOAD

- 28.12.1 Oversize or Overweight Vehicles
- 28.12.2 Projecting Loads on Passenger Vehicles
- 28.12.3 Maximum Width, Height and Length
- 28.12.4 Loads Dropping or Leaking
- 28.12.5 Towing Requirements

28.12.1 OVERSIZE OR OVERWEIGHT VEHICLES.

- (a) Use of State Route. No person shall operate or move, on state routes within this Municipality, a vehicle, or combination of vehicles, of a size or weight exceeding any limitation stated in West Virginia Code §17-C-17. Violation of this subsection shall constitute a misdemeanor.
- (b) An applicant may seek special written permit issued by the Commissioner of Highways pursuant to West Virginia Code §17C-17-11, or other applicable State Code provisions, to transport a vehicle, or combination of vehicles, that exceed the maximum weight or size specified in West Virginia Code §17C-17-11 or other applicable West Virginia Code provisions. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.
- (c) A holder of a permit issued by the Commissioner of Highways shall not be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be

unlawful to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in subsection (d) hereof.

- (d) Use of Local Streets. On streets and highways under the jurisdiction of this Municipality, otherwise known as "local streets," no person shall operate a vehicle, or combination of vehicles, exceeding weight limits established in West Virginia Code Section 17C-17 or exceeding weight limits designated by this Municipality to accommodate road conditions within, or on, this Municipality's local streets.

Said limitations do not apply to local streets designated as truck routes and marked as such by appropriate traffic signs and except when such operation is necessary to load or unload property, to go to or from the usual place of storage of such vehicle or to perform any other legitimate business or act other than passage through the Municipality. Operators of vehicles so deviating from either a State route or a designated truck route within the Municipality shall confine such deviation to that required in order to accomplish the purpose of the departure.

- (e) Local Permit and Conditions. Upon application, the Police Chief may issue a local permit authorizing an applicant to move an oversize or overweight vehicle, or combination of vehicles, as defined in subsection (d) above, on local streets as defined in subsection (d) of this Section 28.12.1.

The Police Chief may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Police Chief in his discretion deems advisable, or for the duration of any construction project. The Police Chief may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Police Chief may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.

For each such permit, the Police Chief shall charge five dollars (\$5.00), and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the sum of ten dollars (\$10.00).

Signs shall be posted indicating "no thru trucks 15 tons or more unless otherwise posted" or words of similar import to apprise drivers of the limitations imposed by this section. No driver shall disobey the instructions indicated on any such sign.

Violation of any of the limitations, terms or conditions of the permit granted by the Police Chief shall be cause for immediate revocation or suspension of such permit, and subject to potential denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by Article 28.2.99 of this Chapter.

28.12.2 PROJECTING LOADS ON PASSENGER VEHICLES.

- (a) No passenger-type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the fenders of the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.
- (b) A motor home, travel trailer or truck camper may exceed the maximum width prescribed in Section 28.12.3, if the excess width is attributable to an appurtenance that does not exceed more than six inches beyond the body of the vehicle.

28.12.3 MAXIMUM WIDTH, HEIGHT AND LENGTH.

- (a) A vehicle, including any load thereon, may not exceed a height of thirteen feet six inches, but the owner or owners of such vehicles shall be responsible for damage to any bridge or highway structure and to municipalities for any damage to traffic control devices or other highway structures where such bridges, devices or structures have a vehicle clearance of less than thirteen feet six inches.
- (b) A motor vehicle, including any load thereon, may not exceed a length of forty feet extreme overall dimension, inclusive of front and rear bumpers, except that a motor home and school bus may not exceed a length of forty-five feet, exclusive of front and rear bumpers.
- (c) Except as hereinafter provided in this subsection or in subsection (d) of this section, a combination of vehicles coupled together may not consist of more than two units and no combination of vehicles including any load thereon shall have an overall length, inclusive of front and rear bumpers, in excess of fifty-five feet except as provided in West Virginia Code 17C-17-11b, and except as otherwise provided in respect to the use of a pole trailer as authorized in West Virginia Code 17C-17-5. The limitation that a combination of vehicles coupled together may not consist of more than two units may not apply to:
 - 1) A combination of vehicles coupled together by a saddle-mount device used to transport motor vehicles in a drive-away service when no more than three saddle mounts are used, if equipment used in the combination meets the requirements of the safety regulations of the United States Department of Transportation and may not exceed an overall length of more than seventy-five feet; or
 - 2) A combination of vehicles coupled together, one of which is a travel trailer or folding camping trailer having an overall length,

exclusive of front and rear bumpers, not exceeding sixty-five feet.

- 3) A combination of two vehicles coupled together, one of which is a motor home, or a combination of vehicles coupled together, one of which is a travel trailer or folding camping trailer, may not exceed an overall length, exclusive of front and rear bumpers of sixty-five feet.
- 4) Notwithstanding the provisions of subsections (a), (b), (c) and (d) of this section, the Commissioner of Highways may designate, upon his or her own motion or upon the petition of an interested party, a combination vehicle length not to exceed seventy feet.
- 5) The length limitations for truck tractor-semitrailer combinations and truck tractor-semitrailer-trailer combinations operating on the national system of interstate and defense highways and those classes of qualifying federal-aid primary system highways so designated by the United States Secretary of Transportation and those highways providing reasonable access to and from terminals, facilities for food, fuel, repairs and rest and points of loading and unloading for household goods carriers from such highways and further, as to other highways so designated by the West Virginia Commissioner of Highways, shall be as follows: the maximum length of a semitrailer unit operating in a truck tractor-semitrailer combination shall not exceed forty-eight feet in length except where semitrailers have an axle spacing of not more than thirty-seven feet between the rear axle of the truck tractor and the front axle of the semitrailer, such semitrailer shall be allowed to be not more than fifty-three feet in length and the maximum length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination may not exceed twenty-eight feet in length and in no event shall any combinations exceed three units, including the truck tractor: provided, that nothing herein contained shall impose an overall length limitation as to commercial motor vehicles operating in truck tractor-semitrailer or truck tractor-semitrailer-trailer combinations.
- 6) the total outside width, exclusive of safety equipment authorized by the United States Department of Transportation, of any vehicle or the load thereon may not exceed ninety-six inches, except as otherwise provided in West Virginia Code Article 17C-17: provided, that any vehicle

with a total outside width of 102 inches, exclusive of safety equipment authorized by the United States Department of Transportation, may be operated on any street or highway designated by the United States Department of Transportation or the Commissioner of the Department of Highways or on any street or highway having a minimum lane width of ten feet.

- 7) Motor homes, travel trailers, truck campers, and motor buses with a total outside width of 102 inches, excluding safety equipment authorized by the United States Department of Transportation may operate on any street or highway.

28.12.4 LOADS DROPPING OR LEAKING.

- (a) No vehicle or combination of vehicles shall be operated on any street or highway unless such vehicle or combination of vehicles is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.
- (b) No person shall operate on any street or highway any vehicle or combination of vehicles with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the street or highway.

28.12.5 TOWING REQUIREMENTS.

- (a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.
- (b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

28.12.99 Penalties

If a violator of this Article causes damage to local streets then the City of Weston may recover damages through a civil action brought by the authorities in control of such local street. (WV Code §17C-17-13)

A violator is subject to a fine even though no damage has occurred. Unless otherwise provided in this Section, violators of this section shall be subject to penalties found in

Article 13

Miscellaneous Rules

28.13.1	Unattended Motor Vehicle
28.13.2	Backing a Vehicle
28.13.3	Driver's View and Control to be Unobstructed by Load or Persons
28.13.4	Passengers In Seat with Operator
28.13.5	Passengers on Running Board
28.13.6	Following Authorized Emergency Vehicles
28.13.7	Approaching Authorized Emergency Vehicles
28.13.8	Driving over Fire Hose
28.13.9	Opening Door of Vehicle on Traffic Side
28.13.10	Boarding or Alighting From Vehicle
28.13.11	Unlawful Riding
28.13.12	Squealing Tires, Cracking Exhaust Noises
28.13.13	Taking, Injuring or Tampering with Vehicle
28.13.14	Driving upon Sidewalk, Street Lawn or Curb
28.13.15	Shortcutting; Avoiding Traffic Control Devices
28.13.16	Coasting Prohibited
28.13.17	Driving Through Safety Zone
28.13.18	Driving Upon Street Posted as Closed for Repair
28.13.19	Obstruction of Traffic
28.13.20	Vehicle Security
28.13.21	Vehicle Regulations on Park Property
28.13.22	Motorized Scooters
28.13.99	Penalty

28.13.1 UNATTENDED MOTOR VEHICLE.

No person driving or in charge of a motor vehicle shall permit it to set unattended on public or commercial property without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the side, such as to the curb or side of a street or highway.

28.13.2 BACKING A VEHICLE.

- a) The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.
- b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second

conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.13.3 DRIVERS' VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS.

- (a) No person shall drive a vehicle when it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his or her control over the driving mechanism of the vehicle.
- (c) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.13.4 PASSENGERS IN SEAT WITH OPERATOR.

- a) No more than three persons including the operator shall ride or be permitted by such operator to ride in the seat with the operator of any motor vehicle while such motor vehicle is being operated on the streets or highways of this Municipality: provided, however, that the limitation of this section shall not apply to a truck cab or truck crew compartment properly designed for the occupancy of four persons including the operator, and so designated on the registration card by the Division of Motor Vehicles.
- b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.13.5 PASSENGERS ON RUNNING BOARD.

- a) No passenger shall ride nor shall the operator permit any passenger to ride on the running boards of any motor vehicle while such vehicle is being operated on the streets or highways of this Municipality.
- b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.13.6 FOLLOWING AUTHORIZED EMERGENCY VEHICLES.

The driver of any vehicle, other than one on official business may not follow any authorized emergency vehicle traveling in response to a fire alarm or other emergency closer than 500 feet or drive into or park such vehicle within the block where such authorized emergency vehicle has stopped in answer to a fire alarm or other emergency. (WV Code 17C-14-9)

28.13.7 APPROACHING AUTHORIZED EMERGENCY VEHICLES.

- a) The driver of any vehicle approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, shall:
 - 1) Proceed with due caution, yield the right-of-way by making a lane change not adjacent to that of the authorized emergency vehicle, if possible with regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle and reduce speed to a safe level for road conditions; or
 - 2) Proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed not to exceed fifteen miles per hour on any non-divided highway or street and twenty-five miles per hour on any divided highway depending on road conditions, if changing lanes would be impossible or unsafe.
- b) Any person violating the provisions of 28.13.7 in a manner outlined in West Virginia Code §17C-14-9A, or its amendments, shall be subject to the penalties outlined in said State Code provision, or its amendments.

28.13.8 DRIVING OVER FIRE HOSE.

- a) No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
- (b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.13.9 OPENING DOOR OF VEHICLE ON TRAFFIC SIDE.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers.

28.13.10 BOARDING OR ALIGHTING FROM VEHICLE.

No person shall board or alight from any vehicle while such vehicle is in motion.

28.13.11 UNLAWFUL RIDING.

No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

28.13.12 SQUEALING TIRES, CRACKING EXHAUST NOISES.

No person shall unnecessarily rev the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling."

28.13.13 TAKING, INJURING OR TAMPERING WITH VEHICLE.

- (a) No person shall drive a vehicle that is not his own, without consent of the owner thereof, and with intent temporarily to deprive such owner of his possession of such vehicle, but without intent to steal the vehicle. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of such vehicle by the same or a different person. Any person who assists in, or is a party or accessory to or an accomplice in any such unauthorized taking or driving, shall also be guilty of a violation of this section. (WV Code 17A-8-4)
- (b) No person either individually or in association with one or more persons shall willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent, of the owner.
- (c) No person with intent to commit any malicious mischief, injury or other crime shall climb into or upon a vehicle whether it is in motion or at rest or with like intent attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of a vehicle while the same is at rest and unattended or with like intent set in motion any vehicle while the same is at rest and unattended.
- (d) Any person, either individually or in association with one or more persons, who shall willfully injure or damage any item of special mobile equipment or break or

remove any parts from an item of special mobile equipment, without the consent of the owner, which injury, damage, or breakage or removal of parts shall be of an amount of \$1,000 or more, is guilty of a felony. If the injury, damage, or breakage or removal of parts shall be of an amount which is less than \$1,000, such person is guilty of a misdemeanor.

28.13.14 DRIVING UPON SIDEWALK, STREET LAWN OR CURB.

- (a) No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.
- (b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

28.13.15 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.

- (a) No driver shall leave the roadway and enter upon a public or private lot, street or any other property to avoid a traffic control device.
- (b) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

28.13.16 COASTING PROHIBITED.

The operator of any motor vehicle when traveling on a down grade on any street, alley or highway shall not coast with the gears of such vehicle in neutral.

28.13.17 DRIVING THROUGH SAFETY ZONE.

No operator of a vehicle shall drive the same over or through a safety zone.

28.13.18 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.

No person shall drive upon, along or across a street or highway, or any part thereof, which has been closed in the process of its construction, reconstruction or repair, when posted with appropriate signs by the authority having jurisdiction to close such street or highway, except where "local traffic only signs," or the like, permit vehicle travel.

28.13.19 OBSTRUCTION OF TRAFFIC.

No person shall operate, stop, stand or park any motor vehicle on any street or alley within the Municipality so as to obstruct or hinder the free flow of motor

vehicle traffic except in compliance with a lawful order of a police officer or in compliance with a traffic control sign, signal or marking.

28.13.20 VEHICLE SECURITY.

Every owner or registrant of a motor vehicle shall maintain security upon such vehicle as required by West Virginia Code Article 17D-2A, and no person shall knowingly drive or operate on any street within the Municipality any motor vehicle upon which security is required by such Article unless the security is provided, and violation of any of the provisions of West Virginia Code Article 17D-2A including failure to have a certificate of insurance, if required, shall constitute a violation under this section.

28.13.21 VEHICLE REGULATIONS ON PARK PROPERTY.

- (a) As used in this section, "Board" means a Board authorized by the Weston City Council the City to manage park property, and "vehicle" means any automobile, motorcycle, bicycle or any other form of mechanical transportation.
- (b) No person shall drive or propel or cause to be driven or propelled along or over any roadway or other property under the supervision of the Board at a greater rate of speed than fifteen miles per hour unless another speed limit is posted.
- (c) No vehicle shall be parked or stopped on any roadway or on any other property within park areas under the supervision of the Board, except as designated parking areas. No vehicle shall be parked or stopped on unpaved areas within the park areas or on areas of the roadway designated for travel of vehicles or on paved areas not designated for parking, except on occasion when such area is specifically designated as a parking or driving area, whichever applies, by the Board or the City.

28.13.22 MOTORIZED SCOOTERS

- (a) Definitions: "Motorized Scooters" means a scooter that is powered by a gasoline or electric motor or other mode of non-human propulsion-mechanized power.
- (b) Prohibited Acts: Exemptions.
 - 1) The riding, operation, or other use of motorized scooters for transportation or recreational purposes, within or upon the streets, alleys, sidewalks, parking lots, and other property owned, leased, or controlled by the City of Weston and any of its boards, authorities, or commissions is prohibited, unless the person using such motorized scooter has a valid drivers' license under the provisions of the West Virginia Code.

- 2) It shall not be an offense for a motorized scooter to be operated upon a designated parade route, when such person is a duly registered and recognized participant in any properly permitted parade, provided that such operation occurs in conjunction with said parade.
 - 3) The Federal Government, the State of West Virginia, and the City of Weston are exempt from the provisions of this article.
 - 4) The provisions of this section do not apply to an Electric Personal Assistive Mobility Device as defined in 28.1.9 of this Chapter and as operated by a mobility impaired person as defined in 28.1.9 of the this Chapter.
 - 5) Any licensed driver permitted to operate a motorized scooter shall comply with the required safety equipment set forth in applicable provisions of this Chapter, or its amendments, and applicable provisions of the West Virginia Code, and any amendments.
- (c) Penalty for 28.13.22: Any person convicted of a first offense shall be guilty of a misdemeanor and, if convicted thereof, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any person convicted of a second or further offense shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00). The parent or other guardian of any person violating the provisions of this article when such person shall not have attained the age of eighteen years shall not authorize or knowingly permit any such minor to violate any provision of this article. Any such authorization or if such parent or other guardian shall knowingly permit any such minor to violate the provisions of this article shall constitute a criminal violation and shall subject such parent or guardian to the criminal penalties set forth in this article. The citing and conviction of any parent or guardian shall not prohibit the citing and conviction of the operator of such motorized scooter.

28.13.99 PENALTY.

- (a) General Article Penalty. Whoever violates any provision of this article for which no other penalty is provided shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).
- (b) Vehicle Security. Any person violating the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$200 nor more than \$5,000; and upon a second or subsequent conviction, shall be fined not less than \$200 nor more than \$5,000, or confined in the county or regional jail for not less than fifteen days nor more than one year, or both: Provided, That an insured shall not be guilty of a violation of this subsection (b) if

he or she furnishes proof that such insurance was in effect within seven days of being cited for not carrying such certificate or other proof in such vehicle. (WV Code 17D-2A-4

Article 14

License, Registration and Inspection

28.14.1	Registration, Certificate of Title Required
28.14.2	Registration Card
28.14.3	Display of Registration Plates
28.14.4	Operation of Vehicle without Evidence of Registration; Use of Temporary Facsimile
28.14.5	Improper Use of Registration Card, Plate or Permit
28.14.6	Driver or Motorcycle License Required
28.14.7	Persons Exempt from License
28.14.8	License to be Carried and Exhibited on Demand
28.14.9	Certain Acts Prohibited
28.14.10	Driving Under Suspension or Revocation
28.14.11	Owner or Operator Allowing Another to Drive
28.14.12	Certificated of Inspection and Approval (MVI)
28.14.99	Penalty

28.14.1 REGISTRATION, CERTIFICATE OF TITLE REQUIRED.

No person shall drive or move and no owner shall knowingly permit to be driven or moved upon any street or highway any vehicle of a type required to be registered under West Virginia Code Chapter 17-A which is not registered or for which a certificate of title has not been issued or applied for or for which the appropriate fee has not been paid when and as required, except as otherwise permitted by the provisions therein: provided, that in the event of the sale of a vehicle by a person other than a registered dealer, the person purchasing the same may, for a period of not more than ten days, operate such vehicle under the registration of its previous owner and display the registration thereof: provided further that he shall have and display on the demand of any proper officer the consent in writing of such previous owner so to use such registration

28.14.2 REGISTRATION CARD.

Every owner upon receipt of a registration card shall write his signature thereon with pen and ink in the space provided. Every such registration card shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer or any officer or employee of the Department of Motor Vehicles.

28.14.3 DISPLAY OF REGISTRATION PLATES.

- (a) Registration plates issued for vehicles required to be registered shall be attached to the rear thereof except that on truck tractors and road tractors designed and constructed to pull trailers or semi-trailers, the registration plate shall be mounted to the front.
- (b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.
- (c) Notwithstanding the provisions of subsection (b) of this section, an owner of a motor vehicle with a Class G registration as defined in West Virginia Code 17A-10-1 may choose to:
 - 1) Display a standard, Class G registration plate in a horizontal position; or
 - 2) Display a specially designed Class G registration plate in a vertical position.

28.14.4 OPERATION OF VEHICLE WITHOUT EVIDENCE OF REGISTRATION; USE OF TEMPORARY FACSIMILE.

No person shall operate or park, nor shall an owner knowingly permit to be operated or parked upon any street or highway any vehicle required to be registered unless there is attached thereto and displayed thereon or is in the possession of the operator when and as required by this Chapter, a valid registration card and registration plate or plates issued therefor by the Department of Motor Vehicles for the current registration year except as otherwise expressly permitted in West Virginia Code Chapter 17-A, or its amendments.

In the event that the registration plate or plates originally issued are lost, destroyed or stolen, a temporary facsimile of the plate or plates, showing the number of the same, may be attached to the vehicle by the owner for a period of not more than fifteen days, or until a new plate or plates are issued by the Department whichever is earlier: provided, that no such facsimile shall be used and no such vehicle shall be driven upon the streets or highways of this Municipality until the owner has notified in writing the State Police of the loss of such registration plate or plates.

28.14.5 IMPROPER USE OF REGISTRATION CARD, PLATE OR PERMIT.

No person shall lend to another any certificate of title, registration card, registration plate, special plate or permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration card, registration plates or permit not issued for such

vehicle or not otherwise lawfully used thereon under this Traffic Code. Any violation of this section is a misdemeanor.

28.14.6 DRIVER OR MOTORCYCLE LICENSE REQUIRED.

- (a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a street or highway in this Municipality or upon any subdivision street, as used in West Virginia Code Article 8-24, when the use of such subdivision street is generally used by the public unless the person has a valid driver's license under the provisions of the West Virginia Code for the type or class of vehicle being driven.
- (b) Any person licensed to operate a motor vehicle as provided in the West Virginia Code may exercise the privilege thereby granted as provided in the West Virginia Code and, except as otherwise provided by law, shall not be required to obtain any other license to exercise such privilege by any county, municipality or local board or body having authority to adopt local police regulations.
- (c) No person, except those hereinafter expressly exempted, shall drive any motorcycle upon a street or highway in this Municipality or upon any subdivision street, as used in West Virginia Code Article 8-24 when the use of such subdivision street is generally used by the public unless the person has a valid motorcycle license or a valid license which has been endorsed under West Virginia Code 17B-2-7b for motorcycle operation or has a valid motorcycle instruction permit.

28.14.7 PERSONS EXEMPT FROM LICENSE.

The following persons are exempt from the license required under Section 28.14.6:

- (a) Any person while operating a motor vehicle in the armed services of the United States while in the performance of his official duties;
- (b) A nonresident who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued to the person in the person's home state or country unless the State of West Virginia determines the person's home state or country does not extend the same privileges to a resident of this State, may operate a motor vehicle in this State only as a noncommercial driver for a period not to exceed ninety days in any one calendar year;
- (c) A nonresident who is at least sixteen years of age, who has in the person's immediate possession a valid driver's license issued to the person in the person's home state or country and who is employed in this State, or owns, maintains or operates a place or places of business in this State, or engages in any trade, profession or occupation in this State, in addition to the driving privileges extended under subsection (b) hereof, unless the Commissioner determines the

person's home state or country does not extend the same privileges to a resident of this State, may operate a motor vehicle in this State only as a noncommercial driver in traveling to and from the person's place or places of employment, place or places of business or place or places at which the person engages in the trade, profession or occupation and in the discharge of the duties of the person's employment, business, trade, profession or occupation if the duties are such that, if performed by a resident of the State of West Virginia over the age of eighteen years of age, the resident would not be required under the provisions of West Virginia Code Chapter 17 to obtain a Class A, B, C or D driver's license. However, this subsection shall not exempt any person who is required to obtain a West Virginia driver's license in accordance with the provisions of West Virginia Code 17B-2-1a;

- (d) A nonresident who is at least eighteen years of age and who has in his or her immediate possession a valid commercial driver's license issued to the person in his or her home state or country and which meets the requirements of the federal commercial motor vehicle act of 1986, Title XI of public law 99-570 and unless the Commissioner determines the person's home state or country does not extend the same privilege to a resident of this State may operate a motor vehicle in this State either as a commercial driver subject to the age limits applicable to commercial driver in this State, or as a noncommercial driver subject to the limitations imposed on nonresident drivers in subsections (b) and (c) hereof;
- (e) Any person who is a student, properly enrolled and registered in an accredited school, college or university in this State, who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued to the person in the person's home state, notwithstanding the limitations of subsections (b) and (c) hereof may operate motor vehicle in this State only as noncommercial driver: provided, that the state of which the person is a resident shall extend the same privileges to residents of this State. This exemption shall be canceled immediately when the student is graduated from school, college or university or is expelled or ceases to be a student. (WV Code 17B-2-2)

28.14.8 LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND.

- (a) Every licensee shall have his or her driver's license in such person's immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a magistrate, municipal judge, circuit court judge, peace officer, police officer, or an employee of the Division of Motor Vehicles. Provided, that no person charged with violating this section shall be convicted if such person produces in court or at the office of the arresting officer a driver's license issued to such person and valid at the time of such person's arrest.
- (b) Any person violating the provisions of this section is guilty of a violation of 28.14.8 of this Chapter and, upon conviction thereof, shall be fined not

more than, five hundred dollars (\$500.00): Provided, that no person charged with violating this section shall be convicted if such person produces in court or at the office of the arresting office a driver's license issues to such person and valid at the time of such person's violation.

28.14.9 CERTAIN ACTS PROHIBITED.

- a) No person shall commit any one of the following acts:
 - 1) Display or cause or permit to be displayed or have in his possession any fictitious or fraudulently altered driver's or commercial driver's license or nonoperator's identification;
 - 2) Lend his driver's or commercial driver's license or nonoperator's identification to any other person or knowingly permit the use thereof by another;
 - 3) Display or represent as one's own any driver's or commercial driver's license or nonoperator's identification not issued to him;
 - 4) Use a false or fictitious name in any application for a driver's or commercial driver's license or nonoperator's identification or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application;
 - 5) Permit any unlawful use of a driver's or commercial driver's license or nonoperator's identification issued to him; or
 - 6) Do any act forbidden or fail to perform any act required by this Traffic Code or West Virginia Code Chapter 17.

28.14.10 DRIVING UNDER SUSPENSION OR REVOCATION.

- a) No person shall drive a motor vehicle on any public street or highway of this Municipality at a time when his privilege so to do has been lawfully suspended or revoked. (WV Code 17B-4-3)
- b) Any person who drives a motor vehicle on any public street or highway of or in the City of Weston at a time when his or her privilege to do so has been lawfully suspended or revoked by the State of West Virginia or any other jurisdiction is, for the first offense, guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500; for the second offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500; for the third or any subsequent offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not less than thirty days nor more than ninety days and shall be fined not less than \$150 nor more than \$500.

28.14.11 OWNER OR OPERATOR ALLOWING ANOTHER TO DRIVE.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street or highway by any person who is not authorized hereunder or in violation of any of the provisions of this Chapter.

28.14.12 CERTIFICATE OF INSPECTION AND APPROVAL.

It is a misdemeanor for any owner or operator, or both owner and operator, of any vehicle required to be inspected under West Virginia Code §17C-16-4(a), or its amendments, to operate or permit to be operated such vehicle without having displayed thereon a current and valid certificate of inspection and approval or fail to produce same upon demand of any authorized person as designated under said subsection: Provided, That a dealer licensed to sell new vehicles under the provision of West Virginia Code §17A-6 r its amendments, shall not be required to display a certificate of inspection and approval upon any new vehicle if the vehicle is driven for an operational purpose including all activities associated with dealer preparation for sale of a motor vehicle belonging to such dealer when such vehicle has not been titled or delivered to a purchaser, and when such car is not to be used in the demonstrator fleet or otherwise routinely driven on the highways or roads of this state.

Unless another penalty is by the laws of this state provided, every person convicted of a misdemeanor for operating a vehicle without having displayed thereon a current and valid certificate of inspection and approval or for failure to produce such certificate upon demand of an authorized person shall be punished by a fine of not more than \$100: Provided, That any person who obtains an inspection and a current and valid certificate of inspection and who, within five days of the issuance of a citation for a violation of the provisions of this section, provides a receipt of inspection to and makes the vehicle so operated available for examination by a court of competent jurisdiction, shall not be guilty of a violation of the provisions of this section: Provided, however, That the misdemeanor penalty shall be imposed if the certificate of inspection has not been valid for a period exceeding three months prior to the date of the issuance of a citation.

28.14.99 PENALTY

- a) General Article Penalty. Unless otherwise provided, whoever violates any provision of this Chapter for which no other penalty is provided shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).

Article 15

2021 City of Weston Chapter 28 Traffic Code

- 28.15.1 Compliance with Traffic Regulations.
- 28.15.2 Right of Way in Crosswalk.
- 28.15.3 Crossing Roadway Outside of Crosswalk.
- 28.15.4 Drivers to Exercise Due Care.
- 28.15.5 Moving Upon Right Half of Crosswalk.
- 28.15.6 Walking Along Streets and Highways; Soliciting Rides.
- 28.15.7 Persons Working on Streets and Highways.
- 28.15.8 Protection of Blind Pedestrians.
- 28.15.9 Electric Personal Assistive Mobility Device.
- 28.15.99 Penalty.

28.15.1 COMPLIANCE WITH TRAFFIC REGULATIONS.

Pedestrians shall be subject to traffic control signals at intersections as provided in Section 28.3.4 but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in WV Code 17C-10, unless otherwise modified by this Chapter.

28.15.2 RIGHT OF WAY IN CROSSWALK.

- (a) When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in Section 28.15.3(b).
- (b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

28.15.3 CROSSING ROADWAY OUTSIDE CROSSWALK.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

- (c) Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

28.15.4 DRIVERS TO EXERCISE DUE CARE.

Notwithstanding any other provision of this Article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

28.15.5 MOVING UPON RIGHT HALF OF CROSSWALK.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

28.15.6 WALKING ALONG STREETS AND HIGHWAYS; SOLICITING RIDES.

- (a) Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway.
- (b) Where sidewalks are not provided any pedestrian walking along and upon a street or highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.
- (c) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

28.15.7 PERSONS WORKING ON STREETS AND HIGHWAYS.

The driver of a vehicle shall yield the right of way to persons engaged in maintenance or construction work on a street or highway whenever he is notified of their presence by an official traffic control device or flagman.

28.15.8 PROTECTION OF BLIND PEDESTRIANS.

The driver of a vehicle approaching a blind pedestrian who knows, or in the exercise of reasonable care should know, that such pedestrian is blind because such pedestrian is carrying a cane predominantly white or metallic in color with or without a red tip, or is using a guide dog or otherwise, or should have any other reason to know the pedestrian is blind shall exercise care commensurate with the situation to avoid injuring such pedestrian.

28.15.9 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.

- (a) For purposes of this section, the definition of an “electric personal assistive mobility device” is the same definition as previously set forth in Section 28.1.9 and “operator” shall refer to the operator of an electric personal assistive mobility device.
- (b) An electric personal assistive mobility device shall be equipped with: Front, rear and side reflectors, a braking system that enables the operator to bring the device to a controlled stop; and If operated at any time from one-half hour after sunset to one-half hour before sunrise, a lamp that emits a white light that sufficiently illuminates the area in front of the device.
- (c) An operator of an electric personal assistive mobility device traveling on a sidewalk, roadway or bicycle path shall have the rights and duties of a pedestrian and shall exercise due care to avoid colliding with pedestrians. An operator shall yield the right of way to pedestrians.
- (d) Except as provided in this section, no other provisions of the motor vehicle code shall apply to electric personal assistive mobility devices.

28.15.99 PENALTY.

- a) Unless otherwise provided, whoever violates any provision of this Article shall be fined not more than one hundred dollars (\$100.00); upon a second conviction conviction shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent shall be fined not more than five hundred dollars (\$500.00).
- b) An operator who violates a provision of Section 28.15.9 shall receive a warning for the first offense. For a second or subsequent offense, the operator shall be punished by a fine of not less than ten dollars (\$10.00) and not greater than one hundred dollars (\$100.00). (WV Code 17C-10A-2)

**Article 16
Bicycles**

- 28.16.1 Compliance, Code Application to Bicycles
- 28.16.2 Obedience to Traffic Rules; Exceptions
- 28.16.3 Riding Upon Seats; Number of Persons
- 28.16.4 Attaching Bicycle or Sled to Vehicle
- 28.16.5 Riding on Roadways and Bicycle Paths
- 28.16.6 Carrying Articles
- 28.16.7 Lights and Reflector on Bicycle; Signal Device; Brakes
- 28.16.8 Reckless Operation; Control, Course and Speed
- 28.16.9 Parental Duties
- 28.16.10 Riding on Sidewalk Prohibited

- 28.16.11 Bicycle Helmets for Children
- 28.16.99 Penalty

28.16.1 COMPLIANCE; CODE APPLICATION TO BICYCLES.

It is a misdemeanor for any person to any act forbidden or fail to perform any act required in this Article.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Chapter.

These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

28.16.2 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Article and except as to those provisions of this Chapter which by their nature can have no application. (WV Code 17C-11-2)

28.16.3 RIDING UPON SEATS; NUMBER OF PERSONS.

A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

28.16.4 ATTACHING BICYCLE OR SLED TO VEHICLE.

No person riding upon any bicycle, coaster, skateboard, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

28.16.5 RIDING ON ROADWAYS AND BICYCLE PATHS.

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

28.16.6 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

28.16.7 LIGHTS AND REFLECTOR ON BICYCLE; SIGNAL DEVICE; BRAKES.

- (a) Every bicycle when in use used 30 minutes after sunset and 30 minutes before sunrise shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Department of Motor Vehicles which shall be visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.
- (b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
- (c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. (WV Code 17C-11-7)

28.16.8 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

- a) No person shall operate a bicycle:
 - 1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
 - 2) Without exercising reasonable and ordinary control over such bicycle;
 - 3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
 - 4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 28.16.6;
 - 5) At a speed greater than is reasonable and prudent under the conditions then existing.

28.16.9 PARENTAL DUTIES.

The parent of any child and the guardian of any ward shall not authorize or

knowingly permit any such child or ward to violate any of the provisions of this article.

28.16.10 RIDING ON SIDEWALK PROHIBITED.

Riders of bicycles may operate said bicycles on the sidewalks of the City. However, it shall be unlawful for any person to operate a bicycle upon the sidewalks of the City carelessly, heedlessly, or in a willful and wanton disregard for the rights or safety of others, or without due caution and circumspection, or in a manner as to endanger, or be likely to endanger, any person or property, or so as to interfere with the normal movement of vehicular or pedestrian traffic. Riding of bicycles shall be prohibited on sidewalks that the City Council may deem prohibited for bicycle riding.

Anyone operating a bicycle in a manner which causes injury to another person shall be subject to a fine of \$50 for first offense; \$100 for second offense; \$200 for third or subsequent offenses.

This section is not intended to supplant the Weston City ordinance, effective July 1, 1994, which restricts bicycle riding on the sidewalks of the business area of Weston.

28.16.11 BICYCLE HELMETS FOR CHILDREN.

(a) Definitions. As used in this section:

“Bicycle” means a human-powered vehicle with wheels designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. Such term also includes a human-powered vehicle, and any attachment to such vehicle designed to transport by pedaling when the vehicle is used on a public roadway, public bicycle path or other public right-of-way, but does not include a tricycle.

“Tricycle” means a three-wheeled human-powered vehicle designed for use as a toy by a single child under the age of six years, the seat of which is no more than two feet from ground level.

“Public roadway” means a right of way under the jurisdiction and control of this State or the Municipality for use primarily by motor vehicles.

“Public bicycle path” means a right of way under the jurisdiction and control of this State or the Municipality for use primarily by bicycles and pedestrians.

“Other public right-of-way” means any right of way other than a public roadway or public bicycle path that is under the jurisdiction and control of this State or the Municipality and is designed for use and used by vehicular or pedestrian traffic.

“Protective bicycle helmet” means a piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation's standards for

protective headgear or American Society for Testing and Materials (ASTM) for use in bicycling.

“Passenger” means any person who travels on a bicycle in any manner except as an operator.

“Operator” means a person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.

(b) Requirements for Helmet Use.

It is unlawful for any person under fifteen years of age to operate or be a passenger on a bicycle or any attachment to a bicycle used on a public roadway, public bicycle path or other public right of way unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

It is unlawful for any parent or legal guardian of a person under fifteen years of age to knowingly permit such person to operate or be a passenger on a bicycle or on any attachment to a bicycle used on a public roadway, public bicycle path or other public right of way unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

(c) Sale of Bicycle Helmets. Any helmet sold or offered for sale for use by operators and passengers of bicycles shall be conspicuously labeled in accordance with the standard described in subsection (a) hereof, which shall constitute the manufacturer's certification that the helmet conforms to the applicable safety standards.

(d) Civil Actions. A violation of subsection (b) hereof is not admissible as evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages, and shall not be admissible in mitigation of damages.

28.16.99 PENALTY.

Notwithstanding the provisions of Section 28.2.99, any parent or legal guardian violating any requirement set forth in Section 28.16.2(b) shall be fined ten dollars (\$10.00) or be required to perform two hours in community service to a child injury prevention program which includes injury prevention education or both fined and required to perform such community service. Notwithstanding the provisions of West Virginia Code 8-11-1, no court costs may be assessed to any person violating the requirements of Section 28.16.2(b).

In the case of a first violation of Section 28.16.2(b), the court may waive

the fine upon receipt of satisfactory proof that the person has a helmet or within a reasonable time from the date of the violation, purchased or otherwise obtained, a protective bicycle helmet.

It is an absolute defense to a charge for a violation of 28.16.12 that a parent or legal guardian is unable to pay for the protective bicycle helmet. Inability to pay may be demonstrated by the filing of a financial affidavit in accordance with the provisions of West Virginia Code 59-2-1(c), or other relevant West Virginia Code sections. Any person who demonstrates inability to pay shall be referred to the Governor's highway safety program for assistance in obtaining the appropriate helmet or helmets. (WV Code 17C-11A-7)

Article 17

ATVs

28.17.1. Acts prohibited by operator; penalties for violations.

(a) No all-terrain vehicle may be operated in this state:

(1) On any interstate highway except by public safety personnel responding to emergencies;

(2) On any road or highway with a center line or more than two lanes except for the purpose of crossing the road, street or highway, if:

(A) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(B) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(C) The operator yields his or her right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

(D) Both the headlight and taillight are illuminated when the crossing is made if the vehicle is so equipped;

(3) With more than one passenger unless more passengers are allowed under manufacturers' recommendations;

(4) With a passenger under the age of eighteen, unless the operator has at a minimum a level two intermediate driver's license or its equivalent or is eighteen years of age or older;

(5) Unless riders under the age of eighteen are wearing size appropriate protective helmets that meet the current performance specifications established by the American National Standards Institute standard, z 90.1, the United States Department of Transportation federal motor vehicle safety standard no. 218 or Snell safety standards for protective headgear for vehicle users;

(6) Anytime from sunset to sunrise without an illuminated headlight or lights and taillights;

(7) Without a manufacturer-installed or equivalent spark arrester and a manufacturer-installed or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system; or

(8) Unless operating in compliance with the provisions of section two of this article.

(b) An all-terrain vehicle may be operated upon the shoulder, or as far to the right on the pavement as possible when there is not enough shoulder to safely operate, on any road, street or highway referred to in subdivision (2), subsection (a) of this section other than an interstate highway for a distance not to exceed ten miles to travel between a residence or lodging and off-road trails, fields and areas of operation, including stops for food, fuel, supplies and restrooms, if:

(1) The vehicle is operated at speeds of twenty-five miles per hour or less; and

(2) The vehicle is operated at any time from sunset to sunrise the all-terrain vehicle must be equipped with headlights and taillights which must be illuminated.

(c) Operation of an all-terrain vehicle in accordance with subsection (b) shall not constitute operation of a motor vehicle on a road or highway of this state as contemplated by the provisions of section seven of this article.

(d) Notwithstanding any provision of this chapter to the contrary, a municipality, county or other political subdivision of the state may authorize the operation of all-terrain vehicles on certain specified roads, streets or highways which are marked with centerline pavement markings, other than interstate highways, to allow participation in parades, exhibitions and other special events, in emergencies or for specified purposes.

28.17.2 Safety awareness courses.

(a) No person under the age of eighteen may operate an all-terrain vehicle without a certificate of completion of a vehicle rider safety awareness course as offered or approved by the commissioner of motor vehicles as identified in West Virginia Code §17F-1-2.

(b) The provisions of subsection (a) of this section do not apply to the operation of an all-terrain vehicle on any private or public recreational trail or area or affiliated trail or area operated by a person or entity which has in place a safety program.

(c) No state institution of higher education, which operates, owns, trains or promotes an all-terrain vehicle rider safety awareness course approved by the commissioner, pursuant to this section, is liable for personal injuries to, or for the death of, a rider that may occur during an approved all-terrain vehicle rider safety awareness course, unless an employee or agent of the state institution of higher education's acts or omissions are with malicious purpose, in bad faith, or undertaken in a wanton or reckless manner.

28.17.3 Local government authority to regulate.

Notwithstanding any provision of this article to the contrary:

The governing body of a municipality may regulate in any manner or prohibit, by lawfully enacted ordinance, the operation of all-terrain vehicles upon any street, road or avenue within the municipal corporate limits.

28.17.4 All-terrain vehicle rental dealers required to provide safety equipment.

Any person or entity renting or leasing all-terrain vehicles for recreational purposes must provide protective helmets as defined by the provisions of 28.17.1(a)(5) of this Chapter to all persons using such vehicles who are under the age of eighteen and offer protective helmets to all persons eighteen and older using the rented or leased vehicles: Provided, That for the provisions of this section to be applicable, the age and identity of the users of the all-terrain vehicle must be disclosed to the person or entity providing the rented or leased vehicle.

28.17.5 Private property exemption.

Except as provided by the provisions of 28.17.1(a)(3) thru (5) of this Chapter, and except as provided by the provisions of 28.17.2 of this Chapter, the provisions of this article do not apply if the all-terrain vehicle is operated exclusively on lands owned or leased by the vehicle owner or on private lands of others with the owner's permission.

28.17.6 Exemption for farm, commercial use; current regulations.

Except as provided by the provisions 28.17.1(a)(4) and (5), nothing in this article may be construed to preclude or limit the use or operation of all-terrain vehicles for lawful nonrecreational commercial purposes, including, but not limited to, farm use, oil and gas operations, timbering, surveying and public utilities access.

28.17.7 Applicability of rules of operation.

(a) Every person operating an all-terrain vehicle upon a public road or highway of this Municipality shall be subject to all of the duties applicable to the driver of a vehicle by the provisions of Chapter 28, herein, and Chapter 17C of the West Virginia Code except where inconsistent with the provisions of this article and except as to those provisions of Chapter 17C of the West Virginia Code which by their nature can have no application.

(b) Notwithstanding the provisions of subsection (a) of this section, a motor vehicle operator's license is not required of an operator of an all-terrain vehicle when he or she is operating said vehicle in conformity with the provisions of 28.17.1(a)(2) and 28.17.1(b)(2) of this Chapter except when the operator is under the age of eighteen and is transporting a passenger under the age of eighteen.

28.17.8 Criminal penalties.

(a) Except as provided in the provisions of subsection (b) of this section and in addition to any other legal remedy for violation of civil or criminal provisions of this code, any person who violates the provisions of this Article or who owns or has control over an all-terrain vehicle and knowingly permits it to be used in violation of the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100.

(b) Any parent, legal guardian or person who has actual responsibility for a child under eighteen years of age who knows or should have known the child is operating or is a passenger on an all-terrain vehicle without a helmet as required by the provisions of this Article is guilty of a misdemeanor and, shall, upon conviction, be subject to the following penalties:

(1) For a first offense, a fine of not less than \$50 nor more than \$100 or not more than ten hours of community service, or both;

(2) For a second offense, a fine of not less than \$100 nor more than \$200 or not more than twenty hours of community service, or both;

(3) For a third or subsequent offense, a fine of not less than \$200 nor more than \$500 or not more than one hundred hours of community service, or both.

28.17.9 Definition of all-terrain and utility terrain vehicle.

(a) As used in this Article:

(1) "All-terrain vehicle" or "ATV" means any motor vehicle designed for off-highway use and designed to travel on not less than three low-pressure tires, having a seat or saddle designed to be straddled by the operator and handlebars for steering control and intended by the manufacturer to be used by a single operator or by an operator and no more than one passenger.

(2) "Utility-terrain vehicle" means any motor vehicle with four or more low-pressure tires designed for off-highway use having bench or bucket seating for each occupant and a steering wheel for control.

(3) "Motorcycle" means any motor vehicle manufactured with no more than two wheels and having a seat or a saddle for the use of the operator.

(4) "Off-highway vehicle" means a vehicle intended for off-highway use and includes all-terrain vehicles, utility-terrain vehicles, motorcycles and off-road vehicles;

(5) "Off-road vehicle" means a vehicle that is suitable for off-road use. It includes a four-wheel drive vehicle such as a Jeep, pickup or sport utility vehicle. It also includes a specially designed, modified or customized off-road vehicle that is of a similar size to a vehicle manufactured for highway use.

(b) As used in this article, "all-terrain vehicle" and "vehicle", or the plural, mean all-terrain vehicles, utility-terrain vehicles, motorcycles and off-highway vehicles.

ARTICLE 18

STOPPING, STANDING AND PARKING.

- 28.18.1 Stopping, Standing, or Parking Outside of Business or Residence Districts; penalty
- 28.18.2 Officers Authorizes to Remove Illegally Stopped Vehicles
- 28.18.3 Stopping, Standing, or Parking Prohibited in Specific Places; Penalty
- 28.18.4 Right and Left Parallel Parking; Angle Parking; Highway Signs Restricting Parking, etc.; Penalty
- 28.18.5 Removal of Vehicles Parked, etc., on Highways in Emergencies; Liability for Costs of Removal and Storage; Liens for Towing and Storage
- 28.18.6 Signs on Workers' and Church Buses; When Lawful for Such Buses to Stop on Highways and Streets
- 28.18.7 General Penalties
- 28.18.8 Contesting Violations of Chapter 28 Article 18
- 28.18.9 Severance

28.18.1 Stopping, standing or parking outside of business or residence districts; penalty.

(a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such highway.

(b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

(c) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

28.18.2 Officers authorized to remove illegally stopped vehicles.

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

28.18.3 Stopping, standing or parking prohibited in specified places; penalty.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet of a fire hydrant;
- (5) In a properly designated fire lane;
- (6) On a crosswalk;
- (7) Within twenty feet of a crosswalk at an intersection;

- (8) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (9) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (10) Within fifty feet of the nearest rail of a railroad crossing;
- (11) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance (when properly signposted);
- (12) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (13) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (14) On any bridge or other elevated structure on a highway or within a highway tunnel;
- (15) At any place where official signs prohibit stopping;
- (16) Within twenty feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries, if the parking interferes with or causes delay in the carrier's schedule;
- (17) On any controlled-access highway;
- (18) At any place on any highway where the safety and convenience of the traveling public is thereby endangered;
- (19) In front of a wheelchair accessible ramp or curb cut which is part of a sidewalk designed for use by the general public when the ramp or curb cut is properly marked with blue paint.
- (20) At any place where other markings indicate that parking is prohibited.

(b) No person shall move a vehicle not lawfully under his or her control into any prohibited area or away from a curb such distance as is unlawful.

(c) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction within one year after first conviction, shall be fined not more than \$500.

28.18.4 Right and left parallel parking; angle parking; highway signs restricting parking, etc.; penalty.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb. Any person violating the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

(b) Any person violating the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be fined not more than \$500.

28.18.5 Removal of vehicles parked, etc., on highways in emergencies; liability for costs of removal and storage; liens for towing and storage.

Whenever a vehicle has been stopped, parked or left standing upon any part of a highway or constitutes an obstruction to the restoration of traffic flow as the result of an accident or other emergency, any police officer or employee of the City of Weston, duly authorized by the City Council to perform such action, may remove or order the removal of the vehicle, by towing or otherwise, to the nearest available established garage or parking lot for storage until called for by the owner or his or her agent. The owner is liable for the reasonable cost of removal and storage, and until payment of the cost the garage or parking lot operator may retain possession of the vehicle subject to a lien for the amount due. The garage or parking lot operator may enforce his or her lien for towing and storage in the manner provided in West Virginia Code §38-11-14.

28.18.6 Signs on workers' and church buses; when lawful for such buses to stop on highways and streets.

Any bus used primarily for the transportation of workers only and any bus operated by a church may bear upon the front and rear thereof a plainly visible sign, either painted or affixed on the body of the bus proper, or attached securely to the bus, containing the words "workers bus" or "church bus," respectively, in letters not less than eight inches in height. Any bus used primarily for the transportation of workers only and any bus operated by a church and bearing signs in that manner may lawfully stop upon the paved portion of any highway or street where there is no loading zone or pull-off adjacent to the highway or street to load or discharge persons: Provided, That such bus shall be equipped with warning lamps permitted under subsection (d), section nineteen, article fifteen of this chapter, and shall use such warning lamps when stopped on the highway or decreasing speed in order to stop, in order to warn the operators of other vehicles of a possible traffic hazard.

28.18.7 General Penalties

If any portion of Chapter 28 Article 18 does not provide a penalty for violating said portion, then the following penalty structure shall be utilized.

A person convicted of violating, or otherwise admitting to violating, relevant portions of Chapter 28 Article 18 shall be guilty of a misdemeanor and subject to the following penalties:

- First Offense: A fine of no more than \$100
- Second Offense: A fine of no more than \$200
- Third Offense: A fine of no more than \$500

An offender shall pay any fines, costs, forfeitures, or penalties to the City of Weston in a manner agreed upon by both parties, but typically the offender shall pay the fine at the City of Weston Municipal Building through the following methods:

- Electronic payments
- Credit card payments
- Debit card payments
- Cash
- Money order
- Certified check
- or through any other method the City Council may deem appropriate

The offender shall be responsible for paying any service charges, or the like, that credit card companies (or other entities related to the payment of an offender's fine, costs, forfeitures, or penalties) impose on the use of their services.

Under all circumstances, the Offender shall submit payment of the fine, costs, forfeitures, or penalties to the appropriate personnel at the City of Weston whether submission be in person or via electronic payments.

28.18.8 Contesting Violations of Chapter 28 Article 18

In the event an alleged violator wishes to contest a violation of Chapter 28 Section 18, the alleged violator may contest said allegation in the Court System that the City of Weston currently uses or may use in the future. If said Court System is not available, then the alleged violator may contest said violation in any other court of competent jurisdiction.

28.18.9 Severance

In the event a portion or portions of Chapter 28 Article 13 are determined to be invalid for any reason, then the rest of Chapter 28 Article 13 shall not be impacted and shall remain in force.

Article 19

On-Street Metered Parking

- 28.19.1 Applicability of Article 19
- 28.19.2 Definitions
- 28.19.3 Establishment of Parking Meter Zones
- 29.19.4 Existing Parking Meter Zones Continued in Operation
- 28.19.5 Days and Hours Meters to be in Operation; Required Compliance by Vehicle Drivers
- 28.19.6 Placement of meters; Meter to Signal Whether Parking Space Lawfully in Use
- 28.19.7 Marking of Parking Spaces; Vehicles to Park Wholly Within Marked Spaces
- 28.19.8 Duty of Driver to Make Deposit
- 29.19.9 Prohibited Acts; Duty of Driver to Deposit Coin in Meter
- 29.19.10 Overtime Parking--Generally
- 29.19.11 Collection of Coins from Parking Meters
- 29.19.12 Disposition of Parking Meter Revenue
- 29.19.15 Penalties for Certain Violations

28.19.1 Applicability of Article 19

The provisions of this section shall apply to all on-street or curb-line parking regulated by parking meters, and shall not be applicable within or upon off-street parking facilities which are the subject of another Article of this Traffic Code.

28.19.2 Definitions

For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Parking meter: A mechanical device located upon a public street or sidewalk in a place designated by ordinance as a parking meter zone hereinafter defined, which device shall record a certain number of minutes by the use of a clock mechanism determining the period of time for which parking privileges may be extended to the person depositing a coin of the United States therein.

Parking meter zone. An area designated by ordinance where a vehicle may be temporarily parked and allowed to remain for the period of time indicated on the meter.

28.19.3 Establishment of Parking Meter Zones

Parking meter zones shall be such as may from time to time be established by ordinance.

29.19.4 Existing Parking Meter Zones Continued in Operation

Parking meters heretofore installed, and in place by authority of the Common Council upon the effective date of this Code, shall continue in operation in accordance with the notices and instructions thereon or affixed thereto or posted at the locations thereof.

28.19.5 Days and Hours Meters to be in Operation; Required Compliance by Vehicle Drivers

It shall be unlawful for any person to park any vehicle or to permit a vehicle to remain parked in any parking meter zone for a period longer than designated on such meter, between the hours of 8:00 A. M. and 6:00 P.M. on Monday, Tuesday, Wednesday, and Thursday, and between 8:00 A.M. and 9:00 P.M. on Friday and Saturday, except on Sundays and holidays (the term "holiday" shall include the following days only: The first of January; Memorial Day; the fourth of July; the first Monday in September; the twenty-fifth of December and the day designated and set aside by the President of the United States as a day of Thanksgiving) or to park a vehicle in any zone without paying the fee hereinafter designated; or to permit a vehicle to remain parked longer in any such zone than for the period for which the fee was paid; except on Sundays and holidays.

Enforcement of violations of parking meters will occur during the following times:

- Monday, Tuesday, Wednesday, Thursday, Friday: from 8 am to 4 pm
- Saturday and Sunday: No enforcement
- The City of Weston will not enforce metered parking on the following days:

New Year's Day

Memorial Day

Fourth of July

Labor Day

Christmas Day

Thanksgiving Day

Any other days that the United States Government offices are closed

28.19.6 Placement of meters; Meter to Signal Whether Parking Space Lawfully in Use

Parking meters shall be installed in the parking meter zones as established and provided for by ordinance and shall be placed upon the curb immediately adjacent to the individual parking places hereinafter described. Each meter shall be placed or set in a manner as to show or display by signal whether or not the parking space adjacent to such meter is legally in use.

28.19.7 Marking of Parking Spaces; Vehicles to Park Wholly Within Marked Spaces

The street commissioner, assisted by and at the direction of the chief of police, shall have markings painted or placed upon the curb of street adjacent to each parking meter for the purpose of designating the parking space and the angle at which vehicles are parked to the curb. Each vehicle parking within any parking meter zone shall park within the line or marking so established. It shall be unlawful to park any vehicle across such line or marking or to park said vehicle in such position that the same shall not be entirely within the area designated by such lines or markings.

28.19.8 Duty of Driver to Make Deposit

(a) Any person desiring to park any vehicle within such parking meter space shall deposit the proper coins to obtain time for parking.

(b) Authorized parking tokens issued by the city may be used in lieu of the coins specified in this section.

29.19.9 Prohibited Acts; Duty of Driver to Deposit Coin in Meter

(a) Unless duly authorized, no person deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Article.

(b) Unless authorized by the Common Council, no person shall use anything other than coins, or other appropriate United States money, or other forms of credit/debit payment using United States money to pay into the parking meter.

29.19.10 Overtime Parking--Generally

It shall be unlawful for any person to permit a vehicle to remain in any metered parking space while such meter is displaying a signal indicating that the parking time limit has expired.

29.19.11. Same-- Responsibility of Owner

It shall be unlawful for any person to cause, allow, or permit any vehicle registered in his name to park beyond the period of legal parking time shown on any parking meter, as described in this Article.

29.19.11 Collection of Coins from Parking Meters

Parking meter collections shall be made by the City Treasurer (or his representative) and a police officer of the City of Weston. Parking meter collections shall be made during daylight hours at least twice each week (or as often as practical to keep the meters in correct operating order).

29.19.12 Disposition of Parking Meter Revenue¹

Parking meter revenue shall be deposited at least once each week in such bank, and to the credit of such account, as prescribed by ordinance or resolution of the common council.

29.19.15 Penalties for Certain Violations

(a) Any person accused of a violation of this Article 19 may settle and compromise a claim against him for such illegal parking by paying to the city the sum of five (5) dollars for the first violation, ten (10) dollars for the second violation if incurred within 24 hours of the First Violation, and fifteen (15) dollars for subsequent violations within twenty-four hours of the First Violation.

(b) Failure to settle and compromise the claim, as above provided in this section, within twenty-four hours by any person accused of a violation of this Article shall, upon conviction thereof, be fined not less than five (5) dollars nor more than one hundred (100) dollars together with the cost of prosecution. In the event an accused fails to

¹Article III, (3)C of the parking revenue bond ordinance adopted December 7, 1970 (which is on file in the office of the city clerk), provides:

"C. OFF-STREET PARKING REVENUE FUND: The entire gross revenues derived from the operation of said Off-Street Parking Facilities, and all parts thereof, as well as revenues from on-street meters necessary to meet bond and interest payments, shall be deposited in a special fund in a bank in the City of Weston, which is eligible to receive deposits of municipal funds, which fund is hereby created and designated as "Off-Street Parking Revenue Fund - Water Street and River Avenue Lots." Such fund shall constitute a trust fund for the purposes provided in this Ordinance and shall be kept separate and distinct from all other funds of the City and used only for the purposes and in the manner provided in this Ordinance." The ordinance of December 7, 1970, constitutes a contract between the city and the bondholders that cannot be changed by subsequent ordinance without the consent of the bondholders.

settle and/or compromise the claim, the City of Weston may institute appropriate legal proceedings against the accused.

(c) The penalties in this section, 29.19.15, shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where police or fire department apparatus or other emergency equipment is kept or housed, or so as to block an emergency entrance to a hospital; nor shall this section apply to any person parking a vehicle so as to entirely obstruct traffic on any street or alley, or parking in such a way as to reduce traffic on an arterial street to one way traffic only; or to any person who refuses to remove a vehicle illegally parked at the request of any member of the police department.

First Reading _____

Second Reading _____

Additional Readings (if occurring) _____

Adopted _____

Filed _____

Mayor

City Clerk

City of Weston Ordinance Number _____

An Ordinance of the City of Weston Prohibiting Parking on a Section of East Seventh Street Between Court Avenue and Locust Avenue

Pursuant to Chapter 28 Article 18 of the Weston Traffic Code, West Virginia Code §8-11-1(a)(1), West Virginia Code §8-12-2(a)(5), West Virginia Code §17C-13-3 the City of Weston prohibits parking on a certain section of East Seventh Street.

The location of the prohibited parking is identified by picture/sketch attached to this Ordinance and labeled: "Attachment A".

The area of prohibited parking shall be labeled with signs indicating No Parking or other markings or symbols deemed appropriate by City Council.

The City of Weston shall enforce this Ordinance through its Police Department or other personnel designated by the City of Weston.

Pursuant to Chapter 28.18.7, penalties for violating this Ordinance shall be: \$25 for first violation, \$50 for second violation, \$100 for third or more violations.

Challenges to said violations of this Ordinance shall be governed by 28.18.8 of the Weston City Traffic Code, or any replacement of 28.18.8.

Payment of any fines, fees, forfeitures, or other penalties related to this Ordinance shall be made in a manner consistent with 28.18.7 of the Weston City Traffic Code, or any replacement of 28.18.7. The offender shall have 30 days to pay any fines, fees, forfeitures, or other penalties resulting from said violation.

If an alleged offender does not pay any fees, fines, forfeitures, related to this Ordinance then the City of Weston may institute available legal proceedings against alleged offender.

This Ordinance is not meant to repeal other Ordinances concerning parking on East 7th Street unless other Ordinances are in conflict with this Ordinance, in which case the prior Ordinance shall be repealed.

First Reading _____ Second Reading _____

Additional Readings (if occurring) _____

Adopted _____ Filed _____

Mayor

City Clerk



North

— No Parking Zone on E 7th

ATTACHMENT A

This map is not a valid survey plat and the data on this map does not imply any official status to such data. The City of Weston assumes no liability that might result from the use of this map.



City of Weston Ordinance Number _____

An Ordinance of the City of Weston Creating Two (2) Hour Parking Zones on Areas of Main Street

Pursuant to Chapter 28 Article 18 of the Weston Traffic Code, West Virginia Code §8-11-1(a)(1), West Virginia Code §8-12-2(a)(5), West Virginia Code §17C-13-3 the City of Weston establishes various two (2) hour parking zones on Main Street.

The location of the two (2) hour parking zones will be on certain areas of Main Street that the City Council, through its various departments, deems appropriate for two (2) hour parking zones to be established on Main Street.

The City of Weston, through City Council and its various departments, will establish two (2) hour parking zones for handicapped parking on Main Street.

The two (2) hour parking zones will be identified by signs that are readily visible and clearly marked as two (2) hour parking zones.

The City of Weston, through its Police Department or other designated persons/entities, shall enforce this Ordinance.

Pursuant to Chapter 28.18.7 of the Weston Traffic Code, penalties for violating this Ordinance shall be: \$10 for first violation, \$20 for second violation, \$40 for third or more violations

Challenges to said violations of this Ordinance shall be governed by 28.18.8 of the Weston City Traffic Code., or any replacement of 28.18.8.

Payment of any fines, fees, forfeitures, or other penalties related to this Ordinance shall be made in a manner consistent with 28.18.7 of the 2021 Weston City Traffic Code, or any replacement of 28.18.7. The offender shall have 30 days to pay any fines, fees, forfeitures, or other penalties resulting from said violation.

If an alleged offender does not pay any fees, fines, forfeitures, or other penalties stemming from the violation of this Ordinance then the City of Weston may institute available legal proceedings against alleged offender.

This Ordinance is not meant to repeal other Ordinances addressing 2-Hour Parking on Main Street unless other Ordinances are in conflict with this Ordinance, which case the prior Ordinance shall be repealed.

First Reading _____ Second Reading _____

Additional Readings (if necessary) _____

Adopted _____ Filed _____

Mayor

City Clerk

12. Reports of City Council