

An Ordinance to ~~Strike~~, amend, and insert different sections of Chapter 6 of the Ordinances of the Town of Chapmanville, WV. Be it ordained by the Town of Chapmanville, that upon passage this will be considered the entirety of Chapter 6 of the ordinances of the Town of Chapmanville

CHAPTER SIX HEALTH AND SANITATION

Article 1: In General

Sec. 1.- Spitting on street, etc.

No person shall expectorate or spit, urinate, defecate, or cause any bodily excretions to be in or upon any parking, footpath or sidewalk or in or upon any part of any public building building or room used in common by the public.

Sec. 2.- Accumulations of waters; stagnant pools.

The accumulation of water in which mosquitoes may breed or the allowing of water to stand in pools so as to become stagnant on any lot, land or premises shall be unlawful and is hereby prohibited and declared to be nuisance. An exception to this shall be made for any citizen wishing to collect rainwater for personal use, provided that the storage containers be kept clean and clear of debris, and actions be taken to prevent mosquito or other waterborne pests from using the containers.

Sec. 3.- Complaints and Fines

Upon complaint or report by any citizen or town employee to the mayor the one or any combination of the situations and conditions set forth in this Article exists, it shall be the duty of the mayor to bring such complaint or report to the attention of the council, which, after consideration thereof, may if a majority of the order the abatement of such nuisance in the manner and form as follows:

- a) The Council, if a majority be of opinion that nuisance exists, may direct the mayor at once to notify and order the owner of the premises in question, or his agent, or the lessee or Occupant of the premises in question, to abate, correct or remove the situation or condition constituting the nuisance by taking such remedial action as the mayor or council shall deem fit and expeditious, within the time period set forth in the notice and order, length of which time period shall be left to the discretion of the majority of the whole council. Such notice and order shall be signed by the mayor and served upon the owner, agent or occupant having charge or custody of the property in question by the chief of police or any member of the police department in the same manner as process is served in civil cases.
- b) Any person served with notice and order, as provided in Sec. 3, shall be entitled to be heard by and before the council upon such order and notice for the purpose of showing cause why he cannot or ought not to comply with such order and notice. Any such person so served with such notice and order desiring a hearing by and before the council shall, within seven days of the date such notice and order was served upon him, file with the town clerk a request for such a hearing by and before the council.
- c) If the person served with notice and order, as provided in Sec. 3 shall fail, within the time indicated therein, to comply therewith, he shall, upon conviction, be punished as provided in Sec. 1, article 1, chapter 15, and the situation or condition constituting a nuisance shall be abated, corrected or removed and the expenses incident to the abatement, correction or removal thereof shall be collected from the owner, occupant, tenant, agent or assignee in the same manner in which debts owing the town are collected and enforced. Each day

such nuisance shall be allowed to continue unabated or removed shall constitute separate offense.

~~Article 2. Nuisance in Boardinghouses, Hotels, etc. Restaurants~~

~~Sec. 1—Effect of certain situations and conditions~~

~~There is hereby declared to be a nuisance any boardinghouse, hotel, inn, apartment house, restaurant any building used for such purposes, or any part thereof, leased, let or rented for occupation as dwelling or lodging by any person or family:~~

- ~~a) Which is not sufficiently lighted or ventilated or not provided with water or which is not kept in a clean and sanitary manner.~~
- ~~b) In which, in any part of, the structural strength or light or ventilation or sewage disposal facilities are, in any manner, shape or form, dangerous, insufficient or prejudicial to life or health.~~
- ~~c) Which is not provided with a sufficient number of adequate and properly constructed and operating water closets.~~

~~Sec. 2—Procedure generally upon filing of complaint or report.~~

~~Upon complaint or report by any citizen or member of the police department or fire department to the mayor the one or any combination of the situations and conditions set forth in Sec. 1, this article exists, it shall be the duty of the mayor to bring such complaint or report to the attention of the council, which, after consideration thereof, may if a majority of the order the abatement of such nuisance in the manner and form set forth in the following sections of this article.~~

~~Sec. 3. Notice and order to abatement, etc. of offending situation or condition—Generally.~~

~~The Council, if a majority be of opinion that nuisance exists, as provided in Sec. 1, of this article, may direct the mayor at once to notify and order the owner of the premises in question, or his agent, or the lessee or Occupant of the premises in question, to abate, correct or remove the situation or condition constituting the nuisance by taking such remedial action as the mayor or council shall deem fit and expeditious, within the time period set forth in the notice and order, length of which time period shall be left to the discretion of the majority of the whole council. Such notice and order shall be signed by the mayor and served upon the owner, agent or occupant having charge or custody of the property in question by the chief of police or any member of the police department in the same manner as process is served in civil cases.~~

~~Sec 4—Same Hearing by and before council.~~

~~Any person served with notice and order, as provided in Sec. 3, shall be entitled to be heard by and before the council upon such order and notice for the purpose of showing cause why he cannot or ought not to comply with such order and notice. Any such person so served with such notice and order desiring a hearing by and before the council shall, within seven days of the date such notice and order was served upon him, file with the town clerk a request for such a hearing by and before the council.~~

~~Sec. 5—Same. Effect of Failure to Comply.~~

~~If the person served with notice and order, as provided in Sec. 3 shall fail, within the time indicated therein, to comply therewith, he shall, upon conviction, be punished as provided in Sec. 1, article 1, chapter 15, and the situation or condition constituting a nuisance shall be abated, corrected or removed and the expenses incident to the abatement, correction or removal thereof shall be collected from the owner, occupant, tenant, agent or assignee in the same~~

manner in which debts owing the town are collected and enforced. Each day such nuisance shall be allowed to continue unabated or removed shall constitute separate offense.

~~Sec. 6—Order of closure:~~

~~In the event a situation or condition constituting a nuisance under Sec. 1 of this article cannot be feasibly abated, corrected or removed by the town, or, if such situation or condition be of such nature that the council shall deem it impracticable to undertake affirmative corrective action, then the council, upon a majority vote of the whole council may declare such building, or part thereof, to be nuisance and order such building, or part thereof, closed and padlocked by the chief of police, as unfit and unsafe for human habitation, until such time as full compliance shall have been made with the notice and order referred to in Sec. 3. A copy of such order of closure shall be posted at or on a prominent part of the premises in question.~~

~~Sec. 7—Appeal:~~

~~The right of any person who deems himself adversely affected by any action taken by the mayor or council pursuant to this article to appeal to the circuit court of the county is hereby preserved and protected. However, unless such appeal be taken within twenty days after the action of the council under Sec. 6, such appeal shall not stay or delay enforcement of any action ordered be taken by the council to be taken under such section.~~

~~Sec. 8—Additional Complaints~~

~~Upon complaint or report by any citizen or member of the police department or fire department or member of council to the Mayor that any building due to its structural strength constitutes a danger to the life and health of the residents of Chapmanville, shall be the duty of the Mayor to bring the complaint or report to the attention of the Council, which after consideration thereof, may, if a majority of the council be of the opinion that such danger exists, forthwith order the abatement of such nuisance in the manner and form set forth in the following Sections of this Article.~~

~~Sec. 9—Notice~~

~~NOTICE: The Council, if a majority be of the opinion that a nuisance exists to the extent that it constitutes a danger as provided in the preceding Section may direct the Mayor and cause to notify and order the owner of the premises in question, or its agent, or the lessee or occupant of the premises in question, to abate, correct or remove the building constituting the danger within the time period set forth in the notice and order, the length of which period shall shall be not less than ten days. Such notice and order shall be served personally if the party to whom notice is required is a resident of the State of West Virginia. If not, such notice shall be sent by certified or registered mail to the last known address of such party.~~

~~Sec 10—Demolition or Removal~~

~~If the nuisance or danger is not corrected within the time set forth in the notice provided in the preceding Section, the Council may order the demolition and removal of any building that constitutes a danger after first giving the owner, his agent, or lessee, or occupant of the premises notice that such action shall be taken within a time period set forth in the notice, which time period shall not be less than ten days. The original notice sent under Section 9 above shall contain a paragraph indicating that this action may be taken if corrective action is not taken as provided for in Section 9.~~

~~Such notice of demolition and removal shall be served upon the owner of property, its agent, lessee or occupant in the same manner as required by West Virginia Rules of Civil Procedure for service in Rule 4 thereof.~~

~~Sec. 11—Order of Demolition and Removal~~

~~a) In the event corrective action is not taken within the time period set forth in the notice provided for in Section 10 above, then council may upon a majority vote thereof order that any building~~

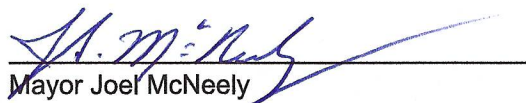
which constitutes a danger to the health and life of the residents of Chapmanville be demolished and removed on a date certain. The Mayor shall then take the necessary actions to cause the same to be done and any costs thereof shall be a lien upon the property of the owner of the building in question, which may be collected by Civil Action in the Circuit Court of Logan County, West Virginia.

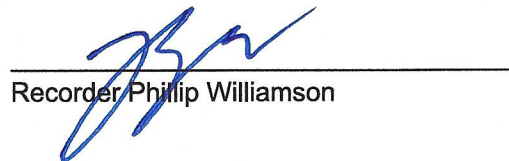
b) APPEAL: In the event the owner, occupant, agent or lessee shall object to any of the notices or orders set forth above, such party shall have the right to file an appeal in the Circuit Court of Logan County, West Virginia, on or before the date set forth in such notice or order. If an appeal is filed, notice of the appeal shall be served upon the Mayor and any further action by the Town of Chapmanville in the connection shall be withheld until the ruling by the Circuit Court of Logan County, West Virginia upon the appeal.


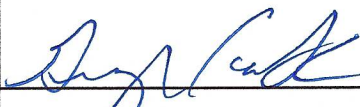
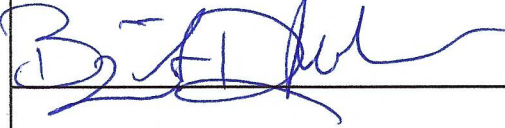


First Reading: 06/11/24

Second Reading: 10/08/24

Third Reading: 11-12-24


Mayor Joel McNeely


Recorder Phillip Williamson

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Council