

West Virginia Municipal Home Rule Program



Buckhannon, WV

SUMMARY REPORT 2021

Submitted by
The West Virginia Municipal Home Rule Board
Dave Hardy, Designee of Governor Jim Justice (Chairman)
Secretary, West Virginia Department of Revenue
West Virginia State Capitol, Room W-300

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| NAME/OFFICE ADDRESS | REPRESENTING |
|---|---|
| The Honorable Dave Hardy (Chairman) Cabinet Secretary West Virginia Department. of Revenue State Capitol Complex Building 1, Room W-300 Charleston, WV 25305 | Designee of Governor Jim Justice (Permanent Member) |
| Mr. Mark A. Polen 300 Summers Street, Suite 701 Charleston, WV 25301 | Business and Industry Council |
| Mr. Brian Jones Professional Firefighters of West Virginia 1296 Forman Drive Morgantown, WV 26508 | Largest WV Labor Union (AFL-CIO) |
| Mr. Dan Vriendt Planning Director – City of Charleston 1007 Sandhill Drive St. Albans, WV 25177 | WV Chapter of American Institute of Certified Planners |
| James Bailey, Esquire West Virginia Department of Commerce State Capitol Complex Building 3, Suite 300 Charleston WV 25305 | Designee of Executive Director, WV Development Office (Permanent Member) |
| The Honorable Mark Maynard West Virginia State Senate State Capitol Complex Building 1, Room W-206 Charleston, WV 25305 | Ex-Officio Non-Voting Member (Permanent Member) Chair of the Senate Committee on Government Organization |
| The Honorable Brandon Steele West Virginia House of Delegates State Capitol Complex Building 1, Room E-213 Charleston, WV 25305 | Ex-Officio Non-Voting Member (Permanent Member) Chair of the House Committee on Government Organization |

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I. Introduction

In accordance with West Virginia State Code § 8-1-5a(n), the Municipal Home Rule Board respectfully submits this annual summary report to the West Virginia Legislature's Joint Committee on Government and Finance. This report summarizes the Board's work during 2021, documents how municipalities have taken advantage of Home Rule to develop new solutions to old problems, and provides a reference tool for anyone interested in evaluating the West Virginia Home Rule Program.

In 2007, the West Virginia Legislature created the Municipal Home Rule Pilot Program and the Municipal Home Rule Board to oversee the program. The pilot program, which was set to expire on July 1, 2013, provided participating municipalities broad-based home rule freedom to be creative in addressing local issues by implementing ordinances, resolutions, rules and regulations not otherwise available because of the one-size-fits-all State statutes that apply to West Virginia municipalities. At the same time, Home Rule municipalities must comply with the U.S. Constitution; the West Virginia Constitution; federal law; and chapters sixty-a (Uniform Controlled Substance Act), sixty-one (Crimes and Their Punishment), and sixty-two (Criminal Procedure) of the West Virginia Code. The 2007 legislation authorized up to five municipalities to participate in the program. The Home Rule Board approved Bridgeport, Charleston, Huntington, and Wheeling as the initial participants.

The West Virginia Legislative Auditor published a Special Report regarding the Home Rule Pilot Program in November 2012. This report discusses the accomplishments of the participating municipalities, evaluates the effectiveness of the Program, and offers the following recommendations regarding the future of the Program:

1. The West Virginia Legislature should consider providing broad-based home rule authority to all Class I, Class II, and Class III municipalities.
2. If home rule is extended to all Class I, II, and III municipalities, the current restrictions as stipulated in the Pilot Program should be retained.
3. The Home Rule Board should be discontinued if broad-based home rule is granted statewide.

In 2013, the West Virginia Legislature amended the Home Rule statute. These amendments include Legislative findings that the Pilot Program had afforded participating municipalities the flexibility to be innovative in addressing local issues in a cost-effective, efficient, and timely manner. In fact, some of the ordinances adopted by Home Rule municipalities are now part of the West Virginia Code.

The 2013 amendments opened the Pilot Program to 20 more municipalities; gave the four participating municipalities until June 1, 2014, to withdraw from the Program (no

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municipalities withdrew); and set June 1, 2014, as the deadline for new municipalities wishing to participate in the Program to submit their written plan to the Home Rule Board.

On October 6, 2014, the Home Rule Board accepted the following 16-cities into the Pilot Program: Bluefield, Buckhannon, Charles Town, Clarksburg, Dunbar, Fairmont, Martinsburg, Milton, Morgantown, Nitro, Parkersburg, Ranson, Shinnston, South Charleston, Vienna, and Weirton.

The Legislature amended the Home Rule statute again in 2014. These amendments prohibit participating municipalities from passing ordinances that conflict with any state statutes regarding the purchase, ownership, carrying, and storage of certain firearms and ammunition. The Legislature rewrote the Home Rule statute in 2015, when it opened the Pilot Program for an additional 14 municipalities, four of which had to be Class IV municipalities.

Six new cities were granted home rule authority on September 14, 2015. The applications submitted by Beckley, Grafton, Princeton, and St. Albans were approved as submitted, while the applications submitted by Moundsville and Oak Hill were approved with modifications. Elkins and Harpers Ferry were granted home rule status on November 16, 2015.

On April 4, 2016, Auburn, Lewisburg, New Cumberland, and Shepherdstown were granted home rule authority. Follansbee and Weston were approved as Home Rule cities on July 11, 2016.

With the passage of Senate Bill 4 during the 2019 legislative session, the Municipal Home Rule Program is now permanent. The legislature made several changes to the program including the assessment of an annual fee or \$2,000.00 to Home Rule municipalities to fund the operation of the program and allowing up to four Class IV municipalities to be admitted to the program each year.

During 2019, Barboursville, Wardensville, Ravenswood, Ripley, Hurricane, New Martinsville, Logan, and Montgomery were admitted to the Municipal Home Rule Program.

During 2020, six new municipalities were added to the program, namely Chester, Man, Nutter Fort, Smithers, Sophia, and Spencer.

During 2021, five new municipalities were added to the program. Fayetteville, which is a Class III municipality and Chapmanville, Reedsville, Alderson, and Ansted, which are all Class IV municipalities. The statute allows four Class IV municipalities to be

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added to the West Virginia Municipal Home Rule Program annually. An additional four municipalities may be added in 2022

There are now 53 municipalities participating in the Program.

This report summarizes the issues considered by the Home Rule Board in 2020 and includes a compilation of the annual Progress Reports submitted to the Board by each of the 53 Home Rule municipalities in West Virginia.

II. 2021 Home Rule Board Recap

There were four regular meetings and one special meeting of the Home Rule Board during 2021. All meetings were held in Charleston. The following tables summarize the actions of the Home Rule Board during 2021:

| MUNICIPALITY | PROPOSED AMENDMENT | HOME RULE BOARD ACTION |
|---|---|------------------------|
| Fairmont - at April 14, 2021 meeting | 1. Additional expanded business and occupation tax credits. | 1. Approved |
| Oak Hill - at November 10, 2021 meeting | 1. Imposition of 1% municipal sales, service, and use tax. | 1. Approved |

| NEW MUNICIPALITIES APPROVED IN 2021 | | |
|-------------------------------------|--------------|-------------------------|
| January 21, 2021 | Chapmanville | Class IV (See page 8) |
| July 14, 2021 | Reedsville | Class IV (See page 25) |
| October 13, 2021 | Alderson | Class IV (See page 4) |
| | Ansted | Class IV (See page 4) |
| | Fayetteville | Class III (See page 13) |

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III. Approved Municipal Home Rule Proposals & Implementation Status

| ALDERSON - CLASS IV | | | |
|----------------------------|---|-------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | On-the-spot citations for code violations concerning public nuisance, safety or health. | | X |
| 2 | Party membership requirements for election boards. | | X |
| 3 | Disposition of property without auction. | | X |
| 4 | 1% municipal sales, service, and use tax. | | X |

| ANSTED - CLASS IV | | | |
|--------------------------|--|-------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Disposition of property without auction. | | X |
| 2 | Liens for actions taken in regard to eyesores and dilapidated buildings. | | X |
| 3 | 1% municipal sales, service, and use tax. | | X |

| AUBURN - CLASS IV | | | |
|--------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | The municipality's original Plan proposed the adoption of an ordinance to permit the town to lease sewer treatment units for less than FMV and without legal advertisement or a public hearing to facilitate the implementation of a sewer system. | X (11.14.18) | |

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| BARBOURSVILLE - CLASS III | | | |
|----------------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.20) | |

| BECKLEY - CLASS II | | | |
|---------------------------|--|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 2 | Enter intergovernmental agreements by resolution. | X (12.08.15) | |
| 3 | Permit city liens on property for expenses incurred to remedy eyesores and dilapidated property. | X (12.08.15) | |
| 4 | Sell real and personal property at FMV without auction; sale or lease real and personal property at less than FMV to promote economic development and for public good. | X (12.08.15) | |
| 5 | Issue on-the-spot citations for code violations concerning public nuisance, safety or health. | X (12.08.15) | |
| 6 | Authorize city to purchase property subject to delinquent property taxes; right of redemption by city. | X (12.08.15) | |
| 7 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (10.25.16) (Enacted statewide) | |

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| BLUEFIELD - CLASS II | | | |
|-----------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Convey real and personal property valued at more than \$1,000 for FMV without auction; convey real property to non-profits for less than FMV and without auction. | X (05.26.15) | |
| 2 | On-the-spot citations for code violations concerning public nuisance, safety or health. | X (05.26.15) | |
| 3 | Contract with other jurisdictions via resolution. | X (05.26.15) | |
| 4 | Procedures for procurement of architectural and engineering services. | X (07.14.15) | |
| 5 | 1% municipal sales, service, and use tax. | X (07.01.17) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| BRIDGEPORT - CLASS III | | | |
|-------------------------------|--|---|-----------------------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Allow city to annex property where the city is in the best position to provide public services. | X (City annexed Meadowbrook Rd) | |
| 2 | Permit Tax Increment Financing (TIF). | | X (enacted statewide) |
| 3 | Define municipal participation in education and enable partnership with public schools. | X (02.23.09) | |
| 4 | Permit charging fire fees for properties located outside city limits but within the city's first due area. | X (07.11.11) | |
| 5 | Simplify business licenses and license taxes not to exceed amounts previously authorized. | X (03.09.09) | |
| 6 | Adjust the 5-G procurement process for securing professional services. | X (04.13.15) | |
| 7 | Modify certain civil service requirements for filling vacancies in police and fire departments. | | X |
| 8 | Authorize intergovernmental agreements by resolution. | X (03.23.15) | |
| 9 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 10 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (10.24.16) (Enacted statewide) | |
| 11 | Permit local certification of code enforcement inspectors. | X (05.09.16) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| BUCKHANNON - CLASS III | | | |
|-------------------------------|--|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize enterprise zones with tax rebates. | X (08.16.15) | |
| 2 | Property nuisance abatement; on-the-spot citations; and special property tax lien. | X (07.19.15) | |
| 3 | Police civil service permit part-time officers and raise maximum age. | X (08.21.16) | |
| 4 | Permit online sales of city's real and personal property. | X (12.15.16) | |
| 5 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (03.02.17) (Enacted statewide) | |
| 6 | 1% municipal sales, service, and use tax. | X (01.01.20) | |

| CHAPMANVILLE - CLASS IV | | | |
|--------------------------------|---|-------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | | X |

| CHARLES TOWN - CLASS III | | | |
|---------------------------------|--|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Expanding authority to utilize Community Enhancement Districts. | X (06.15.15) | |
| 2 | Enhanced enforcement of public nuisance and blighted property laws; on-the-spot citations. | X (09.19.16) | |
| 3 | Permit sale of city property without an auction. | X (04.06.15) | |
| 4 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 5 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (11.07.16) (Enacted statewide) | |
| 6 | Allow contracts with other jurisdictions via resolutions. | X (11.2014) | |

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| CHARLESTON - CLASS I | | | |
|-----------------------------|---|--|--------------------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Enhance collection of delinquent fees and taxes. | X (08.04.08) | |
| 2 | Address eyesores and dilapidated structures. | X (04.20.09) | |
| 3 | Procurement of architectural and engineering services. | X (09.15.08) | |
| 4 | Expand B&O taxing authority. | | X |
| 5 | On-the-spot citations for sanitation and nuisance violations. | X (04.06.09) | |
| 6 | Relief from DNR project permitting; small stream flooding. | | X (DNR resolved) |
| 7 | Dispose of city property to non-profits without auction. | X (08.04.08) | |
| 8 | Streamline Design-Build requirements. | X (03.03.09) | |
| 9 | Allow contracts with other jurisdictions via resolutions. | X (08.04.08) | |
| 10 | Municipal healthcare provider tax. | | X |
| 11 | .5% municipal sales, service, and use tax; .5% tax dedicated to Uniform Pension Reserve Fund. | X (.5% - 07.01.14; .5% - 07.01.15) | |
| 12 | Expand Urban Renewal Authority Board membership. | | X |
| 13 | Urban deer hunt regulations. | | X (enacted statewide) |
| 14 | Relief from DEP permitting and testing of material dredged from waterways. | | X (DNR resolved) |
| 15 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (07.26.16) (Enacted statewide) | |

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| CHESTER - CLASS III | | | |
|----------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.21) | |

| CLARKSBURG - CLASS II | | | |
|------------------------------|---|--|--------------------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Nonpartisan municipal election; eliminate party affiliation for Firemen's and Policemen's Civil Service Commission and Municipal Building Commission. | X (03.26.15) | |
| 2 | Require insurance companies to reserve portion of fire insurance proceeds for demolition. | | X (enacted statewide) |
| 3 | Collect demolition liens at delinquent tax sales. | | X |
| 4 | Procedures for procuring architectural and engineering services. | X (11.09.15) | |
| 5 | Building and zoning enforcement – Property Maintenance Standard Ordinance. | X (01.05.17) | |
| 6 | Appropriate public funds for promoting city. | X (11.09.15) | |
| 7 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 8 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (08.18.16) (Enacted statewide) | |
| 9 | Permit local certification and supervision of code enforcement officials and inspectors. | X (08.18.16) | |

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| DUNBAR - CLASS III | | | |
|---------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize entry of property to make repairs and bring property into code compliance; lien for costs. | X (04.20.15) | |
| 2 | On-the-spot citations for building code violations. | X (04.20.15) | |
| 3 | 1% municipal sales, service, and use tax. | X (07.01.16) | |

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| ELKINS - CLASS III | | | |
|---------------------------|--|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | On-the-spot citations for code violations concerning public nuisance, safety or health. | X (07.21.16) | |
| 2 | Vacant Structures Registration Program. | X (07.16.16) | |
| 3 | Public nuisance liens. | | X |
| 4 | Satisfaction of demolition liens. | | X |
| 5 | Authorize sale and leasing of city property without an auction and to non-profits for less than FMV. | X (03.02.17) | |
| 6 | Authorize hiring part-time police officers. | X (04.07.16) | |
| 7 | Raise maximum age for police officer applicants. | X (01.07.16) | |
| 8 | Eliminate partisan requirements for police and fire civil service commissions, building commission, ballot commission, and poll workers. | X (03.02.17) | |
| 9 | Consolidate business license categories and fees. | X (06.16.16) | |
| 10 | Address distance requirement between ABCA licensees and churches. | | X |
| 11 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (09.07.17) (Enacted statewide) | |
| 12 | Provide funding to promote the city. | X (02.07.19) | |
| 13 | Authorize intergovernmental agreements by resolution. | X (02.01.18) | |
| 14 | Authorize municipal court fee. | X (09.21.17) | |
| 15 | Revise requirements for community enhancement districts. | | X |
| 16 | Reduce number of eligibles required on certified list from Police Civil Service Commission. | X (02.01.18) | |
| 17 | 1% municipal sales, service, and use tax. | X (07.01.18) | |

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| FAIRMONT - CLASS II | | | |
|----------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Expand B&O tax credits for new and expanding businesses to encourage rehabilitation, preservation, and continued occupancy of buildings in corporate limits. | X (09.08.15) | |
| 2 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 3 | Permit zoning to regulate use or acquisition of additional land by a farm, industry or manufacturer. | X (09.08.15) | |
| 4 | Permit city to sale real property valued up to \$15,000 without notice and public auction. | X (09.08.15) | |
| 5 | Amend B&O tax credits for residential development of new owner-occupied dwelling units within the corporate limits. | X (05.11.21) | |

| FAYETTEVILLE - CLASS III | | | |
|---------------------------------|---|-------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Sale of municipal property without an auction. | | X |
| 2 | On-the-spot citations for building code violations. | | X |
| 3 | 1% municipal sales, service, and use tax. | | X |

| FOLLANSBEE - CLASS III | | | |
|-------------------------------|---|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.17) | |
| 2 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (05.24.19) (Enacted statewide) | |

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| GRAFTON - CLASS III | | | |
|----------------------------|---|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | On-the-spot citations for public nuisance, safety, and health code violations. | X (10.20.15) | |
| 2 | Permit part-time police officers and expand maximum age for police applicants. | X (10.20.15) | |
| 3 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 4 | Require foreclosing lender to register as property owner for the purpose of code compliance and property maintenance. | | X |
| 5 | Shorten time period for forfeiture of structures when owners refuse to address code violations for uninhabitable properties. | X (02.16.16) | |
| 6 | Allow the city to sell or lease municipal real and personal property using an online auction service after notice when deemed for public purpose and sold for adequate value. | | X |
| 7 | Appropriate funds to promote the city. | | X |
| 8 | Eliminate residency requirement in order to reinstate former police officer. | X (06.19.17) | |
| 9 | Reduce the minimum number of eligibles on certified list from Police Civil Service Board. | X (07.11.17) | |
| 10 | Authorize city to sell municipal property after notice but a without public auction when deemed for public purpose and sold for adequate value. | X (08.25.17) | |
| 11 | Create enterprise and redevelopment zones, including certain tax rebates and exemptions. | | X |
| 12 | Regulate speed limit and install traffic control devices on State roads within corporate limits. | | X |
| 13 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (06.05.18) (Enacted statewide) | |
| 14 | Fire civil service hiring – reducing the minimum number of eligibles from certified list of fire civil service board. | X (08.14.18) | |

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| HARPERS FERRY - CLASS IV | | | |
|---------------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | On-the-spot citations for violations of public nuisance, safety, and health codes. | X (09.08.14) | |
| 2 | Address blighted properties by adopting minimum maintenance standards. | X (09.08.14) | |
| 3 | Authority to dispose of municipal property without an auction. | X (12.17.20) | |
| 4 | 1% municipal sales, service, and use tax. | X (07.01.16) | |

| HUNTINGTON - CLASS II | | | |
|------------------------------|---|---|---|
| | Proposal | Implemented | Not Implemented |
| 1 | Require insurance companies to reserve portion of fire insurance proceeds for demolition. | X (repealed 2010) (enacted statewide) | |
| 2 | Authorize collection of past due city fees without lawsuit. | X (08.24.09) | |
| 3 | Land bank fast track authority. | | Ordinance passed in 2009; implementation has been enjoined. |
| 4 | 1% municipal sales, service, and use tax. | X (01.01.12) | |
| 5 | On-the-spot citations for violations of public nuisance, safety, or health code. | X (05.23.13) | |

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| HURRICANE - CLASS III | | | |
|------------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Sale of municipal property without auction. | X (12.02.19) | |
| 2 | Intergovernmental agreements by resolution. | X (12.02.19) | |
| 3 | On-the-spot citations for violations of public nuisance, safety, and health codes. | X (12.02.19) | |
| 4 | Adequate funding for advertising the city. | X (12.02.19) | |
| 5 | 1% municipal sales, service, and use tax. | X (07.01.20) | |

| LEWISBURG - CLASS III | | | |
|------------------------------|---|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (07.09.16) (Enacted statewide) | |
| 2 | Sale of surplus property via online auction site or request for sealed bids. | X (12.20.16) | |
| 3 | On-the-spot citations for violations of public nuisance, safety, and health code. | X (12.20.16) | |

| LOGAN - CLASS IV | | | |
|-------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.20) | |

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| MAN - CLASS IV | | | |
|-----------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.21) | |

| MARTINSBURG - CLASS II | | | |
|-------------------------------|---|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | On-the-spot citations for violations of public nuisance, safety, and health codes. | X (12.18.14) | |
| 2 | Authority to file liens on real property for costs incurred to abate sanitation and common nuisance violations. | X (12.18.14) | |
| 3 | Authorize disposition of city property without an auction. | X (12.18.14) | |
| 4 | Authorize intergovernmental agreements by resolution. | X (12.18.14) | |
| 5 | Authorize issuance of liens for delinquent city fees. | X (12.18.14) | |
| 6 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 7 | Inspection and citation powers of municipal deputy fire marshals. | X (12.18.14) | |
| 8 | Authorize purchase of delinquent property tax liens; right of redemption by the city. | | X |
| 9 | Establish distance requirement between ABCA licensees and churches. | X (06.30.16) | |
| 10 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (07.29.16) (Enacted statewide) | |

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| MILTON - CLASS III | | | |
|---------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 2 | Authorize disposition of municipal real property without an auction. | X (12.16.14) | |

| MONTGOMERY - CLASS IV | | | |
|------------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize city to abate eyesores and unsafe buildings and place a lien on property for costs. | X (12.17.19) | |
| 2 | 1% municipal sales, service, and use tax. | X (07.01.20) | |
| 3 | Authorize intergovernmental agreements by resolution. | X (12.17.19) | |
| 4 | Disposition of city property without auction. | X (12.17.19) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| MORGANTOWN - CLASS II | | | |
|------------------------------|--|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize fire marshal arrest authority. | X (10.20.15) | |
| 2 | Authorize intergovernmental agreements by resolution. | X (05.19.15) | |
| 3 | Regulate exterior upholstered furniture. | X (04.07.15) | |
| 4 | Authorize liens for cost to abate public nuisances. | X (05.19.15) | |
| 5 | Authorize municipal court fee. | X (04.07.15) | |
| 6 | 1% municipal sales, service, and use tax. | X (07.01.20) | |
| 7 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (10.04.16) (Enacted statewide) | |
| 8 | Authorize fire marshal to make arrests for arson and explosives offenses. | X (12.19.17) | |
| 9 | Authorize treating nonconforming uses of land for agricultural, industrial, and manufacturing purposes the same as other uses. | X (12.19.17) | |
| 10 | Waive certified mail requirement for notice of zoning changes. | X (12.19.17) | |
| 11 | Authorize sale of real estate without an auction and address valuation considerations. | X (12.19.17) | |
| 12 | Authorize using public funds for school projects. | X (12.19.17) | |
| 13 | Eliminate property ownership requirement for park board membership. | X (12.19.17) | |
| 14 | Use the Board of Zoning Appeals to administer the Subdivision and Land Development Ordinance | | X |
| 15 | Change Audit reporting date for Land Reuse Agency | X (02.18.20) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| MOUNDSVILLE - CLASS III | | | |
|--------------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Procedures to collect delinquent city fees. | X (06.21.16) | |
| 2 | 1% municipal sales, service, and use tax. | X (07.01.17) | |
| 3 | Authorize consolidating business licenses. | X (10.04.16) | |
| 4 | Authorize city to abate eyesores and unsafe buildings and place a lien on property for costs. | | X |

| NEW CUMBERLAND - CLASS IV | | | |
|----------------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.17) | |

| NEW MARTINSVILLE - CLASS III | | | |
|-------------------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (02.10.20) | |
| 2 | 1% municipal sales, service, and use tax. | X (07.01.20) | |
| 3 | Disposition of city property without auction. | X (02.10.20) | |
| 4 | Employ part-time, non-civil-service police officers. | | X |
| 5 | Raise maximum age for police officer applicants. | | X |
| 6 | Exempt police civil service commission from election official, civil service, and building commission requirements. | | X |
| 7 | Authority to file public nuisance liens without court order. | X (02.10.20) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| NITRO - CLASS III | | | |
|--------------------------|---|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 2 | Authorize adopting procedures for collecting delinquent city fees. | X (06.16.15) | |
| 3 | Authorize adopting an administrative procedures act and enacting regulations regarding collection of B&O taxes, business taxes, license fees, and municipal fees. | | X |
| 4 | Provide for municipal government oversight of expenditures by all public, quasi-public, and non-profit organizations affiliated with the city. | | X |
| 5 | Reduce speed limits on state roadways within city limits. | X (06.16.15) | |
| 6 | Sell municipal property valued at less than \$10,000 without a public auction. | X (06.16.15) | |
| 7 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (11.01.16) (Enacted statewide) | |

| NUTTER FORT - CLASS IV | | | |
|-------------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (08.10.21) | |
| 2 | Disposition of equipment/property without public auction. | X (05.25.21) | |
| 3 | Contract with other jurisdictions via resolution. | X (05.11.21) | |
| 4 | 1% municipal sales, service, and use tax. | X (01.01.22) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| OAK HILL - CLASS III | | | |
|-----------------------------|--|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize collection of municipal liens at county tax sales. | X (11.09.15) | |
| 2 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (12.14.15) | |
| 3 | Authority to file liens for costs to abate sanitation and common nuisance violations. | X (12.14.15) | |
| 4 | Exempt police civil service commission from political party affiliation requirements. | X (12.14.15) | |
| 5 | Authorize establishing exterior parameters for sale of alcoholic beverages by restaurants. | X (12.14.15) | |
| 6 | Authorization to establish payment limit for an audit of the city and the Oak Hill Sanitary Board. | | X |
| 7 | Authorize requiring registration of vacant structures to address issues involving absentee ownership and owner neglect of vacant structures. | X (12.14.15) | |
| 8 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (11.14.16) (Enacted statewide) | |
| 9 | 1% municipal sales, service, and use tax. | | X |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| PARKERSBURG – CLASS II | | | |
|-------------------------------|--|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 2 | Authorize collection of demolition liens, payment of demolition lien before securing a deed, and establish first right to purchase property. | | X |
| 3 | Authorizing streamlined land development review procedures and zoning appeals. | | X |
| 4 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (02.28.17) (Enacted statewide) | |
| 5 | Open Collection and Accumulation of Materials and Objects on Residential Property. | X (06.11.19) | |

| PRINCETON - CLASS III | | | |
|------------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize conveyance of public real and personal property in excess of \$1000 without public auction for fair market value. | X (01.11.16) | |
| 2 | Authorize sale of municipal property to nonprofits for less than fair market value when benefiting the public. | X (01.11.16) | |
| 3 | Procedures for procuring architectural and engineering services where total project costs are \$250,000 or more. | X (01.11.16) | |
| 4 | 1% municipal sales, service, and use tax. | X (07.01.17) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| RANSON - CLASS III | | | |
|---------------------------|--|--|-----------------------------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize expansion of authority to use community enhancement districts. | X (12.16.14) | |
| 2 | Authorization of authority to enforce property maintenance and nuisance violations | X (12.16.14) | |
| 3 | Authorize revising the process for addressing blighted properties | | X |
| 4 | Authorize conveyance of city property without an auction | X (12.16.14) | |
| 5 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 6 | Authorize execution of intergovernmental contracts by resolution. | X (12.16.14) | |
| 7 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (10.18.16) (Enacted statewide) | |
| 8 | Authorize building code requirements and official certifications. | X (10.18.16) | |
| 9 | Authorize regulation of feral cats. | X (10.18.16) | |
| 10 | Alcohol sales off-premises on Sunday at 10:00 a.m. | | X Denied by HRB on 10.03.16 |

| RAVENSWOOD - CLASS III | | | |
|-------------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (09.17.19) | |
| 2 | 1% municipal sales, service, and use tax. | X (07.01.20) | |
| 3 | Permit city liens on property for expenses incurred to remedy eyesores and dilapidated property. | X (09.17.19) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| REEDSVILLE - CLASS IV | | | |
|------------------------------|---|-------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | | X |

| RIPLEY - CLASS III | | | |
|---------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Shorten time on uninhabitable properties. | X (09.17.19) | |
| 2 | 1% municipal sales, service, and use tax. | X (07.01.20) | |
| 3 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (09.17.19) | |
| 4 | Property registration on foreclosure properties. | X (09.17.19) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| SHEPHERDSTOWN - CLASS IV | | | |
|---------------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize appropriation of public funds for marketing and tourism. | | X |
| 2 | 1% municipal sales, service, and use tax. | X (07.01.17) | |
| 3 | Authorize liens for delinquent town fees. | X (03.2017) | |
| 4 | Authorize purchase of liens for delinquent property taxes. | | X |
| 5 | Authorize regulating speed limits and traffic restrictions on state roads within municipality. | | X |
| 6 | Authorize authority to regulate establishments selling alcoholic beverages (same as ABCA). | X (11.13.18) | |
| 7 | Authorize intergovernmental agreements by resolution. | X (03.2017) | |
| 8 | Authorize municipal court fees. | X (11.2016) | |
| 9 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (09.2016) | |

| SHINNSTON - CLASS III | | | |
|------------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize eliminating party affiliation requirement for Municipal Building Commission. | | X |
| 2 | Authorize appropriation of funds to promote the city. | X (2016) | |
| 3 | 1% municipal sales, service, and use tax. | X (07.01.20) | |
| 4 | Authorize vacant building registration program. | X (9.12.16) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| SMITHERS - CLASS IV | | | |
|----------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Address eyesores and dilapidated structures. | X (08.10.20) | |
| 2 | Disposition of city property without auction. | X (08.10.20) | |
| 3 | Enter intergovernmental agreements by resolution. | X (08.10.20) | |
| 4 | 1% municipal sales, service, and use tax. | X (07.01.21) | |

| SOPHIA - CLASS IV | | | |
|--------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.21) | |
| 2 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (12.17.20) | |
| 3 | Address eyesores and dilapidated structures. | X (12.17.20) | |

| SOUTH CHARLESTON - CLASS II | | | |
|------------------------------------|---|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (03.19.15) | |
| 2 | Authorize sale of property valued in excess of \$1,000 without an auction for FMV; authorize transfer of any interest in "paper alleys" for FMV, a nominal fee, or without consideration. | X (03.19.15) | |
| 3 | Authorization to expand city's authority to issue variances and special temporary permits. | | X |
| 4 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 5 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (08.04.16) (Enacted statewide) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| SPENCER - CLASS III | | | |
|----------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Disposition of city property without auction. | X (02.04.21) | |
| 2 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (09.16.21) | |
| 3 | 1% municipal sales, service, and use tax. | X (07.01.21) | |

| ST. ALBANS - CLASS II | | | |
|------------------------------|--|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Intergovernmental agreements by resolution rather than ordinance. | X (02.16.16) | |
| 2 | Disposition of city property without auction. | X (02.16.16) | |
| 3 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (02.16.16) | |
| 4 | Authorize purchases through public entity cooperatives. | | X |
| 5 | Authority to file public nuisance liens without court order. | X (02.16.16) | |
| 6 | 1% municipal sales, service, and use tax. | X (07.01.17) | |
| 7 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (08.16.18) (Enacted statewide) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| VIENNA - CLASS II | | | |
|--------------------------|---|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authority to file liens for costs to abate exterior sanitation and common nuisance violations, and repairing/constructing sidewalks. | X (12.18.14) | |
| 2 | Building and zoning administration; enforcement of external sanitation and common nuisance violations. | X (12.18.14) | |
| 3 | Authority to convey city property without an auction. | X (12.18.14) | |
| 4 | Allow regulation of vehicle wreckers operating within municipality to refrain from discharging gasoline or other liquids into storm drains. | X (12.18.14) | |
| 5 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 6 | Permit purchases through public entity cooperatives. | X (12.18.14) | |

| WARDENSVILLE - CLASS IV | | | |
|--------------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.20) | |
| 2 | Adjust the number of members of the Development Authority. | X (10.14.19) | |
| 3 | Standardize business license categories and fees. | X (12.09.19) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| WEIRTON - CLASS II | | | |
|---------------------------|---|-----------------|--------------------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 2 | Authorization to hire uncertified building and zoning code officials for probationary period under a provisional certification for up to 2 years. | X (04.13.15) | |
| 3 | Regarding police officers' enforcement authority in ABCA establishments. | X (09.08.15) | |
| 4 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (04.13.15) | |
| 5 | Authorize city to regulate traffic on state roads within municipality. | X (09.08.15) | |
| 6 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | | X (enacted statewide) |

| WESTON - CLASS III | | | |
|---------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (08.15.16) | |
| 2 | 1% municipal sales, service, and use tax. | X (01.01.18) | |
| 3 | Increase police department age. | | X |
| 4 | Ability to choose Auditor. | | X |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| WHEELING - CLASS II | | | |
|----------------------------|--|--|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | Authorize vacant property registration program. | X (07.2009) | |
| 2 | Authorize modified municipal planning and conditional use zoning regulations. | X (11.2008) | |
| 3 | Regarding liens for unpaid city fees. | X (05.2009) | |
| 4 | Authorize simplification of business license requirements. | X (06.2009) | |
| 5 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 6 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (10.18.16) (Enacted statewide) | |
| 7 | Authorize planning and zoning code to include provisions for a conditional use permit. | X (05.2009) | |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

IV. Adopted Municipal Sales Tax Under the Home Rule Statute

| MUNICIPALITY | AUTHORIZED | IMPLEMENTED/DATE | MUNICIPAL RATE |
|---------------|------------|------------------------------|----------------|
| Alderson | Yes | No | N/A |
| Ansted | Yes | No | N/A |
| Auburn | No | No | N/A |
| Barboursville | Yes | Yes – 7/1/20 | 1% |
| Beckley | Yes | Yes – 7/1/16 | 1% |
| Bluefield | Yes | Yes – 7/1/17 | 1% |
| Bridgeport | Yes | Yes – 7/1/16 | 1% |
| Buckhannon | Yes | Yes – 1/1/20 | 1% |
| Chapmanville | Yes | No | N/A |
| Charles Town | Yes | Yes – 7/1/15 | 1% |
| Charleston | Yes | Yes - 7/1/15 Yes – 7/1/15 | .5% .5% |
| Chester | Yes | Yes - 7/1/21 | 1% |
| Clarksburg | Yes | Yes – 7/1/16 | 1% |
| Dunbar | Yes | Yes – 7/1/16 | 1% |
| Elkins | Yes | Yes - 7/1/18 | 1% |
| Fairmont | Yes | Yes – 7/1/16 | 1% |
| Fayetteville | Yes | No | N/A |
| Follansbee | Yes | Yes – 7/1/17 | 1% |
| Grafton | Yes | Yes – 7/1/16 | 1% |
| Harpers Ferry | Yes | Yes – 7/1/16 | 1% |
| Huntington | Yes | Yes – 1/1/12 | 1% |
| Hurricane | Yes | Yes – 7/1/20 | 1% |
| Lewisburg | No | No | N/A |
| Logan | Yes | Yes – 7/1/20 | 1% |
| Man | Yes | Yes - 7/1/21 | 1% |

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

| | | | |
|------------------|-----|--------------|-----|
| Martinsburg | Yes | Yes – 7/1/15 | 1% |
| Milton | Yes | Yes – 7/1/15 | 1% |
| Montgomery | Yes | Yes – 7/1/20 | 1% |
| Morgantown | Yes | Yes – 7/1/20 | 1% |
| Moundsville | Yes | Yes – 7/1/17 | 1% |
| New Cumberland | Yes | Yes – 7/1/17 | 1% |
| New Martinsville | Yes | Yes – 7/1/20 | 1% |
| Nitro | Yes | Yes – 7/1/15 | 1% |
| Nutter Fort | Yes | Yes - 1/1/22 | 1% |
| Oak Hill | Yes | No | N/A |
| Parkersburg | Yes | Yes – 7/1/15 | 1% |
| Princeton | Yes | Yes – 7/1/17 | 1% |
| Ranson | Yes | Yes – 7/1/15 | 1% |
| Ravenswood | Yes | Yes – 7/1/20 | 1% |
| Reedsville | Yes | No | N/A |
| Ripley | Yes | Yes – 7/1/20 | 1% |
| Shepherdstown | Yes | Yes – 7/1/17 | 1% |
| Shinnston | Yes | Yes – 7/1/20 | 1% |
| Smithers | Yes | Yes - 7/1/21 | 1% |
| Sophia | Yes | Yes - 7/1/21 | 1% |
| South Charleston | Yes | Yes – 7/1/16 | 1% |
| Spencer | Yes | Yes - 7/1/21 | 1% |
| St. Albans | Yes | Yes – 7/1/17 | 1% |
| Vienna | Yes | Yes – 7/1/15 | 1% |
| Wardensville | Yes | Yes – 7/1/20 | 1% |
| Weirton | Yes | Yes – 7/1/16 | 1% |
| Weston | Yes | Yes – 1/1/18 | 1% |
| Wheeling | Yes | Yes – 7/1/15 | 1% |