CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • OCTOBER 6, 2025

Regular Session **COUNCIL CHAMBERS** **7:00 PM**
101 E Washington Street, Charles Town, WV 25414

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

: **2025-1058:** City Council Meeting Minutes - September 15, 2025
City Council Meeting Minutes - September 15, 2025 - draft.pdf

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

6. COMMITTEE REPORTS

: **2025-1059:** Infrastructure Committee Report - September 18, 2025
Report_ Infrastructure September 2025.pdf

: **2025-1060:** Parks and Recreation Commission Report - September 18, 2025

: **2025-1061:** Ordinance Committee Report - September 25, 2025
Ordinance Meeting Minutes September 25, 2025.pdf
Special Ordinance Meeting Minutes October 2, 2025.pdf

7. CITY MANAGER REPORT

: **2025-1078:** City Manager Report - October 6, 2025
City Manager Oct. 6.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2025-1049:** Capital Improvement Plan (CIP) Discussion
CIP 2026-2030.pdf

: **2025-1050:** Board of Parks and Recreation Vacancy Appointment - Term Ending June 2027
Boards and Commissions Application - 2025.pdf
Resume - S. Galleher.pdf
Boards and Commissions Application - Matt Printz.pdf
letter of endorsement.pdf
Olivia Loy Charles Town Board of Parks and Recreation Application.pdf

Olivia Loy 2025 Resume.pdf
CT Parks App Pkge - AQuinn.pdf

: **2025-1113:** Route 51 Project Public Comment Letters - Update
Signature KH 9-10-25Mayor Micheal George Response Letter.docx (1).pdf
Letter from Keith Persinger - Route 51 Project.pdf

10. NEW BUSINESS

: **2025-1047: BR2025-09**: Norborne Glebe Phases 9, 10A - Bond Release Request
1. Staff Report.pdf
2. Application.pdf
3. KH Review.pdf
4. Performance Estimate - Reduced.pdf

: **2025-1048: BR2025-10**: Tiny Treasures Day Care - Bond Release
1.Staff Report.pdf
2. Application.pdf
3. KH Review.pdf
4. Cost Estimate.PDF

: **2025-1051:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 333 Driving Under the Influence; Reckless Driving as a result of adopted State Changes.
Article 333.pdf

: **2025-1052:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 335 Speed Restrictions as a result of adopted State Changes.
Article 335.pdf

: **2025-1053:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 345 Safety and Equipment as a result of adopted State Changes.
Article 345.pdf

: **2025-1054:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 349 Miscellaneous Rules as a result of adopted State Changes.
Article 349.pdf

: **2025-1055:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 7 Parking, Article 361 Parking Generally as a result of adopted State Changes.
Article 361 Redline.pdf
Article 361 Clean Draft.pdf

: **2025-1056:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Five General

Offenses Code, Article 501 Administration and Law Enforcement as a result of adopted State Changes.
Article 501.pdf

: **2025-1057:** City of Charles Town letter to the Jefferson County Commission

: **2025-1073:** Appropriations of Funds to Demolish Vacant Houses Discussion

: **2025-1074:** Public Hearing for A Resolution Approving Entry and Form of a Lease Agreement Between Charles Washington Hall Manager, LLC and Jefferson G.A.P. Coalition

: **2025-1075:** Public Hearing for A Resolution Approving Entry and Form of a Lease Agreement Between Charles Washington Hall Manager, LLC and OTS, LLC

: **2025-1076:** A Resolution Approving Entry and Form of a Lease Agreement Between Charles Washington Hall Manager, LLC and Jefferson G.A.P. Coalition
A Resolution of the Charles Town City Council Approving Entry and Form of Lease Agreement Between Charles Washington Hall Manager and GAP, a West Virginia Limited Liability Company.pdf
CWHallLease GAP 2025 Final.pdf

: **2025-1077:** A Resolution Approving Entry and Form of a Lease Agreement Between Charles Washington Hall Manager, LLC and OTS, LLC
A Resolution of the Charles Town City Council Approving Entry and Form of Lease Agreement Between Charles Washington Hall Manager and OTS, LLC, a West Virginia Limited Liability Company.pdf
Ortegas - 2025 Final.pdf

: **2025-1110:** Parking on 200 Block of East Washington Street - Request by Charles Town Library

: **2025-1111:** Letter (Revised) to DOT/DOH Regarding South George Street
City letter to DOH on George Street - 2025.pdf

: **2025-1112:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Seven Business Regulations and Taxation Code, Chapter Three Taxes and Service Charges, Article 745 Business and Occupation Tax as a result of adopted State Changes
Small Business Revision Redline.pdf
Small Business Revision Clean Draft.pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

12. APPROVAL OF BILLS

: **2025-1067:** Payment of Bills - October 6, 2025
GEN FUND COUNCIL REPORT 2025-10-06.pdf
CAPITAL RESERVE COUNCIL REPORT 2025-10-06.pdf
COUNCIL REPORT PCARD 10-06-25.pdf
PARKS N REC COUNCIL REPORT 2025-10-06.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING, Monday, October 20, 2025, at 7:00PM

: **2025-1062:** City Manager Report - September 15, 2025
15 September 2025.pdf

: **2025-1063:** A Resolution Designating September as Library Card Sign-Up Month
2025-008 - A Resolution Designating September as Library Card Sign-Up Month.pdf

: **2025-1064:** Oath of Office - Julie Smith and Brent Manuel
Brent Manuel oath September 2025.pdf
Brent Manuel - City Clerk September 2025.pdf
Julie Smith Oath - September 15, 2025.pdf

: **2025-1065:** Finance Committee Report - September 9, 2025
Finance Committee Report - September.pdf

: **2025-1066:** Charles Town Police Department August Statistical Report
August 2025 CTPD Stats.pdf

: **2025-1114:** Oath of Office Board of Parks and Recreation Commission - Kevin Derr
Kevin Derr Oath 2025.pdf

: Charles Town Utility Board Meeting Minutes - September 10, 2025
2025.09.10 UB MINUTES .pdf

15. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at: https://www.charlestownwv.us/government/agendas_minutes.php

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1058: City Council Meeting Minutes - September 15, 2025

ATTACHMENTS:

- City Council Meeting Minutes - September 15, 2025 - draft.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • September 15, 2025

Regular Meeting **Council Chambers** **7:00 PM**

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Micheal George	Mayor	Present	
James Kratovil	Councilmember	Present	
Elizabeth Ricketts	Councilmember	Present	
Jeff Hynes	Councilmember	Present	
Kevin Tester	Councilmember	Absent	
Nate Hartman	Councilmember	Present	
Alden Roth	Councilmember	Present	
Julie Smith	Councilmember	Present	
Andie Sugrue	Councilmember	Present	

Mr. Brent Manuel, City Manager, Ms. Alissa Meeks, Assistant City Manager; Ms. Stephanie Grove, City Attorney; Ms. Cindy Rezmer, Operations Director; Ms. Lori Nice, Finance Director; and Chief Chris Kutcher, Charles Town Police Department (CTPD) were also in attendance.

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2025-988: City Council Meeting Minutes - September 2, 2025

There being no corrections, additions, or changes to the minutes, Mayor George declared the meeting minutes approved.

3. PUBLIC COMMENT

No one signed up for public comment.

4. WARD REPORTS

Ward 1

Mr. Kratovil had nothing to report.

Ms. Ricketts reported that she attended the National Incident Management System (NMIS) Senior Elected Official Training held by the WV Office of Homeland Security.

Ward 2

Mr. Hynes had nothing to report.

Ward 3

Mr. Hartman had nothing to report.

Mr. Roth had nothing to report.

Ward 4

Ms. Smith had nothing to report.

Ms. Sugrue reported that Walks About Nothing will take place on Wednesday, September 17, 2025, at 6:00PM.

5. MAYOR'S REPORT

2025-1004: Oath of Office - New City Clerk/Charles Town Board of Directors Chairman

Mayor George administered the city clerk oath of office to Brent Manuel.

Mayor George reported that he attended the following:

- The National Incident Management System (NMIS) Senior Elected Official Training held by the WV Office of Homeland Security.
- The Personnel Committee meeting.
- A Region 9 Full Council meeting.
- An Augustine Trail Update meeting.
- Day of Caring with the K-Kids from Wright Denny Elementary School.
- An after-action review meeting on the Charles Town Towers evacuation.
- Walks About Nothing.

Mayor George also gave a Charles Town Utility Board (CTUB) update.

6. COMMITTEE REPORTS

2025-989: Personnel Committee Meeting Report - September 8, 2025

Mayor George reviewed the Personnel Committee report with the Council.

2025-990: Finance Committee Report - September 9, 2025

Mr. Hynes reviewed the Finance Committee report with the Council.

7. CITY MANAGER REPORT

2025-991: City Manager Report - September 15, 2025

Mr. Manuel reviewed the City Manager Report with the Council.

8. POLICE CHIEF REPORT

Chief Kutcher reviewed the Police Department August Statistical Report with the Council.

9. UNFINISHED BUSINESS

2025-997: Charles Washington Hall Leases - Possible Executive Session

Mr. Hynes moved to enter into Executive Session. Mr. Hartman seconded the motion, and it passed by unanimous vote.

Mayor George declared the council in Executive Session.

RESULT:	**EXECUTIVE SESSION [UNANIMOUS]**
MOVER:	Hynes
SECONDER:	Hartman
AYES:	George, Kratovil, Ricketts, Hynes, Hartman, Roth, Smith, Sugrue
ABSENT:	Tester

Mayor George declared the council out of Executive Session.

Mr. Hynes moved to direct staff to advertise a public hearing on the Charles Washington Hall leases for Ortega's and Bushel and Peck. Ms. Sugrue seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Hynes
SECONDER:	Sugrue
AYES:	George, Kratovil, Ricketts, Hynes, Hartman, Roth, Smith, Sugrue
ABSENT:	Tester

10. NEW BUSINESS

2025-992: Ward 4 Oath of Office - Julie Smith

Mayor George administered the councilmember oath of office to Ms. Julie Smith.

2025-994: Jefferson County Commission Letter Discussion / 100 Block of East Washington Street - Possible Executive Session

This agenda item was discussed in agenda item 2025-997's Executive Session.

After the Executive Session Mr. Hynes moved to direct the city attorney to draft a letter, for approval at the October 6, 2025, council meeting, informing the Jefferson County Commission that the city is not interested in purchasing the buildings on the 100 block of E. Washington Street. Mr. Hartman seconded the motion, and it passed by a 7-1 vote.

RESULT:	**APPROVED [7-1]**
MOVER:	Hynes
SECONDER:	Hartman
AYES:	George, Ricketts, Hynes, Hartman, Roth, Smith, Sugrue
NAYS:	Kratovil
ABSENT:	Tester

2025-995: FY2025 Capital Budget Revision #3

Mr. Kratovil moved to approve the FY2025 Capital Budget Revision #3. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Kratovil
SECONDER:	Hynes
AYES:	George, Kratovil, Ricketts, Hynes, Hartman, Roth, Smith, Sugrue
ABSENT:	Tester

2025-998: Council Committee Assignments

Mr. Hynes moved to nominate Ms. Smith to the Ordinance Committee. Ms. Sugrue seconded the motion, and there were no objections.

2025-1006: Finance Committee Check Signature Authorization

Mr. Kratovil moved to remove Alissa Meeks and designate Brent Manuel, Jeff Hynes, Nate Hartman, and Kevin Tester as the new signers on all city bank accounts except Parks and Recreation, Building Commission, Police Investigation Account, and Police Federal Equitable Account. Mr. Roth seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Kratovil
SECONDER:	Roth
AYES:	George, Kratovil, Ricketts, Hynes, Hartman, Roth, Smith, Sugrue
ABSENT:	Tester

11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees or commissions.

12. APPROVAL OF BILLS

2025-996: Payment of Bills - September 15, 2025

Mr. Kratovil moved to pay the bills. Ms. Sugrue seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Kratovil
SECONDER:	Sugrue
AYES:	George, Kratovil, Ricketts, Hynes, Hartman, Roth, Smith, Sugrue
ABSENT	Tester

13. ADJOURNMENT

Mayor George asked if there was any other business to come before the Council.

Mr. Kratovil moved to adjourn the meeting. Hearing no objections Mayor George declared the meeting adjourned.

14. INFORMATION ONLY - NEXT MEETING, Monday, October 6, 2025, at 7:00PM

2025-999: Route 51 Project Letters to WV Department of Transportation and West Virginia Governor

2025-1000: Article 522 - Private Outdoor Designated Areas (PODA)

2025-1001: Ordinance Committee Report - August Meeting

2025-1102: Policemen and Firemen's Pension and Relief Funds Annual Report

2025-1003: Oath of Office - Jared Wilberger

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City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1059: Infrastructure Committee Report - September 18, 2025

ATTACHMENTS:

- Report_ Infrastructure September 2025.pdf

Infrastructure Committee Report
City of Charles Town

September 2025

CALL TO ORDER: Thursday, September 18th at 4:30 PM

In attendance: Elizabeth Ricketts (Chair), Jim Kratovil, Andie Sugrue, Alden Roth
Alissa Meeks (staff), Jim Wysong (staff), Brent Manuel (City Manager)

Guests: Marcella Genz (Charles Town Library)

UNFINISHED BUSINESS

2025-1012: Street Paving Update

Committee discussed the recent street repaving and directed the City Manager to review the City-wide Pavement Assessment study to prepare for next RFP.

2025-1013: Stormwater Issues and Updates

Committee and staff discussed ongoing stormwater study and remediation efforts, specifically the Liberty Street project which now is over budget and delayed due to issues with Charles Town Utility Board information.The construction company has installed an insert valve on the 12" water line near the Liberty and Samuel intersection" which was successful in shutting down the 6" water line that is within the stormwater project area. They are now trenching along the 12" to identify where the connection to 6" is located. 2 trench sections completed and no connection has yet been located,

2025-1014: Request for New Handicapped Spaces(s) North Samuel Street

A temporary handicapped-designated space has been added for the duration of Liberty Street construction and the space is now enforceable per Chief.

2025-1015: Parking on 200 Block East Washington Street - Request by Charles Town Library

The Committee was joined by Marcella Genz from the Charles Town Library to discuss the issue of parking on the 200 block of East Washington Street. The Committee would like to bring the discussion back to the full Council to assess the pros/cons of expanding the 2-hour free parking enforcement area to the entire block.

Recommendation to Council: *Include discussion on the October 6th agenda.*

2025-1016: Augustine Avenue Trail Project Update - Phases 1, 2 and 3

Staff discussed with Alpha Engineers some of the issues concerning DOH for Phase 2 submissions. Alpha is currently working to ascertain the NPDES (National Pollutant Discharge Elimination System) permit which is expected to generate a 30-60 day wait period. It is estimated, based on the amount of review from the planning division, phase 2 will meet an early

Jan 2026 bid letting and spring construction.Staff will be working to ascertain the ROW takes from DRA and the BOE for phase 2. Phase 3 has been submitted to DOH and waiting for feedback on whether they can proceed. This will require a direct contract with the City still utilizing the prior 5G procurement process as with phase 1 and 2.

2025-1017: Congress Street and Lawrence Street Intersection Project Update

Staff was informed by Tim Sedosky (DOH Planning Director) he will be sending an updated agreement to the Legal Division on Wednesday 9/17. It is expected to take a few days to review and work its way through management for signature. Mr. Sedosky's email indicates, "it is a new process."

NEW BUSINESS

2025-1018: Maintenance Director Report

Maintenance Director, Jim Wysong, provided a detailed report of work done since the last meeting with the Committee. The agenda item was moved to the beginning of the meeting and may be viewed on the recording.

2025-1019: Crosswalk at Haversack Circle and Campbell - Norborne Glebe (referral from City Council)

The Committee discussed the request and Councilmember Sugrue will take the lead on a site visit to photograph the area and meet with resident(s) that made the request to fully understand the need there. There are some concerns from staff and committee about site-lines and distance due to the medians with landscaping.

2025-1020: Mordington Avenue Sidewalk - Referral from City Council

Council referred this item to the Committee to explore partnership opportunities with the Board of Education and Friends of Happy Retreat. Councilmember Kratovil will take the lead on establishing point of contact and starting the conversation on joint-planning efforts and grant opportunities.

2025-1021: Placement of Pneumatic Tubes and Mobile Speed Radar Sign

Committee discussed placement of pneumatic tubes and radar speed sign. The Committee would request that the mobile speed sign be placed again at S. George Street. The resident who previously spoke before Council about speeding issues on S. George Street stopped by the meeting to inquire about updates. His request is for a permanent flashing speed sign to be installed.

Recommendation to Council: *Approve sending updated letter to DOH*.

2025-1022: WV Route 9 Bike-Path Site Visit with HEPMPO

Councilmember Ricketts, who serves as the Jefferson County municipal representative to the Interstate Council of HEPMPO, updated the Committee on the planning efforts to connect the Route 9 bike-path to Ranson and Charles Town. A steering committee meeting was held on 9/18 and an on-site meeting will start at Ranson City Hall on **Tuesday, October 7th at 10AM.**

2025-1023: Weed and Waste Wednesdays Upcoming Dates

The Committee discussed some recommendations for the coming Weed and Waste Wednesday initiatives scheduled for September 24th at 5PM and October 22nd at 9AM. Councilmember Sugrue suggested the 340 ramp off of Route 115/George Street near the entrance to Norborne Glebe.

2025-1024: EPA Thriving Communities Grant - Next Steps

The committee briefly discussed the grant awarded to the City to plan for improvements on the West-end of town along Evitts Run.

2025-1025: Issues Reported Through City App

Three resident requests came to the Maintenance team through the City app and were referred to the Committee. These included:

- A request from a Stone Springs resident for a merge lane to be added to Route 340 at the neighborhood entrance. This roadway is managed by state DOT/DOH and not within the City's purview to change. The Chair will email the resident to explain this. In her duel-role as member of the HEPMPO, Councilmember Ricketts will commit to advocating for this improvement.
- A request for a crosswalk to be added at the intersection of W. Liberty Street and N. Charles Street. The Committee and Council have already approved a 4-way stop be added at the intersection of W. Liberty Street and N. Lawrence Street to coincide with the completion of the Liberty Street stormwater project. There was some discussion about the safety/effectiveness of a crosswalk without stop signs. The Chair will email the resident and explain this and will mention that a major upgrade project is also planned for N. Charles Street in the future which may lead this intersection to being reassessed. .
- A request for stop bars to be placed in the roadway at the intersection of Seminary and E. Congress Streets. The Committee agrees that stop bars are a simple and effective way to signal to drivers that the intersection has a stop sign.

Staff will ask the Maintenance department to install stop bars at all intersections that have stop signs as their schedule allows.

2025-1024: Staff Updates

Staff provided updates throughout the meeting on the various agenda items. There were no additional updates

2025-1040: Parks and Recreation Budget Review

This agenda item was unintentionally included and not discussed by the Committee.

ADJOURNMENT: 5:39 PM

NEXT MEETING: Monday, October 27th at 4:30PM

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1060: Parks and Recreation Commission Report - September 18, 2025

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1061: Ordinance Committee Report - September 25, 2025

ATTACHMENTS:

- Ordinance Meeting Minutes September 25, 2025.pdf
- Special Ordinance Meeting Minutes October 2, 2025.pdf

City of Charles Town Ordinance Committee Report - September 25, 2025

Call to Order:
18:08

Committee Members In Attendance:
Council Members: Kevin Tester (Chair), Nate Hartman, Alden Roth and Julie Smith Also in attendance: Stephanie Groove: City Attorney

Agenda / Discussions

Unfinished Business:

2025-1044: Article 745 - Business and Occupation Tax

- Issue arose concerning our split tax Payment process and fees for late payment/non payment. Language added to alleviate the issue on the second half payment.

Recommendation to City Council:
Motion by Nate to move forward for consideration by Council with changes, Second by Alden, Approved by Unanimous vote.

2025-1046: Article 1759 - Vacant Structures

- General discussion on next steps to sure up our current Ordinance. Stephanie is putting together a bulleted list of possible language changes and additions as we review others across WV and other State and neighboring Municipalities. We will schedule a special Ordinance meeting to review said list and make suggestions to draft a sample Ordinance to begin to work from. Meeting set for Thursday, October 2 at 6:00 PM

Recommendation to City Council:
None at this time

New Business:

2025-1045: Article 361 - Parking Generally:

- Have to add language and make changes per changes in State Code. Reviewed, discussed and changes made.

Recommendation to City Council:
Motion to move forward to Council for consideration, made by Alden, 2nd by Nate.
Unanimous to move forward.

Adjourn and Next Meeting: Adjourn at 07:01
Next Special meeting scheduled for Thursday, October 2, 2025 at 6:00 PM
Next Regularly Schedule meeting, Thursday, October 16 at 6:00 PM

City of Charles Town Ordinance Committee Workshop Report - October 2, 2025

Call to Order:
18:02

Committee Members In Attendance:
Council Members: Kevin Tester (Chair), Nate Hartman, Alden Roth and Julie Smith Also in attendance: Stephanie Groove: City Attorney

Agenda / Discussions

Unfinished Business:

2025-1108: Article 1759 - Vacant Structures

- We reviewed a bulleted talking points list gleaned from other municipalities in WV and neighboring States. The committee reviewed each line making recommendations to Stephanie to create a baseline Ordinance to work from.

Recommendation to City Council:
None at this time. Ordinance Committee will begin to develop a revised and updated Vacant Structures Ordinance to be presented to Council at a later date for consideration.

Adjourn and Next Meeting: Adjourn at 19:17
Next Regularly Schedule meeting, Thursday, October 16 at 6:00 PM

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1078: City Manager Report - October 6, 2025

ATTACHMENTS:

- City Manager Oct. 6.pdf

City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

Memorandum to Mayor and City Council

From: Brent T. Manuel, City Manager
Subject: City Manager's Report
Date: 06 October 2025

ADMINISTRATION

- Will be meeting with the county administrator and municipal managers within Jefferson County.
- Continue one on one meetings with city council members
- Meeting with staff to discuss city hall renovations
- Chairing the CTUB meeting on Wednesday, at which time the board will further discuss the CIF study

COMMUNITY AND ECONOMIC DEVELOPMENT

Jefferson Memorial Pool Update:

Palmer Construction, Thrasher Engineering and City staff met onsite at the Jefferson Memorial Pool on 10/2/25 to conduct the first site assessment/progress meeting. During the excavation and demolition occurring with the old pool foundation, it was discovered an original blue pool foundation which was then covered over with a white liner layer said to have been added on after the original. Thrasher is continuing to provide updates and answers to various request for information surrounding plumbing and electrical work, but all appears to be on schedule. The City has not received any Palmer Construction invoices to date but will be working to ensure pool/pool house invoices are submitted separately and LWCF resubmissions are submitted for reimbursement. There are no current delays, and the project is moving along as expected.

Augustine Avenue Trail Update:

Alpha Engineers, the DOH consultant and City staff have had several remote meetings to discuss Phase 2 of the Augustine Trail. The phase 2 plan has been submitted to DOH for review and those technical comments are being addressed by the engineering firm. City staff will work in the coming months to secure all permanent ROW takes which include Dan Ryan Acquisitions (DRA) and Board of Education (BOE). Unlike during phase 1, the engineering firm is being asked to secure the NPDES permit which will take approximately 45-60 days, but

staff was informed today the permit acquisition time should not impact the plan review and the two items may run concurrently. Bid letting is expected to take place late 2025 or the first letting in Jan 2026 with an expected spring construction.

Thriving Communities Grant Onboarding Session- The launch meeting for the TCGM was held on 9/20/25 with the grant coordinator, the City's grant consultant, and city staff to review the scope, budget, and materials needed for the first portion of work associated with this award. This is a no-match award and staff will be working with a team comprised of community partners to generate a course plan for corrective measures in the Evitt's Run stream, Skate Park, and associated corridor.

Perry Annexation - A meeting has been scheduled with the Perry family and staff to discuss initial elements of the conditions and will bring this information back to the Annexation Committee to develop next steps in the process and guide the conditions development.

Thomassen Ford Dealership – The Whiting family and City staff will be meeting on 10/16 to discuss the Thomassen building and plan of action.

Robert's Rules Training - Mr. John Sorrenti, of John Jay Consulting, will be providing Robert's Rules of Order training for all city councilmembers, staff, board members on November 5th at 4PM and November 5th at 10AM. The location of the 5th may need to be relocated to Charles Washington Hall pending the number of participants.

FINANCE

The audit is complete with no comments or notes of changes for improvement. We have a paper copy available for each council member.

OPERATIONS

Liberty Street Storm Water Management Project

The 6" water line cross connection was found to be the county courthouse fire service. With that resolved, Gantt's can now begin original contract work. First step is to lower courthouse fire line and that was accomplished on 9/30. During "line filling" process debris got caught in the check valve, alarm sounded, and the fire service contractor had to be called out to the site and clean the check valve and make sure that everything was ok. Gantt's, City and County holding debrief call on 10/3.

Gantt's is now backfilling the fire main, cutting & capping the 6" ACP line so it can be removed and they are prepping for the remaining asphalt patches.

Installation of box culverts should begin week of 10/6. Project is moving forward - completion date still end of December.

6" water line abandonment overall cost overrun is $198,662.95

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1049: Capital Improvement Plan (CIP) Discussion

This agenda item was Tabled at the August 18, 2025, council meeting.

Discuss possible dates for a CIP Workshop.

ATTACHMENTS:
- CIP 2026-2030.pdf

CITY OF CHARLES TOWN
CAPITAL IMPROVEMENT PLAN
FY 2026 - 2030

REVENUE FUNDING SOURCES						
	FUNDING SOURCE NOTES	YEAR 1 FY 2026	YEAR 2 FY 2027	YEAR 3 FY 2028	YEAR 4 FY 2029	YEAR 5 FY 2030
Carryover from previous year unfinished projects		4,783,880				
Developer Fees		150,000	150,000	150,000	150,000	150,000
Grants	These are grant amounts that have been awarded. ***Pending grants are not included.*** $1,850,695 for the pool. $172,445 for Liberty St Chesapeake Grant. $375,000 for Liberty St FEMA grant.	2,398,140				
Paving Income		303,000	250,000	200,000	150,000	
Interest on Bank Accounts		80,000	80,000	80,000	80,000	80,000
Lottery Revenue		810,000	850,000	850,000	850,000	850,000
TOTAL REVENUE FUNDING SOURCES		**8,525,020**	**1,330,000**	**1,280,000**	**1,230,000**	**1,080,000**
CAPITAL PROJECTS						
CHARLES WASHINGTON HALL						
Apply roof Coating section #1				20,020		
Apply roof Coating section #2					22,250	
Apply roof Coating section# 4		36,000			22,250	
Paint Interior Hall		8,000				
Refinish Floor at Hall		40,000				
Replace Blinds		13,000				
TOTAL CHARLES WASHINGTON HALL		**97,000**	**-**	**20,020**	**44,500**	**-**
CITY HALL						
Apply roof coating section #1			15,250			
City Hall Interior renovations	Carryover from previous year	55,000				
Replace Carpet (Chambers)					8,000	
Replace RTU (FY26-2 units, FY27-1 unit, FY28-1 unit, FY30-2 units)		30,000	15,000	30,000		40,000
TOTAL CITY HALL		**85,000**	**30,250**	**30,000**	**8,000**	**40,000**
COMMUNITY DEVELOPMENT						
Charles Street Engineering Study		60,000				
Charles Street Engineering Study/Construction			250,000	250,000	250,000	250,000
Recreational Equipment/ Movie Screen/ Inflatables		15,000				
Update Comprehensive Plan				75,000		
Washington St Downtown Redevelopmnt Study		80,000				
Wayfinding Signage	FY26 Carryover from previous year	200,000	100,000			
West End Connector Trail	Pending grant totaling $481,250 ($385,000 funded by US DOT & possible $96,250 match funded by City of Charles Town)		481,250			
Zoning & Subdivision Ordinance Overhaul	Carryover from previous year	150,000				
TOTAL COMMUNITY DEVELOPMENT		**505,000**	**831,250**	**325,000**	**250,000**	**250,000**
INFORMATION TECHNOLOGY						
Computer replacement-City Hall (5 units)		15,000	15,000	15,000	15,000	15,000
WIFI Replacements-City Hall		10,000				
WIFI Install CW Hall		15,000				
TOTAL INFORMATION TECHNOLOGY		**40,000**	**15,000**	**15,000**	**15,000**	**15,000**
MAINTENANCE YARD						
Engineering , new maintenance building		80,000				
Maintenance building construction	Carryover from previous year	150,000				
Maintenance Yard Study	Carryover from previous year	80,000				
Re-skin existing Maintenance Buildings		80,000				
TOTAL MAINTENANCE YARD		**390,000**	**-**	**-**	**-**	**-**
PARKING DEPARTMENT						
Model 90 Duplex Meter Housings (10) totaling $6,100, Model 90 Single Meter Housings (15) totaling $4,875, POM Parking Meter Assembly totaling $5,000		15,975		15,975		15,975
Parking Department SUV Components & Labor Costs			40,000			
TOTAL PARKING DEPARTMENT		**15,975**	**40,000**	**15,975**	**-**	**15,975**
PARKS						
Augustine Avenue Upfront Grant Match		76,444				
Happy Retreat & Skate Park Bridge	Carryover from previous year	84,000				
Mill/resurface/ color coat/ replace fencing at all 3 tennis courts at JMP				225,500		
Parks Master Plan		130,000				
Pathway to bridge at skate park	Carryover from previous year	5,000				
Playground replacement Large Payground (JMP)					250,000	
Playground Replacement Small Playground (JMP)			75,000			
Pool Construction	$1,850,695 Grant income. $3,042,756 Carry over from previous year.	4,893,451				
Roof Replacement Picnic pavillions (JMP)			15,000			
TOTAL PARKS		**5,188,895**	**90,000**	**225,500**	**250,000**	**-**
POLICE DEPARTMENT						
661 BUILDING REPAIRS & FURNITURE						
Office chairs, Desks, Painting, Carpet, Key Card Access Points, Flag Pole, Building Signage, Front Door, etc.		25,000	25,000	25,000	25,000	25,000
EQUIPMENT						
APX N50 Portable Radio (3 Admin Staff & 1 Spare)		18,455				
APX N50 Portable Radio (20 Officers)					100,585	
Body Cameras (18)				27,000		
Speed Alert 24 Radar Trailer		20,225				
INFORMATION TECHNOLOGY						
Cell Phone Forensic Downloading Equipment	Possible grant funding.	27,000				
Cradle Point WIFI Mobile Router (9) $14,175 Routers & $4050 Installation Labor		18,225				
Desktop Computers (13 in FY28 & 13 in FY29)				42,900	42,900	
In-Car Panasonic Tough Tablet (12) (Replace Generation 1 & 2)		51,815				
In-Car Panasonic Tough Tablet (9) (Replace Generation 3)			31,810			
POLICE VEHICLES						
Police PPV Chevrolet Tahoe (2 each year)		117,510	121,035	124,665	128,405	132,255
Vehicle Components	FY26 & 27 equipment covered by COPS Grant received in FY25. Amounts in FY26 & 27 are installation labor costs.	12,000	12,360	56,455	58,145	59,890
TOTAL POLICE DEPARTMENT		**290,230**	**190,205**	**276,020**	**355,035**	**217,145**
ROUSS HALL						

	FUNDING SOURCE NOTES	YEAR 1 FY 2026	YEAR 2 FY 2027	YEAR 3 FY 2028	YEAR 4 FY 2029	YEAR 5 FY 2030
Apply Roof Coating Section #3					58,000	
Paint exterior/repair rotted sills		80,000				
Replace Gallery Ceiling and lights			15,000			
Replace Gallery Floor		25,000				
TOTAL ROUSS HALL		**105,000**	**15,000**	**-**	**58,000**	**-**
STREETS/INFRASTRUCTURE						
ADA Engineering/Construction				250,000	250,000	250,000
ADA Study			300,000			
Congress & Lawrence Intersection Construction Upfront Grant Match		54,757				
Liberty Street	FY26-$695,699 Carryover from previous year. $375,000 FEMA Grant. $172,445 Chesapeake Bay Grant.	1,243,144				
Sidewalk Replacement - Post Office			40,000			
Storm Water Assessment Study	FY26-$84,425 Carryover from previous year. FY27-Pending grant totaling $255,000. ($204,000 funded by EPA & $51,000 funded by City of Charles Town.)	84,425	255,000	280,000		
Storm Water Construction					250,000	250,000
Upgrade street lighting (58 units @ $400.00)			6,000	6,000	6,000	5,200
TOTAL STREETS/INFRASTRUCTURE		**1,382,326**	**601,000**	**536,000**	**506,000**	**505,200**
VEHICLES						
Bucket Truck	Carryover from previous year	170,000				
Drone		10,000				
Dump Truck		90,000				
Maintenance Pick-up truck replacement		65,000				
Parks and Recreational Vehicle		50,000				
Street Sweeper replacement				250,000		
Zturn mower replacement						13,000
TOTAL VEHICLES		**385,000**	**-**	**250,000**	**-**	**13,000**
OTHER						
Arts Cultural Historic Signs	Carryover from previous year		17,000	10,000	10,000	10,000
City Charter Re-write			60,000			
Potter's Field	Carryover from previous year	50,000				
Salary Study		30,000				
Street Scape Planters		10,000				
TOTAL OTHER PROJECTS		**90,000**	**77,000**	**10,000**	**10,000**	**10,000**
TOTAL CAPITAL PROJECTS		**8,574,426**	**1,889,705**	**1,703,515**	**1,496,535**	**1,066,320**
TOTAL REVENUE OVER EXPENSES		**(49,406)**	**(559,705)**	**(423,515)**	**(266,535)**	**13,680**

*** Happy Retreat parking lot upgrade grant - administered by Friends of Happy retreat. $2,750,000. The project is occuring on our property, but we are not responsible for the expenses.**

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1050: Board of Parks and Recreation Vacancy Appointment - Term Ending June 2027

ATTACHMENTS:

- Boards and Commissions Application - 2025.pdf
- Resume - S. Galleher.pdf
- Boards and Commissions Application - Matt Printz.pdf
- letter of endorsement.pdf
- Olivia Loy Charles Town Board of Parks and Recreation Application.pdf
- Olivia Loy 2025 Resume.pdf
- CT Parks App Pkge - AQuinn.pdf

CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

Board or Commission Applying for: **Date of Application:** 7/20/2025

- ☑ Board of Park and Recreation
- ☐ Board of Zoning Appeals
- ☐ Building Commission
- ☐ Historic Landmarks Commission
- ☐ Planning Commission
- ☐ Tree Board
- ☐ Utility Board
- ☐ Vacant Properties
- ☐ Other: _____

Name: Steve Galleher

Address: 623 S Mildred St, Charles Town, WV 25414

Email: sgalleher.60@gmail.com or esgalleher@gmail.com

Phone: 240-344-6461

Length of time lived in the City of Charles Town: 1 year 2 months

Have you ever been a member of a local government board or commission? No

If yes, when, where, and in what capacity? _____

List present memberships in any relevant community, service, or civic associations.

Explain your interest in the board/commission and how it would benefit from your participation.

I have always strived to find ways to serve the community in which I am a part of. Whether coaching at various levels, serving as a firefighter, or working with children, embedding myself into the process of helping improve my community has always been a priority.

I am excited to be seeking out a place on the City of Charles Town Board of Park & Rec and feel I have much to offer our community in this role. Having served as a Coach, Group Exercise Instructor, Trainer, and Counselor in the past, I would love to delve back into this type of role, which is close to my heart.

Along with this application form, applicants may also submit a resume, letters of recommendation, and/or any other materials that support their application for appointment to the board/commission.

If you have any questions regarding the application process, please contact the assistant city manager by phone at 304-724-3253. Applications can be emailed to ameeks@charlestownwv.us or cvezzosi@charlestownwv.us

Stephen Galleher

623 S Mildred St, Charles Town, WV 25414 | 240-344-6461 | sgalleher.60@gmail.com

PROFESSIONAL EXPERIENCE

Frederick County Division of Utilities & Solid Waste Management **November 2015 – Present**
Frederick, MD

Assistant Chief Operator- Water Purification & Distribution *October 2024 – Present*

- Oversee the operations of and personnel assigned to water treatment facilities throughout the County with a concentration on 9 Small Systems water plants and various tanks and booster pump stations.
- Conduct performance evaluations and assist employees with career advancement through on the job proficiency training.
- Evaluate and enforce all safety directives.
- Coordinate a strict preventative maintenance program for equipment.
- Develop and assess Standard Operating Procedures to ensure optimal efficiency.
- Maintain manual and computerized records and compile and prepare reports to be submitted to regulatory authorities.
- Assist in preparation of reports, budgets, directives, and work order processing and participate in the review of system expansion plans.
- Maintain inventories of equipment, chemicals, reagents, etc. and order, track, and verify purchases and procurements.
- Coordinate facility and equipment repairs, maintenance and inspections.
- Direct general labor tasks to maintain buildings and grounds.
- Investigate customer complaints and aid in providing timely resolutions.
- Assume additional administrative and supervisory duties of the Chief Operator in their absence.

Water Treatment Operator *November 2015 – October 2024*

- Help ensure high drinking water standards are met in accordance with the Clean Water Act.
- Continuous monitoring of facilities, water sample testing, adjusting water flow and chemical doses.
- Work in a laboratory and facility environment to produce high quality drinking water for the residents of Frederick County.
- Extensive experience as a lead shift operator spearheading a team as well as overseeing and maintaining my own Small Systems plants and sites throughout the County.
- Utilize Cartegraph and Excel as important tools to document work, projects, and assign tasks as necessary.

St. Thomas More Academy March 2013 – June 2015
Middletown, MD

Classroom Teacher

- Develop curriculum and present lesson plans for core subjects such as English, Math and Science for third, fourth and fifth grade students.
- Additionally, responsible for developing physical education curriculum and serving as the PE instructor for all grades, Pre-K – Eighth.
- Evaluate and grade student's performance in class and meet with parents to discuss progress and development plans.
- Functioned as the directing coordinator for events such as Jump Rope for Heart and the school-wide Field Day.

The Jefferson School May 2010 – January 2015
Jefferson, MD

Residential Counselor/Resource Staff/Equine Therapy Support

- Served in numerous capacities at the residential treatment center for court-appointed youth.
- Enforcement of Individualized Treatment Plans,
- Maintain a safe environment for residents and staff on the milieu and in the school
- Implement verbal de-escalation skills to prevent residents from going into crisis. If crisis did occur, enact therapeutic crisis management and intervention techniques.

EDUCATION

Frostburg State University Frostburg, Maryland
Bachelor of Science December 2009
Major in Physiology; Concentration in Health & Fitness, Minor in Coaching

CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

Board or Commission Applying for:

Date of Application: _____

- [x] Board of Park and Recreation
- [ ] Board of Zoning Appeals
- [ ] Building Commission
- [ ] Historic Landmarks Commission
- [ ] Planning Commission
- [ ] Tree Board
- [ ] Utility Board
- [ ] Vacant Properties
- [ ] Other: _____

Name: Matt Printz

Address: 629 S George St Charles Town WV 25414

Email: matt@kronaconstruction.com

Phone: 5404507334

Length of time lived in the City of Charles Town: 14

Have you ever been a member of a local government board or commission? yes

If yes, when, where, and in what capacity? Current member of contractor appeals board

List present memberships in any relevant community, service, or civic associations.

While not officially tied to any organization, my family and I are big supporters of the City, Charles Town Now, and a variety of charities, philanthropic efforts and volunteerism.

Explain your interest in the board/commission and how it would benefit from your participation.

With deep family roots in Charles Town, a strong investment in its economic and cultural vitality, and a hands-on understanding of its downtown landscape, I would bring a unique and valuable perspective to the Parks and Recreation Board. As a contractor who has contributed to many local projects, and as someone whose family enjoys and benefits from our community parks, I am committed to enhancing these shared spaces to serve residents and visitors alike. My experience, outlook, and dedication to Charles Town's future would help guide thoughtful, impactful improvements to our parks and recreational offerings.

Along with this application form, applicants may also submit a resume, letters of recommendation, and/or any other materials that support their application for appointment to the board/commission.

If you have any questions regarding the application process, please contact the assistant city manager by phone at 304-724-3253. Applications can be emailed to ameeks@charlestownwv.us or cvezzosi@charlestownwv.us

MATT WARD

502 SOUTH SAMUEL STREET
CHARLES TOWN, WV 25414
202.422.2411
MATT.WARD@STRATEGIESDC.COM

July 12, 2025

The Honorable Mayor Michael George &
The Honorable City Councilmembers
City of Charles Town, WV

Dear Mayor and City Councilmembers:

I write as a private citizen living in the City of Charles Town to convey my strong support for the appointment of Matty Printz as a member of the Charles Town Board of Parks & Recreation. Matty is a man of good character who is making major, positive contributions to our community, including our Parks & Recreational system. I encourage Council to embrace and cultivate the volunteer contributions of valuable, generous, and effective citizens such as Matty Printz.

Now is an important time for good, solid and effective members of Parks & Recreation, as the board has been more proactive recently than at any time in my 28 years of being part of the Charles Town community, with major park expansions and improvements in the works.

Matty has made clear that he wants to make Charles Town an even more wonderful place to live, work, and build community – a community that the Printz family has been part of for multiple generations, reflected by the house where Matty, Jessy and their daughter live that was built by Matty's grandfather. Matty's role has included:

- Being part of the inspirational force that led to the creation of the **Depot District Park**. As the city figures out how to upgrade this park to be a vibrant and active space, we know that Matty will bring positive progress.
- Supporting the long-term vision of creating a waterside trail and park system along the Evitts Run Creek in the West End of Charles Town, with the construction of high-quality **pedestrian bridges** in two locations.
- Massive investment in the historic, yet vacant and dilapidated **Depot Building** that will extend our downtown hub into an underutilized brownfield corridor.
- Many hours and many contributions to the **downtown Charles Town economy** through key participation in Charles Town Now, downtown events, and downtown investments.

This is the kind of citizen contribution that makes Charles Town historically hip, and I really value Matty's role in the community. I encourage you to select him to play a more significant role on Parks & Recreation.

Sincerely,

Matt Ward

CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

Board or Commission Applying for: **Date of Application:** 7/2/2025

- [x] Board of Park and Recreation
- [ ] Board of Zoning Appeals
- [ ] Building Commission
- [ ] Historic Landmarks Commission
- [ ] Planning Commission
- [ ] Tree Board
- [ ] Utility Board
- [ ] Vacant Properties
- [ ] Other: _____

Name: Olivia Lay

Address: 211 N. Mildred St. Charles Town, WV 25414

Email: meetoliviaLay2.0@gmail.com

Phone: 304 995 4651

Length of time lived in the City of Charles Town: 3 months

Have you ever been a member of a local government board or commission? no

If yes, when, where, and in what capacity? n/a

List present memberships in any relevant community, service, or civic associations.

Explain your interest in the board/commission and how it would benefit from your participation.

As a lifelong West Virginia resident who recently moved to Charles Town from Inwood, I'm eager to become an active member of this community and contribute meaningfully to its growth. I truly value time outdoors, the preservation of natural spaces, and the ability of parks to bring people together. With a background in education and experience advising over 80 students, I bring strong communication, organization, and community engagement skills. I believe these qualities, along with my interest in fostering inclusive and welcoming green spaces, would be an asset to the Board of Parks and Recreation. I see parks as central to a vibrant community, and I'm committed to helping ensure they serve the needs of both residents and visitors. Joining the board would allow me to give back to the place I now call home and support the thoughtful development of its public spaces.

Olivia Loy

LET'S CHAT

Address: 211 N Mildred Street Charles Town, WV 25414
Phone: (304) 995 4651
Email: meetolivialoy2.0@gmail.com

EDUCATION & TRAINING

WEST VIRGINIA UNIVERSITY
Bachelor's in Theatre with a Minor in Strategic Social Media | Graduated May 2019

- President of the WVU Film Club
- Liaison for the WVU Theatre Student Organization

NATIONAL COUNCIL FOR MENTAL WELLBEING
Certification in Mental Health First Aid Completed August 2023 (Adults) & April 2024 (Youth)

- Detection and intervention regarding mental health crisis and substance use
- Identifying appropriate resources and action plans

SKILLS AND ABILITIES

- Event planning & coordination
- Community outreach & engagement
- Data collection and entry
- Social media & digital communications
- Remote work & team collaboration
- Microsoft Office Suite & Google Suite
- Slack, Basecamp, Sling, Mongoose & Blackboard
- Canva Design
- 10 Years in Customer Service & Hospitality

References available upon request.

WORK EXPERIENCE

CO-OWNER + FILMS MANAGER
Filmed by Bike, OR | May 2024 - Present

- Manage recruitment and communication with 100+ filmmakers for annual festival.
- Curate programming and manage all theater details for a 3-day film festival and assist with ancillary event planning and logistics.
- Lead cross-departmental meetings and deliver monthly reports to the board.

ACADEMIC SUPPORT + RESOURCE SPECIALIST
Blue Ridge Community and Technical College, WV | February 2023 - Present

- Manage and support the academic, financial, and personal success of 80+ students.
- Coordinate with departments on registration, events, marketing, and student services.
- Track student engagement and program outcomes for data reports pertaining to the Ascend Grant.

INBOUND CSR
Geodis, VA | August 2022 - November 2022

- Scheduled inbound shipments and coordinated with carriers to confirm logistics and documentation.
- Maintained accurate inventory records and processed product intake using RF and WMS systems.
- Ensured compliance with safety regulations and managed key documentation.

HEAD BARISTA + SHIFT LEADER
Cannon Coffee, MD | June 2021 - July 2022

- Trained staff and developed standard operating procedures for daily café operations.
- Managed inventory, placed orders, and adjusted supply levels based on business needs.
- Led team meetings to align goals, improve workflows, and enhance customer service.

SHIFT LEADER + SOCIAL MEDIA MANAGER
Mountaineer Roasting CO., WV | September 2020 - May 2021

- Created and scheduled social media content to grow brand presence and engagement.
- Provided customer service across front and back of house operations.
- Collaborated with management on inventory, content planning, and daily operations.

PROMOTIONS STRATEGY + EVENT PLANNING INTERN
Ideas United + Campus Movie Fest, GA | August 2019 - April 2020

- Planned and hosted 10+ film festival premieres among college campuses and produced content for online events, including the first fully online CMF programming.
- Managed campus outreach through presentations, canvassing, and social media engagement.
- Managed AV equipment inventory and archived 10+ years of event data and media.

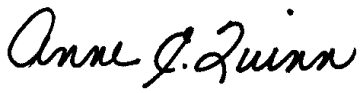
Dear Sir/Madam:

I am writing in response to your advertisement for an opening on the Parks & Recreation Board/Commission. I believe I could be an asset to the board and would appreciate being permitted to serve. Attached please find by Application and my resume.

As you'll see on my resume, I have an extensive management background that spans many years. In addition to my work experience, in my spare time I have coached several youth sports including basketball, softball, volleyball and tennis. Unfortunately, due to my mobility issues caused by rheumatoid arthritis, I am no longer able to be as physically active as I would like.

I can promise that I would be an excellent addition to the board.

Sincerely,



Anne Quinn
Email: Quinns1@msn.com

CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

Board or Commission Applying for:

Date of Application: June 30, 2025

- [x] Board of Park and Recreation
- [ ] Board of Zoning Appeals
- [ ] Building Commission
- [ ] Historic Landmarks Commission
- [ ] Planning Commission
- [ ] Tree Board
- [ ] Utility Board
- [ ] Vacant Properties
- [ ] Other: _____

Name: Anne E. Quinn

Address: 187 Georgia Avenue, Charles Town, WV 25414

Email: quinns1@msn.com

Phone: 304-596-3581

Length of time lived in the City of Charles Town: 20+ Years

Have you ever been a member of a local government board or commission? No

If yes, when, where, and in what capacity? N/A

List present memberships in any relevant community, service, or civic associations.

Past President of American Legion Auxiliary Unit 71, currently serving as Americanism, Membership, Public Relations and Music Chairperson.
Member of The Company of Fifers & Drummers (an International Organization)
Location Coordinator for Wreaths Across America & Member of TAPS for Veterans

Explain your interest in the board/commission and how it would benefit from your participation.

My college education was in Recreation & Health with a Minor in Music. I have coached a variety of sports over the years (i.e., Basketball, Volley Ball, Tennis & Softball). I feel I can be an asset to the Parks & Recreation Commission.

Along with this application form, applicants may also submit a resume, letters of recommendation, and/or any other materials that support their application for appointment to the board/commission.

If you have any questions regarding the application process, please contact the assistant city manager by phone at 304-724-3253. Applications can be emailed to ameeks@charlestownwv.us or cvezzosi@charlestownwv.us

ANNE E. QUINN
187 Georgia Avenue
Charles Town, WV 25414
Telephone: 304-596-3581
EMail - Quinns1@msn.com

Summary:

A professional with more than 40 years' experience in the Publication/Proposal environments of which more than 25 years were directly involved in Proposal production for both commercial and Government customers. Experience includes a wide range of business and technology disciplines encompassing Federal, Local, and Foreign Governments as well as the Commercial sectors. Specifically:

- Managed proposal production for several Government clients (DoD, NASA, DHS, etc.) that resulted in billions of dollars in new business.
- Coordinated proposal efforts targeted at "Global 2000" companies resulting in millions of dollars in solution sales.
- Developed and implemented a proposal production methodology using the Shipley process to establish a proposal process for solicited (RFP/RFQ) and unsolicited efforts.
- Coordinated and managed all facets of proposal activities in the USA and Internationally including the creation of compliance matrices, coordinating Subject Matter Experts (SMEs) input, matrix management of the proposal content, and proposal submission and storage/archiving.
- Worked closely with Sales, Marketing, and Engineering personnel to develop final proposals, which included coordinating, and maintaining all proposal activity and keeping contributors "on track" and "on time".
- Developed Grant Proposals for several Not-for-Profit organizations.
- Led and managed graphics, word processing, and desktop publishing staff in completing proposals for delivery. This included the logging and tracking of graphic collateral by proposal, training of all production staff, reviewing all graphics for effectiveness and contribution to the content, editing/proofreading all content for compliance, and reviewing page layout for final delivery.
- Developed Documentation Guidelines for five different companies that included guidance for writing and publishing documentation for a variety of environments (i.e., process/procedural documents, proposals, user manuals, and presentations).
- Knowledgeable in document content management and collaboration systems including Privia, IBM's Domino Document Manager, Documentum, and Microsoft Sharepoint.
- Supervised teams of varying expertise to complete projects, including proposals, database development, asset management, documentation management, and training.
- Managed large standard communications product development efforts with worldwide distribution to thousands of customers.
- Administered, supported, and enhanced processes related to the long-term preservation, retention, retrieval, security, and disposition of all electronic records.
- Coordinated all IT training activity for the US Department of Housing and Urban Development, including the creation of visual aids for training, user and technical documentation, scheduling all training activities, and prepping training facility.
- Managed design and layout of several print publications, including two weekly established newspapers, corporate newsletters, and promotional magazines. Additionally, wrote and edited content for the same. Published in local and national publications.
- Expert user level in Microsoft Office applications, Adobe Creative Suite and a variety of desktop publishing applications.
- Knowledgeable in ISO requirements and Total Quality Management initiatives, as well as Copyright and Trademark compliance.

Professional Experience:

CONSULTANT – SELENIUS HOLDINGS
July 2024 – Present

PROPOSAL SPECIALIST/COORDINATOR

Perform duties as a Proposal Manager/Coordinator, Federal Procurement Coordinator, Graphic Artist and/or Desktop Publisher as needed for Government and Commercial clients.

VETERANS ENTERPRISE TECHNOLOGY SERVICES, LLC
June 2023 – January 2024

PROPOSAL COORDINATOR/MANAGER

Perform duties as a Proposal Coordinator/Manager, Graphic Artist and/or Desktop Publisher as needed for Government and Commercial clients.

INDEPENDENT CONSULTANT
March, 2017 – June 2023

PROPOSAL SPECIALIST/COORDINATOR

Perform duties as a Proposal Manager/Coordinator, Federal Procurement Coordinator, Graphic Artist and/or Desktop Publisher as needed for Government and Commercial clients.

RAYTHEON IIS, Dulles, VA
August 2014 – September 2016 / March 2017-April 2019 (Contractor)

SR. PROPOSAL ANALYST /DESKTOP PUBLISHER

Coordinate all proposal activities in conjunction with the Proposal Manager, including the review and shred of RFPs to determine requirements to create compliance/cross reference matrices as needed. Also coordinated all production work with the production and publication staff to include the establishment of templates and criteria for final deliverable to requestor/customer. Support included Federal Government proposals, Foreign Government proposals and commercial proposals for local state agencies. Responsibilities included:

- Coordination of all proposal documentation including RFP/RFQ and RFI responses within the Virtual Proposal Center (VPC).
- Development and maintenance of production guidelines per individual proposal requirements based on RFP/Solicitation documentation.
- Coordination of staff assignments regarding the production of text and graphics for proposals.
- Coordination of the flow of proposal components (text, graphics, production of sales letter and executive summary) through the process from initial meeting to delivery, which includes the coordination and management of final document publication process for delivery.

ANNE E. QUINN 187 Georgia Avenue Charles Town, WV 25414 Telephone: 304-596-3581 EMail - Quinns1@msn.com

AMCAD, Herndon, VA [*Out of Business*] *June 2014 – June 2014*
PROPOSAL COORDINATOR
Coordinate proposal activities for municipalities and county governments. Developed and edited existing proposal boilerplate content. Also worked with the Marketing Director to revamp existing marketing materials. Instituted parts of the Shipley process to develop the commercial proposals.

CACI, INC.-FEDERAL, Chantilly, VA *January 2011 – November 2013*
GRAPHIC DESIGN SUPERVISOR/PROPOSAL PRODUCTION MANAGER
Supported all Proposal production across the Business Groups. Was responsible for the redesign of standard WORD templates that could be customized for use across all types of RFPs, RFQs, RFIs, TOs, etc. Also served as the in-house SME for all MS OFFICE and Adobe Creative Suite products, particularly Adobe Acrobat and Forms Management. Also developed templates and forms that were used by all the production staff. Worked with several teams using the Shipley Process as the basis for proposal development.

PROPOSAL DEVELOPMENT CONSULTANTS, Bethesda, MD *January 2009 – January 2011*
PROPOSAL PRODUCTION SPECIALIST – CONSULTANT
Assigned as a Proposal Coordinator, Graphic Artist and/or Desktop Publisher as needed. Assignments have included working on proposals for Link Solutions, Inc. and CACI. Worked on a long-term assignment doing proposal production (graphics and DTP) at CACI, INC.-FEDERAL.

BRAINWARE, INC., Ashburn, VA *November 2007 –November 2008*
PROPOSAL/TECHNICAL WRITER-COORDINATOR
Responsibilities included:

- Coordination of all proposal and technical documentation including RFP/RFQ responses, unsolicited proposals, Functional Requirements/Specifications, Statements of Work, User Manuals, Fill-in Forms, etc.
- Development of production procedures per individual proposal requirements based on RFP/Solicitation documentation, platform, and software integration.
- Coordination of staff assignments regarding the production of text and graphics for proposals.
- Coordination of the flow of proposal components (text, graphics, production of sales letter and executive summary) through the process from the initial meeting to delivery.
- Coordination and Management of final document publication process for delivery.
- Development and Management of a proposal and technical documentation repository.
- Development of templates and forms for corporate use.

FAIRFAX COUNTY PUBLIC SCHOOLS, Alexandria, VA *April 2007 – November, 2007*
ELECTRONIC DOCUMENT SPECIALIST
Responsibilities included:

- Developed, implemented, and maintained a system for the identification and protection of all electronic records for the school division.
- Participated in the development of the department's annual budget.
- Served as liaison between the school division, Fairfax County, and the Library of Virginia in all matters related to records management.
- Provided records management training and on-site consultation to school and department personnel.
- Provided direction and support in the creation of forms and forms management.
- Worked closely with departments and offices to identify business process involving electronic recordkeeping.
- Managed the conversion to digital storage applications with proper retention and documentation of destruction.
- Established methods and standards for scanning and digitizing records within the school division.

VERIZON, Arlington, VA *March 2000 - July 2006*
DOCUMENT & MEDIA MANAGEMENT SPECIALIST-TEAM LEAD

- Was responsible for leading Document & Media Management team.
- Recruited new Document Management Specialist(s) and trained them in Verizon/GNS standards and procedures.
- Provided guidance on corporate branding standards and ISO quality standards.
- Expanded and marketed the capabilities as a full service and support "shop" throughout the GNS footprint.
- Provided expertise in and coordinated all proposal development/production to V-LD and GSI as partner on proposal projects.
- Increased volume of in-house design and printing capabilities for all of GNS with use of Xerox Docu40 Color printer.
- Coordinated production of annual Strategic Objectives posters, and the design and production of several other marketing aids.
- Created and implemented document & media storage criteria.
- Served as Managing Editor/Publisher for internal corporate newsletter (GNS Connection).

Prior Employment

ADVANCED TECHNOLOGY SYSTEMS, McLean, VA/Washington, D.C. *May 1997 - February 2000*
SR. TRAINER/TEAM LEAD - HUD OA PROJECT

BRIDGMAN COMMUNICATIONS, INC., Sterling, VA *October 1994 - May 1997*
MIS MANAGER

ANNE E. QUINN
187 Georgia Avenue
Charles Town, WV 25414
Telephone: 304-596-3581
EMail - Quinns1@msn.com

NORTHROP GRUMMAN/GRUMMAN AEROSPACE *July 1986 - October 1994*
GROUP LEAD - PROPOSAL OPERATIONS (HERNDON, VA)
SR. GRAPHICS SPECIALIST (BETHPAGE, NY)
Clearance: Top Secret Gold

WAVE PUBLISHING COMPANY, Rockaway Beach, NY 1975 - 1986
PRODUCTION MANAGER/EDITOR

PROFESSIONAL MEMBERSHIP:

- Association of Proposal Management Professionals (APMP)
- Association of Professional Women in Business
- American Legion Auxiliary
- Company of Fifers & Drummers
- Board Member & Director of Music In Time, Inc. (private 501c3 Not-for-Profit Corporation)
- Fiscal Administrator for Queensboro Council for Social Welfare (1981-1984)

EDUCATION/TRAINING:

Northern Virginia Community College, Sterling, VA - 2001-2002 – Supervisory-Management & Professional Development Certifications
Learning Tree Technology Center, Reston, VA – 2001-2002 – IT Applied Management Certification
City University of New York - Herbert H. Lehman College, Bedford Park, Bronx, NY - 1971-1973 - Physical Education/Recreation, AAS
Stella Maris High School, Rockaway Park, NY - 1967-1971 – Academic Regents Diploma

MANAGEMENT CERTIFICATIONS/AWARDS:

Corporate Compliance, Intellectual Property - Trademarks, Copyrights & Propriety Certificates
Strategic Planning Certification
2005 Diversity Degree
Verizon GNS Employee Recognition Award (WHOW)
Applied Management Certification
Verizon GNI Pin-A-Peer Award
Supervisory/Management Certification
Professional Development Skills Certification
Management & Supervision
Total Quality Management
Six Sigma (R6Sigma) Training

TECHNICAL CERTIFICATIONS/SKILLS:

Operating Systems:

- Windows 11, Windows 365, Windows Vista, Windows 7, Windows XP, Windows NT, Windows 98, Windows 95 and Windows for Workgroups 3.11
- Inter-Tel AXXESS Computer Integration Telephony System
- VAX/VMS: Architecture, System Operator and ALL-IN-ONE System Manager
- Interleaf Desktop Publishing Systems
- MCS 10/8400 System Management

Software Applications:

- Response Proposal Library
- PreVail Document Management System (CMMC)
- Meridian Proposal Analysis
- Virtual Proposal Center (VPC)
- Domino Document Manager/Coextant Hyper.Net
- Certified Microsoft Word Trainer
- MACINTOSH Training: Certified in MSWord, MACDraw, Filemaker, PageMaker, Excel, Freehand, Persuasion, Quark Xpress, Advanced Certified Training in Adobe Acrobat, LiveCycle Designer, Dreamweaver, In-Design, Illustrator, Filemaker, PowerPoint and Photoshop
- PERSONAL COMPUTERS: Certified Training in WordPerfect, WordStar and WPS/DOS; all Microsoft Office 97-2013 & 365 and Adobe Creative Suite applications including Acrobat, Illustrator, Photoshop, LiveCycle Designer, Dreamweaver, and In-Design; Knowledgeable in Lotus Notes 4.5 and R5; Visio 2016; Sharepoint

Other Skills:

- Familiar with the Shipley Process, Master Certification in English Usage, PCDOCS/Documentum, QuickBooks Pro, Microsoft Money, Winfax Pro and Peachtree Accounting

MEMBERSHIPS:

- More than 50 Year member of American Legion Auxiliary

PUBLICATIONS:

"Woman of Ireland" published in The Wave of Long Island and The Irish Echo
"History of Irishtown" published in The Wave of Long Island and The Irish Echo (co-authored with Emil Lucev)
"Charles Town Chatter" – quarterly publication of American Legion Auxiliary Unit 71, serve as Publisher/Editor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1113: Route 51 Project Public Comment Letters - Update

ATTACHMENTS:

- Signature KH 9-10-25Mayor Micheal George Response Letter.docx (1).pdf
- Letter from Keith Persinger - Route 51 Project.pdf

Docusign Envelope ID: AA0C6258-89CF-4EA5-BFF6-0135E3C2BD2A

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Stephen T. Rumbaugh, P. E.
Secretary of Transportation
Commissioner of Highways

September 9, 2025

Honorable Micheal George
Mayor of Charles Town
101 East Washington Street
Charles Town, West Virginia 25414

Dear Mayor George:

Thank you for your letter, dated September 3, 2025, regarding your concerns and alternatives to the current Route 51 Improvement Project, in Jefferson County, to the West Virginia Division of Highways (WVDOH).

Since the project's inception and more recently over the past few months, there have been changes in contributors and the administration at WVDOH. State Highway Engineer Jacob Bumgarner and his office will be coordinating the project going forward.

At your request, WVDOH would be more than willing to meet with you and anyone you believe would be key contributors, representing the community's interests in this project. The WVDOH agrees with your standpoint that a meeting would be an excellent opportunity to level set and begin conversations anew. This meeting can be held in Charleston, and we will provide a Google Meet option for those who need to join remotely. WVDOH will ensure all the necessary key project officials are present.

Please coordinate with the State Highway Engineer's Office to schedule a convenient time that works for the City of Charles Town team and community stakeholders. Keith Persinger is your contact person if you have any questions or to schedule the meeting. He can be reached at (304)414-6913 or tyrone.k.persinger@wv.gov. Also, if you would like to speak with State Highway Engineer Jacob Bumgarner, he can be contacted at (304) 205-8100.

Sincerely,

Stephen T. Rumbaugh, P.E.
Secretary of Transportation/
Commissioner of Highways

STR: Ph

Outlook

Route 51 Improvement Project - City of Charles Town, WV

From Persinger, Keith T <keith.t.persinger@wv.gov>
Date Thu 9/25/2025 10:14 AM
To Micheal George <mgeorge@charlestownwv.us>; Carolyn Vezzosi <CVezzosi@charlestownwv.us>

On Behalf of Jacob M. Bumgarner, State Highway Engineer

Mayor George,

Thank you for your letter and for detailing both the concerns and alternatives to the current project, the Route 51 Improvement Project, as seen from the City of Charles Town's perspective.

Since the project's inception and more recently over the past few months, there have been changes in contributors and the administration at WVDOH.

As you requested, WVDOH would be more than willing to meet with you and anyone you think would be key contributors representing the community's interests in this project. The WVDOH agrees with your standpoint that a meeting would be an excellent opportunity to level set and begin conversations anew. This meeting can be held in Charleston and we will provide a Google Meet option for those who need to join remotely. WVDOH will ensure all the necessary WVDOH key project officials are present.

Please coordinate with my office to schedule a convenient time that works for the City of Charles Town team and community stakeholders.

Please reach out to Keith Persinger at 304-414-6913 or keith.t.persinger@wv.gov if you have any questions or to move forward with scheduling.

Looking forward to our meeting,

Jacob M. Bumgarner,
State Highway Engineer

Keith Persinger, M.A. Ed.

Office of the State Highway Engineer

West Virginia Division of Highways

Building 5, Room A-152

1900 Kanawha Blvd, East | Charleston, WV 25305

304.205.8100 Main | 304.414.6913 Direct

keith.t.persinger@wv.gov

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1047: BR2025-09: Norborne Glebe Phases 9, 10A - Bond Release Request

Proposed Motion: Approve the performance bond release for Norborne Glebe Phases 9, 10A in the amount of $430,013.25.

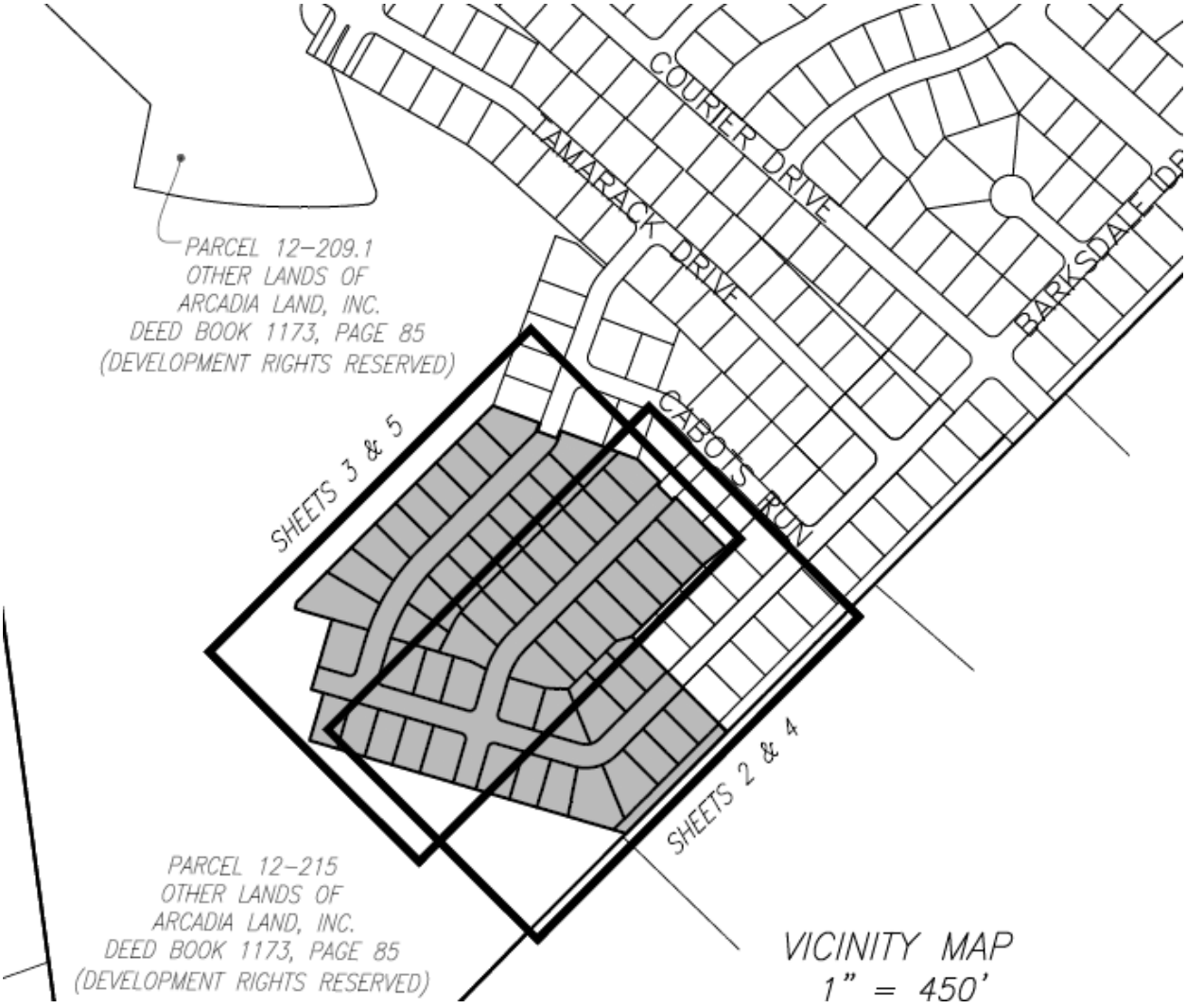
ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. KH Review.pdf
- 4. Performance Estimate - Reduced.pdf

Bond Release Request
BR2025-08

Date: For the October 6, 2025 City Council Meeting
Applicant: Arcadia Land Inc.
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: A performance bond release of $430,013.25

Norborne Glebe Phases 9 & 10A



BACKGROUND
The applicant is requesting a bond release of the **performance bond.** The Final Plat was approved by the City in May 2023. The bond was established in December 2022, with a reduction in February 2024.

Performance Bond: $430,013.25

KIMLEY-HORN REVIEW
Upon review of the request the City's 3rd party engineering firm, Kimley-Horn, has determined that the bond release meets the requirements for approval.

BOND COMMITTEE
The Bond Committee reviewed this item at their September 11, 2025 meeting. The Committee recommends approval of the bond release. The applicant revised their plans to reduce over-lighting while still meeting the City's lighting requirements; there are 21 lights in place rather than the initially proposed 24.

PLANNING COMMISSION
The Planning Commission held a public hearing for this request at their September 22, 2025 meeting. There were no public comments. Following discussion the Commission voted to unanimously **recommend approval** of the bond release request.

RECOMMENDATION
Approval of the performance bond release request.

RECEIVED
AUG 13 2025
BY:

BOND REQUEST AND REDUCTION

1. APPLICATION TYPE :

- ☐ Bond Initiation – No application fee
- ☐ Bond Reduction – No application fee
- ☐ Bond Extension – No application fee
- ☑ Bond Release – Application Fee: $60

2. FEES

Third-party review fees are assessed separately for each application, and will be sent to the applicant. All fees must be paid prior to approval.

3. PUBLIC NOTICE

Only bond release applications require a public hearing, which is held by the Planning Commission. City Council approval is still required.

4. APPLICATION REQUIREMENTS

Please submit one application set with supporting materials in paper, and one copy in PDF format.

1. DATE August 12, 2025

2. PROJECT NAME Norborne Glebe Phases 9/10A

Address 108 N. Goerge St., 2nd Floor, Charles Town, WV 25414

3. APPLICANT'S NAME* Arcadia Land, Inc

Address 108 N. George Street, 2nd Floor, Charles Town, WV 25414

Telephone Number (703-771-8000

Email Address gendler@arcadiacompanies.com

4. PROPERTY OWNER'S NAME Arcadia Land, Inc

Address 108 N. George Street, 2nd Floor, Charles Town, WV 25414

Telephone Number (703-771-8000

Email Address gendler@arcadiacompanies.com

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

5. DESCRIPTION OF REQUEST:

Performance Bond Release for Norborne Glebe Phase 9/10A

6. A) CURRENT BOND AMOUNT $ 430,013.25

B) PROPOSED BOND AMOUNT $ Bond Release- $ = 0.00

C) CHANGE IN BONDED AMOUNT $ < 430,013.25>

7. PARCEL INVENTORY: (List all parcels that are part of this application):

Tax Map No.	Parcel No.	Tax Map No.	Parcel No.
3-12-209			
3-12-212			
3-12-215			

8. PARCEL HISTORY: (List all pending or previously approved applications on the subject parcels inventoried above, including previous plat applications if this application is an amendment)

Application No.	Project Name and Phase	Status	Approval Date
SLD-2021-05	Norborne Glebe Phase 9/10A		10/13/22

9. <u>BOND RELEASE</u> – SUPPLEMENTAL MATERIALS REQUIRED:

A. Copies of inspection and test reports if work was inspected and tested by a third-party inspector.

B. Certification that all bonded Improvements, have been completed in accordance with the approved plans, profiles, and specifications and the requirements of any applicable manual.

C. A copy of the City-approved As-Built Drawings as required for facilities within public rights-of-way or Easements.

D. A letter from a Professional Engineer or Professional Land Surveyor certifying that property corners and Monuments have been set as required under this Ordinance.

Continued on next page.

E. Documentation of acceptance by WVDOH for public roadways and rights-of-way, or a maintenance and indemnification agreement and bond approved by the Planning Commission for public roadways that have been completed in accordance with WVDOH standards but which, due to factors other than their quality of construction, are not eligible for acceptance by WVDOH.

F. **For private roadways**, a letter of acceptance by the entity responsible for maintenance and a Latent Defects Indemnification Agreement and Bond.

   Before a Performance Agreement and surety for private roadway construction shall be released, a Latent Defects Indemnification Agreement and Bond shall be provided by the applicant/Developer and approved by the Planning Commission. The guarantee provided by such Agreement and Bond must be for a period of two (2) years following the date of performance bond release, and must be in an amount equal to no less than 5% of the original performance bond estimate.

G. **Landscaping Surety** is required to ensure the landscaping shown on a Major S/LD plan is maintained for one (1) year. The one (1) year shall start from the date at which the surety for the site has been released, with the exception of this landscaping surety. The landscaping surety amount shall not be less than $5,000.00 or 10% of the total landscaping cost for the project, which ever is greater.

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1335 of the S/LD Ordinance.

Signature of Applicant _____ Date 8/12/2025

Signature of Property Owner (If different than Applicant)

_____ Date _____

Please submit an original completed application to the following:

At City Hall:	Or	Via Mail:
Subdivision Administrator City of Charles Town 101 E. Washington Street Charles Town, WV 25414		Subdivision Administrator City of Charles Town PO BOX 14 Charles Town, WV 25414

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Fee: $_____ Check No._____

Receipt No._____

Site Inspection Date:_____ Inspector:_____

Planning Commission Approval:_____ Date:_____

City Council Approval:_____ Date:_____

Comments:_____

_____

_____

_____

_____

Kimley»Horn

Memorandum

To: Mr. Gary Endler
Arcadia Land, Inc.
108 N George St, 2nd Floor
Charles Town, WV 25414

From: Mark Phillips, P.E.
Diego Carreira

Through: Mr. James Newman, AICP
City of Charles Town
101 E Washington Street
Charles Town, WV 25414

Date: September 8, 2025

Subject: Norborne Glebe Phases 9 & 10A Bond Release Review

This memorandum summarizes our review of the Bond Release request for the Norborne Glebe Residential Phases 9 & 10A (dated September 8, 2024 prepared by H2 Land Company.) for a Bond Release of $1,679,755.40. Using the Final Subdivision/Land Development Plat, site visit observations, and the As-Built plans by Morris & Ritchie Associates, and the respective bond release application, we have no further comments.

Kimley-Horn finds the bond release request to be in conformance with the plans and materials provided by the Applicant and recommends approval of the Bond Release Request.

Note that the Bond Release review does not constitute a formal inspection of work or quality review. Only an observation of visible quantities and available information from As-Built data.

Thank you for the opportunity to review this Bond Release request. In the meantime, please feel free to contact us at 703-870-3631 should you have any questions.

KIMLEY-HORN & ASSOCIATES, INC.



Mark Phillips, P.E.
Project Manager
Associate

CITY OF CHARLES TOWN

PERFORMANCE BOND UNIT COST LIST AND BOND REDUCTION FORM

This form shall be used to calculate the amount of the bond required to guarantee public improvements to be constructed under the approved Final S/LD Application. This form shall also be used in calculating the amount of bond reductions to be approved by the Planning Commission. **Note**: No bond shall be reduced until completion of at least thirty (30) percent of the physical improvements secured by the bond.

PROJECT NAME:	Norborne Glebe - Phase 9&10A
PREPARED BY:	Greenway Engineering
DATE OF SUBMISSION	8/9/2022 - Reduction 11/15/2023

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
MOBILIZATION GENERAL								
Mobilization	LS	$6,250.00	1	$6,250.00	0.5	$3,125.00	50%	
Field Office	EA	$3,000.00			0.0	$0.00	0%	
Job Sign	EA	$1,150.00			0.0	$0.00	0%	
SURVEYING								
Steel Pipe Property Corner Marker Incl. Survey	EA	$275.00	119	$32,725.00	0.0	$0.00	0%	
R.O.W. MONUMENTS SURVEYED IN PLACE								
RM -- 1	EA	$825.00			0.0	$0.00	0%	
RM -- 2	EA	$575.00			0.0	$0.00	0%	
EARTHWORK EXCAVATION								
Regular Bulk used as Fill	CY	3.86	27,075.00	$104,509.50	27,075.0	$104,509.50	100%	
Rock, Rip	CY	17.30			0.0	$0.00	0%	
Rock, Blast	CY	38.48			0.0	$0.00	0%	
BORROW MATERIAL								
Buy, Load, Haul 10 Mi. Select Material	CY	28.90			0.0	$0.00	0%	
Fill and Compaction of On-site Borrow	CY	5.95	48,592.00	$289,122.40	48,592.0	$289,122.40	100%	
UNSUITABLE MATERIAL								
Load and Haul, 20 mi R/T	CY	$21.95			0.0	$0.00	0%	
Dump Charge	CY	37.50			0.0	$0.00	0%	
Site Grading	SY	0.75			0.0	$0.00	0%	
CLEAR & GRUB								
Light	AC	6,675.00	17	$113,475.00	17.0	$113,475.00	100%	
Moderate	AC	9,750.00			0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Heavy	AC	$12,250.00			0.0	$0.00	0%	
Very Heavy	AC	$14,250.00			0.0	$0.00	0%	
LANDSCAPING								
Seeding	SY	$0.77	33,880.00	$26,087.60	16,940.0	$13,043.80	50%	
Sodding	SY	$3.64	33,881.00	$123,326.84	16,940.5	$61,663.42	50%	
PLANTING SHRUBS								
18"	EA	$40.00			0.0	$0.00	0%	
24"	EA	$70.00			0.0	$0.00	0%	
TREES								
6' – 8' (1-2 in. Caliper)	EA	$400.00	151	$60,400.00	0.0	$0.00	0%	
8' – 10' (2.5-3 in. Caliper)	EA	$700.00			0.0	$0.00	0%	
Tree Protection	LF	$9.00			0.0	$0.00	0%	
MISCELLANEOUS SITE IMPROVEMENTS								
RETAINING WALLS								
Timber Wall (Less Than 6 ft)	LF	$325.00			0.0	$0.00	0%	
Dry Rubble RW-1 (H=6')	LF	$450.00			0.0	$0.00	0%	
Mortared Rubble RW-1A (H=6')	LF	$535.00			0.0	$0.00	0%	
Concrete Gravity RW-2 (H=6')	LF	$339.00			0.0	$0.00	0%	
Concrete Gravity RW-3 (H=6')	LF	$378.00			0.0	$0.00	0%	
FENCING								
Std. Fence (H=5') FR-5	LF	$9.31			0.0	$0.00	0%	
Farm Fence (H=5') FR-3A	LF	$10.90			0.0	$0.00	0%	
Chain Link Fence (H=6')FR 2-B	LF	$14.52			0.0	$0.00	0%	
Board Fence (H=6')	LF	$19.35			0.0	$0.00	0%	

BOND ESTIMATE						BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION		QUANTITY	EXTENSION	%COMPLETE	% Approved
TOT LOTS									
Tot Lot	EA	$16,495.00				0.0	$0.00	0%	
STORM DRAINAGE									
STORM SEWER									
NOTE: All pipe unit prices include trench, excavation, bedding, pipe, & backfill									
Rock Excavation for All Pipe Types									
Less than 1,500 CY (Blasting)	CY	$110.00				0.0	$0.00	0%	
More than 1,500 CY (Blasting)	CY	$90.00				0.0	$0.00	0%	
Less than 1,500 CY (Hoe Ram)	CY	$135.00				0.0	$0.00	0%	
More than 1,500 CY (Hoe Ram)	CY	$110.00				0.0	$0.00	0%	
Trench De-watering									
Trench De-watering	LF	$2.95				0.0	$0.00	0%	
RCP CLASS III ROUND T & G W/MASTIC									
12" Pipe (RCP III)									
0' – 8' Cut	LF	$44.50				0.0	$0.00	0%	
8' – 14' Cut	LF	$62.50				0.0	$0.00	0%	
Add cost for Class IV	LF	$0.85				0.0	$0.00	0%	
O-Ring	LF	$5.50				0.0	$0.00	0%	
15" Pipe (RCP III)									
0' – 10' Cut	LF	$49.75				0.0	$0.00	0%	
10' – 16'	LF	$77.50				0.0	$0.00	0%	
Add Cost for Class IV	LF	$0.95				0.0	$0.00	0%	
O-Ring	LF	$5.50				0.0	$0.00	0%	
18" Pipe (RCP III)									
0' – 10' Cut	LF	$50.00				0.0	$0.00	0%	
10' – 16' Cut	LF	$80.00				0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Add Cost for Class IV	LF	$2.00			0.0	$0.00	0%	
O-Ring	LF	$7.00			0.0	$0.00	0%	
21" Pipe (RCP III)								
0' – 10' Cut	LF	$57.50			0.0	$0.00	0%	
10' – 16' Cut	LF	$87.50			0.0	$0.00	0%	
Add Cost for Class IV	LF	$2.75			0.0	$0.00	0%	
O-Ring	LF	$13.00			0.0	$0.00	0%	
24" Pipe (RCP III)								
0' – 10' Cut	LF	$67.50			0.0	$0.00	0%	
10' – 16' Cut	LF	$95.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$3.15			0.0	$0.00	0%	
O-Ring	LF	$14.00			0.0	$0.00	0%	
27" Pipe (RCP III)								
0' – 10' Cut	LF	$60.00			0.0	$0.00	0%	
10' – 16' Cut	LF	$95.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$4.00			0.0	$0.00	0%	
O-Ring	LF	$15.00			0.0	$0.00	0%	
30" Pipe (RCP III)								
0' – 10' Cut	LF	$82.50			0.0	$0.00	0%	
10' – 16' Cut	LF	$125.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$6.00			0.0	$0.00	0%	
O-Ring	LF	$17.25			0.0	$0.00	0%	
33" Pipe (RCP III)								
0' – 12' Cut	LF	$115.00			0.0	$0.00	0%	
10' – 18' Cut	LF	$160.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$6.50			0.0	$0.00	0%	
O-Ring	LF	$21.95			0.0	$0.00	0%	
36" Pipe (RCP III)								
0' – 12' Cut	LF	$120.00			0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
12' – 18' Cut	LF	$175.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$7.75			0.0	$0.00	0%	
O-Ring	LF	$22.75			0.0	$0.00	0%	
42" Pipe (RCP III)								
0' – 12' Cut	LF	$140.00			0.0	$0.00	0%	
12' – 18' Cut	LF	$200.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$12.00			0.0	$0.00	0%	
O-Ring	LF	$35.45			0.0	$0.00	0%	
48" Pipe (RCP III)								
0' – 12' Cut	LF	$155.00			0.0	$0.00	0%	
12' – 18' Cut	LF	$215.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$12.50			0.0	$0.00	0%	
O-Ring	LF	$43.35			0.0	$0.00	0%	
54" Pipe (RCP III)								
0' – 12' Cut	LF	$190.00			0.0	$0.00	0%	
12' – 18' Cut	LF	$275.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$18.75			0.0	$0.00	0%	
O-Ring	LF	$44.45			0.0	$0.00	0%	
60" Pipe (RCP III)								
0' – 12' Cut	LF	$225.00			0.0	$0.00	0%	
12' – 18' Cut	LF	$335.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$22.50			0.0	$0.00	0%	
O-Ring	LF	$48.65			0.0	$0.00	0%	
ELLIPTICAL PIPE – RCP CLASS III								
23" X 14" (18" Equiv-RCP III								
0' – 10' Cut	LF	$75.00			0.0	$0.00	0%	
10' – 16' Cut	LF	$110.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$16.45			0.0	$0.00	0%	
O-Ring	LF	$43.35			0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
30" X 19" (24" Equiv-RCP III)								
0' – 10' Cut	LF	$90.00			0.0	$0.00	0%	
10' – 16' Cut	LF	$130.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$5.95			0.0	$0.00	0%	
O-Ring	LF	$43.35			0.0	$0.00	0%	
38" X 24" (30" Equiv-RCP III)								
0' – 10' Cut	LF	$120.00			0.0	$0.00	0%	
10' – 16' Cut	LF	$167.50			0.0	$0.00	0%	
Add Cost for Class IV	LF	$8.45			0.0	$0.00	0%	
O-Ring	LF	$51.35			0.0	$0.00	0%	
45" X 29" (36" Equiv-RCP III)								
0' – 10' Cut	LF	$165.00			0.0	$0.00	0%	
10' – 16' Cut	LF	$235.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$11.35			0.0	$0.00	0%	
O-Ring	LF	$53.35			0.0	$0.00	0%	
53" X 34" (42" Equiv-RCP III)								
0' – 12' Cut	LF	$210.00			0.0	$0.00	0%	
10' – 18' Cut	LF	$300.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$15.35			0.0	$0.00	0%	
O-Ring	LF	$58.95			0.0	$0.00	0%	
60" X 38" (48" Equiv-RCP III)								
0' – 12' Cut	LF	$255.00			0.0	$0.00	0%	
10' – 18' Cut	LF	$375.00			0.0	$0.00	0%	
Add Cost for Class IV	LF	$18.35			0.0	$0.00	0%	
O-Ring	LF	$69.95			0.0	$0.00	0%	
HDPE PIPE								
8" Pipe					0.0	$0.00	0%	
0'-8' Cut	LF	$28.65			0.0	$0.00	0%	
8'-14' Cut	LF	$43.15			0.0	$0.00	0%	

BOND ESTIMATE						BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION		QUANTITY	EXTENSION	%COMPLETE	% Approved
12" Pipe									
0'-8' Cut	LF	$38.95	90.00	$3,505.50		90.0	$3,505.50	100%	
8'-14' Cut	LF	$57.75				0.0	$0.00	0%	
15" Pipe									
0'-8' Cut	LF	$50.25	808.00	$40,602.00		808.0	$40,602.00	100%	
8'-16' Cut	LF	$74.85				0.0	$0.00	0%	
18" Pipe									
0'-8' Cut	LF	$66.00		$0.00		0.0	$0.00	0%	
8'-16' Cut	LF	$98.55				0.0	$0.00	0%	
24" Pipe									
0'-8' Cut	LF	$76.90	683	$52,522.70		683.0	$52,522.70	100%	
8'-16' Cut	LF	$115.25				0.0	$0.00	0%	
30" Pipe									
0'-8' Cut	LF	$91.33	240	$21,919.20		240.0	$21,919.20	100%	
8'-16' Cut	LF	$137.27				0.0	$0.00	0%	
36" Pipe									
0'-8' Cut	LF	$101.68				0.0	$0.00	0%	
8'-16' Cut	LF	$152.33				0.0	$0.00	0%	
42" Pipe									
0'-8' Cut	LF	$113.99				0.0	$0.00	0%	
8'-16' Cut	LF	$171.00				0.0	$0.00	0%	
48" Pipe									
0'-8' Cut	LF	$129.55				0.0	$0.00	0%	
8'-16' Cut	LF	$195.66				0.0	$0.00	0%	
STORM STRUCTURES									
END SECTIONS									
End Section (ES-1), Concrete Pipe Size									
15"	EA	$485.00		$0.00		0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
18"	EA	$565.00		$0.00	0.0	$0.00	0%	
21"	EA	$645.00			0.0	$0.00	0%	
24"	EA	$755.00		$0.00	0.0	$0.00	0%	
27"	EA	$1,065.00			0.0	$0.00	0%	
30"	EA	$1,195.00	1	$1,195.00	1.0	$1,195.00	100%	
36"	EA	$1,765.00			0.0	$0.00	0%	
42"	EA	$1,795.00			0.0	$0.00	0%	
48"	EA	$2,135.00			0.0	$0.00	0%	
54"	EA	$2,795.00			0.0	$0.00	0%	
60"	EA	$3,455.00			0.0	$0.00	0%	
ENDWALLS								
EW-1(Pre-cast) Round Pipe Size								
15"	EA	$800.00			0.0	$0.00	0%	
18"	EA	$1,337.00			0.0	$0.00	0%	
24"	EA	$2,021.00			0.0	$0.00	0%	
30"	EA	$2,133.00			0.0	$0.00	0%	
36"	EA	$2,366.00			0.0	$0.00	0%	
EW-1 Cast in Place [Round Pipe Size]								
15"	EA	$852.00			0.0	$0.00	0%	
18"	EA	$1,053.00			0.0	$0.00	0%	
24"	EA	$1,495.00			0.0	$0.00	0%	
30"	EA	$2,144.00			0.0	$0.00	0%	
36"	EA	$2,383.00			0.0	$0.00	0%	
EW-1A (Pre-Cast) Elliptical Pipe Size								
23" X 14" (18")	EA	$695.00			0.0	$0.00	0%	
30" X 19" (24")	EA	$969.00			0.0	$0.00	0%	
38" X 24" (30")	EA	$1,165.00			0.0	$0.00	0%	
45" X 29" (36")	EA	$1,445.00			0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
53" X 34" (42")	EA	$1,840.00			0.0	$0.00	0%	
EW-1A (Cast in Place) Elliptical Pipe Size								
23" X 14" (18")	EA	$667.00			0.0	$0.00	0%	
30" X 19" (24")	EA	$939.00			0.0	$0.00	0%	
38" X 24" (30")	EA	$1,247.00			0.0	$0.00	0%	
45" X 29" (36")	EA	$1,618.00			0.0	$0.00	0%	
53" X 34" (42")	EA	$2,109.00			0.0	$0.00	0%	
EW-2 (PreCast) Round Pipe Size								
42"	EA	$5,445.00			0.0	$0.00	0%	
48"	EA	$5,695.00			0.0	$0.00	0%	
54"	EA	$6,660.00			0.0	$0.00	0%	
60"	EA	$7,140.00			0.0	$0.00	0%	
72"	EA	$7,990.00			0.0	$0.00	0%	
84"	EA	$9,490.00			0.0	$0.00	0%	
EW-2 (Cast in Place) Round Pipe Size								
42"	EA	$4,723.00			0.0	$0.00	0%	
48"	EA	$6,039.00			0.0	$0.00	0%	
54"	EA	$6,972.00			0.0	$0.00	0%	
60"	EA	$8,179.00			0.0	$0.00	0%	
72"	EA	$10,713.00			0.0	$0.00	0%	
84"	EA	$12,288.00			0.0	$0.00	0%	
(EW-6PC) [Double Pipe] Pipe Size								
2-15"	EA	$999.00			0.0	$0.00	0%	
2-18"	EA	$1,235.00			0.0	$0.00	0%	
2-24"	EA	$1,510.00			0.0	$0.00	0%	
2-30"	EA	$2,165.00			0.0	$0.00	0%	
2-36"	EA	$2,647.00			0.0	$0.00	0%	

MANHOLES								
BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Standard Brick Manhole Std Frame & Cover (MH-1)								
6' Depth	EA	$3,750.00			0.0	$0.00	0%	
Depth below 6'	VF	$163.00			0.0	$0.00	0%	
Standard Precast Manhole Std Frame & Cover (MH-2)								
6' Depth	EA	$3,100.00	2	$6,200.00	2.0	$6,200.00	100%	
Depth below 6'	VF	$177.00	6.000	$1,062.00	6.0	$1,062.00	100%	
Additional Cost (Amounts in parentheses to be added to the above unit costs)								
Watertight Fr/Cover (Add 110)	EA	$579.00			0.0	$0.00	0%	
Heavy Duty Fr/Cover (Add 82)	EA	$599.00			0.0	$0.00	0%	
DROP INLETS								
Cast in Place 48"								
Drop Inlet (DI-1) 12" – 24" Pipe0-10 VF	EA	$3,697.00	6	$22,182.00	6.0	$22,182.00	100%	
Drop Inlet (DI-1A) 12" – 24" Pipe 10-20 VF	EA	$5,593.00			0.0	$0.00	0%	
Drop Inlet (DI-2) 12" – 24" Pipe0-10 VF, 10' throat	EA	$6,911.00			0.0	$0.00	0%	
Drop Inlet (DI-2A) 12" – 24" Pipe 10-20 VF, 10' throat	EA	$8,833.00			0.0	$0.00	0%	
CURB DROP INLETS								
Curb Drop Inlet (DI-3A)								
12"-30" Pipe (Invert Depth (H) =0'-8') Inlet Length 2'-6"	EA	$4,088.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-3AA)								
12"-30" Pipe (Invert Depth (H) =8'-20') Inlet Length 2'-6"	EA	$5,357.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-3B & DI-12) 12"-30" Pipe (Invert Depth (H) =0'-8') Inlet Length								
4'	EA	$4,279.00	4	$17,116.00	4.0	$17,116.00	100%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
6'	EA	$4,573.00			0.0	$0.00	0%	
8'	EA	$4,889.00			0.0	$0.00	0%	
MH	EA	$5,052.00	3	$15,156.00	3.0	$15,156.00	100%	
12'	EA	$5,227.00			0.0	$0.00	0%	
16'	EA	$5,543.00			0.0	$0.00	0%	
20'	EA	$5,859.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-3BB) 12"-30" Pipe (Invert Depth (H) =8'-20') Inlet Length								
4'	EA	$4,276.00			0.0	$0.00	0%	
6'	EA	$4,848.00	8	$38,784.00	8.0	$38,784.00	100%	
8'	EA	$5,429.00	1	$5,429.00	1.0	$5,429.00	100%	
10'	EA	$5,732.00	1	$5,732.00	1.0	$5,732.00	100%	
12'	EA	$6,011.00			0.0	$0.00	0%	
16'	EA	$6,296.00			0.0	$0.00	0%	
20'	EA	$6,599.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-3C) 12"-30" Pipe (Invert Depth (H) =0'-8') Inlet Length								
6'	EA	$4,013.00	2	$8,026.00	2.0	$8,026.00	100%	
8'	EA	$4,588.00			0.0	$0.00	0%	
10'	EA	$4,893.00			0.0	$0.00	0%	
12'	EA	$5,178.00			0.0	$0.00	0%	
16'	EA	$5,766.00			0.0	$0.00	0%	
20'	EA	$6,339.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-3CC) 12"-30" Pipe (Invert Depth (H) =8'-20') Inlet Length								
6'	EA	$4,746.00			0.0	$0.00	0%	
8'	EA	$5,293.00			0.0	$0.00	0%	
10'	EA	$5,627.00			0.0	$0.00	0%	
12'	EA	$5,988.00			0.0	$0.00	0%	
16'	EA	$6,772.00			0.0	$0.00	0%	
20'	EA	$7,465.00			0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Curb Drop Inlet (DI-3D)								
12"-30" Pipe (Invert Depth (H) =0'-8') Inlet Length 2'-6"	EA	$3,633.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-3DD)								
12"-30" Pipe (Invert Depth (H) =8'-20') Inlet Length 2'-6"	EA	$4,367.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-3E) 12"-30" Pipe (Invert Depth (H) =0'-8') Inlet Length								
4'	EA	$4,093.00			0.0	$0.00	0%	
8'	EA	$4,756.00			0.0	$0.00	0%	
10'	EA	$5,724.00			0.0	$0.00	0%	
12'	EA	$5,833.00			0.0	$0.00	0%	
16'	EA	$6,072.00			0.0	$0.00	0%	
20'	EA	$6,709.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-3EE) 12"-30" Pipe (Invert Depth (H) =8'-20') Inlet Length								
6'	EA	$7,562.00			0.0	$0.00	0%	
8'	EA	$7,869.00			0.0	$0.00	0%	
10'	EA	$7,999.00			0.0	$0.00	0%	
12'	EA	$8,166.00			0.0	$0.00	0%	
16'	EA	$8,471.00			0.0	$0.00	0%	
20'	EA	$8,767.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-3F) 12"-30" Pipe Inlet Length (Invert Depth (H)=0'-8')								
6'	EA	$3,765.00			0.0	$0.00	0%	
8'	EA	$4,419.00			0.0	$0.00	0%	
10'	EA	$4,749.00			0.0	$0.00	0%	
12'	EA	$5,085.00			0.0	$0.00	0%	
16'	EA	$5,742.00			0.0	$0.00	0%	
20'	EA	$6,395.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-3FF) 12"-30" Pipe (Invert Depth (H) =8'-20') Inlet Length								

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
6'	EA	$8,077.00			0.0	$0.00	0%	
8'	EA	$8,288.00			0.0	$0.00	0%	
10'	EA	$8,480.00			0.0	$0.00	0%	
12'	EA	$8,669.00			0.0	$0.00	0%	
16'	EA	$9,047.00			0.0	$0.00	0%	
20'	EA	$9,446.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4A) 36"–48" Pipe (Invert Depth (H)=0'-8') Inlet Length								
4'	EA	$4,868.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4AA) 36"–48" Pipe (Invert Depth (H)=0'-8') Inlet Length								
4'	EA	$6,817.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4B) 36"-48" Pipe (Invert Depth (H) =0'-8') Inlet Length								
6'	EA	$5,172.00			0.0	$0.00	0%	
8'	EA	$5,499.00			0.0	$0.00	0%	
10'	EA	$5,698.00			0.0	$0.00	0%	
12'	EA	$5,870.00			0.0	$0.00	0%	
16'	EA	$6,221.00			0.0	$0.00	0%	
20'	EA	$6,571.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4BB) 36"-48" Pipe (Invert Depth (H) =8'-20') Inlet Length								
6'	EA	$10,292.00			0.0	$0.00	0%	
8'	EA	$10,643.00			0.0	$0.00	0%	
10'	EA	$10,810.00			0.0	$0.00	0%	
12'	EA	$10,974.00			0.0	$0.00	0%	
16'	EA	$11,309.00			0.0	$0.00	0%	
20'	EA	$11,669.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4C) 36"-48" Pipe (Invert Depth (H) =0'-8') Inlet Length								
8'	EA	$5,612.00			0.0	$0.00	0%	
10'	EA	$5,794.00			0.0	$0.00	0%	
12'	EA	$5,968.00			0.0	$0.00	0%	
16'	EA	$6,315.00			0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
20'	EA	$6,657.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4CC) 36"-48" Pipe (Invert Depth (H) =8'-20') Inlet Length								
8'	EA	$13,371.00			0.0	$0.00	0%	
10'	EA	$13,693.00			0.0	$0.00	0%	
12'	EA	$14,097.00			0.0	$0.00	0%	
16'	EA	$14,712.00			0.0	$0.00	0%	
20'	EA	$15,365.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4D)								
36"-48" Pipe (Invert Depth (H) =0'-8') Inlet Length 4'	EA	$4,933.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4DD)								
36"-48" Pipe (Invert Depth (H) =8'-16') Inlet Length 4'	EA	$9,455.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4E) 36"-48" Pipe (Invert Depth (H) =0'-8') Inlet Length								
6'	EA	$5,267.00			0.0	$0.00	0%	
8'	EA	$5,605.00			0.0	$0.00	0%	
10'	EA	$5,896.00			0.0	$0.00	0%	
12'	EA	$6,233.00			0.0	$0.00	0%	
16'	EA	$6,996.00			0.0	$0.00	0%	
20'	EA	$7,695.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4EE) 36"-48" Pipe (Invert Depth (H) =8'-16') Inlet Length								
6'	EA	$9,165.00			0.0	$0.00	0%	
8'	EA	$9,495.00			0.0	$0.00	0%	
10'	EA	$9,839.00			0.0	$0.00	0%	
12'	EA	$10,167.00			0.0	$0.00	0%	
16'	EA	$10,838.00			0.0	$0.00	0%	
20'	EA	$11,483.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4F) 36"-48" Pipe Inlet Length (Invert Depth (H)=0'-8')								

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
8'	EA	$5,877.00			0.0	$0.00	0%	
10'	EA	$6,209.00			0.0	$0.00	0%	
12'	EA	$6,568.00			0.0	$0.00	0%	
16'	EA	$7,259.00			0.0	$0.00	0%	
20'	EA	$7,963.00			0.0	$0.00	0%	
Curb Drop Inlet (DI-4FF) 36"-48" Pipe (Invert Depth (H) =8'-16') Inlet Length								
8'	EA	$8,866.00			0.0	$0.00	0%	
10'	EA	$9,147.00			0.0	$0.00	0%	
12'	EA	$9,435.00			0.0	$0.00	0%	
16'	EA	$9,997.00			0.0	$0.00	0%	
20'	EA	$10,584.00			0.0	$0.00	0%	
Median Drop Inlets - CIP								
Median Drop Inlet **(DI-6A)** 12"-24" Pipe Inlet (H=8')	EA	$4,205.00			0.0	$0.00	0%	
Median Drop Inlet **(DI-6B)** 12"-24" Pipe Inlet (H=8')	EA	$4,267.00			0.0	$0.00	0%	
Median Drop Inlet **(DI-6C)** 30"-48" Pipe Inlet (H=10')	EA	$5,589.00			0.0	$0.00	0%	
Median Drop Inlet **(DI-6D)** 30"-48" Pipe Inlet (H=10')	EA	$5,692.00			0.0	$0.00	0%	
Median Drop Inlet **(DI-7)** Type III Top 12"-42" Pipe Inlet (H=10')	EA	$5,748.00		$0.00	0.0	$0.00	100%	
Median Drop Inlet **(DI-7A)** Type III Top 12"-42" Pipe Inlet (H=10')	EA	$6,338.00			0.0	$0.00	0%	
Median Drop Inlet **(DI-7B)** Type III Top 12"-42" Pipe Inlet (H=10')	EA	$6,797.00			0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
MISCELLANEOUS INLETS								
Ditch Drop Inlet, (DI-5) Type III Tip 12"-42" Pipe Inlet (H=8')	EA	$5,226.00			0.0	$0.00	0%	
Standard Yard Inlet (YI-1) 12"-48" Pipe (Invert Depth (H)=0'-8') Inlet Length 4'(No Aprons)	EA	$4,749.00		$0.00	0.0	$0.00	0%	
Add Yard Inlet Apron	THROAT	$255.00			0.0	$0.00	0%	
Standard Yard Inlet (YI-3) 12"-48" Pipe (Invert Depth (H)=0'-8') Inlet Length 4'(No Aprons)	EA	$5,127.00			0.0	$0.00	0%	
Add Yard Inlet Apron	THROAT	$255.00			0.0	$0.00	0%	
CULVERTS								
Single Box Culvert (BC-1A) Fills to 25'								
4' X 4'	LF	$336.00			0.0	$0.00	0%	
5' x 5"	LF	$410.00			0.0	$0.00	0%	
6' X 6'	LF	$498.00			0.0	$0.00	0%	
8' X 8'	LF	$699.00			0.0	$0.00	0%	
10' X 10'	LF	$845.00			0.0	$0.00	0%	
Double Box Culvert (BC-2b) Fills to 25'								
4' X 4'	LF	$566.00			0.0	$0.00	0%	
5' x 5"	LF	$705.00			0.0	$0.00	0%	
6' X 6'	LF	$854.00			0.0	$0.00	0%	
8' X 8'	LF	$1,148.00			0.0	$0.00	0%	
10' X 10'	LF	$1,411.00			0.0	$0.00	0%	
Oversized Single Box Culvert (BBC-1) Fills to 25'								

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
12' X 6'	LF	$1,026.00			0.0	$0.00	0%	
12' X 8'	LF	$1,144.00			0.0	$0.00	0%	
12' X 10'	LF	$1,239.00			0.0	$0.00	0%	
12' X 12'	LF	$1,348.00			0.0	$0.00	0%	
Triple Box Culvert (BC-3B) Fills to 25'								
4' X 4'	LF	$779.00			0.0	$0.00	0%	
5' x 5"	LF	$965.00			0.0	$0.00	0%	
6' X 6'	LF	$1,211.00			0.0	$0.00	0%	
8' X 8'	LF	$1,633.00			0.0	$0.00	0%	
10' X 10'	LF	$2,488.00			0.0	$0.00	0%	
Quadruple Box Culvert (BC-4B) Fills to 25'								
4' X 4'	LF	$987.00			0.0	$0.00	0%	
5' x 5"	LF	$1,225.00			0.0	$0.00	0%	
6' X 6'	LF	$1,523.00			0.0	$0.00	0%	
8' X 8'	LF	$1,497.00			0.0	$0.00	0%	
10' X 10'	LF	$2,835.00			0.0	$0.00	0%	
Standard Wing for Box Culvert (1 Side Only) Height of Box								
4'	EA	$675.00			0.0	$0.00	0%	
5'	EA	$995.00			0.0	$0.00	0%	
6'	EA	$1,337.00			0.0	$0.00	0%	
8'	EA	$2,489.00			0.0	$0.00	0%	
10'	EA	$3,315.00			0.0	$0.00	0%	
Standard Wing for Oversized Box Culvert(BBC-W) Height of Box								
6'	EA	$1,351.00			0.0	$0.00	0%	
8'	EA	$2,189.00			0.0	$0.00	0%	
10'	EA	$3,269.00			0.0	$0.00	0%	
12'	EA	$4,763.00			0.0	$0.00	0%	

MISCELLANEOUS STORM								
BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Connection to Existing Structure								
15"-36" Pipe	EA	$735.00			0.0	$0.00	0%	
42"- 60" Pipe	EA	$1,125.00			0.0	$0.00	0%	
Casing Pipe, Bore and Jack (3/8" wall)								
22" ID (6"-8" Carrier Pipe)	LF	$411.00			0.0	$0.00	0%	
24" ID (10" Carrier Pipe)	LF	$451.00			0.0	$0.00	0%	
30" ID (12" Carrier Pipe)	LF	$569.00			0.0	$0.00	0%	
Plug Pipe								
6" –12" Pipe	EA	$142.00			0.0	$0.00	0%	
15"-36" Pipe	EA	$323.00			0.0	$0.00	0%	
42"- 60" Pipe	EA	$522.00			0.0	$0.00	0%	
Pavement Edge Pipe								
Standard Pipe Underdrain	LF	$19.00			0.0	$0.00	0%	
Riprap								
Dry, Class I, 18"	SY	$47.87	11.00	$526.57	11.0	$526.57	100%	
Dry, Class II, 18"	SY	$51.46			0.0	$0.00	0%	
Grouted, Class I, 18"	SY	$69.97			0.0	$0.00	0%	
Filter Fabric								
Class I	SY	$3.50			0.0	$0.00	0%	
Class II	SY	$3.00			0.0	$0.00	0%	
Class III	SY	$2.25			0.0	$0.00	0%	
Gabions (No excavation)								
Mattress	CY	$130.00			0.0	$0.00	0%	
Revetment	CY	$164.33			0.0	$0.00	0%	
Wall	CY	$212.25			0.0	$0.00	0%	
Paved Ditch (4" Thick)								
Concrete (Non-reinforced)	SY	$62.00			0.0	$0.00	0%	
Bituminous Concrete(4")	SY	$30.00			0.0	$0.00	0%	
Sodded Ditch								

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Sodded Ditch (Incl Fine Grading)	SY	$9.86			0.0	$0.00	0%	
STREET CONSTRUCTION								
ROADS AND PARKING								
Soil Stabilization	**Inches**							
Cement 6%	SY/Inch Depth	$2.70			0.0	$0.00	0%	
Depth (in Inches):								
Lime 6%	SY/Inch Depth	$1.89			0.0	$0.00	0%	
Depth (in Inches):								
Subbase, Aggregated Material								
Base Type I	SY/Inch Depth	$1.75	9,342	$130,788.00	9,342.0	$16,348.50	100%	
Depth (in Inches):		8						
Bituminous Concrete								
Base Course	SY/Inch Depth	$5.59	9,342	$156,665.34	9,342.0	$52,221.78	100%	
Depth (in Inches):		3						
Intermediate Course	SY/Inch Depth	$5.49			0.0	$0.00	0%	
Depth (in Inches):								
Top Course	SY/Inch Depth	$5.49	9,342	$102,575.16	9,342.0	$51,287.58	100%	
Depth (in Inches):		2						
Prime Coat	SY	$1.10			0.0	$0.00	0%	
Tack Coat	SY	$1.10			0.0	$0.00	0%	
Driveway Restoration								
4" Concrete & 4" Gravel	SY	$79.95			0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
2" S-5 & 7 6" Gravel	SY	$31.96			0.0	$0.00	0%	
Shoulders, Type I								
Aggregated Base, 4" (Sidewalk)	SY	$11.50	2,800.00	$32,200.00	2,800.0	$32,200.00	100%	
Concrete Curbing								
Curb & Gutter CG6 & CG7	LF	$22.50	4,858.00	$109,305.00	4,858.0	$109,305.00	100%	
Curb Cut, CG-12 Detectable Surf.	EA	$569.00	8	$4,552.00	8.0	$4,552.00	100%	
Entrances/Driveways								
Commercial Entrance CG-11	SY	$52.88			0.0	$0.00	0%	
Commercial Entrance CG-13	SY	$64.67			0.0	$0.00	0%	
Residential Driveway Apron	SY	$51.79			0.0	$0.00	0%	
Guardrails								
Std. Blocked-out W beam (GR2)	LF	$42.50			0.0	$0.00	0%	
Std. W beam, Weak Post GR8	LF	$28.50			0.0	$0.00	0%	
Terminal, GR-6 (L=12'-6")	EA	$2,929.00			0.0	$0.00	0%	
Terminal, GR-7 (L=6'-3")	EA	$2,659.00			0.0	$0.00	0%	
Type I, GR-8 Terminal (L=25')	EA	$1,399.00			0.0	$0.00	0%	
Type II, GR-8 Terminal (L=13'-6")	EA	$695.00			0.0	$0.00	0%	
Terminal, MB-4 (L=37'-6")	EA	$3,495.00			0.0	$0.00	0%	
Type I, MB-5 Terminal (L=27'-1)	EA	$2,925.00			0.0	$0.00	0%	
Type II, MB-5 Terminal (L=13'-6)	EA	$1,675.00			0.0	$0.00	0%	
Miscellaneous								
Trash enclosure - Brick 6' high	LF	$325.00			0.0	$0.00	0%	
Reinforced Concrete Pad 6" to 8"	SY	$62.00			0.0	$0.00	0%	
Striping 4" width (VDOT Type	LF	$2.25			0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
B)					0.0	$0.00	0%	
Concrete Wheel Stops	EA	$70.00			0.0	$0.00	0%	
Parking Lot Striping	EA	$50.00			0.0	$0.00	0%	
Sign Island	EA	$850.00			0.0	$0.00	0%	
Traffic Barricade	LF	$43.45			0.0	$0.00	0%	
Street Name Signs	EA	$435.00	2	$870.00	2.0	$870.00	100%	
Traffic Control Signs	EA	$375.00	2	$750.00	2.0	$750.00	100%	
Street Light (pole, bracket, light)	EA	$4,285.00	24	$102,840.00	0.0	$0.00	0%	
SIDEWALKS AND TRAILS								
Sidewalk								
Concrete 4" w/WWF, No base	SY	$45.23		$0.00	0.0	$0.00	0%	
Bitum. Conc, 2" w/4" Base	SY	$30.00			0.0	$0.00	0%	
4" Conc, No Reinf., No Base	SY	$41.00			0.0	$0.00	0%	
HANDRAIL								
Handrail 3 Rail 1-1/4" #4 Finish	LF	$96.50			0.0	$0.00	0%	
Wood Chip Trail								
Trails(Incl Excavation & Grading) Wood chip, 4' wide	SY	$17.69			0.0	$0.00	0%	
Bituminous Trail								
6' to 10' wide	SY	$49.25	121	$5,959.25	0.0	$0.00	0%	
CRITICAL SLOPE STABILIZATION								
Paved Flume	SY	$67.00			0.0	$0.00	0%	
Stmwtr Conc Channel-Excav	SY	$7.75			0.0	$0.00	0%	
ADD Grass Lined-seeded	SY	$5.37			0.0	$0.00	0%	
ADD Grass Lined-sodded	SY	$10.89			0.0	$0.00	0%	
Outlet Protection								
Non-grouted Riprap 18"	SY	$52.00		$0.00	0.0	$0.00	0%	
Concrete 4"	SY	$53.50			0.0	$0.00	0%	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Level Spreader	SY	$4.44			0.0	$0.00	0%	
Struc Streambank Protection								
Non-grouted Riprap 18"	SY	$58.00			0.0	$0.00	0%	
Gabions	CY	$147.00			0.0	$0.00	0%	
Vegetative Erosion Control								
Sodding incl Fertilizing – Banks	SY	$7.77			0.0	$0.00	0%	
Sodding incl Fertilizing – Flat	SY	$5.36			0.0	$0.00	0%	
Seeding incl Fertilizing	SY	$2.44			0.0	$0.00	0%	
Soding W/Soil Treat & Watering	SY	$3.25			0.0	$0.00	0%	
Seeding W/Soil Treat & Watering	SY	$6.46			0.0	$0.00	0%	
Straw Mulch w/Tack	SY	$1.40			0.0	$0.00	0%	
Jute Mesh	SY	$1.77			0.0	$0.00	0%	
SPECIAL ITEMS								
FEMA Processing LOMR/CLOMR	EA	$7,500.00			0.0	$0.00	0%	
As Built (Record Drawings)	EA	$9,500.00	1	$9,500.00	0.0	$0.00	0%	
SWM/BMP POND	LS				0.0	$0.00	0%	
SIGNALIZATION	LS				0.0	$0.00	0%	
Subtotal				$1,468,317.66				

TOTAL ESTIMATE OF COMPLETED WORK:		
SubTOTAL:		$1,468,317.66
CONTINGENCIES:	10.0%	$146,831.77
TOTAL:		$1,615,149.43
INFLATION FACTOR:	4.0%	$64,605.98
Grand Total:		$1,679,755.40

TOTAL ESTIMATE OF REDUCTION:	
SubTOTAL:	$1,092,431.95
CONTINGENCIES:	$109,243.20
TOTAL:	$1,201,675.15
INFLATION :	$48,067.01
Grand Total:	$1,249,742.15
Bond Remaining:	**$430,013.25**

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1048: BR2025-10: Tiny Treasures Day Care - Bond Release

Proposed Motion: Approve the combined performance and land disturbance bond release request for Tiny Treasures Daycare and Learning Center LLC in the amount of $381,014.00.

ATTACHMENTS:

- 1.Staff Report.pdf
- 2. Application.pdf
- 3. KH Review.pdf
- 4. Cost Estimate.PDF

Bond Release Request
BR2025-10

Date: For the October 6, 2025 City Council Meeting
Applicant: Tiny Treasures Daycare and Learning Center LLC
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: A bond release of $381,014.00

Tiny Treasures location, showing building extension and new parking lot



BACKGROUND
The applicant is requesting a bond release of the **performance and land disturbance bond.** The bond initiation was approved in February 2024.

Combined Performance and Land Disturbance Bond: $381,014.00

KIMLEY-HORN REVIEW
Upon review of the request the City's 3rd party engineering firm, Kimley-Horn, recommend approval of the bond release.

BOND COMMITTEE
The Bond Committee reviewed this item at their September 11, 2025 meeting. The Committee recommends approval of the bond release.

PLANNING COMMISSION
The Planning Commission held a public hearing for this request at their September 22, 2025 meeting. There were no public comments. Following discussion the Commission voted to unanimously **recommend approval** of the bond release request.

RECOMMENDATION
Approval of the combined performance and land disturbance bond release request.

RECEIVED
AUG 19 2025
BY:

BOND REQUEST AND REDUCTION

1. APPLICATION TYPE :

- ☐ Bond Initiation – No application fee
- ☐ Bond Reduction – No application fee
- ☐ Bond Extension – No application fee
- ☑ Bond Release – Application Fee: $60

2. FEES

Third-party review fees are assessed separately for each application, and will be sent to the applicant. All fees must be paid prior to approval.

3. PUBLIC NOTICE

Only bond release applications require a public hearing, which is held by the Planning Commission. City Council approval is still required.

4. APPLICATION REQUIREMENTS

Please submit one application set with supporting materials in paper, and one copy in PDF format.

1. DATE 07/31/2025

2. PROJECT NAME TINY TREASURES DAYCARE EXPANSION

Address 248 CHERRY TREE DRIVE CHARLES TOWN, WV 25414

3. APPLICANT'S NAME* INY TREASURES DAYCARE AND LEARNING CENTER, LLC

Address 248 CHERRY TREE DRIVE CHARLES TOWN, WV 25414

Telephone Number (410 206 4791

Email Address CHRIS@TRISTATEWV.COM

4. PROPERTY OWNER'S NAME TRI-STATE INVESTMENT PROPERTIES, LLC

Address PO BOX 1 KEARNEYSVILLE, WV 25430

Telephone Number (410) 206-4791

Email Address CHRIS@TRISTATEWV.COM

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

5. DESCRIPTION OF REQUEST:

COMPLETION OF LOT AND EXTERIOR SITEWORK, ALL STABILIZED, BOND RELEASE REQUESTED

6. A) CURRENT BOND AMOUNT $381,014.00

B) PROPOSED BOND AMOUNT $_____

C) CHANGE IN BONDED AMOUNT $_____

7. PARCEL INVENTORY: (List all parcels that are part of this application):

Tax Map No.	Parcel No.	Tax Map No.	Parcel No.
10	9.20		

8. PARCEL HISTORY: (List all pending or previously approved applications on the subject parcels inventoried above, including previous plat applications if this application is an amendment)

Application No.	Project Name and Phase	Status	Approval Date

9. BOND RELEASE – SUPPLEMENTAL MATERIALS REQUIRED:

A. Copies of inspection and test reports if work was inspected and tested by a third-party inspector.

B. Certification that all bonded Improvements, have been completed in accordance with the approved plans, profiles, and specifications and the requirements of any applicable manual.

C. A copy of the City-approved As-Built Drawings as required for facilities within public rights-of-way or Easements.

D. A letter from a Professional Engineer or Professional Land Surveyor certifying that property corners and Monuments have been set as required under this Ordinance.

Continued on next page.

E. Documentation of acceptance by WVDOH for public roadways and rights-of-way, or a maintenance and indemnification agreement and bond approved by the Planning Commission for public roadways that have been completed in accordance with WVDOH standards but which, due to factors other than their quality of construction, are not eligible for acceptance by WVDOH.

F. **For private roadways**, a letter of acceptance by the entity responsible for maintenance and a Latent Defects Indemnification Agreement and Bond.

   Before a Performance Agreement and surety for private roadway construction shall be released, a Latent Defects Indemnification Agreement and Bond shall be provided by the applicant/Developer and approved by the Planning Commission. The guarantee provided by such Agreement and Bond must be for a period of two (2) years following the date of performance bond release, and must be in an amount equal to no less than 5% of the original performance bond estimate.

G. **Landscaping Surety** is required to ensure the landscaping shown on a Major S/LD plan is maintained for one (1) year. The one (1) year shall start from the date at which the surety for the site has been released, with the exception of this landscaping surety. The landscaping surety amount shall not be less than $5,000.00 or 10% of the total landscaping cost for the project, which ever is greater.

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1335 of the S/LD Ordinance.

Signature of Applicant _____ Date 7/31/25

Signature of Property Owner (if different than Applicant) _____ Date 7/31/25

Please submit an original completed application to the following:

At City Hall:	Or	Via Mail:
Subdivision Administrator City of Charles Town 101 E. Washington Street Charles Town, WV 25414		Subdivision Administrator City of Charles Town PO BOX 14 Charles Town, WV 25414

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Fee: $_____ Check No._____

Receipt No._____

Site Inspection Date:_____ Inspector:_____

Planning Commission Approval:_____ Date:_____

City Council Approval:_____ Date:_____

Comments:_____

_____

_____

_____

_____

Kimley»Horn

Memorandum

To: Mr. Christopher Hill
Tri-State Investment Properties LLC
PO Box 1
Kearneysville, WV 25430

From: Mark Phillips, P.E.
Diego Carreira

Through: Mr. James Newman, AICP
City of Charles Town
101 E Washington Street
Charles Town, WV 25414

Date: September 9, 2025

Subject: Tiny Treasures Daycare Expansion – Bond Release

This memorandum summarizes our review of the Bond Release request for the Tiny Treasures Daycare Expansion (dated August 19, 2025 prepared by Tri-State Investment Properties LLC) for a Bond Release of $381,013.97. Using the Final Subdivision/Land Development Plat, and site visit observations conducted on September 9, 2025, we have no comments.

Kimley-Horn finds the bond release request to be in conformance with the plans and materials provided by the Applicant and recommends approval of the Bond Release Request.

Note that the Bond Release review does not constitute a formal inspection of work or quality review. Only an observation of visible quantities and available information from As-Built data.

Thank you for the opportunity to review this Bond Release request. In the meantime, please feel free to contact us at 703-870-3631 should you have any questions.

KIMLEY-HORN & ASSOCIATES, INC.



Mark Phillips, P.E.
Project Manager
Associate

CITY OF CHARLES TOWN

PUBLIC IMPROVEMENT BOND UNIT COST LIST AND BOND REDUCTION FORM

This form shall be used to calculate the amount of the bond required to guarantee public improvements to be constructed under the approved Final S/LD Application. This form shall also be used in calculating the amount of bond reductions to be approved by the Planning Commission. **Note**: No bond shall be reduced until completion of at least thirty (30) percent of the physical Improvements secured by the bond.

PROJECT NAME:	TINY TREASURES DAYCARE AND LEARNING CENTER BUILDING EXPANSION
PREPARED BY:	ALPHA ASSOCIATES
DATE OF SUBMISSION	

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
MOBILIZATION GENERAL								
Mobilization	LS	$6,250.00	1	6,250				
Field Office	EA	$3,000.00						
Job Sign	EA	$1,150.00						
SURVEYING								
Steel Pipe Property Corner Marker Incl. Survey	EA	$275.00	4	1,100				
R.O.W. MONUMENTS SURVEYED IN PLACE								
RM -- 1	EA	$825.00						
RM -- 2	EA	$575.00						
EARTHWORK EXCAVATION								
Regular Bulk used as Fill	CY	$3.86	805	3,107.30				
Rock, Rip	CY	$17.30	201	3,477.30				
Rock, Blast	CY	$38.48						
BORROW MATERIAL								
Buy, Load, Haul 10 Mi. Select Material	CY	$28.90	942	27,223.80				
Fill and Compaction of On-site Borrow	CY	$5.95	942	5,604.90				
UNSUITABLE MATERIAL								
Load and Haul, 20 mi R/T	CY	$21.95						
Dump Charge	CY	$37.50						
Site Grading	SY	$0.75						
CLEAR & GRUB								
Light	AC	$6,675.00	1.0902	7,277.09				
Moderate	AC	$9,750.00						

Pg 5T 54,040.39

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Heavy	AC	$12,250.00						
Very Heavy	AC	$14,250.00						
LANDSCAPING								
Seeding	SY	$0.77	2,860	2,202.2				
Sodding	SY	$3.64						
PLANTING SHRUBS								
18"	EA	$40.00	36	1,440				
24"	EA	$70.00						
TREES								
6' – 8' (1-2 in. Caliper)	EA	$400.00	31	12,400				
8' – 10' (2.5-3 in. Caliper)	EA	$700.00						
Tree Protection	LF	$9.00						
MISCELLANEOUS SITE IMPROVEMENTS								
RETAINING WALLS								
Timber Wall (Less Than 6 ft)	LF	$325.00						
Dry Rubble RW-1 (H=6')	LF	$450.00						
Mortared Rubble RW-1A (H=6')	LF	$535.00						
Concrete Gravity RW-2 (H=6')	LF	$339.00						
Concrete Gravity RW-3 (H=6')	LF	$378.00						
FENCING								
Std. Fence (H=5') FR-5	LF	$9.31						
Farm Fence (H=5') FR-3A	LF	$10.90						
Chain Link Fence (H=6')FR 2-B	LF	$14.52						
Board Fence (H=6')	LF	$19.35	318	6,153				
Board Fence (Ht=3')	LF	10.00	150	1,500				

Pg ST 23,695.20

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BOND ESTIMATE						BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION		QUANTITY	EXTENSION	%COMPLETE	% Approved
TOT LOTS									
Tot Lot	EA	$16,495.00							
STORM DRAINAGE									
STORM SEWER									
NOTE: All pipe unit prices include trench, excavation, bedding, pipe, & backfill									
Rock Excavation for All Pipe Types									
Less than 1,500 CY (Blasting)	CY	$110.00							
More than 1,500 CY (Blasting)	CY	$90.00							
Less than 1,500 CY (Hoe Ram)	CY	$135.00							
More than 1,500 CY (Hoe Ram)	CY	$110.00							
Trench De-watering									
Trench De-watering	LF	$2.95							
RCP CLASS III ROUND T & G W/MASTIC									
12" Pipe (RCP III)									
0' – 8' Cut	LF	$44.50							
8' – 14' Cut	LF	$62.50							
Add cost for Class IV	LF	$0.85							
O-Ring	LF	$5.50							
15" Pipe (RCP III)									
0' – 10' Cut	LF	$49.75							
10' – 16'	LF	$77.50							
Add Cost for Class IV	LF	$0.95							
O-Ring	LF	$5.50							
18" Pipe (RCP III)									
0' – 10' Cut	LF	$50.00							
10' – 16' Cut	LF	$80.00							

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Add Cost for Class IV	LF	$2.00						
O-Ring	LF	$7.00						
21" Pipe (RCP III)								
0' – 10' Cut	LF	$57.50						
10' – 16' Cut	LF	$87.50						
Add Cost for Class IV	LF	$2.75						
O-Ring	LF	$13.00						
24" Pipe (RCP III)								
0' – 10' Cut	LF	$67.50						
10' – 16' Cut	LF	$95.00						
Add Cost for Class IV	LF	$3.15						
O-Ring	LF	$14.00						
27" Pipe (RCP III)								
0' – 10' Cut	LF	$60.00						
10' – 16' Cut	LF	$95.00						
Add Cost for Class IV	LF	$4.00						
O-Ring	LF	$15.00						
30" Pipe (RCP III)								
0' – 10' Cut	LF	$82.50						
10' – 16' Cut	LF	$125.00						
Add Cost for Class IV	LF	$6.00						
O-Ring	LF	$17.25						
33" Pipe (RCP III)								
0' – 12' Cut	LF	$115.00						
10' – 18' Cut	LF	$160.00						
Add Cost for Class IV	LF	$6.50						
O-Ring	LF	$21.95						
36" Pipe (RCP III)								
0' – 12' Cut	LF	$120.00						

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
12' – 18' Cut	LF	$175.00						
Add Cost for Class IV	LF	$7.75						
O-Ring	LF	$22.75						
42" Pipe (RCP III)								
0' – 12' Cut	LF	$140.00						
12' – 18' Cut	LF	$200.00						
Add Cost for Class IV	LF	$12.00						
O-Ring	LF	$35.45						
48" Pipe (RCP III)								
0' – 12' Cut	LF	$155.00						
12' – 18' Cut	LF	$215.00						
Add Cost for Class IV	LF	$12.50						
O-Ring	LF	$43.35						
54" Pipe (RCP III)								
0' – 12' Cut	LF	$190.00						
12' – 18' Cut	LF	$275.00						
Add Cost for Class IV	LF	$18.75						
O-Ring	LF	$44.45						
60" Pipe (RCP III)								
0' – 12' Cut	LF	$225.00						
12' – 18' Cut	LF	$335.00						
Add Cost for Class IV	LF	$22.50						
O-Ring	LF	$48.65						
ELLIPTICAL PIPE – RCP CLASS III								
23" X 14" (18" Equiv-RCP III								
0' – 10' Cut	LF	$75.00						
10' – 16' Cut	LF	$110.00						
Add Cost for Class IV	LF	$16.45						
O-Ring	LF	$43.35						

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
30" X 19" (24" Equiv-RCP III)								
0' – 10' Cut	LF	$90.00						
10' – 16' Cut	LF	$130.00						
Add Cost for Class IV	LF	$5.95						
O-Ring	LF	$43.35						
38" X 24" (30" Equiv-RCP III)								
0' – 10' Cut	LF	$120.00						
10' – 16' Cut	LF	$167.50						
Add Cost for Class IV	LF	$8.45						
O-Ring	LF	$51.35						
45" X 29" (36" Equiv-RCP III)								
0' – 10' Cut	LF	$165.00						
10' – 16' Cut	LF	$235.00						
Add Cost for Class IV	LF	$11.35						
O-Ring	LF	$53.35						
53" X 34" (42" Equiv-RCP III)								
0' – 12' Cut	LF	$210.00						
10' – 18' Cut	LF	$300.00						
Add Cost for Class IV	LF	$15.35						
O-Ring	LF	$58.95						
60" X 38" (48" Equiv-RCP III)								
0' – 12' Cut	LF	$255.00						
10' – 18' Cut	LF	$375.00						
Add Cost for Class IV	LF	$18.35						
O-Ring	LF	$69.95						
HDPE PIPE								
8" Pipe								
0'-8' Cut	LF	$28.65	573	16,416.45				
8'-14' Cut	LF	$43.15						

Pg. 5F 16,416.45

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BOND ESTIMATE						BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION		QUANTITY	EXTENSION	%COMPLETE	% Approved
12" Pipe									
0'-8' Cut	LF	$38.95	140	5,453					
8'-14' Cut	LF	$57.75							
15" Pipe									
0'-8' Cut	LF	$50.25	210	10,552.50					
8'-16' Cut	LF	$74.85							
18" Pipe									
0'-8' Cut	LF	$66.00							
8'-16' Cut	LF	$98.55							
24" Pipe									
0'-8' Cut	LF	$76.90							
8'-16' Cut	LF	$115.25							
30" Pipe									
0'-8' Cut	LF	$91.33							
8'-16' Cut	LF	$137.27							
36" Pipe									
0'-8' Cut	LF	$101.68							
8'-16' Cut	LF	$152.33							
42" Pipe									
0'-8' Cut	LF	$113.99							
8'-16' Cut	LF	$171.00							
48" Pipe									
0'-8' Cut	LF	$129.55							
8'-16' Cut	LF	$195.66							
STORM STRUCTURES									
END SECTIONS									
End Section (ES-1), ~~Concrete Pipe Size~~									
15" FOR HDPE	EA	~~$485.00~~ 300 00	1	300 00					

Pg. ST 16,305.50

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
18"	EA	$565.00						
21"	EA	$645.00						
24"	EA	$755.00						
27"	EA	$1,065.00						
30"	EA	$1,195.00						
36"	EA	$1,765.00						
42"	EA	$1,795.00						
48"	EA	$2,135.00						
54"	EA	$2,795.00						
60"	EA	$3,455.00						
ENDWALLS								
EW-1(Pre-cast) Round Pipe Size								
15"	EA	$800.00						
18"	EA	$1,337.00						
24"	EA	$2,021.00						
30"	EA	$2,133.00						
36"	EA	$2,366.00						
EW-1 Cast in Place [Round Pipe Size]								
15"	EA	$852.00						
18"	EA	$1,053.00						
24"	EA	$1,495.00						
30"	EA	$2,144.00						
36"	EA	$2,383.00						
EW-1A (Pre-Cast) Elliptical Pipe Size								
23" X 14" (18")	EA	$695.00						
30" X 19" (24")	EA	$969.00						
38" X 24" (30")	EA	$1,165.00						
45" X 29" (36")	EA	$1,445.00						

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
53" X 34" (42")	EA	$1,840.00						
EW-1A (Cast in Place) Elliptical Pipe Size								
23" X 14" (18")	EA	$667.00						
30" X 19" (24")	EA	$939.00						
38" X 24" (30")	EA	$1,247.00						
45" X 29" (36")	EA	$1,618.00						
53" X 34" (42")	EA	$2,109.00						
EW-2 (PreCast) Round Pipe Size								
42"	EA	$5,445.00						
48"	EA	$5,695.00						
54"	EA	$6,660.00						
60"	EA	$7,140.00						
72"	EA	$7,990.00						
84"	EA	$9,490.00						
EW-2 (Cast in Place) Round Pipe Size								
42"	EA	$4,723.00						
48"	EA	$6,039.00						
54"	EA	$6,972.00						
60"	EA	$8,179.00						
72"	EA	$10,713.00						
84"	EA	$12,288.00						
(EW-6PC) [Double Pipe] Pipe Size								
2-15"	EA	$999.00						
2-18"	EA	$1,235.00						
2-24"	EA	$1,510.00						
2-30"	EA	$2,165.00						
2-36"	EA	$2,647.00						
MANHOLES								

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Standard Brick Manhole Std Frame & Cover (MH-1)								
6' Depth	EA	$3,750.00						
Depth below 6'	VF	$163.00						
Standard Precast Manhole Std Frame & Cover (MH-2)								
6' Depth	EA	$3,100.00						
Depth below 6'	VF	$177.00						
Additional Cost (Amounts in parentheses to be added to the above unit costs)								
Watertight Fr/Cover (Add 110)	EA	$579.00						
Heavy Duty Fr/Cover (Add 82)	EA	$599.00						
DROP INLETS								
Cast in Place 48"								
Drop Inlet (DI-1) 12" – 24" Pipe0-10 VF	EA	$3,697.00						
Drop Inlet (DI-1A) 12" – 24" Pipe 10-20 VF	EA	$5,593.00						
Drop Inlet (DI-2) 12" – 24" Pipe0-10 VF, 10' throat	EA	$6,911.00						
Drop Inlet (DI-2A) 12" – 24" Pipe 10-20 VF, 10' throat	EA	$8,833.00						
CURB DROP INLETS								
Curb Drop Inlet (DI-3A)								
12"-30" Pipe (Invert Depth (H) =0'-8') Inlet Length 2'-6"	EA	$4,088.00						
Curb Drop Inlet (DI-3AA)								
12"-30" Pipe (Invert Depth (H) =8'-20') Inlet Length 2'-6"	EA	$5,357.00						
Curb Drop Inlet (DI-3B & DI-12) 12"-30" Pipe (Invert Depth (H) =0'-8') Inlet Length								
4'	EA	$4,279.00	2	8,558.00				

pg. 5T 8,558.00

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
6’	EA	$4,573.00						
8’	EA	$4,889.00						
10'	EA	$5,052.00						
12’	EA	$5,227.00						
16’	EA	$5,543.00						
20’	EA	$5,859.00						
Curb Drop Inlet (DI-3BB) 12”-30” Pipe (Invert Depth (H) =8’-20’) Inlet Length								
4’	EA	$4,276.00						
6’	EA	$4,848.00						
8’	EA	$5,429.00						
10'	EA	$5,732.00						
12’	EA	$6,011.00						
16’	EA	$6,296.00						
20’	EA	$6,599.00						
Curb Drop Inlet (DI-3C) 12”-30” Pipe (Invert Depth (H) =0’-8’) Inlet Length								
6’	EA	$4,013.00						
8’	EA	$4,588.00						
10'	EA	$4,893.00						
12’	EA	$5,178.00						
16’	EA	$5,766.00						
20’	EA	$6,339.00						
Curb Drop Inlet (DI-3CC) 12”-30” Pipe (Invert Depth (H) =8’-20’) Inlet Length								
6’	EA	$4,746.00						
8’	EA	$5,293.00						
10'	EA	$5,627.00						
12’	EA	$5,988.00						
16’	EA	$6,772.00						
20’	EA	$7,465.00						

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BOND ESTIMATE						BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION		QUANTITY	EXTENSION	%COMPLETE	% Approved
Curb Drop Inlet (DI-3D)									
12"-30" Pipe (Invert Depth (H) =0'-8') Inlet Length 2'-6"	EA	$3,633.00							
Curb Drop Inlet (DI-3DD)									
12"-30" Pipe (Invert Depth (H) =8'-20') Inlet Length 2'-6"	EA	$4,367.00							
Curb Drop Inlet (DI-3E) 12"-30" Pipe (Invert Depth (H) =0'-8') Inlet Length									
4'	EA	$4,093.00							
8'	EA	$4,756.00							
10'	EA	$5,724.00							
12'	EA	$5,833.00							
16'	EA	$6,072.00							
20'	EA	$6,709.00							
Curb Drop Inlet (DI-3EE) 12"-30" Pipe (Invert Depth (H) =8'-20') Inlet Length									
6'	EA	$7,562.00							
8'	EA	$7,869.00							
10'	EA	$7,999.00							
12'	EA	$8,166.00							
16'	EA	$8,471.00							
20'	EA	$8,767.00							
Curb Drop Inlet (DI-3F) 12"-30" Pipe Inlet Length (Invert Depth (H)=0'-8')									
6'	EA	$3,765.00							
8'	EA	$4,419.00							
10'	EA	$4,749.00							
12'	EA	$5,085.00							
16'	EA	$5,742.00							
20'	EA	$6,395.00							
Curb Drop Inlet (DI-3FF) 12"-30" Pipe (Invert Depth (H) =8'-20') Inlet Length									

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
6'	EA	$8,077.00						
8'	EA	$8,288.00						
10'	EA	$8,480.00						
12'	EA	$8,669.00						
16'	EA	$9,047.00						
20'	EA	$9,446.00						
Curb Drop Inlet (DI-4A) 36"–48" Pipe (Invert Depth (H)=0'-8') Inlet Length								
4'	EA	$4,868.00						
Curb Drop Inlet (DI-4AA) 36"–48" Pipe (Invert Depth (H)=0'-8') Inlet Length								
4'	EA	$6,817.00						
Curb Drop Inlet (DI-4B) 36"-48" Pipe (Invert Depth (H) =0'-8') Inlet Length								
6'	EA	$5,172.00						
8'	EA	$5,499.00						
10'	EA	$5,698.00						
12'	EA	$5,870.00						
16'	EA	$6,221.00						
20'	EA	$6,571.00						
Curb Drop Inlet (DI-4BB) 36"-48" Pipe (Invert Depth (H) =8'-20') Inlet Length								
6'	EA	$10,292.00						
8'	EA	$10,643.00						
10'	EA	$10,810.00						
12'	EA	$10,974.00						
16'	EA	$11,309.00						
20'	EA	$11,669.00						
Curb Drop Inlet (DI-4C) 36"-48" Pipe (Invert Depth (H) =0'-8') Inlet Length								
8'	EA	$5,612.00						
10'	EA	$5,794.00						
12'	EA	$5,968.00						
16'	EA	$6,315.00						

BOND ESTIMATE						BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION		QUANTITY	EXTENSION	%COMPLETE	% Approved
20'	EA	$6,657.00							
Curb Drop Inlet (DI-4CC) 36"-48" Pipe (Invert Depth (H) =8'-20') Inlet Length									
8'	EA	$13,371.00							
10'	EA	$13,693.00							
12'	EA	$14,097.00							
16'	EA	$14,712.00							
20'	EA	$15,365.00							
Curb Drop Inlet (DI-4D)									
36"-48" Pipe (Invert Depth (H) =0'-8') Inlet Length 4'	EA	$4,933.00							
Curb Drop Inlet (DI-4DD)									
36"-48" Pipe (Invert Depth (H) =8'-16') Inlet Length 4'	EA	$9,455.00							
Curb Drop Inlet (DI-4E) 36"-48" Pipe (Invert Depth (H) =0'-8') Inlet Length									
6'	EA	$5,267.00							
8'	EA	$5,605.00							
10'	EA	$5,896.00							
12'	EA	$6,233.00							
16'	EA	$6,996.00							
20'	EA	$7,695.00							
Curb Drop Inlet (DI-4EE) 36"-48" Pipe (Invert Depth (H) =8'-16') Inlet Length									
6'	EA	$9,165.00							
8'	EA	$9,495.00							
10'	EA	$9,839.00							
12'	EA	$10,167.00							
16'	EA	$10,838.00							
20'	EA	$11,483.00							
Curb Drop Inlet (DI-4F) 36"-48" Pipe Inlet Length (Invert Depth (H)=0'-8')									

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
8'	EA	$5,877.00						
10'	EA	$6,209.00						
12'	EA	$6,568.00						
16'	EA	$7,259.00						
20'	EA	$7,963.00						
Curb Drop Inlet (DI-4FF) 36"-48" Pipe (Invert Depth (H) =8'-16') Inlet Length								
8'	EA	$8,866.00						
10'	EA	$9,147.00						
12'	EA	$9,435.00						
16'	EA	$9,997.00						
20'	EA	$10,584.00						
Median Drop Inlets - CIP								
Median Drop Inlet **(DI-6A)** 12"-24" Pipe Inlet (H=8')	EA	$4,205.00						
Median Drop Inlet **(DI-6B)** 12"-24" Pipe Inlet (H=8')	EA	$4,267.00						
Median Drop Inlet **(DI-6C)** 30"-48" Pipe Inlet (H=10')	EA	$5,589.00						
Median Drop Inlet **(DI-6D)** 30"-48" Pipe Inlet (H=10')	EA	$5,692.00						
Median Drop Inlet **(DI-7)** Type III Top 12"-42" Pipe Inlet (H=10')	EA	$5,748.00						
Median Drop Inlet **(DI-7A)** Type III Top 12"-42" Pipe Inlet (H=10')	EA	$6,338.00						
Median Drop Inlet **(DI-7B)** Type III Top 12"-42" Pipe Inlet (H=10')	EA	$6,797.00						

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
MISCELLANEOUS INLETS								
Ditch Drop Inlet, **(DI-5)** Type III Tip 12"-42" Pipe Inlet (H=8')	EA	$5,226.00						
Standard Yard Inlet **(YI-1)** 12"-48" Pipe (Invert Depth (H)=0'-8') Inlet Length 4'(No Aprons)	EA	$4,749.00						
Add Yard Inlet Apron	THROAT	$255.00						
Standard Yard Inlet **(YI-3)** 12"-48" Pipe (Invert Depth (H)=0'-8') Inlet Length 4'(No Aprons)	EA	$5,127.00						
Add Yard Inlet Apron	THROAT	$255.00						
CULVERTS								
Single Box Culvert (BC-1A) Fills to 25'								
4' X 4'	LF	$336.00						
5' x 5"	LF	$410.00						
6' X 6'	LF	$498.00						
8' X 8'	LF	$699.00						
10' X 10'	LF	$845.00						
Double Box Culvert (BC-2b) Fills to 25'								
4' X 4'	LF	$566.00						
5' x 5"	LF	$705.00						
6' X 6'	LF	$854.00						
8' X 8'	LF	$1,148.00						
10' X 10'	LF	$1,411.00						
Oversized Single Box Culvert (BBC-1) Fills to 25'								

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
12' X 6'	LF	$1,026.00						
12' X 8'	LF	$1,144.00						
12' X 10'	LF	$1,239.00						
12' X 12'	LF	$1,348.00						
Triple Box Culvert (BC-3B) Fills to 25'								
4' X 4'	LF	$779.00						
5' x 5"	LF	$965.00						
6' X 6'	LF	$1,211.00						
8' X 8'	LF	$1,633.00						
10' X 10'	LF	$2,488.00						
Quadruple Box Culvert (BC-4B) Fills to 25'								
4' X 4'	LF	$987.00						
5' x 5"	LF	$1,225.00						
6' X 6'	LF	$1,523.00						
8' X 8'	LF	$1,497.00						
10' X 10'	LF	$2,835.00						
Standard Wing for Box Culvert (1 Side Only) Height of Box								
4'	EA	$675.00						
5'	EA	$995.00						
6'	EA	$1,337.00						
8'	EA	$2,489.00						
10'	EA	$3,315.00						
Standard Wing for Oversized Box Culvert(BBC-W) Height of Box								
6'	EA	$1,351.00						
8'	EA	$2,189.00						
10'	EA	$3,269.00						
12'	EA	$4,763.00						
MISCELLANEOUS STORM								

18

BOND ESTIMATE						BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION		QUANTITY	EXTENSION	%COMPLETE	% Approved
Connection to Existing Structure									
15"-36" Pipe	EA	$735.00							
42"- 60" Pipe	EA	$1,125.00							
Casing Pipe, Bore and Jack (3/8" wall)									
22" ID (6"-8" Carrier Pipe)	LF	$411.00							
24" ID (10" Carrier Pipe)	LF	$451.00							
30" ID (12" Carrier Pipe)	LF	$569.00							
Plug Pipe									
6" –12" Pipe	EA	$142.00							
15"-36" Pipe	EA	$323.00							
42"- 60" Pipe	EA	$522.00							
Pavement Edge Pipe									
Standard Pipe Underdrain	LF	$19.00							
Riprap									
Dry, Class I, 18"	SY	$47.87	30	1,436.10					
Dry, Class II, 18"	SY	$51.46							
Grouted, Class I, 18"	SY	$69.97							
Filter Fabric									
Class I	SY	$3.50							
Class II	SY	$3.00							
Class III	SY	$2.25							
Gabions (No excavation)									
Mattress	CY	$130.00							
Revetment	CY	$164.33							
Wall	CY	$212.25							
Paved Ditch (4" Thick)									
Concrete (Non-reinforced)	SY	$62.00							
Bituminous Concrete(4")	SY	$30.00							
Sodded Ditch									

Pg. ST 1,436.10

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Sodded Ditch (Incl Fine Grading)	SY	$9.86						
STREET CONSTRUCTION								
ROADS AND PARKING								
Soil Stabilization	**Inches**							
Cement 6%	SY/Inch Depth	$2.70						
Depth (in Inches):								
Lime 6%	SY/Inch Depth	$1.89						
Depth (in Inches):								
Subbase, Aggregated Material								
Base Type I	SY/Inch Depth	$1.75	1337	18,718				
Depth (in Inches):	8"							
Bituminous Concrete								
Base Course	SY/Inch Depth	$5.59	1337	33,632.24				
Depth (in Inches):	4½"							
Intermediate Course	SY/Inch Depth	$5.49	0					
Depth (in Inches):	0							
Top Course	SY/Inch Depth	$5.49	1337	11,010.20				
Depth (in Inches):	1½"							
Prime Coat	SY	$1.10						
Tack Coat	SY	$1.10						
Driveway Restoration								
4" Concrete & 4" Gravel	SY	$79.95						

Pg. 5T 63,360.44

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
2" S-5 & 7 6" Gravel	SY	$31.96						
Shoulders, Type I								
Aggregated Base, 4"	SY	$11.50						
Concrete Curbing								
Curb & Gutter CG6 & CG7	LF	$22.50	715	16,087.50				
Curb Cut, CG-12 Detectable Surf.	EA	$569.00						
Entrances/Driveways								
Commercial Entrance CG-11	SY	$52.88						
Commercial Entrance CG-13	SY	$64.67						
Residential Driveway Apron	SY	$51.79						
Guardrails								
Std. Blocked-out W beam (GR2)	LF	$42.50						
Std. W beam, Weak Post GR8	LF	$28.50						
Terminal, GR-6 (L=12'-6")	EA	$2,929.00						
Terminal, GR-7 (L=6'-3")	EA	$2,659.00						
Type I, GR-8 Terminal (L=25')	EA	$1,399.00						
Type II, GR-8 Terminal (L=13'-6")	EA	$695.00						
Terminal, MB-4 (L=37'-6")	EA	$3,495.00						
Type I, MB-5 Terminal (L=27'-1)	EA	$2,925.00						
Type II, MB-5 Terminal (L=13'-6)	EA	$1,675.00						
Miscellaneous wood Fence								
Trash enclosure - ~~Brick~~ 6' high	LF	200 ~~$325.00~~	~~50~~ 60	12,000				
Reinforced Concrete Pad 6" to 8"	SY	$62.00	43	2,666				
Striping 4" width (VDOT Type	LF	$2.25	572	1,287				

B.S.T. 32,040.50

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
B)								
Concrete Wheel Stops	EA	$70.00						
Parking Lot Striping	EA	$50.00						
Sign Island	EA	$850.00						
Traffic Barricade	LF	$43.45						
Street Name Signs	EA	$435.00						
Traffic Control Signs	EA	$375.00						
Street Light (pole, bracket, light)	EA	$4,285.00						
SIDEWALKS AND TRAILS								
Sidewalk								
Concrete 4" w/WWF, No base	SY	$45.23	169	7,643.87				
Bitum. Conc, 2" w/4" Base	SY	$30.00						
4" Conc, No Reinf., No Base	SY	$41.00						
HANDRAIL								
Handrail 3 Rail 1-1/4" #4 Finish	LF	$96.50						
Wood Chip Trail								
Trails(Incl Excavation & Grading) Wood chip, 4' wide	SY	$17.69						
Bituminous Trail								
6' to 10' wide	SY	$49.25						
CRITICAL SLOPE STABILIZATION								
Paved Flume	SY	$67.00						
Stmwtr Conc Channel-Excav	SY	$7.75						
ADD Grass Lined-seeded	SY	$5.37						
ADD Grass Lined-sodded	SY	$10.89						
Outlet Protection								
Non-grouted Riprap 18"	SY	$52.00						
Concrete 4"	SY	$53.50						

Pg 5T 7,643.87

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BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
Level Spreader	SY	$4.44	13	57.72				
Struc Streambank Protection								
Non-grouted Riprap 18"	SY	$58.00						
Gabions	CY	$147.00						
Vegetative Erosion Control								
Sodding incl Fertilizing – Banks	SY	$7.77						
Sodding incl Fertilizing – Flat	SY	$5.36						
Seeding incl Fertilizing	SY	$2.44						
Soding W/Soil Treat & Watering	SY	$3.25						
Seeding W/Soil Treat & Watering	SY	$6.46						
Straw Mulch w/Tack	SY	$1.40						
Jute Mesh	SY	$1.77						
SPECIAL ITEMS								
FEMA Processing LOMR/CLOMR	EA	$7,500.00						
As Built (Record Drawings)	EA	$9,500.00	1	9,500				
SWM/BMP POND	LS	See Note 1	~~1,000,000~~ 1	100,000				
SIGNALIZATION	LS	See Note 2						
Subtotal								

TOTAL ESTIMATE OF COMPLETED WORK:

Pg Sub. 109,557.72

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Pg	SubTOTAL
2	54,040.39
3	23,695.20
7	16,416.45
8	16,305.50
11	8,558.00
19	1,436.10
20	63,360.44
21	32,040.50
22	7,643.87
23	109,557.72
	333,054.17

TOTAL:	$ 333,054.17
+ 10% CONTINGENCIES:	$ 33,305.42
GRAND TOTAL:	$ 366,359.59
+ 4% INFLATION FACTOR:	$ 381,013.97

24

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1051: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 333 Driving Under the Influence; Reckless Driving as a result of adopted State Changes.

Proposed Motion: Approve the First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 333 Driving Under the Influence; Reckless Driving.

ATTACHMENTS:
- Article 333.pdf

ARTICLE 333
Driving Under the Influence; Reckless Driving

333.01 Driving under the influence.

333.011 Participation in Motor Vehicle Alcohol Test and Lock Program.

333.02 Reckless driving.

333.03 Hazardous driving.

333.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Authority to prohibit driving under the influence - see W. Va. Code 8-12-5(21)

Compliance with State law - see W. Va. Code 17C-5-11a

Implied consent - see W. Va. Code 17C-5A

333.01 DRIVING UNDER THE INFLUENCE.

(a) Definitions.

(1) "Impaired state" means a person:

A. Is under the influence of alcohol;

B. Is under the influence of any controlled substance;

C. Is under the influence of any other drug or inhalant substance;

D. Is under the combined influence of alcohol and any controlled substance or any other drug; or

E. Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight.

(2) "Bodily injury" means injury that causes substantial physical pain, illness or any impairment of physical condition.

(3) "Controlled substance" has the meaning provided in West Virginia Code 60A-1-101.

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(4) "Serious bodily injury" means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

(5) "Test and lock program" means the Motor Vehicle Test and Lock Program, established in West Virginia Code 17C-5A-3a and administered by the Division of Motor Vehicles.

(b) Any person who drives a vehicle in this Municipality while he or she is in an impaired state, and such impaired state proximately causes a bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than one year and shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000), and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of two years or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a: provided, that if the person has previously been convicted under this section, the person shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for life or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a. Any jail term imposed pursuant to this subsection shall include actual confinement of not less than twenty-four hours: provided, however, that a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(c) Any person who drives a vehicle on any public highway or private road in this Municipality: (1) while he or she is in an impaired state; or (2) while he or she is in an impaired state but has an alcohol concentration in his or her blood of less than fifteen hundredths of one percent, by weight, is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for up to six months and shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of six months or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a: provided, that a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(d) Any person who drives a vehicle on any public highway or private road in this Municipality while he or she has an alcohol concentration in his or her blood of fifteen hundredths of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000), and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year or for a period of time conditioned on participation in the test and lock program in accordance with West

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Virginia Code 17C-5A-3a. A person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(e) Any person who, being a habitual user of narcotic drugs or amphetamines, or any derivative thereof, drives a vehicle on any public highway or private road in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of six months. A person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(f) Any person who knowingly permits his or her vehicle to be driven on any public highway or private road in this Municipality by any other person who is in an impaired state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of six months or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a.

(g) Any person who knowingly permits his or her vehicle to be driven on any public highway or private road in this Municipality by any other person who is a habitual user of narcotic drugs or amphetamines, or any derivative thereof, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of six months.

(h) (1) Any person under the age of twenty-one years who drives a vehicle on any public highway or private road in this Municipality while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), and have his or her license to operate a motor vehicle suspended by the Commissioner of the Division of Motor Vehicles for a period of sixty days or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a. For a second or subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four hours and shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year or until the person's 21st birthday, whichever period is longer, or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a. A person who is charged with a first offense under the provisions of this subsection may move for a continuance of the proceedings, from

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time to time, to allow the person to participate in the test and lock program as provided in West Virginia Code 17C-5A-3a. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence.

(2) A. Notwithstanding subdivision (1) of this subsection, a person shall have his or her license to operate a motor vehicle suspended or revoked for a minimum period of one year or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a, if the person:

(i) Has previously been convicted under this subsection and is subsequently convicted of an offense under another subsection of this section; or

(ii) Is convicted under this subsection and has previously been convicted of an offense under another subsection of this section.

B. Nothing in this subdivision permits a shorter period of license revocation, license suspension, or participation in the test and lock program than is mandatory for the specific offense for which the person is convicted.

(3) A person arrested and charged with an offense under the provisions of this subsection or subsection (b), (c), (d), (e), (f), or (g) of this section may not also be charged with an offense under this subsection arising out of the same transaction or occurrence.

(i) Any person who drives a vehicle on any public highway or private road in this Municipality while he or she is in an impaired state and has within the vehicle one or more persons who are unemancipated minors who have not yet reached their 16th birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than twelve months, and shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000), and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a: provided, that such jail term shall include actual confinement of not less than forty-eight hours: provided, however, that a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(j) A person convicted of an offense under this section who has previously been convicted of any offense under this section on one occasion, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than one year may be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000) and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for ten years or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a: provided, that if the second conviction is for an offense as described in subsection (b) of this section and the subsection creating the offense requires a period of

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incarceration, period of license revocation, or fine that is greater than what is required for a conviction under this subsection, the greater period of incarceration, period of revocation, or fine shall be imposed: provided, however, that this section does not apply to a second conviction that is subject to a period of license revocation under subsection (h) of this section.

(k) For purposes of subsection (j) of this section relating to second offenses, the following events shall be regarded as offenses and convictions under this section:

(1) Any conviction under the provisions of subsection (b), (c), (d), (e), (f) or (g), of this section, or under a prior enactment of this section, for an offense which occurred within the 10-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in subsection (b), (c), (d), (e), (f) or (g) of this section, which offense occurred within the 10-year period immediately preceding the date of arrest in the current proceeding; and

(3) Any period of conditional probation imposed pursuant to West Virginia Code 17C-5-2b for violation of subsection (c) of this section, which violation occurred within the 10-year period immediately preceding the date of arrest in the current proceeding; and

(4) Any convictions under the provisions of West Virginia Code 61-5-17(j) or under a prior enactment of that subsection, for an offense which occurred within the 15-year period immediately preceding the date of arrest in the current proceeding.

(l) A person may be charged in a warrant, indictment, or information for a second or subsequent offense, as described in subsection (h) or (j) of this section, if the person has been previously arrested for, or charged with, a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location, and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to West Virginia Code 17C-5-2b.

(m) The fact that any person charged with a violation of subsection (b), (c), (d), or (e) of this section, or any person permitted to drive as described under subsection (f) or (g) of this section, is or has been legally entitled to use alcohol, a controlled substance, or a drug does not constitute a defense against any charge of violating subsection (b), (c), (d), (e), (f) or (g) of this section.

(n) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: provided, that the court may apply the provisions of West Virginia Code 62-11A-1 et seq. to a person sentenced or committed to a term of one year or less for a first offense under this section: provided,

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however, that the court may impose a term of conditional probation pursuant to West Virginia Code 17C-5-2b to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of West Virginia Code 62-11B-1 et seq. may be used as an alternative sentence to any period of incarceration required by this section for a first or subsequent offense: provided, further, that for any period of home incarceration ordered for a person convicted of a second offense under this section, electronic monitoring shall be required for no fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of West Virginia Code 62-11B-5: and provided further, that for any period of home incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than ten days of the total period of home confinement ordered and the offender may not leave home for those ten days notwithstanding West Virginia Code 62-11B-5.

(o) A person whose license to operate a motor vehicle has been revoked or suspended by the Commissioner of the Division of Motor Vehicles pursuant to this section must complete a comprehensive safety and treatment program as set forth in West Virginia Code 17C-5A-3 before his or her license to operate a motor vehicle can be reinstated and his or her driving privileges restored.

(p) For any offense for which an alternative revocation period is permitted conditioned upon participation in the test and lock program, an alternative sentence may not be imposed without the consent of the driver.

(q) Upon entering the order of conviction for an offense under this section, or the imposition of conditional probation as provided in West Virginia Code 17C-5-2b, the clerk of the court shall immediately transmit the order to the Commissioner of the Division of Motor Vehicles.

(WVaC 17C-5-2)

333.011 PARTICIPATION IN MOTOR VEHICLE ALCOHOL TEST AND LOCK PROGRAM.

(a) (1) Except as provided in subsection (f) of this section, the court, without entering a judgment of guilt and with the consent of the accused, shall defer further proceedings and impose probation, when:

A. The person pleads to or is found guilty of the offense defined in Section 333.01(c);

B. The person has not previously been convicted of any offense under this article or under any statute of the United States or of any state relating to driving under the influence of alcohol, any controlled substance, or any other drug; and

C. The person notifies the court within thirty days of his or her arrest of his or her intention to participate in a deferral pursuant to this section.

(2) If all the requirements in subsection (a)(1) hereof are met, the court, without entering a judgment of guilt, shall defer further proceedings and place the person on

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probation, the conditions of which shall include that he or she successfully completes the Motor Vehicle Alcohol Test and Lock Program as provided in West Virginia Code 17C-5A-3a. Participation therein shall be for a period of at least 165 days after a fifteen-day suspension of his or her license to operate a motor vehicle and shall be completed within one year thereafter.

(b) (1) If the prosecuting attorney files a motion alleging that the defendant during the period of the Motor Vehicle Alcohol Test and Lock Program has been removed therefrom by the Division of Motor Vehicles, or has failed to successfully complete the program before making a motion for dismissal pursuant to subsection (c) hereof, the court may issue such process as is necessary to bring the defendant before the court.

(2) A motion alleging a violation filed pursuant to subsection (c)(1) hereof must be filed during the period of the Motor Vehicle Alcohol Test and Lock Program or, if filed thereafter, must be filed within a reasonable time after the alleged violation was committed.

(3) When the defendant is brought before the court, the court shall afford the defendant an opportunity to be heard. If the court finds that the defendant has been rightfully removed from the Motor Vehicle Alcohol Test and Lock Program by the Division of Motor Vehicles, the court may order, when appropriate, that the deferral be terminated, and thereupon enter an adjudication of guilt and proceed as otherwise provided.

(4) Should the defendant fail to complete or be removed from the Motor Vehicle Alcohol Test and Lock Program, the defendant waives the appropriate statute of limitations and the defendant's right to a speedy trial under any applicable federal or state constitutional provisions, statutes, or rules of court during the period of enrollment in the program.

(c) When the defendant shall have completed satisfactorily the Motor Vehicle Alcohol Test and Lock Program and complied with its conditions, the defendant may move the court for an order dismissing the charges. This motion shall be supported by affidavit of the defendant and by certification of the Division of Motor Vehicles that the defendant has successfully completed the Motor Vehicle Alcohol Test and Lock Program. A copy of the motion shall be served on the prosecuting attorney who shall within thirty days after service advise the judge of any objections to the motion, serving a copy of such objections on the defendant or the defendant's attorney. If there are no objections filed within the thirty-day period, the court shall thereafter dismiss the charges against the defendant. If there are objections filed with regard to the dismissal of charges, the court shall proceed as set forth in subsection (b) hereof.

(d) Except as provided herein, unless a defendant adjudicated pursuant to this subsection is convicted of a subsequent violation of Section 333.01 or West Virginia Code 17C-5, discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, except for those provided in West Virginia Code 17C-5A-1 et seq. Except as provided in Section 333.01 regarding subsequent offenses, the effect of the dismissal and discharge shall be to restore the person in contemplation of law to the status he or she occupied prior to arrest and trial. No person as to whom a dismissal and discharge have been effected shall be thereafter held to be guilty of perjury, false swearing, or otherwise giving a

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false statement by reason of his or her failure to disclose or acknowledge his or her arrest or trial in response to any inquiry made of him or her for any purpose other than any inquiry made in connection with any subsequent offense as provided in Section 333.01.

(e) There may be only one discharge and dismissal under this section with respect to any person.

(f) No person shall be eligible for dismissal and discharge under this section:

(1) In any prosecution in which any violation of any other provision of Section 333.01 or West Virginia Code 17C-5 has been charged;

(2) If the person holders a commercial driver's license or operates commercial motor vehicles;

(3) If the person has previously had his or her license to operate a motor vehicle revoked for any offense under a municipal ordinance of this state or any other state or a statute of the United States or of any other state which has the same elements as an offense described in this article; or

(4) If a court entered an order finding that the person refused the secondary chemical test pursuant to West Virginia Code 17C-5-7a.

(g) (1) After a period of not less than one year, which shall begin to run immediately upon the expiration of a term of probation imposed upon any person under this section, the person may apply to the court for an order to expunge all official records of his or her arrest, trial, and conviction, pursuant to this section except for those maintained by the Division of Motor Vehicles: provided, that any person who has previously been convicted of a felony may not make a motion for expungement pursuant to this section.

(2) If the prosecuting attorney objects to the expungement, the objections shall be filed with the court within thirty days after service of a motion for expungement, and copies of the objections shall be served on the defendant or the defendant's attorney.

(3) If the objections are filed, the court shall hold a hearing on the objections, affording all parties an opportunity to be heard. If the court determines after a hearing that the person during the period of his or her probation and during the period of time prior to his or her application to the court under this subsection has not been guilty of any serious or repeated violation of the conditions of his or her probation, it shall order the expungement.

(h) A person prosecuted for an offense under Section 333.01(c), whose case is disposed of pursuant to the provisions of this section, shall be required to pay the amount of court costs that could be assessed against a person convicted of the offense. Payment of such costs may be made a condition of probation. The costs assessed pursuant to this subsection, whether as a term of probation or not, shall be distributed as other court costs in accordance with West Virginia Code 50-3-2; 14-2A-4; 30-29-4; and 62-5-2, 62-5-7 and 62-5-10.

(WVaC 17C-5-2b)

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333.02 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. (WVaC 17C-5-3)

(c) Every person convicted of reckless driving, shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both.

(Passed 3-20-96.)

333.03 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.

333.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty.)

Draft

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1052: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 335 Speed Restrictions as a result of adopted State Changes.

Proposed Motion: Approve the First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 335 Speed Restrictions.

ATTACHMENTS:

- Article 335.pdf

ARTICLE 335
Speed Restrictions

335.01 Maximum speed limits.

335.02 Slow speed.

335.03 Special speed limitations.

335.04 Racing on streets and highways prohibited.

335.05 Prima facie evidence of speed by radar.

335.06 Special speed limitations when meeting or overtaking waste service vehicles.

335.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Authority to regulate speed - see W. Va. Code 17C-2-8, 17C-6-3

Minimum speed regulations - see W. Va. Code 17C-6-3(a)

Special speed limitations - see W. Va. Code 17C-6-4 et seq.

Use of radar - see W. Va. Code 17C-6-7

335.01 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 the ~~such~~ school

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grounds and extending one hundred twenty-five feet along the ~~such~~ street or highway from the school grounds and, in the case of school property not abutting a street or highway but accessed through a right-of-way granted for entrance to school property, a school zone established by an engineering study conducted by the Division of Highways is all school property, including school grounds and any property within the access right-of-way, and extending one hundred twenty-five feet along the street or highway from the entrance to the access right-of-way. The ~~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. For purposes of this subdivision, the term "school property" includes any public school, public charter school, and any private school that requests the Division of Highways to designate a school zone;

(2) Twenty-five miles per hour in any business or residence district; and

(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 Article 17C-6.

(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.

(WVaC 17C-6-1)

335.02 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.

(WVaC 17C-6-3a(a))

335.03 SPECIAL SPEED LIMITATIONS.

(a) Subject to all other speed restrictions of this Traffic Code no person shall drive a vehicle not designed for carrying passengers and equipped with pneumatic tires at a speed in excess of:

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(1) Twenty miles per hour in any business district;

(2) Twenty-five miles per hour in any residence district;

(3) Forty miles per hour on open country highway;

(4) Trucks licensed at 8,000 pounds gross vehicle weight or less shall be permitted the same speed as passenger cars.

(WVaC 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.

(WVaC 17C-6-5)

335.04 RACING ON STREETS AND HIGHWAYS PROHIBITED.

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:

(a) The operation of a motor vehicle in speed acceleration competition with another motor vehicle or motor vehicles; or

(b) The operation of a motor vehicle in speed acceleration competition against time; or

(c) The operation of a motor vehicle in speed competition with another motor vehicle or motor vehicles where the speed exceeds the lawful speed limit.

(WVaC 17C-6-8(a))

335.05 PRIMA FACIE EVIDENCE OF SPEED BY RADAR.

The speed of a motor vehicle may be proved by evidence obtained by use of any device designed to measure and indicate or record the speed of a moving object by means of microwaves or reflected light, when such evidence is obtained by members of the Police Department. The evidence so obtained shall be accepted as prima facie evidence of the speed of such vehicle.

(WVaC 17C-6-7)

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335.06 SPECIAL SPEED LIMITATIONS WHEN MEETING OR OVERTAKING WASTE SERVICE VEHICLES.

(a) No person shall drive a motor vehicle and meet or overtake from either direction a stopped waste service vehicle at a speed in excess of fifteen miles per hour.

(b) For purposes of this section, "waste service vehicle" means any garbage collection vehicle, including a vehicle collecting recyclables or yard waste, which is used for curbside collection, makes frequent stops and is not fully automated.

(c) The speed limitation set forth in subsection (a) of this section applies only under the following circumstances:

(1) The waste service vehicle is identifiable as a waste service vehicle based on the vehicle configuration or markings on the vehicle;

(2) The waste service vehicle operator is giving a visual signal by means of a stationary sign to warn of the presence of workers or must use flashing lights as permitted in this code to caution other drivers; and

(3) The waste service vehicle is not located on a private driveway, controlled access highway, interstate highway, turnpike or road or highway with a center line and more than two lanes.

(WVaC 17C-6-11)

335.99 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.

(1) Unless otherwise provided in this subsection (b) hereof, any person who violates the provisions of Section 335.01 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 within two years thereafter, shall be fined not more than five hundred dollars ($500.00); provided, that if such third or subsequent conviction is based upon a violation of the provisions of Section 335.01 where the offender exceeded the speed limit by fifteen miles per hour or more, then the person shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both.

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(2) Any person who violates the provisions of Section 335.01 (b)(1) shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00); provided, that if such conviction is based upon a violation of the provisions of Section 335.01 (b)(1) where the offender exceeded the speed limit by fifteen miles per hour or more in the presence of one or more children, then the person shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both: Provided, that if the signage required by Section 335.01 (b)(1) is not present in the school zone at the time of the violation, then any person who violates said provision shall be fined not more than twenty-five dollars ($25.00).

(WVaC 17C-6-1)

(c) Street Racing. Whoever violates Section 335.04 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 than thirty 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 more than thirty days 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 335.04 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 351.10 shall be applicable.

(WVaC 17C-6-8)

(d) Waste Service Vehicles. Any person who violates the provisions of Section 335.06 shall be fined not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00). If the person convicted of violating Section 335.06 exceeded the speed limit by fifteen miles per hour or more or caused serious injury or death to a service vehicle worker, then the person shall be fined not less than three hundred dollars ($300.00) nor more than one thousand dollars ($1,000) or confined in jail for not more than thirty days, or both.

(WVaC 17C-6-11)

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City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1053: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 345 Safety and Equipment as a result of adopted State Changes.

Proposed Motion: Approve the First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 345 Safety and Equipment.

ATTACHMENTS:
- Article 345.pdf

ARTICLE 345
Safety and Equipment

345.01 Driving unsafe vehicles; application; farm and road equipment exceptions.

345.02 When lighted lights required.

345.03 Measurement of distances and heights.

345.04 Headlights on motor vehicles and motorcycles.

345.05 Tail light; illumination of rear license plate.

345.06 Red light or red flag on extended loads.

345.07 Lights on parked or stopped vehicles.

345.08 Lights on slow-moving vehicles.

345.09 Spotlights and auxiliary lights.

345.10 Signal lamps and signal devices.

345.11 Cowl, fender and back-up lights; flashing hazard lights.

345.12 Multiple-beam road-lighting equipment requirements.

345.13 Use of headlight beams.

345.14 Single-beam road-lighting equipment.

345.15 Lights on motorcycles, motor-driven cycles and mopeds.

345.16 Alternate road-lighting equipment.

345.17 Number of driving lights required or permitted.

345.18 Special restrictions on lights.

345.19 Motor vehicle or motorcycle brakes.

345.20 Inspection of brakes on motorcycles, motor-driven cycles and mopeds.

345.21 Horn, siren and theft alarm signal.

345.22 Muffler; muffler cutout; excessive smoke, gas or noise.

345.23 Rear-view mirror.

345.24 Windshield to be unobstructed; windshield wiper.

345.25 Tire equipment restrictions.

345.26 Safety glass in motor vehicles.

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345.27 Vehicles transporting explosives.

345.28 Video screens and monitors, television receivers in view of driver prohibited.

345.29 Safety equipment for motorcyclists, motorcycles, motor-driven cycles and mopeds.

345.30 Certification labels on mopeds.

345.31 Child passenger safety devices required; child safety seats and booster seats.

345.32 Certificate of inspection and approval.

345.33 Alteration of suspension system.

345.34 Sun screening devices.

345.35 Operation of vehicles with safety belts.

345.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Obscured light on vehicles in combination - see W. Va. Code 17C-15-13

Warning devices for commercial vehicles - see W. Va. Code 17C-15-39

Bicycle equipment - see TRAF. Art. 373

345.01 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

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times mentioned in Section 345.02 display a red tail lamp and either multiple-beam or single-beam head lamps meeting the requirements of Section 345.02.

(WVaC 17C- 15-1)

345.02 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 345.07(c). Every school bus, motorcycle, motor-driven cycle and moped shall display lighted head lamps at all times when upon the street or highway.

(WVaC 17C-15-2)

345.03 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 345.02 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.

(WVaC 17C-15-3)

345.04 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.

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(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 345.03.

(WVaC 17C-15-4)

345.05 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 hereinbefore 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 345.03(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.

(WVaC 17C-15-5)

345.06 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 345.02, 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.

(WVaC 17C-15-14)

345.07 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.

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(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.

(WVaC 17C-15-15)

345.08 LIGHTS ON SLOW-MOVING VEHICLES.

All vehicles including animal-drawn vehicles and including those referred to in Section 345.01(c) not hereinbefore specifically required to be equipped with lamps, shall at the times specified in Section 345.02 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.

(WVaC 17C-15-16)

345.09 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

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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.

(WVaC 17C-15-17)

345.10 SIGNAL LAMPS AND SIGNAL DEVICES.

(a) Any motor vehicle may be equipped and when required under this Traffic Code 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 345.02.

(WVaC 17C-15-18)

345.11 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.

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(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) All motor vehicles shall be equipped with a minimum of at least two functioning back-up lamps either separately or in combination with other lamps, unless the vehicle was originally equipped with one lamp. 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 at least 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) 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.

(WVaC 17C-15-19)

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345.12 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.

(WVaC 17C-15-20)

345.13 USE OF HEADLIGHT BEAMS.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 345.02, 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 345.12(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 Traffic Code other than the uppermost distribution of light specified in Section 345.12(a).

(WVaC 17C-15-21)

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345.14 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.

(WVaC 17C-15-22)

345.15 LIGHTS ON MOTORCYCLES, MOTOR-DRIVEN CYCLES AND MOPEDS.

The head lamp or head lamps upon every motorcycle, motor-driven cycle and moped may be of the single- beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(a) Every head lamp or head lamps shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the motorcycle, motor-driven cycle or moped is operated at any speed less than twenty-five miles per hour and at a distance of not less than 200 feet when it is operated at a speed of twenty-five or more miles per hour.

(b) If the motorcycle, motor-driven cycle or moped is equipped with a multiple-beam type head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in Section 345.12(a) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in Section 345.12(b).

(c) If the motorcycle, motor-driven cycle or moped is equipped with a single-beam lamp or lamps such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

(d) (1) Subject to subsection (d)(2) hereof, a motorcycle may be equipped with, and an operator of a motorcycle may use, the following auxiliary lighting:

A. Amber and white illumination;

B. Standard bulb running lights; or

C. Light-emitting diode pods and strips.

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(2) Lighting under this subsection shall be:

A. Nonblinking;

B. Nonflashing;

C. Nonoscillating; and

D. Directed toward the engine and the drive train of the motorcycle to prevent interference with the driver's operation of the vehicle.

(WVaC 17C-15-23)

345.16 ALTERNATE ROAD-LIGHTING EQUIPMENT.

Any motor vehicle may be operated under the conditions specified in Section 345.02 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 345.12, or Section 345.14, provided that at no time shall it be operated at a speed in excess of twenty miles per hour.

(WVaC 17C-15-24)

345.17 NUMBER OF DRIVING LIGHTS REQUIRED OR PERMITTED.

(a) At all times specified in Section 345.02 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.

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.

(WVaC 17C-15-25)

345.18 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.

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(b) No person may drive or move any vehicle or equipment upon any highway with any lamp or device on the vehicle displaying other than a white or amber light visible from directly in front of the center of the vehicle except as authorized by subsection (d) hereof.

(c) Except as authorized in subsections (d) and (g) of this section and Section 345.11, 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 each police department.

(2) Except for standard vehicle equipment authorized by Section 345.11, 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 et seq. 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;

K. West Virginia Department of Agriculture emergency response vehicles.

L. Vehicles designated by the Secretary of the Department of Homeland Security 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;

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M. Class A vehicles of emergency response or emergency management personnel as designated by the Secretary of the Department of Homeland Security and the county commission of the county of residence; and

N. Emergency management and operations vehicles operated by airports.

Red flashing warning lights attached to a Class A vehicle may 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.

(3) The use of red flashing warning lights is authorized as follows:

A. Authorization for all ambulances shall be designated by the Department of Health and the sheriff of the county of residence.

B. Authorization for all fire department vehicles shall be designated by the Fire Chief and the State Fire Marshal's Office.

C. 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.

D. 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.

E. Authorization for school buses shall be designated as set out in West Virginia Code 17C-14-12.

F. Authorization for firefighters to operate Class A vehicles shall be designated by their fire chiefs and the State Fire Marshal's Office.

G. 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 the sheriff of the county of residence.

H. 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.

I. 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.

J. Authorization for West Virginia Department of Agriculture emergency response vehicles shall be designated by the Commissioner of the Department of Agriculture.

K. 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 Homeland Security.

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L. Authorization for Class A vehicles of emergency response or emergency management personnel as designated by the Secretary of the Department of Homeland Security and the county commission of the county of residence.

M. Authorization for emergency management and operations vehicles operated by airports shall be designated by the airport director and the Secretary of the Department of Homeland Security.

(4) Yellow or amber flashing warning lights are restricted to the following:

A. All other emergency vehicles, including tow trucks and wreckers, authorized by the West Virginia Code Chapter 17C and 17C-15-27;

B. Postal service vehicles and rural mail carriers, as authorized in Section 345.11;

C. Rural newspaper delivery vehicles;

D. Flag car services;

E. Vehicles providing road service to disabled vehicles;

F. Service vehicles of a public service corporation;

G. Snow removal equipment;

H. School buses; and

I. 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:

A. 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.

B. Authorization for snow removal equipment shall be designated by the Commissioner of the Division of Highways.

C. Authorization for school buses shall be designated as set out in West Virginia Code 17C-14-12.

D. 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

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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) Notwithstanding the foregoing provisions of this section, any waste service vehicle as defined in West Virginia Code Chapter 17C-6-11 may be equipped with yellow or amber flashing warning lights.

(g) It is unlawful for flashing warning lights of an unauthorized color to be installed or used 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.

(WVaC 17C-15-26)

345.19 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:

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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.

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.

(7) 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 from 20 miles per hour	Deceleration in feet per second
Vehicle or combinations of vehicles having brakes on all wheels	30	14

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Vehicles or combinations of vehicles not having brakes on all wheels	40	10.7

(c) 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.

(WVaC 17C-15-31)

345.20 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.

(WVaC 17C-15-32)

345.21 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 insure 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.

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.

(WVaC 17C-15-33)

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345.22 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE,

(a) 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.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(WVaC 17C-15-34)

345.23 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.

(WVaC 17C-15-35)

345.24 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.

(WVaC 17C-15-36)

345.25 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.

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(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 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 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.

(d) Council may in its discretion issue special permits authorizing the operation upon the 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.

(WVaC 17C-15-37)

345.26 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.

(WVaC 17C-15-38)

345.27 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.

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(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.

(WVaC 17C-15-41)

345.28 VIDEO SCREENS AND MONITOR, TELEVISION RECEIVERS IN VIEW OF DRIVER PROHIBITED.

(a) No motor vehicle may be operated on a street or highway when equipped with a television receiver, video monitor, television or video screen unless the receiver, screen or monitor is configured so that the moving images are not in view of the operator while the vehicle is in motion, or if falls within one or more of the categories set forth in subsection (b) or (c) of this section.

(b) This prohibition does not apply to the following equipment installed in a vehicle:

(1) A visual display if it does not show video or television broadcast images in view of the operator while the motor vehicle is in motion;

(2) A global positioning device;

(3) A mapping display;

(4) A visual display used to enhance or supplement the driver's view forward, behind or to the sides of a motor vehicle for the purpose of maneuvering the vehicle;

(5) A visual display used to enhance or supplement a driver's view of vehicle occupants; or

(6) Television-type receiving equipment used exclusively for safety or traffic engineering information.

(c) A television receiver, video monitor, television or video screen or other similar means of visually displaying a television broadcast or video signal is not prohibited if the equipment has an interlock device that, when the motor vehicle is driven, disables the equipment for all uses except as a visual display described in subsection (b)(1) to (6) of this section.

(WVaC 17-C-15-42)

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345.29 SAFETY EQUIPMENT FOR MOTORCYCLISTS, MOTORCYCLES, MOTOR-DRIVEN CYCLES AND MOPEDS.

(a) ~~No~~ A person may not ~~shall~~ operate or be a passenger on any motorcycle or motor-driven cycle unless the person ~~he~~ is wearing securely fastened on his or her 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.

(b) No person may not ~~shall~~ operate or be a passenger on any motorcycle or motor-driven cycle unless the person ~~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. 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.

(c) ~~No~~ A person may not ~~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~~ face forward and either sit astride a permanent operator's seat attached to the vehicle or stand astride the vehicle with both feet on the vehicle's footpegs or pedals. ~~only upon a permanent operator's seat attached to the vehicle~~. ~~No~~ An operator ~~shall~~ may not carry any other person and any other person may not ~~nor shall any other person~~ ride on the ~~such a~~ vehicle unless the vehicle is designed to carry more than one person, in which case ~~event~~ a passenger may ride: (i) behind the operator upon the permanent operator's seat if it is designed for two persons; (ii) ~~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 (iii) in a sidecar firmly attached to the vehicle. ~~No~~ A person may not ~~shall~~ ride side saddle 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 so long as ~~provided that~~ there is one passenger per seat. Any passenger riding in a sidecar shall be restrained by a 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.

(WVaC 17C-15-44)

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(f) (1) "Autocycle" means a fully or partially enclosed motorcycle that is equipped with safety belts, rollover protection, a rearview mirror, automotive seating, a steering wheel and equipment otherwise required on a motorcycle and which has no more than three wheels in contact with the roadway at any one time.

(WVaC 17C-1-69)

(2) Not withstanding any provision of this code to the contrary, a person with a valid driver's license who is operating a fully enclosed autocycle, as defined in subsection (f)(1) hereof, is exempt from the provisions of this section.

(WVaC 17-C-15-44)

345.30 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:

(1) Name of manufacturer;

(2) Month and year of manufacture;

(3) Gross vehicle weight rating (GVWR);

(4) Gross axle weight rating for front and rear axles (GAWR);

(5) Vehicle identification number;

(6) Classification type; and

(7) Statement of conformance to Federal standards as required by Federal law.

(WVaC 17C-15-45)

345.31 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.

Any person who violates any provision of this section shall be fined not less than ten dollars ($10.00) nor more than twenty dollars ($20.00).

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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.

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.

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.

(WVaC 17C-15-46)

345.32 CERTIFICATE OF INSPECTION AND APPROVAL.

No owner or operator of any vehicle required to be inspected under West Virginia Code Article 17C-16 shall 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 therein designated.

(WVaC 17C-16-9)

345.33 ALTERATION OF MOTOR VEHICLES; BUMPER HEIGHT LIMITS.

(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 height 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 motor vehicles whose gross vehicle weight rating is 10,000 pounds or less shall be no less than six inches and no more than thirty-one inches. In the absence of bumpers, and in cases where bumper heights have been altered or modified, height measurements shall be made to the bottom of the frame rail. If a motor vehicle has a bumper, 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 provisions of this subsection do not apply to motor vehicles with a gross vehicle weight rating in excess of 10,000 pounds. For the purpose of this subsection, the term "gross vehicle weight ratings" means the manufacturer's gross vehicle weight ratings established for that vehicle.

(b) 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: provided, that the maximum distance limitation shall not prohibit a body lift kit up to three inches to be added to the manufacturer's original spacer between the body and the frame. No vehicle shall be modified

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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 may be disconnected to defeat the safe operation of the suspension system. Modification of the front end suspension by the use of lift blocks is expressly prohibited.

(c) Nothing contained in this section prevents the installation of heavy duty equipment, including shock absorbers and overload springs.

(d) 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.

(e) This section does not apply to specially designed or modified motor vehicles when operated off the public streets and highways in races and similar events. Such motor vehicles may be lawfully towed on the streets and highways of this Municipality.

(f) Modifications to motor vehicles, not prohibited herein, shall be made subject to inspection as provided in subsection (h) hereof.

(g) Nothing contained in this section shall subject a vehicle modified solely by the installation of tires not larger than two sizes beyond the maximum specified by the manufacturer to inspection as provided in subsection hereof.

(h) Any motor vehicle which has been altered from the manufacturer's specification with respect to bumper height for that vehicle make and model but within the allowable limits of subsection (a) hereof or any motor vehicle which has been altered from the manufacturer's specification for that vehicle make and model with respect to the distance from the vehicle body to vehicle frame but within the allowable limits of subsection (b) hereof may be operated upon a public street or highway in this Municipality, subject to inspection under West Virginia Code 17C-15-48: provided, that any motor vehicle which has been altered from the manufacturer's specification by lowering the bumper height for that vehicle make and model within the allowable limits of subsection (a) hereof shall be exempt from the inspection requirements hereunder and may be operated upon a public street or highway in this Municipality subject to provisions of West Virginia Code Chapter 17C-16. Each municipal law-enforcement agency must record on accident report forms whether a modified vehicle was involved in the accident.

(WVaC 17C-15-48)

345.34 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

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to haul animals, unmarked law enforcement vehicles primarily used for covert or undercover enforcement and automobiles that have sun-screening devices installed at the factory by the manufacturer 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 section; or

(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

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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.

(h) 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 reflectants" 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 offroad 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.

(WVaC 17C-15-36a)

345.35 OPERATION OF VEHICLES WITH SAFETY BELTS.

(a) A person may 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

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motor vehicle safety standards. For the purposes of this section, the term "passenger vehicle" means a motor vehicle which is designed for transporting fifteen passengers or less, including the driver, except that the 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 January 1, 1967, and being 1968 models and newer.

(b) The required use of safety belts as provided in this section 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 the safety belt if the condition is duly certified by a physician who states the nature of the disability as well as the reason such restraint is inappropriate.

(c) Any person who violates the provisions of this section shall be fined twenty-five dollars ($25.00). No court costs or other fees may be assessed for a violation of this section.

(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) This section does not abrogate or alter the provisions of Section 345.31 relating to the mandatory use of child passenger safety devices.

(WVaC 17C-15-49)

345.99 PENALTY.

(a) General Article Penalty. Unless otherwise provided for in this article, any person violating 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).

(b) Brakes. Any person violating Sections 345.19 or 345.20 shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than ten days, or both; upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars ($200.00) or imprisoned not more than twenty days, or both; and upon a third or subsequent conviction, shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both. (WVaC 17C-15-6)

(c) Sun screening Devices. Whoever violates Section 345.34 shall be fined not more than two hundred dollars ($200.00).

(WVaC 17C-15-36a)

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(d) Safety Belts. Any person who violates the provisions of Section 345.35 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.

(WVaC 17C-15-49)

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City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1054: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 349 Miscellaneous Rules as a result of adopted State Changes.

Proposed Motion: Approve the First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 5 Vehicular Operation, Article 349 Miscellaneous Rules.

ATTACHMENTS:
- Article 349.pdf

ARTICLE 349
Miscellaneous Rules

349.01 Unattended motor vehicle.

349.02 Backing a vehicle.

349.03 Drivers' view and control to be unobstructed by load or persons.

349.04 Passengers in seat with operator.

349.05 Passengers on running board.

349.06 Following authorized emergency vehicles.

349.061 Approaching Stationary ~~authorized emergency~~ vehicles.

349.07 Driving over fire hose.

349.08 Right of way of funeral or other procession.

349.09 Opening door of vehicle on traffic side.

349.10 Boarding or alighting from vehicle.

349.11 Unauthorized riding or jumping onto vehicles.

349.12 Squealing tires, cracking exhaust noises.

349.13 Taking, injuring or tampering with vehicle.

349.14 Driving upon sidewalk, street lawn or curb.

349.15 Shortcutting; avoiding traffic control devices.

349.16 Coasting prohibited.

349.17 Driving through safety zone.

349.18 Driving upon street posted as closed for repair.

349.19 Obstruction of traffic.

349.20 Vehicle security.

349.21 Littering from a motor vehicle.

349.22 All terrain vehicles prohibited.

349.23 Prohibited use of an electronic communication device.

349.24 Electronically distracted driving.

349.99 Penalty.

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CROSS REFERENCES

See sectional histories for similar State law

Obedience to traffic control devices - see TRAF. 313.01

349.01 UNATTENDED MOTOR VEHICLE.

No person driving or in charge of a motor vehicle shall permit it to stand unattended 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 curb or side of the street or highway.

(WVaC 17C-14-1)

349.02 BACKING A VEHICLE.

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.

(WVaC 17C-14-2)

349.03 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.

(WVaC 17C-14-4)

349.04 PASSENGERS IN SEAT WITH OPERATOR.

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.

(WVaC 17C-14-5)

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349.05 PASSENGERS ON RUNNING BOARD.

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.

(WVaC 17C-14-5)

349.06 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.

(WVaC 17C-14-9)

349.061 APPROACHING STATIONARY ~~AUTHORIZED EMERGENCY~~ VEHICLES.

The driver of any vehicle approaching a stationary ~~authorized emergency~~ vehicle, when the stationary ~~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, emergency flashers or hazard lights, flares or retroreflective warning sign, shall:

(a) Proceed with due caution, yield the right-of-way by making a lane change not adjacent to that of the stationary ~~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

(b) 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.

(WVaC 17C-14-9a)

349.07 DRIVING OVER FIRE HOSE.

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.

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(WVaC 17C-14-10)

349.08 RIGHT OF WAY OF FUNERAL OR OTHER PROCESSION.

(a) Definitions.

(1) "Funeral director" and "funeral establishment" have the same meaning as set forth in West Virginia Code 30-6-4.

(2) "Funeral procession" means two or more vehicles accompanying the body of a deceased person, or traveling to the church, chapel, cemetery, or other location at which the funeral service or final disposition is to be held, including a funeral lead vehicle or a funeral escort vehicle.

(3) "Funeral lead vehicle" means any authorized law enforcement or nonlaw-enforcement motor vehicle or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

(4) "Funeral escort" means a person or entity that provides escort services for funeral processions, including law-enforcement personnel and agencies.

(5) "Funeral escort vehicle" means any motor vehicle that escorts a funeral procession.

(b) Funeral Procession Right-Of-Way.

(1) Regardless of any traffic control device or right-of-way provisions prescribed by state or local ordinance, pedestrians and operators of all vehicles, except as stated in subsection (b)(3) of this section, shall yield the right-of-way to any vehicle which is part of a funeral procession being led by a funeral escort vehicle or a funeral lead vehicle.

(2) When the funeral lead vehicle lawfully enters an intersection, either by reason of a traffic control device or at the direction of law-enforcement personnel, the remaining vehicles in the funeral procession may follow through the intersection regardless of any traffic control devices or right-of-way provisions prescribed by state or local law.

(3) Funeral processions have the right-of-way at intersections regardless of traffic control devices subject to the following conditions and exceptions:

A. Operators of vehicles in a funeral procession shall yield the right-of-way to an approaching emergency vehicle giving an audible or visible signal;

B. Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a police officer; and

C. Operators of vehicles in a funeral procession must exercise due care when participating in a funeral procession.

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(c) Driving in Procession.

(1) All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe.

(2) Any ordinance, law or rule stating that motor vehicles shall be operated to allow sufficient space enabling any other vehicle to enter and occupy such space without danger is not applicable to vehicles in a funeral procession.

(d) Liability. Liability for any death, personal injury or property damage suffered on or after the first day of July, one thousand nine hundred ninety-nine, by any person in a funeral procession may not be imposed upon a funeral director or funeral establishment or their employees or agents unless the death, personal injury or property damage is proximately caused by the negligent or intentional act of a funeral director or funeral establishment or their employees or agents.

(e) Equipment. All nonlaw-enforcement funeral escort vehicles and funeral lead vehicles may be equipped with at least one lighted circulation flashing lamp exhibiting an amber or purple light or lens. Flashing amber or purple lights may be used when such vehicles are used in a funeral procession.

(WVaC Art. 17C-23)

349.09 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.

349.10 BOARDING OR ALIGHTING FROM VEHICLE.

No person shall board or alight from any vehicle while such vehicle is in motion.

349.11 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.

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349.12 SQUEALING TIRES, CRACKING EXHAUST NOISES.

No person shall unnecessarily race 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".

349.13 TAKING, INJURING OR TAMPERING WITH VEHICLE.

(a) No person shall drive a vehicle, not his or her own, without consent of the owner thereof, and with intent temporarily to deprive such owner of his or her 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.

(WVaC 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.

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.

(WVaC 17A-8-6)

349.14 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.

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349.15 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.

(a) No person shall operate a motor vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.

(b) No person shall operate a motor vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.

(c) It shall be prima-facie evidence of a violation of this section for the operator of a motor vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.

349.16 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.

349.17 DRIVING THROUGH SAFETY ZONE.

No operator of a vehicle shall drive the same over or through a safety zone.

349.18 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, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

349.19 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. (Ord. 2024-003. Passed 3-18-24.)

349.20 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

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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.

349.21 LITTERING FROM A MOTOR VEHICLE.

(a) It is unlawful for any driver or passenger of a motor vehicle or other conveyance to place, deposit, dump, throw or cause to be placed, deposited, dumped or thrown, any litter from a motor vehicle or other conveyance in or upon any public or private highway, road, street or alley; any private property; any public property; or the waters of the State or within one hundred feet of the waters of this State, except in a proper litter or other solid waste receptacle.

(b) For purposes of this section, "litter" means all waste material including, but not limited to, any garbage, refuse, trash, disposable package, container, can, bottle, paper, ashes, cigarette or cigar butt, carcass of any dead animal or any part thereof, or any other offensive or unsightly matter, but not including the wastes of primary processes of mining, logging, sawmilling, farming or manufacturing.

(c) When there is more than one occupant in a motor vehicle or other conveyance and it can not be determined which occupant is responsible for violating this section, the driver shall be presumed to be responsible for the violation.

(WVaC 17C-14-14)

349.22 ALL TERRAIN VEHICLES PROHIBITED.

(a) Definitions. For purposes of this section an "all terrain vehicle" ("ATV") shall mean any motor vehicle designed for off-highway use and designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(b) Prohibition. It shall be unlawful for any person to operate an all-terrain vehicle ("ATV"), upon any street or sidewalk or alleyway in Charles Town.

(c) Exceptions. Exceptions may be granted by the Charles Town Police Department or the City of Charles Town via Special Activities Permits or maintenance contracts with the City.

EDITOR'S NOTE: The penalty provisions of Section 349.99 apply, providing for first offense one hundred dollar ($100.00) fine, second offense in same year two hundred dollars ($200.00), and subsequent offense five hundred dollar ($500.00) fine.

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349.23 PROHIBITED USE OF AN ELECTRONIC COMMUNICATIONS DEVICE.

(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" means 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, 2-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.

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(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 eletronic device by 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 West Virginia Code 17B-2-3a, or any more restrictive provisions for drivers of commercial motor vehicles prescribed by the provisions of West Virginia Code 17E-1-1 et seq. or federal law or rule.

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(e) 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.

(WVaC 17C-14-15)

349.24 ELECTRONICALLY DISTRACTED DRIVING.

(a) Definitions. As used in this section:

(1) "Smartwatch" means a wearable computer that provides a local touchscreen for daily use, associated with applications, and connected to a cellular or Wi-Fi network;

(2) "Stand-alone electronic device" means a portable device other than a wireless telecommunications device which stores audio or video data files to be retrieved on demand by a user;

(3) "Utility services" means and includes electric, natural gas, water, wastewater, cable, telephone or telecommunications services, or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights-of-way or associated infrastructure;

(4) "Wireless telecommunications device" means one of the following portable devices:

A. A cellular telephone;

B. A portable telephone;

C. A text-messaging device;

D. A personal digital assistant;

E. A stand-alone computer including, but not limited to, a tablet, laptop or notebook computer;

F. A handheld global positioning system receiver;

G. A device capable of displaying a video, movie, broadcast television image or visual image;

H. Any substantially similar portable wireless device that is used to initiate or receive communication, information or data;

I. "Wireless telecommunications device" does not include a smartwatch, any type of radio including but not limited to, radios used by first responders or school bus operators; citizens band radio or radio hybrid; commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device; prescribed

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medical device; amateur or ham radio device, or any built-in vehicle equipment for security, navigation, communications or remote diagnostics; and

(5) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use a wireless telecommunications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(b) The driver of a school bus shall not use or operate a wireless telecommunications device or two-way radio while loading or unloading passengers.

(c) The driver of a school bus shall not use or operate a wireless telecommunications device while the bus is in motion nor while stationary in traffic nor at a traffic control signal, unless that device is being used in a similar manner as a two-way radio to allow live communication between the driver and school officials or public safety officials.

(d) A driver shall exercise due care in operating a motor vehicle on the highways of this state and shall not engage in any actions involving any stand-alone electronic device or wireless telecommunications device that distracts such driver from the safe operation of the vehicle.

(e) While operating a motor vehicle on any street, highway, or property open to the public for vehicular traffic in this state, no driver may:

(1) Physically hold or support, with any part of his or her body, a wireless communication device or stand-alone electronic device: provided, that such prohibition shall not apply to the wearing of a smartwatch;

(2) Write, send or read any text-based communication including, but not limited to, a text message, instant message, e-mail, or social media interaction on a wireless telecommunications device or stand-alone electronic device: provided, that such prohibition shall not apply to a voice-operated or hands-free communication feature which is automatically converted by such device to be sent as a message in a written form;

(3) Make any communication involving a wireless telecommunications device, including a phone call, voice message, or one-way voice communication: provided, that, such prohibition shall not apply to a voice operated or hands-free communication feature or function;

(4) Engage in any form of electronic data retrieval or electronic data communication on a wireless telecommunications device or stand-alone electronic device;

(5) Manually enter letters, numbers or symbols into any website, search engine, or application on a wireless telecommunications device or stand-alone electronic device;

(6) Watch a video or movie on a wireless telecommunications device or standalone electronic device other than watching data related to the navigation of such vehicle;

(7) Record, post, send, or broadcast video, including a video conference on a wireless telecommunications device or stand-alone electronic device: provided, that such prohibition

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does not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle; or

(8) Actively play any game on a wireless telecommunications device or stand-alone electronic device.

(f) While operating a commercial motor vehicle on any highway of this state, no driver may:

(1) Use more than a single button on a wireless telecommunications device to initiate or terminate a voice communication; or

(2) Reach for a wireless telecommunications device or stand-alone electronic device in such a manner that requires the driver to:

A. No longer be in a seated driving position; or

B. No longer be properly restrained by a safety belt.

(g) Each violation of this section shall constitute a separate offense.

(h) It is a misdemeanor for any driver to violate any of the provisions of this section. Every driver convicted of a misdemeanor for a violation of any of the provisions of this section shall be punished as follows:

(1) For a first conviction with no prior conviction of and no plea of no contest accepted to a charge of violating this section within the previous 24-month period, as measured from the date of any prior conviction or plea, a fine of not more than one hundred dollars ($100.00);

(2) For a second conviction within a 24-month period, as measured from the date of any prior conviction or plea, a fine of not more than two hundred dollars ($200.00);

(3) For a third or subsequent conviction within a 24-month period, as measured from the date of any prior conviction or plea:

A. A fine of not more than three hundred fifty dollars ($350.00);

B. Three points on the driver's record maintained by the Division of Motor Vehicles; and

C. At the court's discretion, suspension of the driver's license for a period of ninety days;

(4) Any driver who causes physical harm to property as the proximate result of committing a violation of this section is guilty of a misdemeanor punishable up to thirty days in jail or a fine not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00);

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(5) Any driver who causes serious physical harm to another person as the proximate result of committing a violation of this section shall be punished in accordance with West Virginia Code 17C-14-15(h)(5).

(6) Any driver who causes the death of another as the proximate result of committing a violation of this section is guilty of negligent homicide and shall be punished in accordance with West Virginia Code 17C-5-1.

(i) 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.

(j) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law-enforcement agency.

(k) 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.

(l) This section shall not apply to:

(1) Drivers reporting to state, county, or local authorities a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or a road condition that causes an immediate and serious traffic or safety hazard;

(2) An employee or contractor of a utility services provider acting within the scope of his or her employment while responding to a utility emergency;

(3) A driver operating a commercial vehicle while using a mobile data terminal that transmits and receives data;

(4) A law-enforcement officer, firefighter, emergency medical services personnel, ambulance driver, or other similarly employed public safety first responder during the performance of his or her official duties; or

(5) While in a motor vehicle that is lawfully parked.

(m) This section does not supersede the provisions of West Virginia Code 17B-2-3a or any more restrictive provisions for drivers of commercial motor vehicles prescribed either by the provisions of West Virginia Code 17E-1-1 et seq. or by federal law or rule.

(WVaC 17C-14-15)

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349.99 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) (1) Any person who violates Section 349.061 shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both fined and imprisoned.

(2) If violation of Section 349.061 results in property damage in addition to any other penalty imposed, driving privileges of the persons causing the property damage shall be suspended for ninety days.

(3) If violation of Section 349.061 results in injury to another person in addition to any other penalty imposed, the driving privileges of the person causing the injury shall be suspended for six months.

(4) If violation of Section 349.061 results in the death of another person in addition to any other penalty imposed, the driving privileges of the person causing the death shall be suspended for two years.

(5) Any person who violates Section 349.061 and while doing so also violates Section 333.01 shall be prosecuted under appropriate State law.

(WVaC 17C-14-9a)

(c) Taking, Injuring or Tampering With Vehicle. Whoever violates Section 349.13 shall, for a first offense, be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both.

(WVaC 17A-11-1)

(d) Vehicle Security. Whoever violates Section 349.20 shall be fined not less than two hundred dollars ($200.00) or more than five thousand dollars ($5,000) or imprisoned not more than thirty days, or both.

(WVaC 17D-2A-9)

(e) Electronic Communication Devices.

(1) Any person who violates the provisions of Section 349.23 is guilty of a traffic offense and, shall for a first offense be fined one hundred dollars ($100.00); for a second offense be fined two hundred dollars ($200.00): and for a third or subsequent offense be fined three hundred dollars ($300.00). No court costs or other fees shall be assessed for a violation of Section 349.23.

(2) 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

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a violation of Section 349.23, 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.

(3) 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 and as a primary offense as of July 1, 2013 for purposes of citation.

(4) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law enforcement agency.

(WVaC 17C-14-15)

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City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1055: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 7 Parking, Article 361 Parking Generally as a result of adopted State Changes.

Proposed Motion: Approve the First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Three Traffic Code, Chapter 7 Parking, Article 361 Parking Generally.

ATTACHMENTS:

- Article 361 Redline.pdf
- Article 361 Clean Draft.pdf

ARTICLE 361
Parking Generally

361.01 DEFINITIONS.

For the purposes of this article, the words or terms defined in this article have the meanings ascribed to them:

(a) Commercial vehicle shall mean any motor vehicle, truck, bus, tractor-trailer, or other tandem vehicle licensed or used for the transportation of property and/or people, delivery of goods, wares, merchandise or any other commercial-related service upon any street of the City.

(b) Recreational vehicle shall mean any motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.

(Ord. 2021-007. Passed 10-12-21.)

361.02 STOPPING, STANDING, OR PARKING ON STREETS AND HIGHWAYS.

In addition to those prohibitions cited in WV Code 17C-13 & 14 the following sections apply:

(a) Parking for Certain Purposes Prohibited. No person shall park any vehicle upon any street within the Municipality for the principal purpose of:

(1) Displaying such vehicle for sale.

(2) Displaying advertising.

(3) Washing, greasing or repairing such vehicle, except repairs made necessary by an emergency.

(4) Relieving the crowded condition of any parking lot, automobile sales lot, repair garage, or automobile rental lot.

(b) Loading and Unloading Zones. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivering or pickup and loading of materials in any place marked as a loading and unloading zone during the hours of 8:00 a.m. and 5:00 p.m., on all weekdays, except legal holidays as specified in West Virginia Code §2-2-1, official acts or court proceedings and as revised, amended or modified from time to time by the State Legislature. One additional holiday will be recognized for City Election Day. In no case shall the stop for loading and unloading of materials exceed fifteen (15) minutes.

(c) Bus Stops.

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(1) No person shall stop, stand or park a vehicle other than a bus in a bus stop when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually, engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zone, and then only for a period not to exceed three (3) minutes if such stopping is not prohibited therein by posted signs.

(2) The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(3) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) Painted Curbs or Streets. No person shall park a vehicle where signs explicitly prohibit stopping, standing, or parking or where the curbing or street is painted yellow or red.

(e) Posted Signs. No person shall park a vehicle at any place in excess of the maximum time limited by signs. The vehicle must completely vacate the space after the time limit or will be cited for a violation.

(f) Parking in Alleys and Narrow Streets. No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal. Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed thirty (30) minutes.

(g) Parking Between Sidewalk and Curb. When a portion of any street is paved no person shall park any vehicle between the sidewalk and curb or drive such vehicle between the sidewalk and curb.

(h) Parking of Commercial and Recreational Vehicles.

(1) No person shall park any commercial or recreational vehicle as defined in this article on any street of the City except for the purpose of loading or unloading, and then only for the period of time which is spent in the actual loading or unloading of such vehicle.

(2) No person shall park, under the exception cited in Section 361.01(h)(l), any commercial or recreational vehicle on any street within the residential districts of the City between one (1) hour after sunset and one (1) hour before sunrise.

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(3) No person shall park the trailer of any tractor-trailer, the property-carrying unit of any tandem vehicle, or any utility trailer upon any street in the City unless the same is fully connected to the tractor or other regular propelling unit so that the same can be immediately moved when required.

(Ord. 2021-007. Passed 10-12-21.)

361.03 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the records of the Department of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked was so parked by the defendant. A certified copy of registration from the Department of Motor Vehicles shall be proof of such ownership.

(Ord. 2021-007. Passed 10-12-21.)

361.04 PARKING TIME LIMIT.

(a) No person shall leave any vehicle continuously parked on any street, road, highway, thoroughfare, alley, or municipal parking lot within the Charles Town parking district (including all parking zones established therein), as specified in Sections 365.01 and 365.02, with or without a valid parking permit, for a period of more than seventy-two (72) consecutive hours. Violation of this subsection (a) shall subject the vehicle to fines and impoundment at the owner's expense pursuant to Section 303.07(1).

(b) No person shall leave any vehicle continuously parked on any street, road, highway, thoroughfare, alley, any other City property or right-a-way within the Charles Town city limits but outside the Charles Town parking district, with or without a valid parking permit, for a period of more than five (5) consecutive days. Any vehicle parked in violation of this subsection (b) for a period of more than five (5) consecutive days shall be deemed and considered an "abandoned motor vehicle," as such term is defined in West Virginia Code Section 17-24A-1(3), for the purposes of Section 303.07(b) and West Virginia Code Section 17-24A-3 and shall be subject to fines and impoundment at the owner's expense pursuant to such provisions.

(c) In the event any police officer observes, or any member of the public certifies to a police officer, that a vehicle appears to have been parked in violation of either of subsection (a) or (b) above, the police officer shall place upon the vehicle a written notice that: (i) the vehicle is believed to have been parked in violation of the relevant subsection, as specified; (ii) that the vehicle is subject to impoundment if not moved within the period of the next consecutive seventy-two (72) hours, in the case of an apparent violation of subsection (a), or the next consecutive one hundred twenty hours (120), in the case of an apparent

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violation of subsection (b); and (iii) the owner or operator of the vehicle should contact the Charles Town Police Department prior to expiration of the specified period for moving the vehicle. Failure of the owner or operator to move the vehicle prior to expiration of the specified period may result in its impoundment.

(d) Exceptions to this section; to facilitate demolition, construction, repair, or similar operations, must be requested in writing not less than seven (7) days prior to the start of the requested exception period. The approval authority for the aforementioned exception shall be both the City Manager or designated representative and the Charles Town Police Chief or designated representative. The maximum time period for an approved exception to this section is seven (7) days, which may be renewed at the discretion of the approval authority. Exception requests under this section that include paid parking spaces will be subject to parking rates per Article 365.03.

(Ord. 2021-007. Passed 10-12-21.)

361.05 TEMPORARY NO PARKING ZONES.

(a) No person shall stop, stand, park or leave any vehicle in a designated temporary or emergency no parking zone.

(b) Temporary No Parking Zones may be established for special events, parades, or planned construction. These zones will be posted by employees of the City of Charles Town, no less than twenty-four (24) hours prior to the parking restriction taking effect. Signs noticing the No Parking Zone will display the dates and times that the No Parking Zone will be in effect. Any vehicle in violation of this section will be subject to impoundment at the vehicle owner's expense.

(c) Emergency No Parking Zones may be established for public safety, emergency repairs, or disaster recovery efforts without prior notice. Any vehicle in these zones may be subject to towing or impoundment as required.

(Ord. 2021-007. Passed 10-12-21.)

361.06 SEVERABILITY.

The provisions of this article shall be liberally construed to accomplish its objective and purposes. If any provision of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable.

(Ord. 2021-007. Passed 10-12-21.)

361.07 ACCESSIBLE PARKING.

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(a) As used in this section, the following terms have the meanings ascribed to them in this subsection:

(1) A person or applicant with a "mobility impairment" means a person who is a citizen of West Virginia and as determined by a physician, allopath or osteopath chiropractor, advanced nurse practitioner or physician's assistant licensed to practice in West Virginia:

A. Cannot walk two hundred feet without stopping to rest;

B. Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device or another person;

C. Is restricted by lung disease to such an extent that the person's force (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

D. Uses portable oxygen;

E. Has a cardiac condition to such an extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards established by the American heart association; or

F. Is severely limited in his or her ability to walk because of an arthritic, neurological, or other orthopedic ~~physical~~ condition.

(2) "Special registration plate" means a registration plate that displays the international symbol of access, as adopted by the Rehabilitation International Organization in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled, in a color that contrasts with the background, in letters and numbers the same size as those on the plate, and which may be used in lieu of a regular registration plate;

(3) "Removable windshield placard" (permanent or temporary) means a two-sided, hanger style placard measuring three inches by nine and one half inches, with all of the following on each side:

A. The international symbol of access, measuring at least three inches in height, centered on the placard, in white on a blue background for permanent designations and in white on a red background for temporary designations;

B. An identification number measuring one inch in height;

C. An expiration date in numbers measuring one inch in height for a temporary placard; and

D. The seal or other identifying symbol of the issuing authority.

(4) "Regular registration fee" means the standard registration fee for a vehicle of the same class as the applicant's vehicle;

(5) "Public entity" means state or local government or any department, agency, special purpose district or other instrumentality of a state or local government.

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(6) "Public facility" means all or any part of any buildings, structures, sites, complexes, roads, parking lots or other real or personal property, including the site where the facility is located.

(7) "Place(s) of public accommodation" means a facility or facilities operated by a private entity whose operations affect commerce and fall within at least one of the following categories:

A. Inns, hotels, motels and other places of lodging;

B. Restaurants, bars or other establishments serving food or drink;

C. Motion picture houses, theaters, concert halls, stadiums or other places of exhibition or entertainment;

D. Auditoriums, convention centers, lecture halls or other places of public gatherings;

E. Bakeries, grocery stores, clothing stores, hardware stores, shopping centers or other sales or rental establishments;

F. Laundromats, dry cleaners, banks, barber and beauty shops, travel agencies, shoe repair shops, funeral parlors, gas or service stations, offices of accountants and attorneys, pharmacies, insurance offices, offices of professional health care providers, hospitals or other service establishments;

G. Terminals, depots or other stations used for public transportation;

H. Museums, libraries, galleries or other places of public display or collection;

I. Parks, zoos, amusement parks or other places of recreation;

J. Public or private nursery, elementary, secondary, undergraduate or post-graduate schools or other places of learning and day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies or other social service establishments; and

K. Gymnasiums, health spas, bowling alleys, golf courses or other places of exercise or recreation.

(8) "Commercial facility" means a facility whose operations affect commerce and which are intended for nonresidential use by a private entity.

(9) "Accessible parking" formerly known as "handicapped parking" is the present phrase consistent with language within the American with Disabilities Act (ADA).

(10) "Parking enforcement personnel" includes any law enforcement officer as defined by West Virginia Code 30-29-1, and private security guards, parking personnel and other personnel authorized by a city, county or the state to issue parking citations.

(b) An accessible parking space should comply with the provisions of the Americans with Disabilities Act accessibility guidelines, contained in 28 C.F.R. 36, Appendix A, Section 4.6. In particular, the parking space should be a minimum of eight feet wide with an

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adjacent eight-foot access aisle for vans having side mounted hydraulic lifts or ramps or a five-foot access aisle for standard vehicles. Access aisles should be marked using diagonal two- to four-inch-wide stripes spaced every twelve or twenty-four inches apart along with the words "no parking" in painted letters which are at least twelve inches in height. All accessible parking spaces mustshould have a signpost in front or adjacent to the accessible parking space displaying the international symbol of access sign mounted at a minimum of eight feet above the pavement or sidewalk and the top of the sign. Lines or markings on the pavement or curbs for parking spaces and access aisles may be in any color, although blue is the generally accepted color for accessible parking.

(c) A vehicle displaying a disabled veterans special registration plate issued pursuant to West Virginia Code 17A-3-14(c)(6) shall be recognized and accepted as meeting the requirements of this section.

(d) Notwithstanding any provision of law to the contrary, any person who is a disabled veteran from the United States Armed Forces or who was awarded the Purple Heart, may park at any metered parking space in any municipality in this state without being required to deposit any sum of coins or currency into the meter: Provided, That an appropriate designation must appear on the person's registration plate under the provisions of §17A-3-14 demonstrating that the person is a disabled veteran or was awarded the Purple Heart.

(ed) A vehicle from any other state, United States territory or foreign country displaying an officially issued special registration plate, placard or decal bearing the international symbol of access shall be recognized and accepted as meeting the requirements of this section, regardless of where the plate, placard or decal is mounted or displayed on the vehicle.

(fe) Stopping, standing or parking places marked with the international symbol of access shall be designated in close proximity to all public entities including state, county and municipal buildings and facilities, places of public accommodation and commercial facilities. These parking places shall be reserved solely for persons with a mobility impairment and disabled veterans at all times.

(gf) Any person whose vehicle properly displays a valid, unexpired special registration plate or removable windshield placard may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted: Provided, that this privilege does not mean that the vehicle may park in any zone where stopping, standing or parking is prohibited or which creates parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard. To the extent any provision of any ordinance of any political subdivision of this State is contrary to the provisions of this section, the provisions of this section take precedence and apply.

The parking privileges provided for in this subsection apply only during those times when the vehicle is being used for the loading or unloading of a person with a mobility impairment. Any person who knowingly exercises, or attempts to exercise, these privileges

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at a time when the vehicle is not being used for the loading or unloading of a person with a mobility impairment is guilty of a misdemeanor and, upon first conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined two hundred dollars ($200.00); upon second conviction thereof, in addition to any other penalty, he or she may otherwise incur, shall be fined three hundred dollars ($300.00); and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars ($500.00).

(hg) Any person whose vehicle does not display a valid, special registration plate or removable windshield placard may not stop, stand or park a motor vehicle in an area designated, zoned or marked for accessible parking with signs or instructions displaying the international symbol of access, either by itself or with explanatory text. The signs may be mounted on a post or a wall in front of the accessible parking space and instructions may appear on the ground or pavement, but use of both methods is preferred. Accessible parking spaces for vans having an eight-foot adjacent access aisle should be designated as "van accessible" but may be used by any vehicle displaying a valid special registration plate or removable windshield placard.

Any person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined two hundred dollars ($200.00); upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined three hundred dollars ($300.00); and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars ($500.00).

(ih) All signs that designate areas as "accessible parking" or that display the international symbol of access shall also include the words "Up to $500 fine".

(ji) No person may stop, stand or park a motor vehicle in an area designated or marked off as an access aisle adjacent to a van-accessible parking space or regular accessible parking space. Any person, including a driver of a vehicle displaying a valid removable windshield placard or special registration plate, who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined two hundred dollars ($200.00); upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined three hundred dollars ($300.00); and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars ($500.00).

(kj) Parking enforcement personnel who otherwise enforce parking violations may issue citations for violations of this section and shall reference the number on the vehicle's license plate, since the driver normally will not be present.

~~(k) Law-enforcement agencies may establish a program to use trained volunteers to collect information necessary to issue citations to persons who illegally park in designated accessible parking spaces. Any law-enforcement agency choosing to establish a program shall provide for workers' compensation and liability coverage. The volunteers shall photograph the illegally parked vehicle and complete a form, to be developed by supervising law-enforcement agencies, that includes the vehicle's license plate number,~~

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~~date, time and location of the illegally parked vehicle. The photographs must show the vehicle in the accessible space and a readable view of the license plate. Within the discretion of the supervising law-enforcement agency, the volunteers may issue citations or the volunteers may submit the photographs of the illegally parked vehicle and the form to the supervising law-enforcement agency, who may issue a citation, which includes the photographs and the form, to the owner of the illegally parked vehicle. Volunteers shall be trained on the requirements for citations for vehicles parked in marked, zoned or designated accessible parking areas by the supervising law-enforcement agency.~~

~~(l) Local authorities who adopt the basic enforcement provisions of this section and issue their own local ordinances shall retain all fines and associated late fees. These revenues shall be used first to fund the provisions of subsection (k) of this section, if adopted by local authorities, or otherwise shall go into the local authorities' General Revenue Fund. Otherwise, any moneys collected as fines shall be collected for and remitted to the state.~~

(l) A person may not be required to pay for parking a vehicle in an accessible parking space with a parking meter if the following requirements are met:

(1) The vehicle displays a special registration plate or placard that entitles the person to park in an accessible parking space pursuant to this section;

(2) The driver has a mobility impairment and is unable to walk;

(3) The parking meter is not accessible to the driver while sitting in a wheelchair or without traveling more than 30 feet from the parked vehicle; and

(4)The parked vehicle displays an unexpired parking certification that is plainly visible with pertinent information through its windshield. For purposes of this subsection, "parking certification" means a letter completed by a licensed medical provider on the provider's letterhead that is titled "Parking Certification pursuant to W.Va. Code §17C-13-6(s)" and that certifies that the person is physically able to drive but unable to walk, which means for purposes of this subsection that the person cannot ambulate without the aid of a wheelchair. Such letter shall specify whether the inability to walk is permanent or temporary. If the inability to walk is temporary, the letter shall include the date on which such temporary disability is anticipated to end, and the letter may not be displayed in a windshield after such date. By displaying a parking certification in the windshield of a vehicle that is parked in an accessible parking space with an expired parking meter, the person is swearing under penalty of false swearing that he or she is unable to access the parking meter without unreasonable effort.

~~(WVaC 17C-13-6)~~

361.99 PENALTIES AND APPEALS.

(a) General Article Penalty. Whoever violates any provision of this article shall be assessed fines and penalties. according to the following:

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(1) The following violations will result in a fine of ten dollars ($10.00) if paid within five (5) days; if paid after five (5) days but before thirty (30) days an additional twenty dollars ($20.00) penalty will apply for a total fine amount of thirty dollars ($30.00); if paid after thirty (30) days an additional thirty dollars ($30.00) penalty will apply for a total fine and penalty amount of sixty dollars ($60.00):

A. Expired meter;

B. Failure to display a valid parking permit or pay via an applicable mobile pay app at the Liberty Street Parking Lot;

C. Parking permit violation;

D. Exceeding the two (2) hour free parking;

E. Improper manner of parking;

F. Exceeding time in a ten minute take away parking space.

(2) Accessible parking violations (WV Code 17C-13-6): first conviction is two hundred dollars ($200.00); second conviction is three hundred dollars ($300.00); and subsequent convictions are five hundred dollars ($500.00).

(3) Violation of Section 361.04(a) is sixty dollars ($60.00).

(4) Abandoned or junked motor vehicles: not more than five hundred dollars ($500.00) or imprisonment of not more than thirty (30) days, or both.

(5) Other violations not otherwise listed in this section will result in a fine of sixty dollars ($60.00).

(b) To appeal a ticket, a person must notify the Charles Town Municipal Court within five (5) calendar days of the date and time the parking ticket was originally issued. At the time an appeal is made, the required fines and/or penalties will be fixed until a resolution is reached by a municipal judge. If the ticket is upheld as valid, the owner/operator will satisfy the fixed cost of the citation and may be subject to additional court costs.

(Ord. 2021-007. Passed 10-12-21.)

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ARTICLE 361
Parking Generally

361.01 DEFINITIONS.

For the purposes of this article, the words or terms defined in this article have the meanings ascribed to them:

(a) Commercial vehicle shall mean any motor vehicle, truck, bus, tractor-trailer, or other tandem vehicle licensed or used for the transportation of property and/or people, delivery of goods, wares, merchandise or any other commercial-related service upon any street of the City.

(b) Recreational vehicle shall mean any motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.

(Ord. 2021-007. Passed 10-12-21.)

361.02 STOPPING, STANDING, OR PARKING ON STREETS AND HIGHWAYS.

In addition to those prohibitions cited in WV Code 17C-13 & 14 the following sections apply:

(a) Parking for Certain Purposes Prohibited. No person shall park any vehicle upon any street within the Municipality for the principal purpose of:

(1) Displaying such vehicle for sale.

(2) Displaying advertising.

(3) Washing, greasing or repairing such vehicle, except repairs made necessary by an emergency.

(4) Relieving the crowded condition of any parking lot, automobile sales lot, repair garage, or automobile rental lot.

(b) Loading and Unloading Zones. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivering or pickup and loading of materials in any place marked as a loading and unloading zone during the hours of 8:00 a.m. and 5:00 p.m., on all weekdays, except legal holidays as specified in West Virginia Code §2-2-1, official acts or court proceedings and as revised, amended or modified from time to time by the State Legislature. One additional holiday will be recognized for City Election Day. In no case shall the stop for loading and unloading of materials exceed fifteen (15) minutes.

(c) Bus Stops.

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(1) No person shall stop, stand or park a vehicle other than a bus in a bus stop when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually, engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zone, and then only for a period not to exceed three (3) minutes if such stopping is not prohibited therein by posted signs.

(2) The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(3) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) Painted Curbs or Streets. No person shall park a vehicle where signs explicitly prohibit stopping, standing, or parking or where the curbing or street is painted yellow or red.

(e) Posted Signs. No person shall park a vehicle at any place in excess of the maximum time limited by signs. The vehicle must completely vacate the space after the time limit or will be cited for a violation.

(f) Parking in Alleys and Narrow Streets. No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal. Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed thirty (30) minutes.

(g) Parking Between Sidewalk and Curb. When a portion of any street is paved no person shall park any vehicle between the sidewalk and curb or drive such vehicle between the sidewalk and curb.

(h) Parking of Commercial and Recreational Vehicles.

(1) No person shall park any commercial or recreational vehicle as defined in this article on any street of the City except for the purpose of loading or unloading, and then only for the period of time which is spent in the actual loading or unloading of such vehicle.

(2) No person shall park, under the exception cited in Section 361.01(h)(l), any commercial or recreational vehicle on any street within the residential districts of the City between one (1) hour after sunset and one (1) hour before sunrise.

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(3) No person shall park the trailer of any tractor-trailer, the property-carrying unit of any tandem vehicle, or any utility trailer upon any street in the City unless the same is fully connected to the tractor or other regular propelling unit so that the same can be immediately moved when required.

(Ord. 2021-007. Passed 10-12-21.)

361.03 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the records of the Department of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked was so parked by the defendant. A certified copy of registration from the Department of Motor Vehicles shall be proof of such ownership.

(Ord. 2021-007. Passed 10-12-21.)

361.04 PARKING TIME LIMIT.

(a) No person shall leave any vehicle continuously parked on any street, road, highway, thoroughfare, alley, or municipal parking lot within the Charles Town parking district (including all parking zones established therein), as specified in Sections 365.01 and 365.02, with or without a valid parking permit, for a period of more than seventy-two (72) consecutive hours. Violation of this subsection (a) shall subject the vehicle to fines and impoundment at the owner's expense pursuant to Section 303.07(1).

(b) No person shall leave any vehicle continuously parked on any street, road, highway, thoroughfare, alley, any other City property or right-a-way within the Charles Town city limits but outside the Charles Town parking district, with or without a valid parking permit, for a period of more than five (5) consecutive days. Any vehicle parked in violation of this subsection (b) for a period of more than five (5) consecutive days shall be deemed and considered an "abandoned motor vehicle," as such term is defined in West Virginia Code Section 17-24A-1(3), for the purposes of Section 303.07(b) and West Virginia Code Section 17-24A-3 and shall be subject to fines and impoundment at the owner's expense pursuant to such provisions.

(c) In the event any police officer observes, or any member of the public certifies to a police officer, that a vehicle appears to have been parked in violation of either of subsection (a) or (b) above, the police officer shall place upon the vehicle a written notice that: (i) the vehicle is believed to have been parked in violation of the relevant subsection, as specified; (ii) that the vehicle is subject to impoundment if not moved within the period of the next consecutive seventy-two (72) hours, in the case of an apparent violation of subsection (a), or the next consecutive one hundred twenty hours (120), in the case of an apparent

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violation of subsection (b); and (iii) the owner or operator of the vehicle should contact the Charles Town Police Department prior to expiration of the specified period for moving the vehicle. Failure of the owner or operator to move the vehicle prior to expiration of the specified period may result in its impoundment.

(d) Exceptions to this section; to facilitate demolition, construction, repair, or similar operations, must be requested in writing not less than seven (7) days prior to the start of the requested exception period. The approval authority for the aforementioned exception shall be both the City Manager or designated representative and the Charles Town Police Chief or designated representative. The maximum time period for an approved exception to this section is seven (7) days, which may be renewed at the discretion of the approval authority. Exception requests under this section that include paid parking spaces will be subject to parking rates per Article 365.03.

(Ord. 2021-007. Passed 10-12-21.)

361.05 TEMPORARY NO PARKING ZONES.

(a) No person shall stop, stand, park or leave any vehicle in a designated temporary or emergency no parking zone.

(b) Temporary No Parking Zones may be established for special events, parades, or planned construction. These zones will be posted by employees of the City of Charles Town, no less than twenty-four (24) hours prior to the parking restriction taking effect. Signs noticing the No Parking Zone will display the dates and times that the No Parking Zone will be in effect. Any vehicle in violation of this section will be subject to impoundment at the vehicle owner's expense.

(c) Emergency No Parking Zones may be established for public safety, emergency repairs, or disaster recovery efforts without prior notice. Any vehicle in these zones may be subject to towing or impoundment as required.

(Ord. 2021-007. Passed 10-12-21.)

361.06 SEVERABILITY.

The provisions of this article shall be liberally construed to accomplish its objective and purposes. If any provision of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable.

(Ord. 2021-007. Passed 10-12-21.)

361.07 ACCESSIBLE PARKING.

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(a) As used in this section, the following terms have the meanings ascribed to them in this subsection:

(1) A person or applicant with a "mobility impairment" means a person who is a citizen of West Virginia and as determined by a physician, allopath or osteopath chiropractor, advanced nurse practitioner or physician's assistant licensed to practice in West Virginia:

A. Cannot walk two hundred feet without stopping to rest;

B. Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device or another person;

C. Is restricted by lung disease to such an extent that the person's force (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

D. Uses portable oxygen;

E. Has a cardiac condition to such an extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards established by the American heart association; or

F. Is severely limited in his or her ability to walk because of an arthritic, neurological, or other orthopedic condition.

(2) "Special registration plate" means a registration plate that displays the international symbol of access, as adopted by the Rehabilitation International Organization in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled, in a color that contrasts with the background, in letters and numbers the same size as those on the plate, and which may be used in lieu of a regular registration plate;

(3) "Removable windshield placard" (permanent or temporary) means a two-sided, hanger style placard measuring three inches by nine and one half inches, with all of the following on each side:

A. The international symbol of access, measuring at least three inches in height, centered on the placard, in white on a blue background for permanent designations and in white on a red background for temporary designations;

B. An identification number measuring one inch in height;

C. An expiration date in numbers measuring one inch in height for a temporary placard; and

D. The seal or other identifying symbol of the issuing authority.

(4) "Regular registration fee" means the standard registration fee for a vehicle of the same class as the applicant's vehicle;

(5) "Public entity" means state or local government or any department, agency, special purpose district or other instrumentality of a state or local government.

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(6) "Public facility" means all or any part of any buildings, structures, sites, complexes, roads, parking lots or other real or personal property, including the site where the facility is located.

(7) "Place(s) of public accommodation" means a facility or facilities operated by a private entity whose operations affect commerce and fall within at least one of the following categories:

A. Inns, hotels, motels and other places of lodging;

B. Restaurants, bars or other establishments serving food or drink;

C. Motion picture houses, theaters, concert halls, stadiums or other places of exhibition or entertainment;

D. Auditoriums, convention centers, lecture halls or other places of public gatherings;

E. Bakeries, grocery stores, clothing stores, hardware stores, shopping centers or other sales or rental establishments;

F. Laundromats, dry cleaners, banks, barber and beauty shops, travel agencies, shoe repair shops, funeral parlors, gas or service stations, offices of accountants and attorneys, pharmacies, insurance offices, offices of professional health care providers, hospitals or other service establishments;

G. Terminals, depots or other stations used for public transportation;

H. Museums, libraries, galleries or other places of public display or collection;

I. Parks, zoos, amusement parks or other places of recreation;

J. Public or private nursery, elementary, secondary, undergraduate or post-graduate schools or other places of learning and day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies or other social service establishments; and

K. Gymnasiums, health spas, bowling alleys, golf courses or other places of exercise or recreation.

(8) "Commercial facility" means a facility whose operations affect commerce and which are intended for nonresidential use by a private entity.

(9) "Accessible parking" formerly known as "handicapped parking" is the present phrase consistent with language within the American with Disabilities Act (ADA).

(10) "Parking enforcement personnel" includes any law enforcement officer as defined by West Virginia Code 30-29-1, and private security guards, parking personnel and other personnel authorized by a city, county or the state to issue parking citations.

(b) An accessible parking space should comply with the provisions of the Americans with Disabilities Act accessibility guidelines, contained in 28 C.F.R. 36, Appendix A, Section 4.6. In particular, the parking space should be a minimum of eight feet wide with an

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adjacent eight-foot access aisle for vans having side mounted hydraulic lifts or ramps or a five-foot access aisle for standard vehicles. Access aisles should be marked using diagonal two- to four-inch-wide stripes spaced every twelve or twenty-four inches apart along with the words “no parking” in painted letters which are at least twelve inches in height. All accessible parking spaces must have a signpost in front or adjacent to the accessible parking space displaying the international symbol of access sign mounted at a minimum of eight feet above the pavement or sidewalk and the top of the sign. Lines or markings on the pavement or curbs for parking spaces and access aisles may be in any color, although blue is the generally accepted color for accessible parking.

(c) A vehicle displaying a disabled veterans special registration plate issued pursuant to West Virginia Code 17A-3-14(c)(6) shall be recognized and accepted as meeting the requirements of this section.

(d) Notwithstanding any provision of law to the contrary, any person who is a disabled veteran from the United States Armed Forces or who was awarded the Purple Heart, may park at any metered parking space in any municipality in this state without being required to deposit any sum of coins or currency into the meter: Provided, That an appropriate designation must appear on the person's registration plate under the provisions of §17A-3-14 demonstrating that the person is a disabled veteran or was awarded the Purple Heart.

(e) A vehicle from any other state, United States territory or foreign country displaying an officially issued special registration plate, placard or decal bearing the international symbol of access shall be recognized and accepted as meeting the requirements of this section, regardless of where the plate, placard or decal is mounted or displayed on the vehicle.

(f) Stopping, standing or parking places marked with the international symbol of access shall be designated in close proximity to all public entities including state, county and municipal buildings and facilities, places of public accommodation and commercial facilities. These parking places shall be reserved solely for persons with a mobility impairment and disabled veterans at all times.

(g) Any person whose vehicle properly displays a valid, unexpired special registration plate or removable windshield placard may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted: Provided, that this privilege does not mean that the vehicle may park in any zone where stopping, standing or parking is prohibited or which creates parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard. To the extent any provision of any ordinance of any political subdivision of this State is contrary to the provisions of this section, the provisions of this section take precedence and apply.

The parking privileges provided for in this subsection apply only during those times when the vehicle is being used for the loading or unloading of a person with a mobility impairment. Any person who knowingly exercises, or attempts to exercise, these privileges

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at a time when the vehicle is not being used for the loading or unloading of a person with a mobility impairment is guilty of a misdemeanor and, upon first conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined two hundred dollars ($200.00); upon second conviction thereof, in addition to any other penalty, he or she may otherwise incur, shall be fined three hundred dollars ($300.00); and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars ($500.00).

(h) Any person whose vehicle does not display a valid, special registration plate or removable windshield placard may not stop, stand or park a motor vehicle in an area designated, zoned or marked for accessible parking with signs or instructions displaying the international symbol of access, either by itself or with explanatory text. The signs may be mounted on a post or a wall in front of the accessible parking space and instructions may appear on the ground or pavement, but use of both methods is preferred. Accessible parking spaces for vans having an eight-foot adjacent access aisle should be designated as "van accessible" but may be used by any vehicle displaying a valid special registration plate or removable windshield placard.

Any person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined two hundred dollars ($200.00); upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined three hundred dollars ($300.00); and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars ($500.00).

(i) All signs that designate areas as "accessible parking" or that display the international symbol of access shall also include the words "Up to $500 fine".

(j) No person may stop, stand or park a motor vehicle in an area designated or marked off as an access aisle adjacent to a van-accessible parking space or regular accessible parking space. Any person, including a driver of a vehicle displaying a valid removable windshield placard or special registration plate, who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined two hundred dollars ($200.00); upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined three hundred dollars ($300.00); and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars ($500.00).

(k) Parking enforcement personnel who otherwise enforce parking violations may issue citations for violations of this section and shall reference the number on the vehicle's license plate, since the driver normally will not be present.

(l) A person may not be required to pay for parking a vehicle in an accessible parking space with a parking meter if the following requirements are met:

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(1) The vehicle displays a special registration plate or placard that entitles the person to park in an accessible parking space pursuant to this section;

(2) The driver has a mobility impairment and is unable to walk;

(3) The parking meter is not accessible to the driver while sitting in a wheelchair or without traveling more than 30 feet from the parked vehicle; and

(4)The parked vehicle displays an unexpired parking certification that is plainly visible with pertinent information through its windshield. For purposes of this subsection, "parking certification" means a letter completed by a licensed medical provider on the provider's letterhead that is titled "Parking Certification pursuant to W.Va. Code §17C-13-6(s)" and that certifies that the person is physically able to drive but unable to walk, which means for purposes of this subsection that the person cannot ambulate without the aid of a wheelchair. Such letter shall specify whether the inability to walk is permanent or temporary. If the inability to walk is temporary, the letter shall include the date on which such temporary disability is anticipated to end, and the letter may not be displayed in a windshield after such date. By displaying a parking certification in the windshield of a vehicle that is parked in an accessible parking space with an expired parking meter, the person is swearing under penalty of false swearing that he or she is unable to access the parking meter without unreasonable effort.

361.99 PENALTIES AND APPEALS.

(a) General Article Penalty. Whoever violates any provision of this article shall be assessed fines and penalties. according to the following:

(1) The following violations will result in a fine of ten dollars ($10.00) if paid within five (5) days; if paid after five (5) days but before thirty (30) days an additional twenty dollars ($20.00) penalty will apply for a total fine amount of thirty dollars ($30.00); if paid after thirty (30) days an additional thirty dollars ($30.00) penalty will apply for a total fine and penalty amount of sixty dollars ($60.00):

A. Expired meter;

B. Failure to display a valid parking permit or pay via an applicable mobile pay app at the Liberty Street Parking Lot;

C. Parking permit violation;

D. Exceeding the two (2) hour free parking;

E. Improper manner of parking;

F. Exceeding time in a ten minute take away parking space.

(2) Accessible parking violations (WV Code 17C-13-6): first conviction is two hundred dollars ($200.00); second conviction is three hundred dollars ($300.00); and subsequent convictions are five hundred dollars ($500.00).

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(3) Violation of Section 361.04(a) is sixty dollars ($60.00).

(4) Abandoned or junked motor vehicles: not more than five hundred dollars ($500.00) or imprisonment of not more than thirty (30) days, or both.

(5) Other violations not otherwise listed in this section will result in a fine of sixty dollars ($60.00).

(b) To appeal a ticket, a person must notify the Charles Town Municipal Court within five (5) calendar days of the date and time the parking ticket was originally issued. At the time an appeal is made, the required fines and/or penalties will be fixed until a resolution is reached by a municipal judge. If the ticket is upheld as valid, the owner/operator will satisfy the fixed cost of the citation and may be subject to additional court costs.

(Ord. 2021-007. Passed 10-12-21.)

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City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1056: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Five General Offenses Code, Article 501 Administration and Law Enforcement as a result of adopted State Changes.

Proposed Motion: Approve the First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Five General Offenses Code, Article 501 Administration and Law Enforcement.

ATTACHMENTS:
- Article 501.pdf

ARTICLE 501
Administration and Law Enforcement

501.01 Refusal to aid officer.

501.02 Obstructing or giving false information to an officer; fleeing.

501.03 False fire alarm. (Repealed)

501.04 False reports concerning bombs or other explosive devices.

501.05 Impersonating an official.

501.06 Attempts.

501.07 Citation in lieu of arrest; failure to appear.

501.08 Falsely reporting an emergency incident.

501.09 False report.

501.10 False alarms.

501.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Specific types of bribery - see W. Va. Code 3-1-1 et seq., 15-2-17 et seq., 18-2A-9, 61-10-15 and 61-10-22

Penalty not to exceed that provided in W. Va. Code Ch. 61 - see W. Va. Code 8-12-5(57)

Crimes against public justice - see W. Va. Code Art. 61-5

Bribery and corrupt practices generally - see W. Va. Code Art. 61-5A

Failure to comply with lawful order of police officer - see TRAF. 303.02

501.01 REFUSAL TO AID OFFICER.

No person shall, when required by the Police Chief or any other officer, refuse or neglect to assist him in the execution of his office in a criminal case, in the preservation of the peace or in the apprehension or securing of any person for a breach of the peace or in any case of escape or rescue.

(WVaC 61-5-14)

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501.02 OBSTRUCTING OR GIVING FALSE INFORMATION TO AN OFFICER; FLEEING.

(a) A person who by threats, menaces, acts or otherwise forcibly or illegally hinders or obstructs or attempts to hinder or obstruct a law enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, or a full-time Deputy or Assistant Fire Marshal acting in his or her official capacity is 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) or confined in jail not more than one year, or both fined and confined.

(b) A person who, with intent to impede or obstruct a law-enforcement officer, the State Fire Marshal or a full-time Deputy or Assistant Fire Marshal in the conduct of an investigation of a misdemeanor or felony offense, knowingly and willfully makes a materially false statement is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00) or confined in jail for five days, or both fined and confined. The provisions of this section do not apply to statements made by a spouse, parent, stepparent, grandparent, sibling, half-sibling, child, stepchild or grandchild, whether related by blood or marriage, of the person under investigation. Statements made by the person under investigation may not be used as the basis for prosecution under this subsection. For purposes of this subsection, "law-enforcement officer" does not include a watchman, a member of the West Virginia State Police or college security personnel who is not a certified law-enforcement officer. A criminal charge under this subsection relating to the investigation of a misdemeanor offense may not be used to seek or support a secured bond or pre-trial incarceration.

(c) A person who intentionally flees or attempts to flee by any means other than the use of a vehicle from a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, or a full-time Deputy or Assistant Fire Marshal acting in his or her official capacity who is attempting to make a lawful arrest of or to lawfully detain the person, and who knows or reasonably believes that the officer is attempting to arrest or lawfully detain him or her, is 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) or confined in jail not more than thirty days ~~one year~~, or both fined and confined. A person who is convicted of a second offense of violation of this section is guilty of a felony and shall be prosecuted under appropriate State law. A person who is convicted of a third and subsequent offense of violation of this section is guilty of a felony and, upon conviction thereof, shall be prosecuted under appropriate State law.

(d) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and shall be confined in jail not more than thirty days ~~one year~~. A person who is convicted of a second offense of violation of this section is guilty of a felony and shall be prosecuted under appropriate State law. A

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person who is convicted of a third and subsequent offense of violation of this section is guilty of a felony and, upon conviction thereof shall be prosecuted under appropriate State law.

(e) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes damage to the real or personal property of a person during or resulting from his or her flight, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000) and shall be confined in jail for not more than thirty days. ~~less than six months nor more than one year~~. A person who is convicted of a second offense of violation of this section is guilty of a felony and shall be prosecuted under appropriate State law. A person who is convicted of a third and subsequent offense of violation of this section is guilty of a felony and, upon conviction thereof, shall be prosecuted under appropriate State law.

(f) For purposes of this section, the term "vehicle" includes any motor vehicle, motorcycle, motorboat, all-terrain vehicle, or snowmobile as those terms are defined in West Virginia Code 17A-1-1, whether or not it is being operated on a public highway at the time and whether or not it is licensed by the state.

(g) For purposes of this section, the terms "flee", "fleeing" and "flight" do not include a person's reasonable attempt to travel to a safe place, allowing the pursuing law-enforcement officer to maintain appropriate surveillance, for the purpose of complying with the officer's direction to stop.

(h) (1) No person, with the intent to purposefully deprive another person of emergency services, may interfere with or prevent another person from making an emergency communication, which a reasonable person would consider necessary under the circumstances, to law-enforcement, fire, or emergency medical services personnel.

(2) For the purpose of this subsection, the term "interfere with or prevent" includes, but is not limited to, seizing, concealing, obstructing access to or disabling or disconnecting a telephone, telephone line, or equipment or other communication device.

(3) For the purpose of this subsection, the term "emergency communication" means communication to transmit warnings or other information pertaining to a crime, fire, accident, power outage, disaster, or risk of injury or damage to a person or property.

(4) A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not less than one day nor more than thirty days ~~one year~~ or shall be fined not less than two hundred fifty dollars ($250.00) nor more than two thousand dollars ($2,000) or both fined and confined.

(5) A person who is convicted of a second offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than thirty days ~~not less than three months nor more than one year~~ or fined not less than five hundred dollars ($500.00) nor more than three thousand dollars ($3,000), or both fined and confined.

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(6) A person who is convicted of a third or subsequent offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than six months nor more than one year or fined not less than five hundred dollars ($500.00) nor more than four thousand dollars ($4,000), or both fined and confined.

(7) In determining the number of prior convictions for purposes of imposing punishment under this subsection, the court shall disregard all such prior convictions occurring more than ten years prior to the offense in question.

(i) A person is guilty of filing a false complaint against a law-enforcement officer when, knowing the information reported is false or baseless, he or she:

(1) Initiates a false complaint of improper action of a law-enforcement officer relating to an incident or other circumstance; or

(2) Reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with conduct of law-enforcement officers which did not occur, does not in fact exist; or

(3) Reports to a law-enforcement officer or agency the alleged occurrence of any offense or incident which did not in fact occur.

Any person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars ($1,000) or confined in jail not more than six months, or both fined and confined.

(WVaC 61-5-17)

501.03 FALSE FIRE ALARM. (REPEALED)

(EDITOR'S NOTE: Former West Virginia Code 29-3-21 from which Section 501.03 was derived was repealed by Senate Bill 586, effective May 28, 2020.)

501.04 FALSE REPORTS CONCERNING BOMBS OR OTHER EXPLOSIVE DEVICES.

(a) No person shall impart or convey or cause to be imparted or conveyed any false information, knowing or having reasonable cause to believe such information to be false, concerning the presence of any bomb or other explosive device in, at, on, near, under or against any dwelling house, structure, improvement, building, bridge, motor vehicle, vessel, boat, railroad car, airplane or other place, or concerning an attempt or alleged attempt being made or to be made to so place or explode any such bomb or other explosive device.

(b) Notwithstanding any provision of this section to the contrary, any person violating the provisions of subsection (a) of this section for a second offense or whose violation of the subsection results in another suffering serious bodily injury shall be guilty of a felony and prosecuted under appropriate State law.

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(WVaC 61- 6-17)

501.05 IMPERSONATING AN OFFICIAL OR LAW ENFORCEMENT OFFICER.

(a) No person shall falsely represent himself or herself to be a law-enforcement officer or law-enforcement official or be under the order or direction of any such person. No person not a law-enforcement officer or law- enforcement official shall wear the uniform prescribed for such persons, or the badge or other insignia adopted for use by such persons with the intent to deceive another person.

For purposes of this section, the terms "law-enforcement officer" and "law-enforcement official" shall have the meanings set forth in West Virginia Code 30-29-1 except that such terms shall not include members of the Department of Homeland Security and shall not include individuals hired by non-public entities for the provision of security services.

(WVaC 61-1-9)

(b) No person shall falsely represent himself to be an officer or employee of the Municipality, or exercise or attempt to exercise any of the duties, functions or powers of a Municipal officer. No person not a member of the Fire Department, for the purpose of such false representation, shall wear a uniform or part thereof similar to the uniform worn by a member of the Fire Department.

501.06 ATTEMPTS.

Every person who attempts to commit an offense but fails to commit or is prevented from committing it, shall be subject to the penalty provided in Section 501.99 if the offense is punishable by confinement in jail.

(WVaC 61-11-8)

501.07 CITATION IN LIEU OF ARREST; FAILURE TO APPEAR.

A police officer may issue a citation instead of making an arrest for the following offenses, if there are reasonable grounds to believe that the person being cited will appear to answer the charge:

(a) Any misdemeanor, not involving injury to the person, committed in a police officer's presence: provided that the officer may arrest the person if he has reasonable grounds to believe that the person is likely to cause serious harm to himself or others; and

(b) When any person is being detained for the purpose of investigating whether such person has committed or attempted to commit shoplifting, pursuant to Section 533.01 of this Code. The citation shall provide that the defendant shall appear within a designated time. If the defendant fails to appear in response to the citation or if there are reasonable grounds

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to believe that he will not appear, a complaint may be made and a warrant shall issue. When a physical arrest is made and a citation is issued in relation to the same offense, the officer shall mark on the citation, in the place specified for court appearance date, the word "arrested" in lieu of the date of court appearance.

(WVaC 62-1-5(a))

501.08 FALSELY REPORTING AN EMERGENCY INCIDENT.

A person is guilty of reporting a false emergency incident when knowing the information reported, conveyed or circulated is false or baseless, he or she:

(a) Initiates or circulates a false report or warning of or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness or other emergency under circumstances in which it is likely that public alarm or inconvenience will result or that firefighting apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus might be summoned; or

(b) Reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness or other emergency in which it is likely that public alarm or inconvenience will result or that firefighting apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus might be summoned, which did not occur, does not in fact exist; or

(c) Reports to a law enforcement officer or agency the alleged occurrence of any offense or incident which did not in fact occur or an allegedly impending occurrence of an offense or incident which is not in fact about to occur or false information relating to an actual offense or incident or to the alleged implication of some person therein; or

(d) Without just cause, calls or summons by telephone, fire alarm system or otherwise, any firefighting apparatus, ambulance apparatus, rescue vehicles or other emergency vehicles.

This section does not apply to any person conducting an authorized emergency drill.

(WVaC 61-6-20)

501.09 FALSE REPORT.

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(a) No person shall at any time intercept, molest or interfere with any law-enforcement officer, or knowingly give false or misleading information to any law-enforcement officer, while acting in his or her official capacity.

(b) No person shall, with intent to impede or obstruct a law-enforcement officer in the conduct of an investigation of a felony offense, knowingly and willfully make a materially false statement. Provided, that the provisions of this subsection (b) shall not apply to statements made by a spouse, parent, stepparent, grandparent, sibling, half-sibling, child, stepchild or grandchild, whether related by blood or marriage, of the person under investigation. Statements made by the person under investigation may not be used as the basis for prosecution under this subsection.

501.10 FALSE ALARMS.

Definitions. For the purposes of this section, the following terms, phrases and words shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "City" means the City of Charles Town.

(b) "Council" means the City Council of the City of Charles Town.

(c) "City Manager" means the City Manager of the City of Charles Town.

(d) "False alarm" means any alarm signal or message initiated and transmitted through an alarm system to the Jefferson County Central Dispatch office soliciting response by the Police Department when the factual necessity for such response does not if fact exist, however caused, excepting by acts of God.

(e) "Monitoring system" means the intrusion alarm monitoring or receiving system at the Jefferson County Central Dispatch office.

(f) "Person" means nay person, firm, partnership, association, corporation, company or organization of any kind.

(g) "Regulations" means such regulations promulgated by the City Manager necessary to carry out the provisions and intent of this article.

(h) "Subscriber" means any person, firm, partnership, association, corporation, company, political subdivision, taxing authority or organization of any kind, having a protective alarm system or company which is connected to or notifies the monitoring system at the Jefferson County Central Dispatch office.

Fees for False Alarms. Fees for false alarms and the actions available to the City to reduce false alarms shall be as follows:

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Number of False Alarms During any Calendar Month	Fee/Action
One	
Two through five	$20.00 per occurrence.
Six through ten	$100.00 per occurrence; the City Manager may require the subscriber to provide certification from the vendor or installer of the subscriber's equipment that the equipment is in good working order and/or certification that the subscriber has taken the necessary action to prevent reoccurrence if the false alarm was caused by human error.
Eleven or more	$200.00 per occurrence; the City Manager may require disconnection of the subscriber's equipment from the monitoring system and may permit the reconnection of the equipment only upon presentation of satisfactory proof that the subscriber has taken necessary corrective action to prevent an excessive number of false alarms from occurring in the future.

501.99 PENALTY.

(a) Whoever violates any provision of this Part Five - General Offenses Code for which no other penalty is provided shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both. Each day such violation continues shall constitute a separate offense.

(b) Whoever violates Section 501.01 shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than thirty days, or both.

(c) Whoever violates Section 501.09 shall be fined not more than two hundred dollars ($200.00) or imprisoned not more than five days, or both.

(d) Whoever violates Section 501.02(c) shall be fined not more than one thousand dollars ($1,000) and shall be imprisoned not more than thirty days.

(e) Whoever violates Section 501.02 (e) shall be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000) and shall be imprisoned for not more than thirty days.

(WVaC 61-5-17)

(f) Whoever violates Section 501.02(h) shall be fined not less than two hundred fifty dollars ($250.00) nor more than two thousand dollars ($2,000) or imprisoned not less than one day nor more than thirty days, or both fined and imprisoned.

(WVaC 61-5-17)

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(g) (1) Except as provided by the provisions of subsection (g)(2) of this section, any person who violates the provisions of Section 501.03 shall be fined for a first offense not more than one hundred dollars ($100.00) or imprisoned for not more than thirty days, or both; and for a second and each subsequent offense fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or imprisoned for not more than thirty days, or both.

(2) Any person who violates the provisions of Section 501.03 with the intent to cause injury to the person of another, to cause destruction of the property of another or to divert the attention of law enforcement or fire personnel to help effectuate the commission of another crime shall be guilty of a felony and shall be prosecuted under appropriate state law.

(h) Whoever violates Section 501.04 shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than thirty days, or both.

(WVaC 61-6-17)

(i) Whoever violates Section 501.05(a) shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or confined in jail for not more than thirty days, or both fined and confined.

(WVaC 61-1-9)

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City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1057: City of Charles Town letter to the Jefferson County Commission

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1073: Appropriations of Funds to Demolish Vacant Houses Discussion

Houses are located at 401 N. George Street and 307 E. Washington Street

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Contract
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1074: Public Hearing for A Resolution Approving Entry and Form of a Lease Agreement Between Charles Washington Hall Manager, LLC and Jefferson G.A.P. Coalition

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Contract
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1075: Public Hearing for A Resolution Approving Entry and Form of a Lease Agreement Between Charles Washington Hall Manager, LLC and OTS, LLC

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Resolution
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1076: A Resolution Approving Entry and Form of a Lease Agreement Between Charles Washington Hall Manager, LLC and Jefferson G.A.P. Coalition

Proposed Motion: Approve the Resolution Approving Entry and Form of a Lease Agreement Between Charles Washington Hall Manager, LLC and Jefferson G.A.P. Coalition

ATTACHMENTS:

- A Resolution of the Charles Town City Council Approving Entry and Form of Lease Agreement Between Charles Washington Hall Manager and GAP, a West Virginia Limited Liability Company.pdf
- CWHallLease GAP 2025 Final.pdf

City of Charles Town
101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

A RESOLUTION OF THE CHARLES TOWN CITY COUNCIL APPROVING ENTRY AND FORM OF LEASE AGREEMENT BETWEEN CHARLES WASHINGTON HALL MANAGER AND G.A.P. COALITION, INC., A WEST VIRGINIA NON-PROFIT CORPORATION

WHEREAS, the City of Charles Town, through its Building Commission, owns the Charles Washington Hall building located on the corner of George and Washington Streets in the downtown business district; and

WHEREAS, said property is commonly referred to as the East Bay of Charles Washington Hall and is identified on the tax maps as the Corporation of Charles Town (Tax District 3), Jefferson County, West Virginia, Parcel 42 on Tax Map 2B (the "Property"); and

WHEREAS, in the City has authority to lease such real property pursuant to West Virginia Code § 8-12-18; and

WHEREAS, in the interest of economic development, the City and the G.A.P. Coalition have agreed to enter into a lease for the East Bay of Charles Washington Hall to allow the G.A.P. Coalition to operate an indoor farmers market on the premises; and

WHEREAS, a public hearing having been held on the proposed lease with the G.A.P. Coalition for the purpose renting the premises at the rate of $12,240.00 per year for the first year for a term of three (3) years, with a rent escalation of three percent (3%) each year the lease remains in effect, and with the option to renew for one year with an additional rent escalation of three percent (3%) for the renewal term; and

WHEREAS, the full lease agreement and its terms are outlined in the attached document.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLES TOWN:
That the City Manager and Mayor are hereby authorized to execute and deliver a Lease Agreement with the G.A.P. coalition in accordance with this Resolution. A copy of the Lease Agreement is attached and is intended to be a part hereof.

Adopted the 6th day of October, 2025.

Attest:

_____
Micheal George
Mayor

_____
Brent Manuel
City Clerk

Charles Washington Hall – G.A.P. Coalition, Inc.
Lease Agreement - 2025

This Lease Agreement is made between CW Hall Manager, LLC, a West Virginia Limited Liability Company (hereinafter referred to as "Lessor"), that is managed by the City of Charles Town, a Municipal Corporation, whose mailing address is PO Box 14, Charles Town, WV 25414; and Jefferson G.A.P. Coalition, Inc. (hereinafter referred to as "Lessee"), a West Virginia non-profit Corporation whose mailing address is 100 W. Washington St. Suite 101 Charles Town WV 25414

Lessee offers to lease the following commercial space, known as the center/east bay, from Lessor:

1) The first-floor retail space, located in the center/east bay of the building known as Charles Washington Hall, 100 W. Washington Street, Charles Town, WV 25414 and more particularly described in the drawing attached as Exhibit A, which is hereby incorporated by reference and made part of this Agreement. .
2) The basement of the building known as Charles Washington Hall, 100 W. Washington Street, Charles Town, WV 25414. The basement will be shared between center/east bay tenant and west bay tenant, provided, however, that no operations of the Lessee, nor any items that the Lessee, may store therein, shall interfere with the fixtures and systems contained therein.
3) All that/those certain trade equipment, systems, fixtures, furniture, and miscellaneous items, which are a part of, or contained in, the area to be leased by the Lessee, at the time of the execution of this Lease Agreement. See Appendix A for a list of trade equipment so leased as part of this agreement.

Term and Rent. Lessor leases to Lessee the premises identified above for an initial term of three (3) years commencing October___, 2025 and terminating on October____, 2028

Rent. Lessee shall pay Lessor annual rent during the term hereof, which shall be referred to as "Base Rent", in the amount twelve thousand two hundred forty dollars ($12, 240.00). The Base Rent shall be payable in advance to Lessor, without prior notice or demand, in equal monthly installments of one thousand twenty dollars ($1,020.00) on or before the first (1st) day of each successive month. Upon execution of this Lease Agreement, Lessee agrees to pay to Lessor first month's Rent in the amount of $1,020.00. If the commencement date falls on a day other than the first day of the calendar month, then for the initial partial month, Lessee agrees to pay a per diem base rental of $33.53 a day for each day of the partial month beginning on the Commencement Date and ending on the last day of the partial month in which the Commencement Date falls.

Rent Escalation. The Base Rent of twelve thousand two hundred forty dollars ($12, 240.00) shall be increased by 3% (Recomputed Rent) as of the first day of the second and each subsequent Lease year of the Term in accordance with the following schedule:

Lease Year	**Recomputed Rent**
2	$12,607.00

3	$12,985.00

Security Deposit. A Security Deposit equal to two (2) month's base rent shall be due from Lessee upon execution of this Lease Agreement and shall be used by the Lessor to ensure faithful performance of all the terms and conditions contained herein.

Renewal Option. Provided the Lessee is not in default under the terms and conditions of this lease, Lessee shall have the right to renew this lease for an additional period of twelve (12) months under the same terms and conditions as stated herein, except that the Base Rent shall increase to thirteen thousand three hundred seventy five dollars ($13,375.00).. Lessee shall give Lessor notice in writing of Lessee's intention to exercise this option at least One Hundred and Eighty (180) calendar days prior to the expiration of this lease.

Rent Due. Rent is due and payable in advance on the first day of each month. A late fee of five percent (5%) shall be assessed after the seventh (7th) day of the month. Failure to pay rent on time may be cause for termination of this Lease Agreement.

Lessee's Taxes. Lessee shall be responsible for and shall remit prior to delinquency all municipal, county and/or state taxes assessed during the Term of the Lease Agreement against any leasehold interest, any business operations conducted by Lessee, or any personal property of any kind owned by or placed in, upon, or about the premises. Additionally, if the premises for any reason becomes subject to ad valorem taxation and such taxation is upheld, then the Lessee shall be responsible for all taxes assessed upon its portion of the premises.

Use. Lessee shall use and occupy the premises identified above for the operation and management of a retail store with a local-foods focus. The premises shall be used by Lessee for no other purpose without the prior, written consent of the Lessor.

Assignment, Subletting. Lessee shall not further assign this lease or sublet any portion of the premises without prior, written consent of Lessor. Any such assignment or subletting without consent shall be void and, at the option of Lessor, may terminate this lease.

Second Floor Access. Lessee agrees to allow access to the second floor of the building to Lessor and/or any of its agents, assignees, designees, or sub-lessors via the first-floor entrance on N. George Street. Lessor, its agents, assignees, designees, or sub- lessors shall have the right to use the entrance on N. George Street, the alcove immediately inside the entrance and the staircase and *elevator* inside said *alcove,* for access to the second floor.

Care and Maintenance of Premises. Lessee acknowledges that the premises are in good order and repair to the extent reasonably known by a visual inspection of the premises. Lessee shall maintain the premises in good and safe condition and at the conclusion of this lease, return premises in the same condition, ordinary wear and tear excepted.

The Lessor shall remain responsible for all major repairs to the premises and appurtenances

and shall perform said repairs in a reasonable time after being given notice by the Lessee of the need for repair. The Lessee shall be responsible for all minor repairs to the premises and shall, during the term of this lease, use all reasonable precautions to prevent waste, damage, or injury to the premises. A major repair is defined as any repair, which, including parts and labor at the prevailing rates, exceeds the sum of five hundred dollars ($500) Lessee shall immediately notify Lessor of damage or concerns of damage, needed repairs, or the potential need for repair.

The Lessor shall be responsible for shoveling the sidewalks and leaving the same free and clear of ice and snow.

Lessee shall be responsible for the cost of leasing a dumpster and/or providing a system for the regular removal of all trash and debris originating in or on the premises leased by the Lessee herein. Lessee shall regularly clean interior and exterior spaces, including interior and exterior windows on that portion of the premises leased to the Lessee herein. The fenced area in rear will be shared with west bay tenant. Lessee shall never place trash in an area or manner that blocks ingress and egress to any of the common areas of the building, including, but not limited to, the stairwell.

Alterations. Lessee shall not make any material alterations, additions, or improvements, in, to or about the premises without first obtaining the prior, written consent of the Lessor.

Ordinances and Statutes. Lessee shall comply with all statutes, ordinances, and requirements of all Jefferson County, West Virginia and Charles Town, West Virginia municipal, West Virginia state, and federal authorities now in force, or which may hereafter be in force, pertaining to the premises, occasioned by or affecting the use thereof by the Lessee. Provided, however, that if compliance requires any structural alteration to the premises, Lessee shall have the right to terminate this lease.

Utilities: All applications and connections for necessary utility services that support the operations of the first floor of the building shall be made in the name of Lessee only, and Lessee shall be solely liable for utility charges as they become due, including those for water and sewer, electricity, trash removal, telephone, internet, and pest control. The meters associated with the first floor are numbered S310324315 and S310326458. The center/east bay tenant will be responsible for S310324315.

Lessor represents that connections for electricity for the second floor of said premises are separate and shall be made in the name of Lessor and/or its agents, assignees or designees and the same shall be solely liable as they come due. These meters are numbered S18826689 and S310324474.

Water will be in the name of the center/east bay tenant, with the agreement that the center/east bay tenant will be responsible for seventy dollars ($70) of the charges, and west bay tenant will be responsible for the remainder of the charges less the seventy dollars.

The Lessor shall be responsible for maintaining an active fire alarm for the premises.

Entry and Inspection. Lessee shall permit Lessor and/or its agents or assignees to enter upon the premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same.

Indemnification. Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the premises or any part thereof, leased herein by the Lessee, and Lessee agrees to hold Lessor harmless from any claims for such damages to the extent occurring on the premises leased by the Lessee herein. The Lessor shall not be held liable for any loss of income by Lessee, unless caused by willful or malicious conduct of the Lessor.

Notices. All notices from Lessor to Lessee under this Lease and applicable law shall be delivered to the following address: 100 W. Washington St. Charles Town WV 25414.

Insurance. Lessee, at its expense and at all times, shall maintain plate glass and public liability insurance including bodily injury and property damage insuring Lessee and Lessor with a minimum of one million dollars ($1,000,000.00) in coverage. Lessee shall provide Lessor with a Certificate of Insurance showing Lessor as additional insured. The Certificate shall provide for a thirty (30) day written notice to Lessor in the event of cancellation or material change of coverage. Lessee shall provide said documentation to Lessor within ten (10) calendar days of the commencement of this lease. To the maximum extent permitted by insurance policies, which may be owned by Lessor or Lessee, Lessee and Lessor, for the benefit of each other, waive any and all rights of subrogation, which might otherwise exist. Failure of Lessee to provide said documentation within the time frame stated above, or failure of Lessees to maintain public liability insurance during the term of this lease as described above may result in immediate termination of this lease at the sole discretion of the Lessor. If this lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the premises by any lawful means and remove Lessees or other occupants and their effects in accordance with applicable law.

Destruction of Premises. In the event of a partial destruction of the premises during the term hereof, from any cause, Lessor shall forthwith repair the same, provided that such repairs can be made within sixty (60) days under existing governmental laws and regulations, but such partial destruction shall not terminate this lease. If such repairs cannot be made within said sixty (60) days, this lease may be terminated at the option of either party. In the event that the building in which the demised premises may be situated to an extent of not less than one-third of the replacement costs thereof, Lessor may elect to terminate this lease whether the demised premises be insured or not. A total destruction of the building in which the premises may be situated shall terminate this lease.

Lessor's Remedies on Default of Covenants and Conditions. If Lessee defaults in the performance of any of the covenants or conditions hereof, Lessor may give Lessee notice of such default and if Lessee does not cure any such default within ten (10) calendar days after the giving of such notice (or if such other default is of such a nature that it cannot be

completely cured within such period, if Lessee does not commence such curing within ten (10) calendar days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessor may terminate this lease on not less than five (5) calendar days' notice to Lessee. On the date specified in such notice the term of this lease shall terminate, and Lessee shall then quit and surrender the premises to Lessor, without extinguishing Lessee's liability. If this lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects in accordance with applicable law..

Holdover. Lessee has no right to retain possession of the Premises or any part thereof beyond the expiration or earlier termination of this Lease. If Lessee maintains possession of the Premises for any period after the termination of this Lease Agreement, Lessee shall pay to Lessor a lease payment for the holdover rent on the following terms:: (i) the Base Rent payable shall be increased to one hundred fifty percent (150%) of the Base Rent applicable during the month immediately preceding such expiration or earlier termination; (ii) Lessee's right to possession shall terminate on 30 days' notice from Lessor and (iii) all other terms and conditions of this Lease shall continue to apply. Nothing contained herein shall be construed as a consent by Lessor to any holding over by Lessee. Lessee shall indemnify, defend and hold Lessor harmless from and against any and all claims, demands, actions, losses, damages, obligations, costs and expenses, including, without limitation, attorneys' fees incurred or suffered by Lessor by reason of Lessee's failure to surrender the Premises on the expiration or earlier termination of this Lease in accordance with the provisions of this Lease.

Waiver. No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.

Heirs, Assigns, Successors. This lease is binding upon and inures to the benefit of the heirs, assigns and successors in interest to the parties hereto.

Subordination. This lease is and shall be subordinated to all existing liens and encumbrances against the property.

Signs. Lessee is entitled to erect no more than two (2) signs outside the front street-level entrance to the premises, upon approval of the City of Charles Town Historic Landmarks Commission. It is anticipated in this Lease Agreement that no more than two (2) signs shall front on Washington Street. Prior, written consent of the Lessor shall be required before any additional signs beyond the number anticipated herein shall be permitted.

Title. Lessor represents and warrants to Lessee that it has good and marketable fee simple title to the leased premises.

Lessee's Right to Terminate. Lessee shall have the right to terminate this lease with ninety (90) calendar days' notice to the Lessor. Provided, however, that the Lessee's termination of this Lease Agreement shall not otherwise extinguish the Lessee's liability for any of its obligations becoming due prior to the termination of this Lease Agreement.

Entire Agreement. The foregoing constitutes the entire agreement between the parties and may be modified only by a writing signed by both parties.

Lessor Owned and Provided Equipment: Lessee shall be responsible for proper use and maintenance of equipment.

Open Produce Display Case (2) – SC-0P35E-6S-B-LED – 1742294-05 Used/2018

Produce Misting System – Used/2018

Refrigerated Merchandiser – GF22BM-LED – 1742296-05 – Used/2018

Freezer Merchandiser (2)- Used/2018

Refrigerated Deli Display Case Used/2018

Signatures:

Charles Washington Hall Manager:_____

By:_____

Date:_____

G.A.P. Coalition, Inc.:_____

By:_____

Date:_____

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Resolution
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1077: A Resolution Approving Entry and Form of a Lease Agreement Between Charles Washington Hall Manager, LLC and OTS, LLC

Proposed Motion: Approve the Resolution Approving Entry and Form of a Lease Agreement Between Charles Washington Hall Manager, LLC and OTS, LLC

ATTACHMENTS:

- A Resolution of the Charles Town City Council Approving Entry and Form of Lease Agreement Between Charles Washington Hall Manager and OTS, LLC, a West Virginia Limited Liability Company.pdf
- Ortegas - 2025 Final.pdf

City of Charles Town
101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

A RESOLUTION OF THE CHARLES TOWN CITY COUNCIL APPROVING ENTRY AND FORM OF LEASE AGREEMENT BETWEEN CHARLES WASHINGTON HALL MANAGER AND OTS, LLC, A WEST VIRGINIA LIMITED LIABILITY COMPANY

WHEREAS, the City of Charles Town, through its Building Commission, owns the Charles Washington Hall building located on the corner of George and Washington Streets in the downtown business district; and

WHEREAS, said property is commonly referred to as the West Bay of Charles Washington Hall and is identified on the tax maps as the Corporation of Charles Town (Tax District 3), Jefferson County, West Virginia, Parcel 42 on Tax Map 2B (the "Property"); and

WHEREAS, in the City has authority to lease such real property pursuant to West Virginia Code § 8-12-18; and

WHEREAS, in the interest of economic development, the City and OTS, LLC have agreed to enter into a lease for the west bay of Charles Washington Hall to allow OTS to operate a restaurant on the premises; and

WHEREAS, a public hearing having been held on the proposed lease with OTS, LLC for the purpose of renting the property at the rate of $21,120.00 per year for the first year for a term of four (4) years, with a rent escalation of three percent (3%) each year the lease remains in effect, and with the option to renew for one year with an additional rent escalation of three percent (3%) during the renewal term; and

WHEREAS, the full lease agreement and its terms are outlined in the attached document.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLES TOWN:
That the City Manager and Mayor are hereby authorized to execute and deliver a Lease Agreement with OTS, LLC in accordance with this Resolution. A copy of the Lease Agreement is attached and is intended to be a part hereof.

Adopted the 6th day of October, 2025.

Attest:

_____
Micheal George
Mayor

_____
Brent Manuel
City Clerk

Charles Washington Hall - OTS, LLC
Lease Agreement - 2025

This Lease Agreement is made between CW Hall Manager, LLC, a West Virginia Limited Liability Company (hereinafter referred to as "Lessor"), that is managed by the City of Charles Town, a Municipal Corporation, whose mailing address is PO Box 14, Charles Town, WV 25414; and OTS, LLC. (Hereinafter referred to as "Lessee"), a restaurant whose mailing address is 100 W. Washington St.101 Charles Town WV 25414.

Lessee offers to lease the following commercial space, known as the West Bay, from Lessor:

1) The first-floor restaurant space, located in the west bay of the building known as Charles Washington Hall, 100 W. Washington Street, Charles Town, WV 25414 and more particularly described in the drawing attached as Exhibit A, which is hereby incorporated by reference and made part of this Agreement. .
2) All that/those certain trade equipment, systems, fixtures, furniture, and miscellaneous items, which are a part of, or contained in, the area to be leased by the Lessee, at the time of the execution of this Lease Agreement. See Appendix *A* for a list of trade equipment so leased as part of this agreement.

Term. Lessor leases to Lessee the premises identified above for an initial term of four (4) years commencing October ___, 2025 and terminating October____, 2028.

Rent. Lessee shall pay Lessor annual rental during the term hereof, which shall be referred to as "Base Rent", in the amount of twenty one thousand one hundred twenty dollars ($21,120.00). The Base Rent shall be payable in advance to Lessor, without prior notice or demand, in equal monthly installments of one thousand seven hundred sixty dollars ($1,760.00) on or before the first (1st) day of each successive month. Upon execution of this Lease Agreement, Lessee agrees to pay to Lessor first month's Rent in the amount of $1,760.00. If the Commencement Date falls on a day other than the first day of the calendar month, then for the initial partial month, Lessee agrees to pay a per diem base rental of $57.86 a day for each day of the partial month beginning on the Commencement Date and ending on the last day of the partial month in which the Commencement Date falls.

Rent Escalation. The Base Rent of twenty one thousand one hundred twenty ($21,120.00) shall be increased by 3% (Recomputed Rent) as of the first day of the second and each subsequent Lease year of the Term in accordance with the following schedule:

Lease Year	**Recomputed Rent**
2	$21,754.00
3	$22,407.00

4	$23,079.00

Security Deposit. A Security Deposit equal to two (2) months base rent shall be due from Lessee upon execution of the lease agreement and shall be used by the Lessor to ensure the faithful performance of all the terms and conditions contained herein.

Renewal Option. Provided the Lessee is not in default under the terms and conditions of this lease, Lessee shall have the right to renew this lease for an additional period of twelve (12) months under the same terms and conditions as stated herein, except that the Base rent shall increase to twenty three thousand seven hundred seventy-one dollars ($23,771.00). Lessee shall give Lessor notice in writing of Lessee's intention to exercise this option at least One Hundred and Eighty (180) calendar days prior to the expiration of this lease.

Rent Due. Rent is due and payable in advance on the first day of each month. A late fee of five percent (5%)shall be assessed after the seventh (7th) day of the month. Failure to pay rent on time may be cause for termination of this Lease Agreement.

Lessee's Taxes. Lessee shall be responsible for and shall remit before delinquency all municipal, county and, or state taxes assessed during the Term of the Lease Agreement against any leasehold interest business operations conducted by Lessee, or any personal property of any kind owned by or placed in, upon, or about the premises. Additionally, if the premises for any reason becomes subject to ad valorem taxation and such taxation is upheld, then the Lessee shall be responsible for all taxes assessed upon its portion of the premises.

Use. Lessee shall use and occupy the premises identified above for the operation and management of a restaurant. The premises shall be used by Lessee for no other purpose without the prior, written consent of the Lessor.

Lessee may use the outdoor, public space adjacent to the side of the premises and more commonly referred to as "Paradise Alley" to provide outdoor dining opportunities for Lessee's patrons subject to the following conditions: 1) ingress and egress of the alley must remain open to the public at all times and 2) The operation of any outdoor dining area shall comply with the Americans with Disabilities Act, all provisions of state and local building and fire codes, as well as all state and local health laws and regulations regarding the service and preparation of food.

Assignment, Subletting. Lessee shall not further assign this lease or sublet any portion of the premises without prior, written consent of Lessor. Any such assignment or subletting without consent shall be void and, at the option of Lessor, may terminate this lease.

Care and Maintenance of Premises. Lessee shall be responsible for maintaining the restrooms on the first floor. Lessee acknowledges that the premises are in good order and repair to the extent reasonably known by a visual inspection of the premises. Lessee shall maintain the premises in good and safe condition and at the conclusion of this lease return premises in the same condition, ordinary wear and tear excepted.

The Lessor shall remain responsible for all major repairs to the premises and appurtenances and shall perform said repairs in a reasonable time after being given notice by the Lessee of the need for repair. The Lessee shall be responsible for all minor repairs to the premises and shall, during the term of this lease, use all reasonable precautions to prevent waste, damage, or injury to the premises. A major repair is defined as any repair, which, including parts and labor at the prevailing rates, exceeds the sum of Five Hundred Dollars ($500). Lessee shall immediately notify Lessor of damage or concerns of damage, needed repairs, or the potential need for repair.

The Lessor shall be responsible for shoveling the sidewalks and leaving the same free and clear of ice and snow.

Lessee shall be responsible for the cost of leasing a dumpster and/or providing a system for the regular removal of all trash and debris originating in or on the premises leased by the Lessee herein. Lessee shall regularly clean interior and exterior spaces, including interior and exterior windows on that portion of the premises leased to the Lessee herein. The fenced area in rear will be shared with center/east bay tenant. Lessee shall never place trash in an area or manner that blocks ingress and egress to any of the common areas of the building, including, but not limited to, the stairwell.

Lessee shall ensure immediate removal of used grease by a qualified contractor and shall clean the grease trap on a regular basis.

Alterations. Lessee shall not make any material alterations, additions, or improvements, in**,** to or about the premises without first obtaining the prior, written consent of the Lessor.

Ordinances and Statutes. Lessee shall comply with all statutes, ordinances, and requirements of all Jefferson County, West Virginia and Charles Town, West Virginia municipal, West Virginia state, and federal authorities now in force, or which may hereafter be in force, pertaining to the premises, occasioned by or affecting the use thereof by the Lessee. Provided, however, that if compliance requires any structural alteration to the premises, Lessee shall have the right to terminate this lease.

Utilities. All applications and connections for necessary utility services that support the operations of the first floor of the building shall be made in the name of Lessee only, and Lessee shall be solely liable for utility charges as they become due, including those for water and sewer, electricity, trash removal, telephone, internet, and pest control. The meters associated with the first floor are numbered S310324315 and S310326458. The West Bay tenant will be responsible for S310326458.

Lessor represents that connections for electricity for the second floor of said premises are separate and shall be made in the name of Lessor and/or its agents, assignees or designees and the same shall be solely liable as they come due. These meters are numbered S18826689 and S310324474.

Water will be in the name of the center/east bay tenant, with the agreement that the center/east bay tenant will be responsible for seventy dollars ($70) of the charges, and west bay tenant will be responsible for the remainder of the charges less the seventy dollars.

The Lessor shall be responsible for maintaining an active fire alarm for the premises.

Entry and Inspection. Lessee shall permit Lessor and/or its agents or assignees to enter upon the premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same.

Indemnification. Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the premises or any part thereof, leased herein by the Lessee, and Lessee agrees to hold Lessor harmless from any claims for such damages to the extent occurring on the premises leased by the Lessee herein. Lessor shall not be held liable for any loss of income by Lessee, unless caused by willful or malicious conduct of the Lessor.

Notices. All notices from Lessor to Lessee under this Lease and applicable law shall be delivered to the following address: 100 W. Washington St. Charles Town WV 25414.

Insurance. Lessee, at its expense and at all times, shall maintain plate glass, dram shop/liquor liability, and public liability insurance including bodily injury and property damage insuring Lessee and Lessor with a minimum of one million dollars ($1,000,000.00) in coverage. Lessee shall provide Lessor with a Certificate of Insurance showing Lessor as additional insured. The Certificate shall provide for a thirty (30) day written notice to Lessor in the event of cancellation or material change of coverage. Lessee shall provide said documentation to Lessor within ten (10) calendar days of the commencement of this lease. To the maximum extent permitted by insurance policies, which may be owned by Lessor or Lessee, Lessee and Lessor, for the benefit of each other, waive any and all rights of subrogation, which might otherwise exist. Failure of Lessee to provide said documentation within the time frame stated above, or failure of Lessees to maintain public liability insurance during the term of this lease as described above may result in immediate termination of this lease at the sole discretion of the Lessor. If this lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the premises by any lawful means and remove Lessees or other occupants and their effects in accordance with applicable law.

Destruction of Premises. In the event of a partial destruction of the premises during the term hereof, from any cause, Lessor shall forthwith repair the same, provided that such repairs can be made within sixty (60) days under existing governmental laws and regulations, but such partial destruction shall not terminate this lease. If such repairs cannot be made within said sixty (60) days, this lease may be terminated at the option of either party. In the event that the building in which the which the demised premises may be situated is destroyed to extent of not less than one-third of the replacement costs thereof, Lessor may elect to terminate this lease whether the demised premises be insured or not. A total destruction of the building

in which the premises may be situated shall terminate this lease.

Lessor's Remedies on Default of Covenants and Conditions. If Lessee defaults in the performance of any of the covenants or conditions hereof, Lessor may give Lessee notice of such default and if Lessee does not cure any such default within ten (10) calendar days after the giving of such notice (or if such other default is of such a nature that it cannot be completely cured within such period, if Lessee does not commence such curing within ten (10) calendar days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessor may terminate this lease on not less than five (5) calendar days' notice to Lessee. On the date specified in such notice the term of this lease shall terminate, and Lessee shall then quit and surrender the premises to Lessor, without extinguishing Lessee's liability. If this lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects in accordance with applicable law.

Holdover. Lessee has no right to retain possession of the Premises or any part thereof beyond the expiration or earlier termination of this Lease. If Lessee maintains possession of the Premises for any period after the termination of this Lease Agreement, Lessee shall pay to Lessor a lease payment for the holdover rent on the following terms:: (i) the Base Rent payable shall be increased to one hundred fifty percent (150%) of the Base Rent applicable during the month immediately preceding such expiration or earlier termination; (ii) Lessee's right to possession shall terminate on 30 days' notice from Lessor and (iii) all other terms and conditions of this Lease shall continue to apply. Nothing contained herein shall be construed as a consent by Lessor to any holding over by Lessee. Lessee shall indemnify, defend and hold Lessor harmless from and against any and all claims, demands, actions, losses, damages, obligations, costs and expenses, including, without limitation, attorneys' fees incurred or suffered by Lessor by reason of Lessee's failure to surrender the Premises on the expiration or earlier termination of this Lease in accordance with the provisions of this Lease.

Waiver. No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.

Heirs, Assigns, Successors. This lease is binding upon and inures to the benefit of the heirs, assigns and successors in interest to the parties hereto.

Subordination. This lease is and shall be subordinated to all existing liens and encumbrances against the property.

Signs. Lessee is entitled to erect no more than two (2) signs outside the front street-level entrance to the premises, upon approval of the City of Charles Town Historic Landmarks Commission. It is anticipated in this Lease Agreement that no more than two (2) signs shall front on Washington Street. Prior, written consent of the Lessor shall be required before any additional signs beyond the number anticipated herein shall be permitted.

Title. Lessor represents and warrants to Lessee that it has good and marketable

fee simple title to the leased premises.

Lessee's Right to Terminate. Lessee shall have the right to terminate this lease with ninety (90) calendar days' notice to the Lessor. Provided, however, that Lessee's termination of this Lease Agreement shall not otherwise extinguish the Lessee's liability for any of its obligations becoming due prior to the termination of this Lease Agreement.

Entire Agreement. The foregoing constitutes the entire agreement between the parties and may be modified only by a writing signed by both parties.

Lessor Owned and Provided Equipment: Lessee shall be responsible for proper use and maintenance of equipment.

Reach in Refrigerator -AR493 - 6121286 Used/2018

Reach in Freezer -AF23 6146971 Used/2018

Range 36", 6 Open Burners-X36-6r -1702100101662 Used/2018

Gas Countertop Griddle- GG26G -1616119330 Used/2018

Gas Fryer - SR142GP- 1611MA0235 Used/2018

Gas Convection Oven - BCO-G1 - 555111707010 Used/2018

Deli Refrigerator SP60-16 -1520044 Used/2018

Signatures:

Charles Washington Hall Manager, LLC:_____

By:_____

Date:_____OTS,
LLC:_____

By:_____

Date:_____

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1110: Parking on 200 Block of East Washington Street - Request by Charles Town Library

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1111: Letter (Revised) to DOT/DOH Regarding South George Street

ATTACHMENTS:

- City letter to DOH on George Street - 2025.pdf

City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

MAYOR
Micheal George

CITY COUNCIL
James Kratovil
Elizabeth Ricketts
Jeff Hynes
Kevin Tester
Nate Hartman
Alden Roth
Julie Smith
Andie Sugrue

CITY MANAGER
Brent Manuel

October 7, 2025

West Virginia Department of Transportation
Division of Highways - District 5 office
P.O. Box 99 (Route 50)
Burlington, WV 26710-0099

Re: Request for Safety Improvements to WV-115/North George St/Charles Town Road

To J. Lee Thorne, District 5:

On behalf of the City of Charles Town, I am writing to request your attention and assistance regarding ongoing traffic safety concerns along WV-115/N. George St/Charles Town Road, particularly the 200-500 blocks. As you know, this is a state-maintained roadway within our city limits. Our residents have raised concerns at public meetings related to speeding, driver behavior, and the safety of pedestrians in this corridor, noting that children live in the area and walk to school at Wright Denny Intermediate School and the Opportunity Learning Center.

The City recently conducted a two-week speed study using pneumatic tube counters, which revealed that over 49,000 vehicles traveled this stretch during the study period. Alarmingly, 74% of vehicles were recorded traveling at speeds that constitute enforceable violations under the current posted speed limit of 25 miles per hour.

In particular, residents have voiced deep concern about the risks posed to children walking or biking in the area as there is speeding and only one pedestrian crossing in this area of roadway, at the intersection of George Street and Congress Street.

At a minimum, we request your consideration of improvements to expand the roadway striping to include:

- **Fog lines/edge lines** throughout which would provide additional visual narrowing of the travel lanes. This could help calm traffic, especially as drivers enter the more urbanized downtown core. There are currently edge lines on WV-115/North George Street, however they stop at Blakeley Pl and Mason St. The edge lines could be continued all the way to Congress. Currently, residents do use the sides of the street for parking, but those spaces are not designated on the pavement.

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- Installation of a **Pole Mount Radar-Speed Signs** (digital speed feedback signs) to warn drivers who are driving in excess of the 25mph speed limit. We would request that DOH work with the City on the best placement.

The City of Charles Town would also appreciate a collaborative review of other possible traffic calming or safety interventions appropriate for this type of state-owned roadway. These could include, but are not limited to:

- Pavement markings that alert drivers to pedestrian activity, such as **crosswalks** at Mordington Avenue and Academy Street.

- **Curb extensions** or delineators where feasible.

The City of Charles Town recognizes the complexities involved in modifying as state-maintained road, but we also believe that safety should be a shared priority between the state and local jurisdictions. The City believes that the minor adjustment of adding fog/edge lines would be a quick, cost-effective way to reduce speeds. We would welcome a meeting or site visit with your engineering staff to further evaluate options and next steps.

Thank you for your time and consideration of this important matter. We look forward to working together to improve conditions on WV-115/North George Street and to ensure the safety and well-being of our community members.

Sincerely,
Mayor and Council

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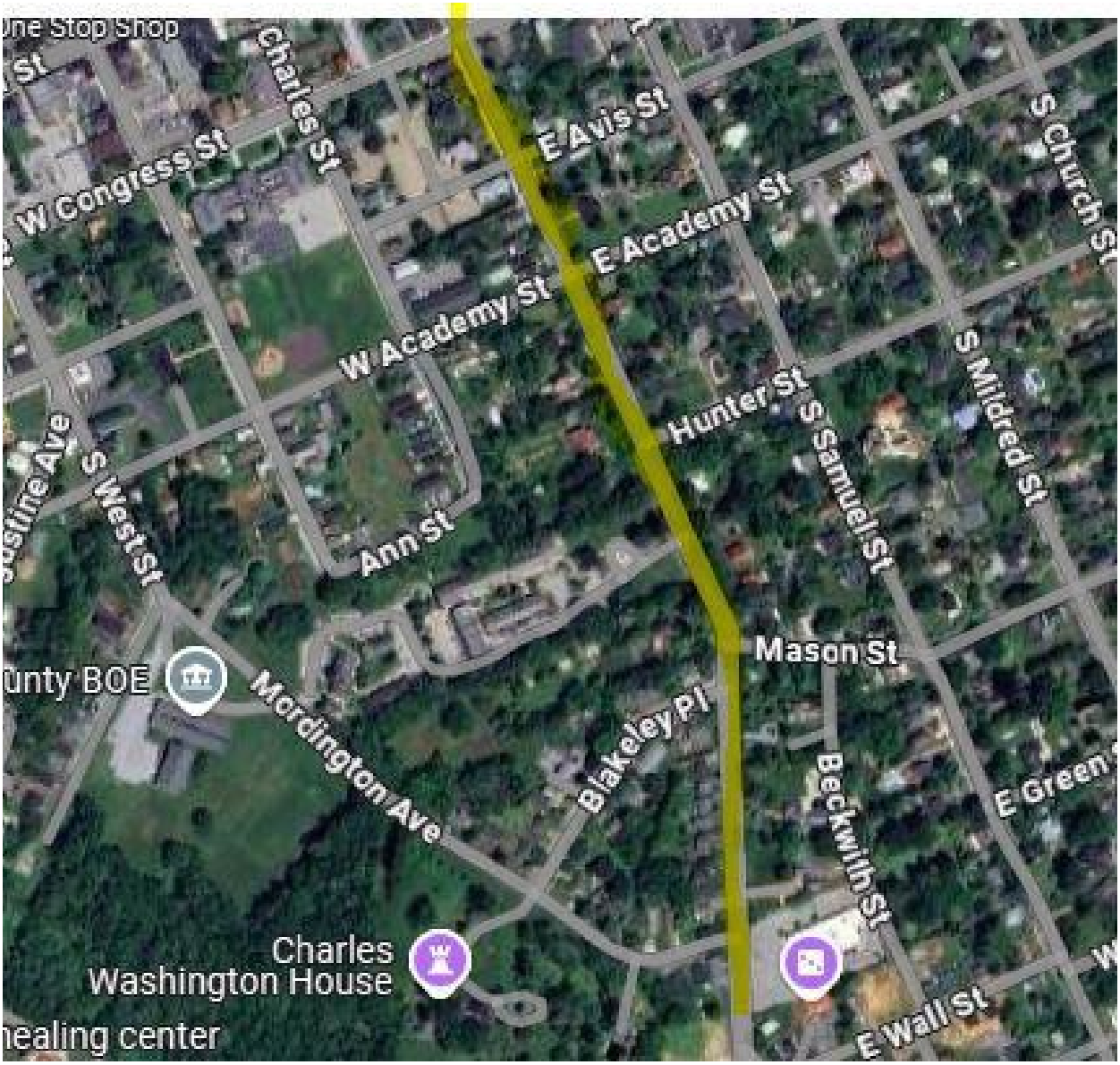
Charles St
E Avis St
W Congress St
E Academy St
S Church St
W Academy St
Hunter St
S Samuel St
S Mildred St
S West St
Ann St
Mason St
Blakeley Pl
Beckwith St
E Green
E Wall St
Charles
Washington House
healing center

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1112: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Seven Business Regulations and Taxation Code, Chapter Three Taxes and Service Charges, Article 745 Business and Occupation Tax as a result of adopted State Changes

Proposed Motion: Approve the First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Seven Business Regulations and Taxation Code, Chapter Three Taxes and Service Charges, Article 745 Business and Occupation Tax.

ATTACHMENTS:

- Small Business Revision Redline.pdf
- Small Business Revision Clean Draft.pdf

ARTICLE 745
Business and Occupation Tax

745.01 SHORT TITLE.

This article shall be known as the "City of Charles Town Municipal Business and Occupation Tax Ordinance."

(Ord. 2024-007. Passed 9-16-24.)

745.02 PURPOSE AND INTENT.

The purpose of this article is to impose a municipal business and occupation tax pursuant to West Virginia Code§ 8-13-5 to the fullest extent allowable under the operative laws of the State of West Virginia and the United States unless a more restrictive application is required by an express limitation set forth in this article.

(Ord. 2024-007. Passed 9-16-24.)

745.03 DEFINITIONS.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless a different meaning is clearly required by the context in which the term is used:

(a) Banking business. The term "banking business or financial organization" means any bank, banking association, trust company, industrial loan company, small loan company, or licensee, building and loan association, savings and loan association, credit union, finance company, investment company, investment broker or dealer, and any other similar business organization at least ninety percent (90%) of the assets of which consists of intangible personal property and at least ninety percent (90%) of the gross receipts of which consists of dividends, interest and other charges derived from the use of money or credit.

(b) Business. The term "business" means all activities engaged in or caused to be engaged in with the object of gain or economic benefit, either direct or indirect. The production of raw materials or manufactured products which are used or consumed in the main business shall be deemed a business engaged in taxable in the class for which it falls.

(c) Contracting. The term "contracting" means the furnishing of work, or both materials and work, in the fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof, or for the alteration, improvement or development of real property.

(d) Gross Income. The term "gross income" generally means the gross receipts of the taxpayer, other than a banking or financial business, received as compensation for personal

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services and the gross receipts of the taxpayer derived from trade, business, commerce or sales and the value proceeding or accruing from the sale of tangible property, real or personal, or service, or both, and all receipts by reason of the investment of the capital of the business engaged in, including interest, discount, rentals, royalties, fees, reimbursed costs or expenses or other emoluments however designated and without any deductions on account of the cost of property sold, the cost of materials used, labor costs, taxes, royalties, interest and discount paid, or sums paid to independent contractors, subcontractors or persons furnishing services or property used in the operation of any business to produce gross income, or any other expense whatsoever. "Gross income" of a banking or financial business is specified in Section 745.13 of this article.

(e) Gross proceeds of sales. The term "gross proceeds of sales" means the value actually proceeding from the sale of tangible property without any deduction on account of the cost of property sold or expenses of any kind. The words "gross income" and "gross proceeds of sales" shall not be construed to include cash discounts allowed and taken on sales; the proceeds of sale of goods, wares or merchandise returned by customers when the sale price is refunded either in cash or by credit; or the sale price of any article accepted as part payment on any new article sold, if the full sale price of the new article is included in the" gross income" or "gross proceeds of sales"; excise taxes imposed by the State; money or other property received or held by a professional person for the sole use and benefit of a client or another person or money received by the taxpayer on behalf of a bank or other financial institution for repayment of a debt of another; and excise taxes imposed by the federal government upon the consumer, not manufacturer, and which are held in trust by the vendor as agent for the federal government.

(f) Municipality. The term "municipality" means the City of Charles Town.

(g) Person. The terms "person" and "company" are used interchangeably in this article and mean and include any individual, firm, copartnership, joint adventure, association, corporation, limited liability company, trust, estate or any other group or combination acting as a unit, and the plural as well as the singular number. The word "it" shall also include the pronouns "he" and "she".

(h) Retail sales. The terms "retail sales" and "selling at retail" mean all sales other than wholesale sales, including but not limited to sales to persons for use in any activity not subject to the tax imposed by this article, all sales of real property, and sales to consumers.

(i) Sale. The terms "sale" and "sales" mean any transfer of the ownership of or title to property, whether for money or in exchange for other property.

(j) Services. The term "service business or calling" includes all activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the production or sale of tangible property, but shall not include the services rendered by an employee to his employer.

(k) Tax year. The terms "tax year" and "taxable year" mean as the period commencing July 1 and ending June 30. For the purpose of this article the taxable year shall be divided

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into two semi-annual periods. The first period shall be from July 1st through December 31st. The second period shall be from January 1st through June 30th.

(l) Taxpayer. The term "taxpayer" means any person liable for any tax hereunder.

(m) Treasurer. The term "treasurer" means the municipality's treasurer and his or her agents, delegates or representatives.

(n) Wholesale sales. The terms "selling at wholesale" and "wholesale sales" mean only:

(1) Sales of tangible personal property for the purpose of resale in the form of tangible personal property,

(2) Sales of machinery, supplies or materials which are to be directly consumed by the purchaser in the conduct of any business or activity which is subject to the tax imposed by this article, or

(3) Sales of tangible personal property to the United States of America, its agencies and instrumentalities, or to the State of West Virginia, its institutions and political subdivisions.

(Ord. 2024-007. Passed 9-16-24.)

745.04 IMPOSITION OF TAX.

(a) There are hereby levied and imposed and shall be collected annual privilege taxes, against the persons, on account of the business and other activities and in the amounts to be determined by the application of rates against values or gross income or gross proceeds as set forth in Sections 745.05 through 745.14 of this article, inclusive.

(b) If any person liable for any tax under Section 745.05 or 745.06 of this article shall ship or transport its products, or any part thereof, out of the municipality without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the municipality shall be the basis for the assessment of the tax imposed in those sections. Gross income included in the measure of the tax under Section 745.05 or 745.06 of this article, shall neither be added nor deducted in computing the tax levied under the other sections of this article. In determining value, however, as regards sales from one to another of affiliated companies or persons, or under other circumstances where the relation between the buyer and the seller is such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale, the value upon which such privilege tax shall be levied shall correspond as nearly as possible to the gross proceeds from the sale of similar products of like quality or character where no common interest exists between the buyer and the seller but where the circumstances or conditions are otherwise similar.

(c) The municipal business and occupation tax is imposed on each person engaged in privileges taxable under this article if such person is engaged in purposive revenue generating activities within the municipality's limits and such person has sufficient contacts to sustain the municipality's taxing jurisdiction. By way of example (but not

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limitation), if a person's activities within the municipality contributes to the establishment and maintenance of a market, such contacts are considered to be sufficient to sustain the municipality's taxing jurisdiction assuming federal constitutional nexus standards are satisfied.

(d) Notwithstanding the foregoing, no tax shall be imposed pursuant to this section for any tax year in which the taxpayer's gross income is less than two thousand five hundred dollars ($2,500.00), as further provided in § 745.16(i) of this article.

745.05 NATURAL RESOURCE PRODUCTION.

(a) Upon every person engaging or continuing within the municipality in the business of severing, extracting, mining, quarrying, reducing to possession and/or producing for sale, profit or commercial use any natural resource products, the amount of such tax shall be equal of the value of the articles produced as shown by the gross proceeds derived from the sale thereof by the producer, except as hereinafter provided, multiplied by the respective rates as follows: Coal, one percent (1.00%); limestone or sandstone quarried or mined, one and one-half percent (1.50%); oil or blast furnace slag, three percent (3.00%); natural gas in excess of the value of five thousand dollars ($5,000.00), six percent (6.00%); sand, gravel or other mineral products, not quarried or mined, three percent (3.00%); timber one and one- half percent (1.50%), and other natural resource products, two percent (2.00%).

(b) The measure of this tax is the value of the entire production in the municipality, regardless of the place of sale or the fact that delivery may be made to points outside the municipality.

(c) A person exercising privileges taxable under this section and using or consuming the natural resources so produced in his business or transferring or delivering the natural resources as any royalty paid, in kind, or the like, shall be deemed to be engaged in the business of producing natural resources and shall be required to make returns on account of the production of the business, showing the gross proceeds or equivalent in accordance with uniform and equitable rules for determining the value upon which privilege taxes shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by other taxpayers.

(d) Persons who produce natural resources outside the municipality and who make sale of those products within the municipality shall not pay the tax imposed by this section but shall pay the tax imposed by Section 745.07 of this article for the privilege of selling such products within the municipality.

(e) A person exercising any privilege taxable under this section and engaging in the business of selling its natural resource products in the municipality shall be required to make returns of the gross proceeds of such sales and pay the tax imposed in Section 745.07 of this article for the privilege of engaging in the business of selling such natural resource products in the municipality. (Ord. 2024-007. Passed 9-16-24.)

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745.06 MANUFACTURING.

(a) Upon every person engaging or continuing within the municipality in the business of manufacturing, compounding or preparing for sale, profit or commercial use, either directly or through the activity of others, in whole or part, any article or articles, substance or substances, commodity or commodities, or newspaper publishing (including all gross income or proceeds of sale from circulation and advertising), the amount of the tax shall be equal to the value of the article, substance, commodity or newspaper manufactured, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same, except as otherwise provided, multiplied by a rate of eighteen one-hundredths percent (0.18%).

(b) The measure of the tax in this section is the value of the entire product manufactured, compounded or prepared in the municipality for sale, profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the municipality. It is further provided, however, that in those instances in which the same person partially manufactures, compounds or prepares products within the municipality and partially manufactures, compounds or prepares such products outside the municipality, the measure of tax under this section shall be that proportion of the sales price of the product that the payroll costs of manufacturing within the municipality bears to the entire payroll costs of manufacturing the product.

(c) If any person shall ship or transport its products or any part thereof out of the State without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the State shall be the basis for the assessment of the tax imposed. The treasurer may prescribe equitable and uniform rules of ascertaining such value; provided that, in the absence of such rules, the person manufacturing the products within the municipality shall report the value in a consistent and reasonable manner.

(d) The dressing and processing of food intended for human consumption by a person, or the cooking and serving of food by a restaurant which food is to be sold in the municipality by such person, shall not be considered manufacturing or compounding or preparing for sale, but the sale of these products shall be reported under Section 745.07 of this article either as wholesale or retail sale, as the case may be.

(e) Persons who manufacture, compound or prepare products outside the municipality and who make sale of such product within the municipality shall not pay the tax imposed by this section but shall pay tax imposed by Section 745.07 of this article for the privilege of selling such product within the municipality.

(f) A person exercising any privilege taxable under this section and engaging in the business of selling its product in the municipality shall be required to make returns of the gross proceeds of such sales and pay the tax imposed by this section at the rate set forth in Section 745.07 of this article for the privilege of engaging in the business of selling such manufactured goods in the municipality.

(Ord. 2024-007. Passed 9-16-24.)

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745.07 SELLING TANGIBLE PROPERTY.

(a) Upon every person engaging or continuing within the municipality in the business of selling any tangible property whatsoever, real or personal, including the sale of food in hotels, restaurants, cafeterias, confectioneries and other public eating houses and wholesale sales from a rolling stockpile, except sales of any person engaging or continuing in the business of horticulture, agriculture or grazing, or selling stocks, bonds, or other evidence of indebtedness, there is hereby levied, and shall be collected, a tax equal to five one- hundredths percent (0.05%) of the gross income of the business; except, therein the case of selling at wholesale, the tax shall be equal to five one-hundredths percent (0.05%) of the gross income of the business.

(b) Gross income or gross proceeds of sales derived from sales within West Virginia that is not taxed or taxable by any other municipality are included in the measure of municipal business and occupation tax if the sales are either directed from a location within the municipality or the taxpayer's principal West Virginia office is located in the municipality. Without limiting the generality of the foregoing, when the taxpayer has only one (1) office location and this office is located within the municipality and its activities elsewhere in West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by this municipality.

(c) Persons domiciled outside the municipality who solicit sales within the municipality and sell tangible personal property within the municipality are doing business in the municipality, irrespective of the domicile of such persons and irrespective of whether or not such persons maintain a permanent place of business in the municipality and irrespective of how a sales order is transmitted or processed. If an order is placed in connection with solicitation by a representative (regardless whether there is an employment or agency relationship or whether acting as an independent contractor) who solicits orders within the municipality, and the tangible personal property is to be delivered in the municipality, then the gross proceeds of such sales are included in the measure of the tax imposed by this article.

(Ord. 2024-007. Passed 9-16-24.)

745.08 PUBLIC SERVICE OR UTILITY BUSINESS.

Upon every person engaging or continuing within the municipality in any public service or utility business, except railroad, railroad car, express, pipeline, telephone and telegraph companies, water carriers by steamboat or steamship and motor carriers, there is levied, and shall be collected, taxes on account of the business engaged in equal to the gross income of the business multiplied by the respective rates as follows: electric light and power companies, four percent (4.00%) on sales and demand charges for domestic and commercial lighting and three percent (3.00%) on sales and demand charges for all other purposes; natural gas companies, three percent (3.00%); and upon all other public service or utility business, two percent (2.00%). The measure of this tax shall not include gross income derived from commerce between the State and other states of the United States.

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The measure of the tax under this section shall include only gross income received from the supplying of public service. The gross income of the taxpayer from any other activity shall be included in the measure of the tax imposed upon such other activity by the appropriate section of this article. (Ord. 2024-007. Passed 9-16-24.)

745.09 CONTRACTING.

Upon every person engaging or continuing within the Municipality in the business of contracting, the tax shall be equal to two percent (2.00%) of the gross income of the business.

(Ord. 2024-007. Passed 9-16-24.)

745.10 AMUSEMENTS.

Upon every person engaging or continuing within the municipality in the business of operating a theater, opera house, moving picture show, vaudeville, amusement park, carnival, circus, dance hall skating rink, racetrack, radio broadcasting station or any other place at which amusements are offered to the public, the tax shall be equal to fourteen one-hundredths percent (0.14%) of the gross income of the business.

(Ord. 2024-007. Passed 9-16-24.)

745.11 SERVICE BUSINESS OR CALLING NOT OTHERWISE CLASSIFIED.

(a) Upon every person engaging or continuing within the municipality in any service business or calling not otherwise specifically taxed under this article, there is hereby levied, and shall be collected, a tax equal to twenty-three one-hundredths percent (0.23%) of the gross income of any such business.

(b) Gross income or gross proceeds of sales derived from services within West Virginia that is not taxed or taxable by any other municipality are included in the measure of tax under this article if the services are either directed from a location in the municipality or the taxpayer's principal West Virginia office is located in the municipality. Without limiting the generality of the foregoing, when a taxpayer has only one (1) office location and this office is located within the municipality and its activities elsewhere in West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by this municipality.

(Ord. 2024-007. Passed 9-16-24.)

745.12 RENTALS AND ROYALTIES.

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Upon every person engaging or continuing within the municipality in the business of furnishing any real or tangible personal property which has a tax situs in the municipality, or any interest therein, for hire, loan, lease or otherwise, whether the return is in the form of rentals, royalties, fees or otherwise, the tax shall be thirty one-hundredths percent (0.30%) of the gross income of any such activity. The term "tangible personal property", as used herein, shall not include money or public securities. (Ord. 2024-007. Passed 9-16-24.)

745.13 BANKING AND OTHER FINANCIAL BUSINESSES.

Upon every person engaging or continuing within the municipality in the business of banking or financial business, the tax shall be equal to twenty-three one-hundredths percent (0.23%) of the gross income received from interest, premiums, discounts, dividends, service fees or charges, commissions, fines, rents from real or tangible personal property, however denominated, royalties; charges for bookkeeping or data processing, receipts from check sales, charges or fees, and receipts from the sale of tangible personal property; provided, that gross income shall not include:

(a) Interest received on the obligations of the United States, its agencies and instrumentalities;

(b) Interest received on the obligations of this or any other state, territory or possession of the United States, or any political subdivision of any of the foregoing or of the District of Columbia; or

(c) Interest received on investments or loans primarily secured by first mortgages or deeds of trust on residential property occupied by nontransients; provided further, that all interest derived on activities exempt under (c) above shall be reported, as to amounts, on the return of a person taxable under the provision of this section.

(Ord. 2024-007. Passed 9-16-24.)

745.14 HEALTH MAINTENANCE ORGANIZATIONS.

The rate of tax on the activity of a health maintenance organization holding a certificate of authority under the provisions of West Virginia Code §§ 33-25A-1 et seq. shall not exceed one half of one percent (0.50%) to be applied solely to that portion of gross income received from the Medicaid program pursuant to Title XIX of the Social Security Act, the State employee programs administered by the public employee insurance agency pursuant to West Virginia Code§§ 5-16-1 et seq., and other federal programs, for health care items or services provided directly or indirectly by the health maintenance organization that is expended for administrative expenses; and shall not exceed one-half of one percent (0.50%) to be applied to the gross income received from enrollees, or from employers on behalf of enrollees, from sources other than Medicaid, State employee programs administered by the public employees insurance agency and other federal programs for health care items or services provided directly or indirectly by the health maintenance

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organization: Provided, That this tax rate limitation shall not extend to that part of the gross income of health maintenance organizations which is received from the use of real property other than property in which any such company maintains its office or offices in the municipality, whether such income is in the form of rentals or royalties.

(Ord. 2024-007. Passed 9-16-24.)

745.15 PERSONS TAXABLE ON MULTIPLE ACTIVITIES; CREDITS.

(a) A person taxable under Section 745.07 of this article with respect to selling products at wholesale in this municipality shall be allowed a non-refundable credit against the tax imposed on such wholesale sales pursuant to Section 745.07 for any (i) manufacturing taxes paid by such person with respect to the manufacturing of products so sold at wholesale in this municipality, and/or (ii) extracting taxes paid by such person with respect to the extracting of products so sold in this municipality or ingredients of products so sold at wholesale in this municipality.

(b) For purposes of this section:

(1) Manufacturing tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a manufacturer and includes (i) the tax imposed in Section 745.06 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units (other than State governments) within the United States.

(2) Extracting tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a producer of natural resource products and includes (i) the tax imposed in Section 745.05 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units within the United States (other than State governments) within the United States.

(3) Gross receipts tax" means a tax which (i) is imposed on or measured by the gross volume of business in terms of gross receipts or in other terms and in the determination of which deductions allowed would not constitute the tax an income tax or value added tax and (ii) which is not, pursuant to law or custom, separately stated from the sales price.

(c) If imposition of the municipality's tax would place an undue burden upon interstate commerce or violate constitutional requirements, a taxpayer shall be allowed a credit to the extent necessary to preserve the validity of the tax under this article, and still apply the tax to as much of the taxpayer's activities as may be subject to the municipality's taxing authority.

(Ord. 2024-007. Passed 9-16-24.)

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745.16 EXEMPT ACTIVITIES.

The provisions of this article shall not apply to:

(a) Insurance companies which pay the State of West Virginia a tax upon premiums; provided, that such exemption shall not extend to that part of gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in the municipality, whether such income is in the form of rentals or royalties; '

(b) Nonprofit cemetery companies organized and operated for the exclusive benefit of their members;

(c) Fraternal societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit; provided, that this exemption shall not extend to that part of gross income arising from the sale of alcoholic liquor, food and related services of such fraternal societies, organizations and associations which are licensed as private clubs under the provisions of West Virginia Code §§ 60-7-1 et seq.;

(d) Corporations, associations and societies organized and operated exclusively for religious or charitable purposes;

(e) Production credit associations, organized under the provisions of the federal Farm Credit Act of 1933; provided, that the exemption of this section shall not apply to corporations or cooperative associations organized under the provisions of West Virginia Code §§ 19-4-1 et seq.;

(f) Any credit union organized under the West Virginia Code; provided, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of West Virginia Code§§ 19-4-1 et seq.; and

(g) Gross income derived from advertising service rendered in the business of radio and television broadcasting.

(h) Licensed new and existing childcare and/or facilities operating in the City.

(i) A person engaging in business within the municipality shall not be subject to the municipal business and occupation or privilege tax imposed by this article for any tax year in which the taxpayer's gross income, as defined in § 745.03(d) of this article, is less than two thousand five hundred dollars ($2,500.00). This exemption shall apply on a prospective basis only and shall not affect liability for any tax periods ending prior to July 1, 2025. For purposes of this section, the term "gross income" shall be interpreted consistently with § 3.4 of this article and includes all receipts and values accruing to the taxpayer from engaging in business, without deduction. Any businesses taking the exemption pursuant to this subsection shall timely submit returns required by this article to demonstrate entitlement to the exemption, and shall also submit such additional information or documentation deemed necessary by the Treasurer.

~~(Ord. 2024-007. Passed 9-16-24.)~~

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745.16A OPTIONAL EXEMPT ACTIVITIES.

The City Council, by vote of 2/3 majority of the Council, reserves the right to apply, reduce, or eliminate for a specified time period and/or for a specific project, the Business and Occupation tax per the following provision(s): Any activity associated with a municipality- initiated/tax payer-funded project that directly benefits Charles Town's residents, and in which the taxes rendered under this article could result in higher rates to those residents for existing services and/or higher project costs for the municipality.

(Ord. 2024-007. Passed 9-16-24.)

745.16B B&O TAX CREDIT INCENTIVES.

In addition to any other tax incentive otherwise available, any business that meets the following qualifying requirements shall be entitled to a tax credit computed under the provisions of this article for:

(a) Old Town Mixed Use - Commercial (OTMU-C) District Retail, Dining, & Entertainment Tax Credit

(1) For any new retan dining, and entertainment business that locates within the Old Town Mixed Use - Commercial (OTMU-C), as defined by the City's Zoning Ordinances, the business entity may be allowed:

A. One hundred (100%) percent credit against the business and occupation tax liability annually for the first year from the date the entity qualifies for the tax credit

B. Fifty (50%) percent credit against the business and occupation tax liability annually for the second year from the date the entity qualifies for the tax credit

C. Twenty-five (25%) percent credit against the business and occupation tax liability annually for the third year from the date the entity qualifies for the tax credit

(2) Any new qualifying business applying for a New Retail, Dining, and Entertainment tax credit inside the OTMU-C District shall:

A. Submit an official "Business Plan" to the City's Business Development Coordinator which must be dated and signed by the Community Development Director. A standard business template is provided with the City's new business packet.

B. Meet with the Community Development Director.

(3) The credit may only be taken if a qualifying business files the required business and occupation tax return on or before the required due date. When such documentation is filed on or before the required due date.

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(4) New business is defined as the business entity never having operated or conducted business in a physical, fixed location in the City.

(5) The business must produce fifty percent (50%) or more of gross sales in the form of retail, dining, or entertainment to qualify for the incentive.

(6) To meet the classifications set forth for Retail, Dining, or Entertainment, the business must comply with and meet the definitions set forth by the City for the terms above in the City's zoning regulations and District Use Tables.

(b) New Retail, Dining, & Entertainment Tax Credit inside a City Commercially Zoned District.

(1) For any new retail, dining, and entertainment businesses that locates beyond the boundaries of the OTMU-C, but still within the corporate limits of the City's zoned commercial area(s), the business entity may be allowed:

A. Fifty percent (50%) credit against the business and occupation tax liability annually for the first year from the date the entity qualifies for the tax credit

B. Twenty-five (25%) credit against the business and occupation tax liability annually for the second year the date the entity qualifies for the tax credit

(2) Any new qualifying business applying for a New Retail, Dining, and Entertainment tax credit inside a City Commercially Zoned District shall:

A. Submit an official "Business Plan" to the City's Business Development Coordinator which must be dated and signed by the Community Development Director. A standard business template is provided with the City's new business packet.

B. Meet with the Community Development Director.

(3) The credit may only be taken if a qualifying business files the required business and occupation tax return on or before the required due date. When such documentation is filed on or before the required due date.

(4) New business is defined as the business entity never having operated or conducted business in a physical, fixed location in the City.

(5) The business must produce 50% or more of gross sales in the form of retail, dining, or entertainment to qualify for the incentive.

(6) To meet the classifications set forth for Retan Dining, or Entertainment, the business must comply with and meet the definitions set forth by the City for the terms above in the City's zoning regulations and District Use Tables.

(Ord. 2024-007. Passed 9-16-24.)

745.17 TAX CUMULATIVE.

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The tax, interest and penalty imposed by this article shall be in addition to all other licenses, taxes and other revenue measures levied or collected by the municipality as a condition precedent to the right of any person to engage or continue in any business, profession, trade, calling or other activity within this municipality. A person exercising a privilege taxable under this article, subject to the payment of all licenses and charges which are conditions precedent to exercising the privileges taxed, may exercise the privilege in this municipality for the tax year upon the condition that he shall pay the tax, interest and penalty imposed by this article.

(Ord. 2024-007. Passed 9-16-24.)

745.18 ADMINISTRATION GENERALLY.

The administration of this article is vested in and shall be exercised by the treasurer who shall prescribe forms and may promulgate from time to time reasonable rules, publications and instructions for the making of returns, and for ascertaining, assessment, collection and administration of tax, interest and penalty imposed hereunder.

(Ord. 2024-007. Passed 9-16-24.)

745.19 RETURNS; COMPUTATION AND PAYMENT OF TAX.

(a) The tax levied by this article shall be due and payable in semi-annual installments on or before the expiration of one month from the end of each semi-annual period in which they accrue. The taxpayer shall, within one month from the expiration of each semi-annual period, make a return reporting the computation of tax for which it is liable for each semi-annual period; sign and mail the completed return, together with any remittance due, to the location specified by the treasurer. The treasurer may allow return and payment under this section for periods other than semi-annual periods.

(b) On or before thirty-one (31) days after the end of the tax year, each person liable for the payment of tax under this article shall make a second semi-annual return, showing the gross proceeds of sale or gross income of business, trade, calling or activity, computing the amount of tax, interest and penalty chargeable against the person in accordance with the provisions of this article and transmit with the return a remittance in the sum required by this article, covering the remainder of the tax, interest and penalty chargeable against the person for the tax year, to such location or locations specified by the treasurer. Such returns shall be verified by the oath of the taxpayer, if made by an individual, or by the individual designated by a taxpayer that is an entity to take the oath on behalf of the taxpayer.

(c) All remittances and payments of tax, interest and penalty imposed by this article shall be made to the treasurer, in lawful money of the United States or by bank draft, certified check, cashier's check, or other commercially acceptable means specified by the treasurer, to be kept, deposited and accounted for as provided by law.

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(d) A person whose gross income for a tax year is less than two thousand five hundred dollars ($2,500.00), as described in § 16(i) of this article, shall not be liable for the tax imposed by this article but may shall be required to file a return or declaration indicating that their gross income is below the applicable threshold, in such form as the Treasurer may prescribe. At such time as a person who has claimed exemption under Section obtains in excess of $2,499.99 in any tax year, the applicable tax upon such gross income shall be due as of the due date of the second semi-annual payment. Any such payment shall not have added to the amount due any penalty or interest assessable under this Article for failure to make payment during prior portion of the tax year. The taxpayer shall be entitled to any applicable credits otherwise provided by the Article against the amounts actually paid, but no credit of exemption shall have the effect of reducing the tax liability to less than zero dollars.

~~(Ord. 2024-007. Passed 9-16-24.)~~

745.20 TAXPAYER RECORDS.

Each person subject to this article shall maintain sufficient records for review by the treasurer as long as the contents of such records may be material in the administration of tax imposed by this article.

(Ord. 2024-007. Passed 9-16-24.)

745.21 TAX RETURN INFORMATION CONFIDENTIALITY.

(a) Except when required in an investigation or proceeding to ascertain or collect amount of tax, interest, penalty, refund or credit due, or pursuant to an exemption in W. Va. Code§ 11-10-5d, it shall be unlawful for any officer, employee or agent of the municipality to divulge or make known in any manner the tax return, or any part thereof, of any person, or disclose information concerning the personal affairs of any individual or the business of any person, or disclose the amount of income or any particulars set forth or disclosed in any report, declaration or return required to be filed with the treasurer or otherwise obtained by the municipality in an investigation undertaken by the treasurer concerning the tax imposed by this article. Any person protected by the provisions of this article may, in writing, waive the confidentiality provisions of this section for such purpose and such period as he shall therein state. This section shall not be construed to prohibit the publication or release of statistics so classified as to prevent the identification of particular reports and the items thereof. Notwithstanding the foregoing, the treasurer may permit the proper officer, or his authorized representative or agent, of the United States or the State, or any political subdivision of the State, to inspect return information to or may furnish to such officer or representative a copy of any such return or any other tax return information, provided, that such other jurisdiction grants similar privileges to this

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municipality or if the other jurisdiction is a party of an intergovernmental agreement authorizing the exchange of such information.

(b) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall divulge facts or information obtained from returns or tax statements other than for the purpose of administering such tax shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution.

(c) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall make unauthorized disclosure of information received from the State Tax Commissioner under authority of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution.

(d) For purposes of this article, "unauthorized disclosure" means the release to any person of any tax information obtained by the municipality from the State Tax Commissioner unless the person receiving the information is the authorized counsel of the municipality and shall be using the information only for the purpose of administering the tax imposed by this article, Sales Tax from single location businesses, or Liquor Sales Tax; or the person who filed the return has authorized, in writing, its release, thereby waiving his right to secrecy.

(Ord. 2024-007. Passed 9-16-24.)

745.22 ERRONEOUS COMPUTATION OF TAX.

If any taxpayer shall make any error in computing the tax, interest and penalty under this article, the treasurer shall correct such error or reassess the proper amount of tax, interest and penalty, and notify the taxpayer of his or her action by mailing the taxpayer promptly a copy of the corrected assessment, and any additional tax, interest and penalty for which such taxpayer may be liable shall be paid within fifteen (15) days after the receipt of such statement. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be immediately refunded to the taxpayer upon the request of the treasurer and shall be payable out of any funds available for the purpose. The taxpayer may, at its election, apply an overpayment as credit upon tax subsequently accruing hereunder.

(Ord. 2024-007. Passed 9-16-24.)

745.23 INVESTIGATIONS.

(a) For the purpose of ascertaining the correctness of a tax return, claim or assessment or for the purpose of making an estimate of any taxpayer's liability for the tax administered

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under this article, the treasurer shall have the power to examine or cause to be examined any books, papers, records, memoranda and other documents or data bearing upon the matters required to be included in the return and may require the attendance of the person rendering the return or the attendance of any other person having knowledge of relevant matters. In connection therewith, the treasurer may take testimony and shall have the power to administer oaths.

(b) The treasurer has the power to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and production of documents for the purpose of ascertaining the correctness of a return or claim or for performing an assessment or for any hearing held by the treasurer. In case of the failure or refusal of a witness to appear and testify or to produce evidence, the treasurer may invoke the aid of the circuit court of Jefferson County. Upon proper showing, the treasurer may apply for an order requiring the witness to appear and give testimony and produce evidence concerning the matter in question.

(Ord. 2024-007. Passed 9-16-24.)

745.24 ASSESSMENTS.

(a) If any person who is required by this article to do so shall fail or refuse to make a return, either in whole or part, or if the treasurer believes the tax imposed by this article has been insufficiently returned by any taxpayer, the treasurer may proceed to assess the tax and shall notify the person assessed of the amount of the tax, additional tax, interest and penalties so assessed.

(b) The treasurer may, at any time before the assessment becomes final, amend, in whole or in part, any assessment whenever the treasurer ascertains that such assessment is improper or incomplete in any material respect. The treasurer may, at any time within the period prescribed for assessment, make a supplemental assessment whenever the treasurer ascertains that any assessment is incorrect in any material respect.

(c) The amount of tax, interest and penalties imposed by this article shall be assessed within three (3) years after the date the second semi-annual return for the year in which such tax arose is filed by the taxpayer; provided, that in the case of a false or fraudulent return filed with the intent to evade the tax or in case no return is filed, an assessment may be made at any time.

(Ord. 2024-007. Passed 9-16-24.)

745.25 NOTICE OF ASSESSMENT; PETITION FOR REASSESSMENT.

The treasurer shall give the taxpayer written notice of any assessment made pursuant to this article. Unless the taxpayer to whom the notice of assessment is given shall within thirty (30) days after service thereof file with the treasurer a petition for reassessment, the assessment shall become final and not subject to administrative or judicial review. A

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petition for reassessment must be in writing verified under oath by the taxpayer or his duly authorized agent having knowledge of the facts, setting forth with particularity the items of the assessment objected to, together with the reasons for the objections. The total amount of an assessment shall be due and payable on the day following the date upon which the assessment becomes final.

(Ord. 2024-007. Passed 9-16-24.)

745.26 HEARING PROCEDURE; DECISION; REVIEW.

(a) When a petition for reassessment or a petition for refund or credit is properly filed pursuant to this article within the time prescribed for such filing, the treasurer shall assign a time and a place for a hearing thereon and shall notify the petitioner of such hearing by written notice at least twenty (20) days in advance thereof. Such hearing shall be held within ninety (90) days from the date of filing the petition, unless continued by agreement of the parties or by the treasurer for sufficient cause.

(b) The hearing shall be informal and shall be conducted in an impartial manner by the Finance Committee of the municipality. The burden of proof shall be upon the taxpayer to show that the assessment or denial refund or credit is incorrect and contrary to law, in whole or in part.

(c) After such hearing, the Finance Committee of the municipality shall, within a reasonable time, give notice in writing to the taxpayer of their decision. An appeal may be taken by the taxpayer of the Finance Committee's decision to the council of the municipality.

(d) An appeal may be taken by the taxpayer to the Circuit Court of Jefferson County within thirty (30) days after service of the council's administrative decision issued pursuant to this section. (Ord. 2024-007. Passed 9-16-24.)

745.27 INJUNCTION.

After any delinquency shall have continued sixty (60) days, the treasurer may proceed in the Circuit Court of Jefferson County to obtain an injunction restraining the further exercise of the privilege until full payment shall have been made of all tax, interest and penalty due under this article. In any proceeding under this section, upon judgment or decree for the municipality, the municipality shall be awarded its costs.

(Ord. 2024-007. Passed 9-16-24.)

745.28 UNPAID TAX A LIEN; DELINQUENCY NOTICE FILING AND RELEASE.

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Any tax, interest and penalties due and payable under this article shall be a debt due the municipality and shall constitute a lien on the real and personal property of the taxpayer. The treasurer, for the more effective collection of the tax, interest and penalty imposed by this article, may file with the Clerk of the Jefferson County Commission a certified notice of lien for delinquent taxes, interest and penalty under this article for recordation. If a lien has been recorded respecting a delinquency, upon full payment of all delinquent tax, interest and penalty, the treasurer shall attest to the fact and amount of payment, and shall forward a certificate of release to the taxpayer. Upon presentment and payment of the recording fee by the taxpayer, the Clerk of the Jefferson County Commission shall record such certificate in the book in which releases are recorded. (Ord. 2024-007. Passed 9-16-24.)

745.29 SUCCESSOR LIABILITY.

The tax, interest and penalty imposed by this article shall be a continuing lien upon the property of any person subject to the provisions hereof who shall sell out its business or stock of goods, or shall quit business, and such person shall be required to make the return provided for in this article within thirty (30) days after the date it sold out its business or stock of goods, or quit business, and its successor in business shall be required to withhold a sufficient amount of the purchase money to cover the amount of such tax, interest and penalty due and unpaid until such time as the former owner shall produce a receipt from the treasurer showing that all tax, interest and penalty has been paid. If the purchaser of a business or stock of goods fails to withhold purchase money as hereby provided, and the tax, interest and penalty shall be due and unpaid after the thirty-day period allowed, the successor shall be personally liable for the payment of the tax, interest and penalty accrued and unpaid on account of the operation of the business by the former owner. (Ord. 2024-007. Passed 9-16-24.)

745.30 REVOCATION, NON-RENEWAL OF LICENSES AND PERMITS.

(a) The treasurer has the authority to revoke, deny and prevent any and all licenses and permits issued by the municipality in the event a licensee or permittee fails or refuses to file any return required hereby or fails or refuses to pay any delinquent tax, interest or penalty due and owing to the municipality.

(b) In the event of such a revocation or denial, the treasurer will provide written notice to the affected person at least five (5) days prior to the contemplated revocation or denial and such notice shall be served by certified mail. The notice shall indicate the time and the place of a revocation/ denial review meeting, the general grounds of said contemplated action, and shall advise the affected person of its rights to appear at said hearing in person and represented by legal counsel, and to be heard orally upon the merits of the person's defense. The treasurer may request legal advice from the City Attorney, and adopt such procedures for its decorum and the dispatch of business at such hearings as the treasurer may regard advisable. The revocation decision of the treasurer will be final.

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(c) Each license or permit that has been revoked or denied pursuant to this section may be issued or re-issued upon payment of all delinquent tax, interest or penalty due and owing to the municipality and satisfaction of all relevant licensing conditions otherwise imposed by the municipality. (Ord. 2024-007. Passed 9-16-24.)

745.31 SETTLEMENT AGREEMENTS AND COMPROMISES.

The treasurer, with approval of the City Manager, is authorized to enter into an agreement in writing with any person relating to the liability of such person in respect of the tax, interest and penalty imposed by this article for any taxable period. If such a closing agreement is duly made and entered into, such agreement shall be final and conclusive for the periods covered except upon a showing of fraud, malfeasance or misrepresentation of a material fact. The treasurer, with approval of the City Manager, may compromise all or part of any administrative determination or civil case concerning tax, interest and penalty or otherwise arising under the provisions of this article.

(Ord. 2024-007. Passed 9-16-24.)

745.32 ADDITIONAL ADMINISTRATIVE PROVISIONS CONCERNING CONTRACTING.

(a) Without limiting the generality of the administrative and collection powers granted to the treasurer in this article, the treasurer is also empowered to require any person engaging or continuing within the municipality in the business of contracting to furnish a list of the names, addresses and amounts paid by them to any subcontractors employed and suppliers of materials used upon any job or to do any work within the municipality. The treasurer may also require every person engaging or continuing within the municipality in the business of contracting who is a nonresident of the State to pay or guarantee the payment of the amount of the tax imposed by this article for the privilege of engaging in the business of contracting within the municipality, such payment of such tax to be based upon the amount of the building permit issued by the municipality for the work to be performed by such person, as a condition precedent to the issuance of such building permit. In lieu of such prior payment in cash of such tax any such nonresident may guarantee the payment of such privilege tax provided for herein by delivering to the municipality a bond, with good and adequate surety, payable to the municipality, and conditioned to pay such tax on or before the estimated date of the completion of the work to be performed by such person within the municipality.

(b) Any person engaging a contractor or subcontractor within this municipality shall withhold payment in sufficient amount to cover taxes assessed by this article in the final settlement of such contracts until the receipt of a certificate from the treasurer to the effect that all taxes levied and accrued under this article against the contractor have been paid. If any person fails to withhold as provided herein and the contractor or subcontractor fails to timely pay such tax, such person shall be personally liable for the payment of such taxes, and the same shall be recoverable by the treasurer by appropriate legal proceedings.

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(Ord. 2024-007. Passed 9-16-24.)

745.33 CLAIMS FOR REFUND OR CREDIT.

(a) Any taxpayer claiming to have overpaid any tax, interest or penalty imposed by this article shall file its claim with the treasurer within three (3) years after the due date of the return in respect of which the tax was imposed, and not thereafter.

(b) If, as a result of the claim, the treasurer shall be of the opinion that the tax, interest or penalty, or any part thereof, was overpaid, the treasurer shall refund the same to the taxpayer. If the treasurer denies the claim, the taxpayer may within thirty (30) days after notice of denial file with the treasurer a petition for refund or credit, which shall be heard in accordance with Section 745.27 of this article. A taxpayer's failure to abide by express procedures contained in this section precludes taxpayer's right to any refund or credit of tax, interest and penalties paid or collected under this article. (Ord. 2024-007. Passed 9-16-24.)

745.34 INTEREST AND PENALTY; CRIMINAL LIABILITY.

(a) If any person, as required by this article, fails to complete and submit their semi-annual tax return, or submits their tax return after the due date, or submits their tax return but fails to remit in whole the proper amount of tax owed, to the appropriate municipal authorities, then there shall be added to the amount of tax owed and unpaid, from the date such tax should have been paid, a penalty in the amount of twenty-five (25.00%) percent of the tax due for the period of such failure or delinquency. In addition, such tax and penalty shall bear an interest at the rate of twelve percent (12.00%) per annum from the due date of the payment until paid. Whoever engages in any activity contrary to the provisions of this article shall, in addition to paying the tax, penalty, and interest imposed by this article, be subject to a fee of fifty dollars ($50.00) for each month or fraction thereof during in which that person has been in default of filing and/or remitting to the municipality taxes due including penalties and interest. This fee will not exceed $250.00 for any semi-annual tax reporting period. It shall be the duty of the treasurer to collect the full amount of the tax, penalty, interest, and fee(s) imposed. The person(s) responsible for remitting the tax, after all required taxes, penalties, and interest, less the accrued fees, have been paid in full, may for good cause shown, request that the municipality waive the penalty, interest, and fees owed in whole or in part. The municipality may waive the penalty, interest, and fees owed in whole or in part upon the recommendation of the municipality's Finance Committee. The City Manager may grant a fifteen (15) day grace period for delinquent zero return filings. After the grace period has expired the City Manager may waive the fees for returns with zero balances. Repeat waiver requests within a three year period will not be considered.

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(b) Interest and penalties may be collected in the same manner as the tax imposed by this article.

(c) Any person who shall willfully, and with intent to evade, refuse to pay all or any part of the tax imposed by this article shall be guilty of a misdemeanor. If the amount of the unpaid tax shall be less than one thousand dollars ($1,000), such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and if the amount of the unpaid tax shall be one thousand dollars ($1,000) or more, such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or imprisoned not more than thirty days, or be both fined and imprisoned as herein provided. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

(d) Whoever knowingly makes a false statement in any tax form or application shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000). Each false statement, whether made with or without other false statements on any one or more applications shall constitute a separate offense. And, whoever shall knowingly make a false statement in two separate "tax filings", whether or not said applications shall have been filed consecutively, and whether or not said person shall have been previously convicted thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and imprisoned not more than six months, or both. (Ord. 2024-007. Passed 9-16-24.)

745.35 SEVERABILITY.

If any provision of this article is held unconstitutional or invalid, on its face or as applied, the remaining provisions of this article shall remain in full force and effect; and to this end, the provisions of this article are declared to be severable.

(Ord. 2024-007. Passed 9-16-24.)

745.36 REPEAL OF THE BUSINESS FRANCHISE TAX.

The Business Franchise Tax heretofore enacted by the City of Charles Town in 1970 remains repealed.

(Ord. 2024-007. Passed 9-16-24.)

745.37 EFFECTIVE DATE.

The effective date of this article shall be July, 2010.

(Ord. 2024-007. Passed 9-16-24.)

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ARTICLE 745
Business and Occupation Tax

745.01 SHORT TITLE.

This article shall be known as the "City of Charles Town Municipal Business and Occupation Tax Ordinance."

(Ord. 2024-007. Passed 9-16-24.)

745.02 PURPOSE AND INTENT.

The purpose of this article is to impose a municipal business and occupation tax pursuant to West Virginia Code§ 8-13-5 to the fullest extent allowable under the operative laws of the State of West Virginia and the United States unless a more restrictive application is required by an express limitation set forth in this article.

(Ord. 2024-007. Passed 9-16-24.)

745.03 DEFINITIONS.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless a different meaning is clearly required by the context in which the term is used:

(a) Banking business. The term "banking business or financial organization" means any bank, banking association, trust company, industrial loan company, small loan company, or licensee, building and loan association, savings and loan association, credit union, finance company, investment company, investment broker or dealer, and any other similar business organization at least ninety percent (90%) of the assets of which consists of intangible personal property and at least ninety percent (90%) of the gross receipts of which consists of dividends, interest and other charges derived from the use of money or credit.

(b) Business. The term "business" means all activities engaged in or caused to be engaged in with the object of gain or economic benefit, either direct or indirect. The production of raw materials or manufactured products which are used or consumed in the main business shall be deemed a business engaged in taxable in the class for which it falls.

(c) Contracting. The term "contracting" means the furnishing of work, or both materials and work, in the fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof, or for the alteration, improvement or development of real property.

(d) Gross Income. The term "gross income" generally means the gross receipts of the taxpayer, other than a banking or financial business, received as compensation for personal

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services and the gross receipts of the taxpayer derived from trade, business, commerce or sales and the value proceeding or accruing from the sale of tangible property, real or personal, or service, or both, and all receipts by reason of the investment of the capital of the business engaged in, including interest, discount, rentals, royalties, fees, reimbursed costs or expenses or other emoluments however designated and without any deductions on account of the cost of property sold, the cost of materials used, labor costs, taxes, royalties, interest and discount paid, or sums paid to independent contractors, subcontractors or persons furnishing services or property used in the operation of any business to produce gross income, or any other expense whatsoever. "Gross income" of a banking or financial business is specified in Section 745.13 of this article.

(e) Gross proceeds of sales. The term "gross proceeds of sales" means the value actually proceeding from the sale of tangible property without any deduction on account of the cost of property sold or expenses of any kind. The words "gross income" and "gross proceeds of sales" shall not be construed to include cash discounts allowed and taken on sales; the proceeds of sale of goods, wares or merchandise returned by customers when the sale price is refunded either in cash or by credit; or the sale price of any article accepted as part payment on any new article sold, if the full sale price of the new article is included in the" gross income" or "gross proceeds of sales"; excise taxes imposed by the State; money or other property received or held by a professional person for the sole use and benefit of a client or another person or money received by the taxpayer on behalf of a bank or other financial institution for repayment of a debt of another; and excise taxes imposed by the federal government upon the consumer, not manufacturer, and which are held in trust by the vendor as agent for the federal government.

(f) Municipality. The term "municipality" means the City of Charles Town.

(g) Person. The terms "person" and "company" are used interchangeably in this article and mean and include any individual, firm, copartnership, joint adventure, association, corporation, limited liability company, trust, estate or any other group or combination acting as a unit, and the plural as well as the singular number. The word "it" shall also include the pronouns "he" and "she".

(h) Retail sales. The terms "retail sales" and "selling at retail" mean all sales other than wholesale sales, including but not limited to sales to persons for use in any activity not subject to the tax imposed by this article, all sales of real property, and sales to consumers.

(i) Sale. The terms "sale" and "sales" mean any transfer of the ownership of or title to property, whether for money or in exchange for other property.

(j) Services. The term "service business or calling" includes all activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the production or sale of tangible property, but shall not include the services rendered by an employee to his employer.

(k) Tax year. The terms "tax year" and "taxable year" mean as the period commencing July 1 and ending June 30. For the purpose of this article the taxable year shall be divided

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into two semi-annual periods. The first period shall be from July 1st through December 31st. The second period shall be from January 1st through June 30th.

(l) Taxpayer. The term "taxpayer" means any person liable for any tax hereunder.

(m) Treasurer. The term "treasurer" means the municipality's treasurer and his or her agents, delegates or representatives.

(n) Wholesale sales. The terms "selling at wholesale" and "wholesale sales" mean only:

(1) Sales of tangible personal property for the purpose of resale in the form of tangible personal property,

(2) Sales of machinery, supplies or materials which are to be directly consumed by the purchaser in the conduct of any business or activity which is subject to the tax imposed by this article, or

(3) Sales of tangible personal property to the United States of America, its agencies and instrumentalities, or to the State of West Virginia, its institutions and political subdivisions.

(Ord. 2024-007. Passed 9-16-24.)

745.04 IMPOSITION OF TAX.

(a) There are hereby levied and imposed and shall be collected annual privilege taxes, against the persons, on account of the business and other activities and in the amounts to be determined by the application of rates against values or gross income or gross proceeds as set forth in Sections 745.05 through 745.14 of this article, inclusive.

(b) If any person liable for any tax under Section 745.05 or 745.06 of this article shall ship or transport its products, or any part thereof, out of the municipality without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the municipality shall be the basis for the assessment of the tax imposed in those sections. Gross income included in the measure of the tax under Section 745.05 or 745.06 of this article, shall neither be added nor deducted in computing the tax levied under the other sections of this article. In determining value, however, as regards sales from one to another of affiliated companies or persons, or under other circumstances where the relation between the buyer and the seller is such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale, the value upon which such privilege tax shall be levied shall correspond as nearly as possible to the gross proceeds from the sale of similar products of like quality or character where no common interest exists between the buyer and the seller but where the circumstances or conditions are otherwise similar.

(c) The municipal business and occupation tax is imposed on each person engaged in privileges taxable under this article if such person is engaged in purposive revenue generating activities within the municipality's limits and such person has sufficient contacts to sustain the municipality's taxing jurisdiction. By way of example (but not

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limitation), if a person's activities within the municipality contributes to the establishment and maintenance of a market, such contacts are considered to be sufficient to sustain the municipality's taxing jurisdiction assuming federal constitutional nexus standards are satisfied.

(d) Notwithstanding the foregoing, no tax shall be imposed pursuant to this section for any tax year in which the taxpayer's gross income is less than two thousand five hundred dollars ($2,500.00), as further provided in § 745.16(i) of this article.

745.05 NATURAL RESOURCE PRODUCTION.

(a) Upon every person engaging or continuing within the municipality in the business of severing, extracting, mining, quarrying, reducing to possession and/or producing for sale, profit or commercial use any natural resource products, the amount of such tax shall be equal of the value of the articles produced as shown by the gross proceeds derived from the sale thereof by the producer, except as hereinafter provided, multiplied by the respective rates as follows: Coal, one percent (1.00%); limestone or sandstone quarried or mined, one and one-half percent (1.50%); oil or blast furnace slag, three percent (3.00%); natural gas in excess of the value of five thousand dollars ($5,000.00), six percent (6.00%); sand, gravel or other mineral products, not quarried or mined, three percent (3.00%); timber one and one- half percent (1.50%), and other natural resource products, two percent (2.00%).

(b) The measure of this tax is the value of the entire production in the municipality, regardless of the place of sale or the fact that delivery may be made to points outside the municipality.

(c) A person exercising privileges taxable under this section and using or consuming the natural resources so produced in his business or transferring or delivering the natural resources as any royalty paid, in kind, or the like, shall be deemed to be engaged in the business of producing natural resources and shall be required to make returns on account of the production of the business, showing the gross proceeds or equivalent in accordance with uniform and equitable rules for determining the value upon which privilege taxes shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by other taxpayers.

(d) Persons who produce natural resources outside the municipality and who make sale of those products within the municipality shall not pay the tax imposed by this section but shall pay the tax imposed by Section 745.07 of this article for the privilege of selling such products within the municipality.

(e) A person exercising any privilege taxable under this section and engaging in the business of selling its natural resource products in the municipality shall be required to make returns of the gross proceeds of such sales and pay the tax imposed in Section 745.07 of this article for the privilege of engaging in the business of selling such natural resource products in the municipality. (Ord. 2024-007. Passed 9-16-24.)

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745.06 MANUFACTURING.

(a) Upon every person engaging or continuing within the municipality in the business of manufacturing, compounding or preparing for sale, profit or commercial use, either directly or through the activity of others, in whole or part, any article or articles, substance or substances, commodity or commodities, or newspaper publishing (including all gross income or proceeds of sale from circulation and advertising), the amount of the tax shall be equal to the value of the article, substance, commodity or newspaper manufactured, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same, except as otherwise provided, multiplied by a rate of eighteen one-hundredths percent (0.18%).

(b) The measure of the tax in this section is the value of the entire product manufactured, compounded or prepared in the municipality for sale, profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the municipality. It is further provided, however, that in those instances in which the same person partially manufactures, compounds or prepares products within the municipality and partially manufactures, compounds or prepares such products outside the municipality, the measure of tax under this section shall be that proportion of the sales price of the product that the payroll costs of manufacturing within the municipality bears to the entire payroll costs of manufacturing the product.

(c) If any person shall ship or transport its products or any part thereof out of the State without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the State shall be the basis for the assessment of the tax imposed. The treasurer may prescribe equitable and uniform rules of ascertaining such value; provided that, in the absence of such rules, the person manufacturing the products within the municipality shall report the value in a consistent and reasonable manner.

(d) The dressing and processing of food intended for human consumption by a person, or the cooking and serving of food by a restaurant which food is to be sold in the municipality by such person, shall not be considered manufacturing or compounding or preparing for sale, but the sale of these products shall be reported under Section 745.07 of this article either as wholesale or retail sale, as the case may be.

(e) Persons who manufacture, compound or prepare products outside the municipality and who make sale of such product within the municipality shall not pay the tax imposed by this section but shall pay tax imposed by Section 745.07 of this article for the privilege of selling such product within the municipality.

(f) A person exercising any privilege taxable under this section and engaging in the business of selling its product in the municipality shall be required to make returns of the gross proceeds of such sales and pay the tax imposed by this section at the rate set forth in Section 745.07 of this article for the privilege of engaging in the business of selling such manufactured goods in the municipality.

(Ord. 2024-007. Passed 9-16-24.)

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745.07 SELLING TANGIBLE PROPERTY.

(a) Upon every person engaging or continuing within the municipality in the business of selling any tangible property whatsoever, real or personal, including the sale of food in hotels, restaurants, cafeterias, confectioneries and other public eating houses and wholesale sales from a rolling stockpile, except sales of any person engaging or continuing in the business of horticulture, agriculture or grazing, or selling stocks, bonds, or other evidence of indebtedness, there is hereby levied, and shall be collected, a tax equal to five one- hundredths percent (0.05%) of the gross income of the business; except, therein the case of selling at wholesale, the tax shall be equal to five one-hundredths percent (0.05%) of the gross income of the business.

(b) Gross income or gross proceeds of sales derived from sales within West Virginia that is not taxed or taxable by any other municipality are included in the measure of municipal business and occupation tax if the sales are either directed from a location within the municipality or the taxpayer's principal West Virginia office is located in the municipality. Without limiting the generality of the foregoing, when the taxpayer has only one (1) office location and this office is located within the municipality and its activities elsewhere in West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by this municipality.

(c) Persons domiciled outside the municipality who solicit sales within the municipality and sell tangible personal property within the municipality are doing business in the municipality, irrespective of the domicile of such persons and irrespective of whether or not such persons maintain a permanent place of business in the municipality and irrespective of how a sales order is transmitted or processed. If an order is placed in connection with solicitation by a representative (regardless whether there is an employment or agency relationship or whether acting as an independent contractor) who solicits orders within the municipality, and the tangible personal property is to be delivered in the municipality, then the gross proceeds of such sales are included in the measure of the tax imposed by this article.

(Ord. 2024-007. Passed 9-16-24.)

745.08 PUBLIC SERVICE OR UTILITY BUSINESS.

Upon every person engaging or continuing within the municipality in any public service or utility business, except railroad, railroad car, express, pipeline, telephone and telegraph companies, water carriers by steamboat or steamship and motor carriers, there is levied, and shall be collected, taxes on account of the business engaged in equal to the gross income of the business multiplied by the respective rates as follows: electric light and power companies, four percent (4.00%) on sales and demand charges for domestic and commercial lighting and three percent (3.00%) on sales and demand charges for all other purposes; natural gas companies, three percent (3.00%); and upon all other public service or utility business, two percent (2.00%). The measure of this tax shall not include gross income derived from commerce between the State and other states of the United States.

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The measure of the tax under this section shall include only gross income received from the supplying of public service. The gross income of the taxpayer from any other activity shall be included in the measure of the tax imposed upon such other activity by the appropriate section of this article. (Ord. 2024-007. Passed 9-16-24.)

745.09 CONTRACTING.

Upon every person engaging or continuing within the Municipality in the business of contracting, the tax shall be equal to two percent (2.00%) of the gross income of the business.

(Ord. 2024-007. Passed 9-16-24.)

745.10 AMUSEMENTS.

Upon every person engaging or continuing within the municipality in the business of operating a theater, opera house, moving picture show, vaudeville, amusement park, carnival, circus, dance hall skating rink, racetrack, radio broadcasting station or any other place at which amusements are offered to the public, the tax shall be equal to fourteen one-hundredths percent (0.14%) of the gross income of the business.

(Ord. 2024-007. Passed 9-16-24.)

745.11 SERVICE BUSINESS OR CALLING NOT OTHERWISE CLASSIFIED.

(a) Upon every person engaging or continuing within the municipality in any service business or calling not otherwise specifically taxed under this article, there is hereby levied, and shall be collected, a tax equal to twenty-three one-hundredths percent (0.23%) of the gross income of any such business.

(b) Gross income or gross proceeds of sales derived from services within West Virginia that is not taxed or taxable by any other municipality are included in the measure of tax under this article if the services are either directed from a location in the municipality or the taxpayer's principal West Virginia office is located in the municipality. Without limiting the generality of the foregoing, when a taxpayer has only one (1) office location and this office is located within the municipality and its activities elsewhere in West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by this municipality.

(Ord. 2024-007. Passed 9-16-24.)

745.12 RENTALS AND ROYALTIES.

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Upon every person engaging or continuing within the municipality in the business of furnishing any real or tangible personal property which has a tax situs in the municipality, or any interest therein, for hire, loan, lease or otherwise, whether the return is in the form of rentals, royalties, fees or otherwise, the tax shall be thirty one-hundredths percent (0.30%) of the gross income of any such activity. The term "tangible personal property", as used herein, shall not include money or public securities. (Ord. 2024-007. Passed 9-16-24.)

745.13 BANKING AND OTHER FINANCIAL BUSINESSES.

Upon every person engaging or continuing within the municipality in the business of banking or financial business, the tax shall be equal to twenty-three one-hundredths percent (0.23%) of the gross income received from interest, premiums, discounts, dividends, service fees or charges, commissions, fines, rents from real or tangible personal property, however denominated, royalties; charges for bookkeeping or data processing, receipts from check sales, charges or fees, and receipts from the sale of tangible personal property; provided, that gross income shall not include:

(a) Interest received on the obligations of the United States, its agencies and instrumentalities;

(b) Interest received on the obligations of this or any other state, territory or possession of the United States, or any political subdivision of any of the foregoing or of the District of Columbia; or

(c) Interest received on investments or loans primarily secured by first mortgages or deeds of trust on residential property occupied by nontransients; provided further, that all interest derived on activities exempt under (c) above shall be reported, as to amounts, on the return of a person taxable under the provision of this section.

(Ord. 2024-007. Passed 9-16-24.)

745.14 HEALTH MAINTENANCE ORGANIZATIONS.

The rate of tax on the activity of a health maintenance organization holding a certificate of authority under the provisions of West Virginia Code §§ 33-25A-1 et seq. shall not exceed one half of one percent (0.50%) to be applied solely to that portion of gross income received from the Medicaid program pursuant to Title XIX of the Social Security Act, the State employee programs administered by the public employee insurance agency pursuant to West Virginia Code§§ 5-16-1 et seq., and other federal programs, for health care items or services provided directly or indirectly by the health maintenance organization that is expended for administrative expenses; and shall not exceed one-half of one percent (0.50%) to be applied to the gross income received from enrollees, or from employers on behalf of enrollees, from sources other than Medicaid, State employee programs administered by the public employees insurance agency and other federal programs for health care items or services provided directly or indirectly by the health maintenance

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organization: Provided, That this tax rate limitation shall not extend to that part of the gross income of health maintenance organizations which is received from the use of real property other than property in which any such company maintains its office or offices in the municipality, whether such income is in the form of rentals or royalties.

(Ord. 2024-007. Passed 9-16-24.)

745.15 PERSONS TAXABLE ON MULTIPLE ACTIVITIES; CREDITS.

(a) A person taxable under Section 745.07 of this article with respect to selling products at wholesale in this municipality shall be allowed a non-refundable credit against the tax imposed on such wholesale sales pursuant to Section 745.07 for any (i) manufacturing taxes paid by such person with respect to the manufacturing of products so sold at wholesale in this municipality, and/or (ii) extracting taxes paid by such person with respect to the extracting of products so sold in this municipality or ingredients of products so sold at wholesale in this municipality.

(b) For purposes of this section:

(1) Manufacturing tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a manufacturer and includes (i) the tax imposed in Section 745.06 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units (other than State governments) within the United States.

(2) Extracting tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a producer of natural resource products and includes (i) the tax imposed in Section 745.05 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units within the United States (other than State governments) within the United States.

(3) Gross receipts tax" means a tax which (i) is imposed on or measured by the gross volume of business in terms of gross receipts or in other terms and in the determination of which deductions allowed would not constitute the tax an income tax or value added tax and (ii) which is not, pursuant to law or custom, separately stated from the sales price.

(c) If imposition of the municipality's tax would place an undue burden upon interstate commerce or violate constitutional requirements, a taxpayer shall be allowed a credit to the extent necessary to preserve the validity of the tax under this article, and still apply the tax to as much of the taxpayer's activities as may be subject to the municipality's taxing authority.

(Ord. 2024-007. Passed 9-16-24.)

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745.16 EXEMPT ACTIVITIES.

The provisions of this article shall not apply to:

(a) Insurance companies which pay the State of West Virginia a tax upon premiums; provided, that such exemption shall not extend to that part of gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in the municipality, whether such income is in the form of rentals or royalties; '

(b) Nonprofit cemetery companies organized and operated for the exclusive benefit of their members;

(c) Fraternal societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit; provided, that this exemption shall not extend to that part of gross income arising from the sale of alcoholic liquor, food and related services of such fraternal societies, organizations and associations which are licensed as private clubs under the provisions of West Virginia Code §§ 60-7-1 et seq.;

(d) Corporations, associations and societies organized and operated exclusively for religious or charitable purposes;

(e) Production credit associations, organized under the provisions of the federal Farm Credit Act of 1933; provided, that the exemption of this section shall not apply to corporations or cooperative associations organized under the provisions of West Virginia Code §§ 19-4-1 et seq.;

(f) Any credit union organized under the West Virginia Code; provided, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of West Virginia Code§§ 19-4-1 et seq.; and

(g) Gross income derived from advertising service rendered in the business of radio and television broadcasting.

(h) Licensed new and existing childcare and/or facilities operating in the City.

(i) A person engaging in business within the municipality shall not be subject to the municipal business and occupation or privilege tax imposed by this article for any tax year in which the taxpayer's gross income, as defined in § 745.03(d) of this article, is less than two thousand five hundred dollars ($2,500.00). This exemption shall apply on a prospective basis only and shall not affect liability for any tax periods ending prior to July 1, 2025. For purposes of this section, the term "gross income" shall be interpreted consistently with § 3.4 of this article and includes all receipts and values accruing to the taxpayer from engaging in business, without deduction. Any businesses taking the exemption pursuant to this subsection shall timely submit returns required by this article to demonstrate entitlement to the exemption, and shall also submit such additional information or documentation deemed necessary by the Treasurer.

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745.16A OPTIONAL EXEMPT ACTIVITIES.

The City Council, by vote of 2/3 majority of the Council, reserves the right to apply, reduce, or eliminate for a specified time period and/or for a specific project, the Business and Occupation tax per the following provision(s): Any activity associated with a municipality- initiated/tax payer-funded project that directly benefits Charles Town's residents, and in which the taxes rendered under this article could result in higher rates to those residents for existing services and/or higher project costs for the municipality.

(Ord. 2024-007. Passed 9-16-24.)

745.16B B&O TAX CREDIT INCENTIVES.

In addition to any other tax incentive otherwise available, any business that meets the following qualifying requirements shall be entitled to a tax credit computed under the provisions of this article for:

(a) Old Town Mixed Use - Commercial (OTMU-C) District Retail, Dining, & Entertainment Tax Credit

(1) For any new retan dining, and entertainment business that locates within the Old Town Mixed Use - Commercial (OTMU-C), as defined by the City's Zoning Ordinances, the business entity may be allowed:

A. One hundred (100%) percent credit against the business and occupation tax liability annually for the first year from the date the entity qualifies for the tax credit

B. Fifty (50%) percent credit against the business and occupation tax liability annually for the second year from the date the entity qualifies for the tax credit

C. Twenty-five (25%) percent credit against the business and occupation tax liability annually for the third year from the date the entity qualifies for the tax credit

(2) Any new qualifying business applying for a New Retail, Dining, and Entertainment tax credit inside the OTMU-C District shall:

A. Submit an official "Business Plan" to the City's Business Development Coordinator which must be dated and signed by the Community Development Director. A standard business template is provided with the City's new business packet.

B. Meet with the Community Development Director.

(3) The credit may only be taken if a qualifying business files the required business and occupation tax return on or before the required due date. When such documentation is filed on or before the required due date.

(4) New business is defined as the business entity never having operated or conducted business in a physical, fixed location in the City.

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(5) The business must produce fifty percent (50%) or more of gross sales in the form of retail, dining, or entertainment to qualify for the incentive.

(6) To meet the classifications set forth for Retail, Dining, or Entertainment, the business must comply with and meet the definitions set forth by the City for the terms above in the City's zoning regulations and District Use Tables.

(b) New Retail, Dining, & Entertainment Tax Credit inside a City Commercially Zoned District.

(1) For any new retail, dining, and entertainment businesses that locates beyond the boundaries of the OTMU-C, but still within the corporate limits of the City's zoned commercial area(s), the business entity may be allowed:

A. Fifty percent (50%) credit against the business and occupation tax liability annually for the first year from the date the entity qualifies for the tax credit

B. Twenty-five (25%) credit against the business and occupation tax liability annually for the second year the date the entity qualifies for the tax credit

(2) Any new qualifying business applying for a New Retail, Dining, and Entertainment tax credit inside a City Commercially Zoned District shall:

A. Submit an official "Business Plan" to the City's Business Development Coordinator which must be dated and signed by the Community Development Director. A standard business template is provided with the City's new business packet.

B. Meet with the Community Development Director.

(3) The credit may only be taken if a qualifying business files the required business and occupation tax return on or before the required due date. When such documentation is filed on or before the required due date.

(4) New business is defined as the business entity never having operated or conducted business in a physical, fixed location in the City.

(5) The business must produce 50% or more of gross sales in the form of retail, dining, or entertainment to qualify for the incentive.

(6) To meet the classifications set forth for Retan Dining, or Entertainment, the business must comply with and meet the definitions set forth by the City for the terms above in the City's zoning regulations and District Use Tables.

(Ord. 2024-007. Passed 9-16-24.)

745.17 TAX CUMULATIVE.

The tax, interest and penalty imposed by this article shall be in addition to all other licenses, taxes and other revenue measures levied or collected by the municipality as a

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condition precedent to the right of any person to engage or continue in any business, profession, trade, calling or other activity within this municipality. A person exercising a privilege taxable under this article, subject to the payment of all licenses and charges which are conditions precedent to exercising the privileges taxed, may exercise the privilege in this municipality for the tax year upon the condition that he shall pay the tax, interest and penalty imposed by this article.

(Ord. 2024-007. Passed 9-16-24.)

745.18 ADMINISTRATION GENERALLY.

The administration of this article is vested in and shall be exercised by the treasurer who shall prescribe forms and may promulgate from time to time reasonable rules, publications and instructions for the making of returns, and for ascertaining, assessment, collection and administration of tax, interest and penalty imposed hereunder.

(Ord. 2024-007. Passed 9-16-24.)

745.19 RETURNS; COMPUTATION AND PAYMENT OF TAX.

(a) The tax levied by this article shall be due and payable in semi-annual installments on or before the expiration of one month from the end of each semi-annual period in which they accrue. The taxpayer shall, within one month from the expiration of each semi-annual period, make a return reporting the computation of tax for which it is liable for each semi-annual period; sign and mail the completed return, together with any remittance due, to the location specified by the treasurer. The treasurer may allow return and payment under this section for periods other than semi-annual periods.

(b) On or before thirty-one (31) days after the end of the tax year, each person liable for the payment of tax under this article shall make a second semi-annual return, showing the gross proceeds of sale or gross income of business, trade, calling or activity, computing the amount of tax, interest and penalty chargeable against the person in accordance with the provisions of this article and transmit with the return a remittance in the sum required by this article, covering the remainder of the tax, interest and penalty chargeable against the person for the tax year, to such location or locations specified by the treasurer. Such returns shall be verified by the oath of the taxpayer, if made by an individual, or by the individual designated by a taxpayer that is an entity to take the oath on behalf of the taxpayer.

(c) All remittances and payments of tax, interest and penalty imposed by this article shall be made to the treasurer, in lawful money of the United States or by bank draft, certified check, cashier's check, or other commercially acceptable means specified by the treasurer, to be kept, deposited and accounted for as provided by law.

(d) A person whose gross income for a tax year is less than two thousand five hundred dollars ($2,500.00), as described in § 16(i) of this article, shall not be liable for the tax

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imposed by this article but may shall be required to file a return or declaration indicating that their gross income is below the applicable threshold, in such form as the Treasurer may prescribe. At such time as a person who has claimed exemption under Section obtains in excess of $2,499.99 in any tax year, the applicable tax upon such gross income shall be due as of the due date of the second semi-annual payment. Any such payment shall not have added to the amount due any penalty or interest assessable under this Article for failure to make payment during prior portion of the tax year. The taxpayer shall be entitled to any applicable credits otherwise provided by the Article against the amounts actually paid, but no credit of exemption shall have the effect of reducing the tax liability to less than zero dollars.

(Ord. 2024-007. Passed 9-16-24.)

745.20 TAXPAYER RECORDS.

Each person subject to this article shall maintain sufficient records for review by the treasurer as long as the contents of such records may be material in the administration of tax imposed by this article.

(Ord. 2024-007. Passed 9-16-24.)

745.21 TAX RETURN INFORMATION CONFIDENTIALITY.

(a) Except when required in an investigation or proceeding to ascertain or collect amount of tax, interest, penalty, refund or credit due, or pursuant to an exemption in W. Va. Code§ 11-10-5d, it shall be unlawful for any officer, employee or agent of the municipality to divulge or make known in any manner the tax return, or any part thereof, of any person, or disclose information concerning the personal affairs of any individual or the business of any person, or disclose the amount of income or any particulars set forth or disclosed in any report, declaration or return required to be filed with the treasurer or otherwise obtained by the municipality in an investigation undertaken by the treasurer concerning the tax imposed by this article. Any person protected by the provisions of this article may, in writing, waive the confidentiality provisions of this section for such purpose and such period as he shall therein state. This section shall not be construed to prohibit the publication or release of statistics so classified as to prevent the identification of particular reports and the items thereof. Notwithstanding the foregoing, the treasurer may permit the proper officer, or his authorized representative or agent, of the United States or the State, or any political subdivision of the State, to inspect return information to or may furnish to such officer or representative a copy of any such return or any other tax return information, provided, that such other jurisdiction grants similar privileges to this municipality or if the other jurisdiction is a party of an intergovernmental agreement authorizing the exchange of such information.

(b) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall divulge facts or information obtained from returns or

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tax statements other than for the purpose of administering such tax shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution.

(c) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall make unauthorized disclosure of information received from the State Tax Commissioner under authority of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution.

(d) For purposes of this article, "unauthorized disclosure" means the release to any person of any tax information obtained by the municipality from the State Tax Commissioner unless the person receiving the information is the authorized counsel of the municipality and shall be using the information only for the purpose of administering the tax imposed by this article, Sales Tax from single location businesses, or Liquor Sales Tax; or the person who filed the return has authorized, in writing, its release, thereby waiving his right to secrecy.

(Ord. 2024-007. Passed 9-16-24.)

745.22 ERRONEOUS COMPUTATION OF TAX.

If any taxpayer shall make any error in computing the tax, interest and penalty under this article, the treasurer shall correct such error or reassess the proper amount of tax, interest and penalty, and notify the taxpayer of his or her action by mailing the taxpayer promptly a copy of the corrected assessment, and any additional tax, interest and penalty for which such taxpayer may be liable shall be paid within fifteen (15) days after the receipt of such statement. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be immediately refunded to the taxpayer upon the request of the treasurer and shall be payable out of any funds available for the purpose. The taxpayer may, at its election, apply an overpayment as credit upon tax subsequently accruing hereunder.

(Ord. 2024-007. Passed 9-16-24.)

745.23 INVESTIGATIONS.

(a) For the purpose of ascertaining the correctness of a tax return, claim or assessment or for the purpose of making an estimate of any taxpayer's liability for the tax administered under this article, the treasurer shall have the power to examine or cause to be examined any books, papers, records, memoranda and other documents or data bearing upon the matters required to be included in the return and may require the attendance of the person rendering the return or the attendance of any other person having knowledge of relevant

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matters. In connection therewith, the treasurer may take testimony and shall have the power to administer oaths.

(b) The treasurer has the power to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and production of documents for the purpose of ascertaining the correctness of a return or claim or for performing an assessment or for any hearing held by the treasurer. In case of the failure or refusal of a witness to appear and testify or to produce evidence, the treasurer may invoke the aid of the circuit court of Jefferson County. Upon proper showing, the treasurer may apply for an order requiring the witness to appear and give testimony and produce evidence concerning the matter in question.

(Ord. 2024-007. Passed 9-16-24.)

745.24 ASSESSMENTS.

(a) If any person who is required by this article to do so shall fail or refuse to make a return, either in whole or part, or if the treasurer believes the tax imposed by this article has been insufficiently returned by any taxpayer, the treasurer may proceed to assess the tax and shall notify the person assessed of the amount of the tax, additional tax, interest and penalties so assessed.

(b) The treasurer may, at any time before the assessment becomes final, amend, in whole or in part, any assessment whenever the treasurer ascertains that such assessment is improper or incomplete in any material respect. The treasurer may, at any time within the period prescribed for assessment, make a supplemental assessment whenever the treasurer ascertains that any assessment is incorrect in any material respect.

(c) The amount of tax, interest and penalties imposed by this article shall be assessed within three (3) years after the date the second semi-annual return for the year in which such tax arose is filed by the taxpayer; provided, that in the case of a false or fraudulent return filed with the intent to evade the tax or in case no return is filed, an assessment may be made at any time.

(Ord. 2024-007. Passed 9-16-24.)

745.25 NOTICE OF ASSESSMENT; PETITION FOR REASSESSMENT.

The treasurer shall give the taxpayer written notice of any assessment made pursuant to this article. Unless the taxpayer to whom the notice of assessment is given shall within thirty (30) days after service thereof file with the treasurer a petition for reassessment, the assessment shall become final and not subject to administrative or judicial review. A petition for reassessment must be in writing verified under oath by the taxpayer or his duly authorized agent having knowledge of the facts, setting forth with particularity the items of the assessment objected to, together with the reasons for the objections. The total amount

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of an assessment shall be due and payable on the day following the date upon which the assessment becomes final.

(Ord. 2024-007. Passed 9-16-24.)

745.26 HEARING PROCEDURE; DECISION; REVIEW.

(a) When a petition for reassessment or a petition for refund or credit is properly filed pursuant to this article within the time prescribed for such filing, the treasurer shall assign a time and a place for a hearing thereon and shall notify the petitioner of such hearing by written notice at least twenty (20) days in advance thereof. Such hearing shall be held within ninety (90) days from the date of filing the petition, unless continued by agreement of the parties or by the treasurer for sufficient cause.

(b) The hearing shall be informal and shall be conducted in an impartial manner by the Finance Committee of the municipality. The burden of proof shall be upon the taxpayer to show that the assessment or denial refund or credit is incorrect and contrary to law, in whole or in part.

(c) After such hearing, the Finance Committee of the municipality shall, within a reasonable time, give notice in writing to the taxpayer of their decision. An appeal may be taken by the taxpayer of the Finance Committee's decision to the council of the municipality.

(d) An appeal may be taken by the taxpayer to the Circuit Court of Jefferson County within thirty (30) days after service of the council's administrative decision issued pursuant to this section. (Ord. 2024-007. Passed 9-16-24.)

745.27 INJUNCTION.

After any delinquency shall have continued sixty (60) days, the treasurer may proceed in the Circuit Court of Jefferson County to obtain an injunction restraining the further exercise of the privilege until full payment shall have been made of all tax, interest and penalty due under this article. In any proceeding under this section, upon judgment or decree for the municipality, the municipality shall be awarded its costs.

(Ord. 2024-007. Passed 9-16-24.)

745.28 UNPAID TAX A LIEN; DELINQUENCY NOTICE FILING AND RELEASE.

Any tax, interest and penalties due and payable under this article shall be a debt due the municipality and shall constitute a lien on the real and personal property of the taxpayer. The treasurer, for the more effective collection of the tax, interest and penalty imposed by

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this article, may file with the Clerk of the Jefferson County Commission a certified notice of lien for delinquent taxes, interest and penalty under this article for recordation. If a lien has been recorded respecting a delinquency, upon full payment of all delinquent tax, interest and penalty, the treasurer shall attest to the fact and amount of payment, and shall forward a certificate of release to the taxpayer. Upon presentment and payment of the recording fee by the taxpayer, the Clerk of the Jefferson County Commission shall record such certificate in the book in which releases are recorded. (Ord. 2024-007. Passed 9-16-24.)

745.29 SUCCESSOR LIABILITY.

The tax, interest and penalty imposed by this article shall be a continuing lien upon the property of any person subject to the provisions hereof who shall sell out its business or stock of goods, or shall quit business, and such person shall be required to make the return provided for in this article within thirty (30) days after the date it sold out its business or stock of goods, or quit business, and its successor in business shall be required to withhold a sufficient amount of the purchase money to cover the amount of such tax, interest and penalty due and unpaid until such time as the former owner shall produce a receipt from the treasurer showing that all tax, interest and penalty has been paid. If the purchaser of a business or stock of goods fails to withhold purchase money as hereby provided, and the tax, interest and penalty shall be due and unpaid after the thirty-day period allowed, the successor shall be personally liable for the payment of the tax, interest and penalty accrued and unpaid on account of the operation of the business by the former owner. (Ord. 2024-007. Passed 9-16-24.)

745.30 REVOCATION, NON-RENEWAL OF LICENSES AND PERMITS.

(a) The treasurer has the authority to revoke, deny and prevent any and all licenses and permits issued by the municipality in the event a licensee or permittee fails or refuses to file any return required hereby or fails or refuses to pay any delinquent tax, interest or penalty due and owing to the municipality.

(b) In the event of such a revocation or denial, the treasurer will provide written notice to the affected person at least five (5) days prior to the contemplated revocation or denial and such notice shall be served by certified mail. The notice shall indicate the time and the place of a revocation/ denial review meeting, the general grounds of said contemplated action, and shall advise the affected person of its rights to appear at said hearing in person and represented by legal counsel, and to be heard orally upon the merits of the person's defense. The treasurer may request legal advice from the City Attorney, and adopt such procedures for its decorum and the dispatch of business at such hearings as the treasurer may regard advisable. The revocation decision of the treasurer will be final.

(c) Each license or permit that has been revoked or denied pursuant to this section may be issued or re-issued upon payment of all delinquent tax, interest or penalty due and

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owing to the municipality and satisfaction of all relevant licensing conditions otherwise imposed by the municipality. (Ord. 2024-007. Passed 9-16-24.)

745.31 SETTLEMENT AGREEMENTS AND COMPROMISES.

The treasurer, with approval of the City Manager, is authorized to enter into an agreement in writing with any person relating to the liability of such person in respect of the tax, interest and penalty imposed by this article for any taxable period. If such a closing agreement is duly made and entered into, such agreement shall be final and conclusive for the periods covered except upon a showing of fraud, malfeasance or misrepresentation of a material fact. The treasurer, with approval of the City Manager, may compromise all or part of any administrative determination or civil case concerning tax, interest and penalty or otherwise arising under the provisions of this article.

(Ord. 2024-007. Passed 9-16-24.)

745.32 ADDITIONAL ADMINISTRATIVE PROVISIONS CONCERNING CONTRACTING.

(a) Without limiting the generality of the administrative and collection powers granted to the treasurer in this article, the treasurer is also empowered to require any person engaging or continuing within the municipality in the business of contracting to furnish a list of the names, addresses and amounts paid by them to any subcontractors employed and suppliers of materials used upon any job or to do any work within the municipality. The treasurer may also require every person engaging or continuing within the municipality in the business of contracting who is a nonresident of the State to pay or guarantee the payment of the amount of the tax imposed by this article for the privilege of engaging in the business of contracting within the municipality, such payment of such tax to be based upon the amount of the building permit issued by the municipality for the work to be performed by such person, as a condition precedent to the issuance of such building permit. In lieu of such prior payment in cash of such tax any such nonresident may guarantee the payment of such privilege tax provided for herein by delivering to the municipality a bond, with good and adequate surety, payable to the municipality, and conditioned to pay such tax on or before the estimated date of the completion of the work to be performed by such person within the municipality.

(b) Any person engaging a contractor or subcontractor within this municipality shall withhold payment in sufficient amount to cover taxes assessed by this article in the final settlement of such contracts until the receipt of a certificate from the treasurer to the effect that all taxes levied and accrued under this article against the contractor have been paid. If any person fails to withhold as provided herein and the contractor or subcontractor fails to timely pay such tax, such person shall be personally liable for the payment of such taxes, and the same shall be recoverable by the treasurer by appropriate legal proceedings.

(Ord. 2024-007. Passed 9-16-24.)

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745.33 CLAIMS FOR REFUND OR CREDIT.

(a) Any taxpayer claiming to have overpaid any tax, interest or penalty imposed by this article shall file its claim with the treasurer within three (3) years after the due date of the return in respect of which the tax was imposed, and not thereafter.

(b) If, as a result of the claim, the treasurer shall be of the opinion that the tax, interest or penalty, or any part thereof, was overpaid, the treasurer shall refund the same to the taxpayer. If the treasurer denies the claim, the taxpayer may within thirty (30) days after notice of denial file with the treasurer a petition for refund or credit, which shall be heard in accordance with Section 745.27 of this article. A taxpayer's failure to abide by express procedures contained in this section precludes taxpayer's right to any refund or credit of tax, interest and penalties paid or collected under this article. (Ord. 2024-007. Passed 9-16-24.)

745.34 INTEREST AND PENALTY; CRIMINAL LIABILITY.

(a) If any person, as required by this article, fails to complete and submit their semi-annual tax return, or submits their tax return after the due date, or submits their tax return but fails to remit in whole the proper amount of tax owed, to the appropriate municipal authorities, then there shall be added to the amount of tax owed and unpaid, from the date such tax should have been paid, a penalty in the amount of twenty-five (25.00%) percent of the tax due for the period of such failure or delinquency. In addition, such tax and penalty shall bear an interest at the rate of twelve percent (12.00%) per annum from the due date of the payment until paid. Whoever engages in any activity contrary to the provisions of this article shall, in addition to paying the tax, penalty, and interest imposed by this article, be subject to a fee of fifty dollars ($50.00) for each month or fraction thereof during in which that person has been in default of filing and/or remitting to the municipality taxes due including penalties and interest. This fee will not exceed $250.00 for any semi-annual tax reporting period. It shall be the duty of the treasurer to collect the full amount of the tax, penalty, interest, and fee(s) imposed. The person(s) responsible for remitting the tax, after all required taxes, penalties, and interest, less the accrued fees, have been paid in full, may for good cause shown, request that the municipality waive the penalty, interest, and fees owed in whole or in part. The municipality may waive the penalty, interest, and fees owed in whole or in part upon the recommendation of the municipality's Finance Committee. The City Manager may grant a fifteen (15) day grace period for delinquent zero return filings. After the grace period has expired the City Manager may waive the fees for returns with zero balances. Repeat waiver requests within a three year period will not be considered.

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(b) Interest and penalties may be collected in the same manner as the tax imposed by this article.

(c) Any person who shall willfully, and with intent to evade, refuse to pay all or any part of the tax imposed by this article shall be guilty of a misdemeanor. If the amount of the unpaid tax shall be less than one thousand dollars ($1,000), such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and if the amount of the unpaid tax shall be one thousand dollars ($1,000) or more, such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or imprisoned not more than thirty days, or be both fined and imprisoned as herein provided. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

(d) Whoever knowingly makes a false statement in any tax form or application shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000). Each false statement, whether made with or without other false statements on any one or more applications shall constitute a separate offense. And, whoever shall knowingly make a false statement in two separate "tax filings", whether or not said applications shall have been filed consecutively, and whether or not said person shall have been previously convicted thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and imprisoned not more than six months, or both. (Ord. 2024-007. Passed 9-16-24.)

745.35 SEVERABILITY.

If any provision of this article is held unconstitutional or invalid, on its face or as applied, the remaining provisions of this article shall remain in full force and effect; and to this end, the provisions of this article are declared to be severable.

(Ord. 2024-007. Passed 9-16-24.)

745.36 REPEAL OF THE BUSINESS FRANCHISE TAX.

The Business Franchise Tax heretofore enacted by the City of Charles Town in 1970 remains repealed.

(Ord. 2024-007. Passed 9-16-24.)

745.37 EFFECTIVE DATE.

The effective date of this article shall be July, 2010.

(Ord. 2024-007. Passed 9-16-24.)

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City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1067: Payment of Bills - October 6, 2025

Proposed Motion: Approve the bills for payment.

ATTACHMENTS:

- GEN FUND COUNCIL REPORT 2025-10-06.pdf
- CAPITAL RESERVE COUNCIL REPORT 2025-10-06.pdf
- COUNCIL REPORT PCARD 10-06-25.pdf
- PARKS N REC COUNCIL REPORT 2025-10-06.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
BOGGS ENVIRONMENTAL CONSULTANTS	10/03/25	661 S GEORGE AIR QLTY SUR	GENERAL FUND	NON-DEPARTMENTAL	1,250.70
	10/03/25	661 S GEORGE AIR QLTY SUR	GENERAL FUND	STREETS & HIGHWAYS	2,539.30
	10/03/25	CH AIR QLTY STUDY	GENERAL FUND	STREETS & HIGHWAYS	2,350.00
				TOTAL:	6,140.00
BOYS AND GIRLS CLUB OF JEFFERSON COUNT	10/03/25	CAR SHOW 25 PROCEEDS	GENERAL FUND	FAIR ASSOC/FESTIVAL	2,500.00
				TOTAL:	2,500.00
CHARLES TOWN NOW	10/03/25	1/2 WASHINGTON ST STUDY	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	30,000.00
				TOTAL:	30,000.00
COMCAST CORPORATION	10/03/25	SEPT25 PD TV SERV	GENERAL FUND	POLICE DEPARTMENT	10.46
				TOTAL:	10.46
CHARLES TOWN UTILITY BOARD	10/03/25	8/19 PD WATER DELIVERY	GENERAL FUND	POLICE DEPARTMENT	115.72
	10/03/25	LABOR FOR WV FEST25	GENERAL FUND	POLICE DEPARTMENT	684.86
	10/03/25	LABOR FOR CAR SHOW25	GENERAL FUND	POLICE DEPARTMENT	539.86
				TOTAL:	1,340.44
EMPOWER RETIREMENT	9/26/25	9/26/25 DFCMP/ROTH IRA	GENERAL FUND	NON-DEPARTMENTAL	4,580.09
	9/26/25	9/26/25 DFCMP/ROTH IRA	GENERAL FUND	NON-DEPARTMENTAL	3,368.10
	9/26/25	9/26/25 DFCMP/ROTH IRA	GENERAL FUND	NON-DEPARTMENTAL	2,007.63
				TOTAL:	9,955.82
ENVIRO-TECH PEST SERVICES INC	10/03/25	CWHALL PEST SERVI	GENERAL FUND	STREETS & HIGHWAYS	225.00
				TOTAL:	225.00
EVEREST WINDOW CLEANING	10/03/25	9/11 CH WINDOW CLNG	GENERAL FUND	CITY HALL	1,070.00
	10/03/25	9/11 PD WINDOW CLNG	GENERAL FUND	POLICE DEPARTMENT	120.00
	10/03/25	9/11 CWH WINDOW CLEANING	GENERAL FUND	STREETS & HIGHWAYS	720.00
				TOTAL:	1,910.00
FIRST-CITIZENS BANK & TRUST CO	10/03/25	SEPT25 2ND FLR PLOTTER	GENERAL FUND	CITY HALL	506.12
	9/30/25	OCT25 CH 1ST FLR CPIER	GENERAL FUND	CITY HALL	239.68
				TOTAL:	745.80
FRONTIER, INC.	10/03/25	SEPT25 CH ELEVATOR PHONE	GENERAL FUND	CITY HALL	71.27
				TOTAL:	71.27
FUNTOPIA LLC	9/30/25	REVIVE RMBST FUNTOPIA	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	25,000.00
				TOTAL:	25,000.00
HIRE LEVEL HCM INC	9/26/25	9/26/25 CH PAYROLL INVOIC	GENERAL FUND	CITY HALL	580.21
	9/15/25	SEPT25COUNCIL PAYROLL INV	GENERAL FUND	CITY HALL	125.87
				TOTAL:	706.08
JEFFERSON COUNTY CONVENTION & VISITOR'	10/03/25	SEPT25 HOTEL/MOTEL COLL	GENERAL FUND	VISITORS CENTER	7,613.75
				TOTAL:	7,613.75
JEFFERSON HIGH SCHOOL AIR FORCE JR ROT	10/03/25	CAR SHOW25 PROCEEDS	GENERAL FUND	FAIR ASSOC/FESTIVAL	500.00
				TOTAL:	500.00
JOHNSON CONTROLS SECURITY SOLUTIONS	10/03/25	2ND QTR26 RH ALARM SERV	GENERAL FUND	CITY HALL	370.39
	10/03/25	2ND QRTR26 PD ALARM SERV	GENERAL FUND	POLICE DEPARTMENT	1,581.65
				TOTAL:	1,952.04

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
JULIE ROGGENKAMP	10/03/25	RMBSMT BL FEE 26	GENERAL FUND	TREASURER'S OFFICE	15.00
				TOTAL:	15.00
KIMLEY-HORN AND ASSOCIATES, INC.	10/03/25	AUG35 PLANNING& SITE REVI	GENERAL FUND	PLANNING & ZONING	1,152.08
				TOTAL:	1,152.08
J.C. KUNKLE & ASSOCIATES, A.C.	10/03/25	CLIFFORD TRUST BEQUEST	GENERAL FUND	TREASURER'S OFFICE	825.00
				TOTAL:	825.00
MARLIN LEASING CORPORATION	10/03/25	SEPT25 CH&PD COPIER LEASE	GENERAL FUND	CITY HALL	280.00
	10/03/25	SEPT25 CH&PD COPIER LEASE	GENERAL FUND	POLICE DEPARTMENT	515.98
				TOTAL:	795.98
MCKINNEY'S AUTO REPAIR & TOWING	10/03/25	CAR#17 OIL SERV & TIRE RO	GENERAL FUND	POLICE DEPARTMENT	41.49
	10/03/25	CAR#17 OIL SERV & TIRE RO	GENERAL FUND	POLICE DEPARTMENT	111.06
				TOTAL:	152.55
MILLENIUM INSURANCE GROUP INC	10/03/25	OCT25 INS BROKER FEE	GENERAL FUND	CITY HALL	1,800.00
				TOTAL:	1,800.00
MUNICIPAL FINANCE OFFICERS ASSOCIATION	9/17/25	BALLOU & GROVE MEMBERSHIP	GENERAL FUND	CITY MANAGER'S OFFICE	100.00
				TOTAL:	100.00
NVA	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	NON-DEPARTMENTAL	122.92
	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	ECONOMIC DEVELOPMENT	7.97
	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	TREASURER'S OFFICE	31.88
	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	CITY CLERK'S OFFICE	7.97
	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	CITY ATTORNEY	7.97
	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	ENFORCEMENT AGENCY	7.97
	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	BUILDING INSPECTION	7.97
	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	PLANNING & ZONING	39.85
	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	CITY HALL	7.97
	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	POLICE DEPARTMENT	119.55
	10/03/25	OCT25 VISION INS CONT	GENERAL FUND	STREETS & HIGHWAYS	15.94
				TOTAL:	377.96
PERRY RICE, JULIA	10/03/25	TREE RPLCMNT AUGUSTNE TRA	GENERAL FUND	STREETS & HIGHWAYS	1,968.00
				TOTAL:	1,968.00
POTOMAC EDISON COMPANY, INC.	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	CITY HALL	155.71
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	CITY HALL	142.14
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	CITY HALL	190.65
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	CITY HALL	233.14
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	CITY HALL	75.16
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	CITY HALL	218.13
	9/30/25	9/25 106 N GE 2ND FL ELEC	GENERAL FUND	CITY HALL	261.19
	9/30/25	9/25 RH ELEC SERV	GENERAL FUND	CITY HALL	236.18
	9/30/25	9/25 CWH ELEC SERV	GENERAL FUND	CITY HALL	1,045.49
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREETS & HIGHWAYS	218.08
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	3,396.04
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	107.62
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	166.69
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	37.60
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	233.96
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	170.35
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	38.63

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	22.56
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	160.92
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	663.70
	9/15/25	AUGUST25 CH/MD/ST ELEC SE	GENERAL FUND	STREET LIGHT UTILITIES	4,837.75
				TOTAL:	12,611.69
SHENANDOAH SALES AND SERVICE INC.	10/03/25	S06 STATE INSP	GENERAL FUND	STREETS & HIGHWAYS	19.00
	10/03/25	SWEEPER REPAIRS	GENERAL FUND	STREETS & HIGHWAYS	2,471.24
				TOTAL:	2,490.24
SUN LIFE	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	NON-DEPARTMENTAL	617.54
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	ECONOMIC DEVELOPMENT	84.07
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	CITY MANAGER'S OFFICE	43.38
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	TREASURER'S OFFICE	311.67
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	CITY CLERK'S OFFICE	77.07
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	CITY ATTORNEY	117.37
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	ENFORCEMENT AGENCY	61.53
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	BUILDING INSPECTION	94.96
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	PLANNING & ZONING	422.92
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	CITY HALL	101.98
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	PARKING	34.04
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	POLICE DEPARTMENT	1,350.46
	10/03/25	OCT25 DENTAL INS CONT	GENERAL FUND	STREETS & HIGHWAYS	243.85
				TOTAL:	3,560.84
T-MOBILE	10/03/25	SEPT25 CELL SERV MD/PD/CH	GENERAL FUND	ECONOMIC DEVELOPMENT	32.87
	10/03/25	SEPT25 CELL SERV MD/PD/CH	GENERAL FUND	CITY MANAGER'S OFFICE	42.97
	10/03/25	SEPT25 CELL SERV MD/PD/CH	GENERAL FUND	CITY ATTORNEY	18.73
	10/03/25	SEPT25 CELL SERV MD/PD/CH	GENERAL FUND	ENFORCEMENT AGENCY	18.73
	10/03/25	SEPT25 CELL SERV MD/PD/CH	GENERAL FUND	PLANNING & ZONING	100.48
	10/03/25	SEPT25 CELL SERV MD/PD/CH	GENERAL FUND	CITY HALL	32.87
	10/03/25	SEPT25 CELL SERV MD/PD/CH	GENERAL FUND	CITY HALL	47.19
	10/03/25	SEPT25 CELL SERV MD/PD/CH	GENERAL FUND	POLICE DEPARTMENT	143.62
	10/03/25	SEPT25 CELL SERV MD/PD/CH	GENERAL FUND	STREETS & HIGHWAYS	221.95
				TOTAL:	659.41
TEK ADVISORS	10/03/25	SEPT25 TECH SERV	GENERAL FUND	CITY HALL	10,569.85
				TOTAL:	10,569.85
US BANK	10/01/25	SEPT 25 AP PCARD PMNT	GENERAL FUND	NON-DEPARTMENTAL	34,609.81
				TOTAL:	34,609.81
VSC FIRE & SECURITY INC	10/03/25	RMBSMT BL FEES PAID X2	GENERAL FUND	TREASURER'S OFFICE	515.00
				TOTAL:	515.00
WASHINGTON HIGH SCHOOL SHOW CHOIR	10/03/25	CAR SHOW 25 PROCEEDS	GENERAL FUND	FAIR ASSOC/FESTIVAL	300.00
				TOTAL:	300.00
WIRELESS NETWORKS GROUP INC	10/03/25	08/14/25 COMCAST REVIEW	GENERAL FUND	PLANNING & ZONING	62.50
				TOTAL:	62.50
WV PERS (CPRB)	9/17/25	AUG 25 MPFRS PAYMENT	GENERAL FUND	NON-DEPARTMENTAL	10,796.23
	9/17/25	JULY 25 PERS PAYMENT	GENERAL FUND	NON-DEPARTMENTAL	25,522.01
	9/17/25	AUG 25 PERS PAYMENT	GENERAL FUND	NON-DEPARTMENTAL	37,250.76
	9/17/25	AUG 25 MPFRS PAYMENT	GENERAL FUND	NON-DEPARTMENTAL	14,552.24
				TOTAL:	88,121.24

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT

========== FUND TOTALS ==========

001	GENERAL FUND	249,357.81
	GRAND TOTAL:	249,357.81

TOTAL PAGES: 4

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: AP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 9/15/2025 THRU 10/03/2025

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
GREENWAY ENGINEERING, INC.	10/04/25	AUG25 STORMWATER STUDY	CAPITAL RESERVE	STREETS & TRANSPORTATI	482.50
	10/04/25	8/25LBERTY ST DRNGE CONST	CAPITAL RESERVE	STREETS & TRANSPORTATI	2,498.75
	10/03/25	SEPT25 LIBERTY DRAINAGE	CAPITAL RESERVE	STREETS & TRANSPORTATI	1,222.50
				TOTAL:	4,203.75
MICHAEL BAKER INTERNATIONAL, INC	10/04/25	APRIL25 ZNG ORD UPDATE	CAPITAL RESERVE	GENERAL GOVERNMENT	9,220.06
	10/03/25	AUGUST25 ZNG ORD UPDATE	CAPITAL RESERVE	GENERAL GOVERNMENT	7,080.50
				TOTAL:	16,300.56
MOTOROLA SOLUTIONS, INC.	10/04/25	HANDHELD RADIO CHARGER	CAPITAL RESERVE	PUBLIC SAFETY	829.84
				TOTAL:	829.84

========== FUND TOTALS ==========

200	CAPITAL RESERVE	21,334.15
	GRAND TOTAL:	21,334.15

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: CAP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 10/03/2025 THRU 10/04/2025

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-42 TACTICAL LLC	10/01/25	CHEVRON PAIRS SGT/CPL/PFC	GENERAL FUND	POLICE DEPARTMENT	1,230.00
				TOTAL:	1,230.00
AC &T CO., INC	10/01/25	CAR SHOW25 PT SERV	GENERAL FUND	FAIR ASSOC/FESTIVAL	927.50
	10/01/25	AUG 25 JMP PT SERV	PARKS & REC	PARKS & REC	289.00
	10/01/25	SEPT25 JMP PT SERV	PARKS & REC	PARKS & REC	289.00
	10/01/25	SEPT25 PT SER WLGHM KNLL P	PARKS & REC	PARKS & REC	115.00
	10/01/25	SEPT25 PT SERV SKT PK	PARKS & REC	PARKS & REC	178.00
				TOTAL:	1,798.50
ALL AMERICAN PAVING LLC	10/01/25	SKATE PK WLKING TRAIL PAVI	CAPITAL RESERVE	CULTURE & RECREATION	9,400.00
	10/01/25	TRAIL CONNECTION TO BRIDGE	CAPITAL RESERVE	CULTURE & RECREATION	5,000.00
				TOTAL:	14,400.00
AMAZON	10/01/25	TR DESK SCANNER X2	GENERAL FUND	TREASURER'S OFFICE	487.18
	10/01/25	TR CALENDAR	GENERAL FUND	TREASURER'S OFFICE	13.98
	10/01/25	MONITOR WALL MOUNT	GENERAL FUND	TREASURER'S OFFICE	39.99
	10/01/25	CH CNCL CHMBR TRASH CAN	GENERAL FUND	CITY HALL	12.97
	10/01/25	CH LOBBY TRASH CAN	GENERAL FUND	CITY HALL	47.45
	10/01/25	CH WATER BOTTLE HOLDER	GENERAL FUND	CITY HALL	85.99
	10/01/25	NO FIREARM SIGN	GENERAL FUND	CITY HALL	8.97
	10/01/25	CH CABINET REPLCMT KEYS	GENERAL FUND	CITY HALL	13.17
	10/01/25	TABLE&4CHAIRS CH KITCHEN	GENERAL FUND	CITY HALL	228.84
	10/01/25	CH STORAGE CABINET	GENERAL FUND	CITY HALL	136.21
	10/01/25	CH LOBBY CABINET	GENERAL FUND	CITY HALL	189.99
	10/01/25	CH LOBBY ROUND TABLE	GENERAL FUND	CITY HALL	40.79
	10/01/25	CH KITCHEN TRASH	GENERAL FUND	CITY HALL	75.96
	10/01/25	FOULKS IPHONE CASE	GENERAL FUND	STREETS & HIGHWAYS	18.99
	10/01/25	PK LAMINATING SHEETS	PARKS & REC	PARKS & REC	31.34
				TOTAL:	1,431.82
AMERICAN LEGAL PUBLISHING CORP	10/01/25	9/11 ORDINANCE UPDATE FEE	GENERAL FUND	CITY HALL	1,512.21
				TOTAL:	1,512.21
APPLE VALLEY WASTE SERVICE, INC.	10/01/25	AUG25 MD& JMP TRASH SERV	GENERAL FUND	STREETS & HIGHWAYS	660.13
	10/01/25	AUG25 MD& JMP TRASH SERV	PARKS & REC	PARKS & REC	525.00
				TOTAL:	1,185.13
AUTOZONE, INC.	10/01/25	CAR#5 OIL & BULBS	GENERAL FUND	POLICE DEPARTMENT	11.26
	10/01/25	CAR#5 OIL & BULBS	GENERAL FUND	POLICE DEPARTMENT	56.04
				TOTAL:	67.30
COMCAST CORPORATION	10/01/25	SEPT25 MD INTERNET SERV	GENERAL FUND	STREETS & HIGHWAYS	97.25
				TOTAL:	97.25
CREAMERS AUTO SERVICE CENTER, LLC	10/01/25	CAR#06 OIL SERV	GENERAL FUND	POLICE DEPARTMENT	91.82
	10/01/25	CAR#1 OIL SERV/TIRE ROT/ W	GENERAL FUND	POLICE DEPARTMENT	110.45
	10/01/25	CAR#1 OIL SERV/TIRE ROT/ W	GENERAL FUND	POLICE DEPARTMENT	185.71
	10/01/25	CAR#26 2 TIRES'&BALANCE&AL	GENERAL FUND	POLICE DEPARTMENT	151.15
	10/01/25	CAR#25 4TIRES&BLCE& ALIGNM	GENERAL FUND	POLICE DEPARTMENT	492.14
	10/01/25	CAR#25 4TIRES&BLCE& ALIGNM	GENERAL FUND	POLICE DEPARTMENT	359.40
				TOTAL:	1,390.67
CHARLES TOWN UTILITY BOARD	10/01/25	JULY25 CH/PD/MD/RH WATER S	GENERAL FUND	NON-DEPARTMENTAL	112.11
	10/01/25	AUG25 WATER SERV MD, CH PD	GENERAL FUND	NON-DEPARTMENTAL	90.43
	10/01/25	JULY25 CH/PD/MD/RH WATER S	GENERAL FUND	CITY HALL	94.68

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	10/01/25	JULY25 CH/PD/MD/RH WATER S	GENERAL FUND	CITY HALL	134.15
	10/01/25	AUG25 WATER SERV MD, CH PD	GENERAL FUND	CITY HALL	94.68
	10/01/25	AUG25 WATER SERV MD, CH PD	GENERAL FUND	CITY HALL	146.33
	10/01/25	JULY25 CH/PD/MD/RH WATER S	GENERAL FUND	POLICE DEPARTMENT	227.63
	10/01/25	AUG25 WATER SERV MD, CH PD	GENERAL FUND	POLICE DEPARTMENT	183.59
	10/01/25	JULY25 CH/PD/MD/RH WATER S	GENERAL FUND	STREETS & HIGHWAYS	158.88
	10/01/25	AUG25 WATER SERV MD, CH PD	GENERAL FUND	STREETS & HIGHWAYS	210.31
	10/01/25	JULY25 CH/PD/MD/RH WATER S	PARKS & REC	PARKS & REC	56.16
	10/01/25	AUG25 WATER SERV MD, CH PD	PARKS & REC	PARKS & REC	56.16
	10/01/25	AUG25 WATER SERV MD, CH PD	PARKS & REC	PARKS & REC	37.24
				TOTAL:	1,602.35
EXECUTIVE EMERGENCY LIGHTING LLC	10/01/25	CAR#25 PRINTER REPAIR	GENERAL FUND	POLICE DEPARTMENT	155.25
				TOTAL:	155.25
FIRE SAFETY EQUIPMENT SUPPLY	10/01/25	CH/CWH/RH/PD FIRE EXT. REF	GENERAL FUND	STREETS & HIGHWAYS	631.00
				TOTAL:	631.00
FRONTIER, INC.	10/01/25	AUG&SEPT 25 CWH ALARM#2	GENERAL FUND	CITY HALL	197.00
				TOTAL:	197.00
GALLS, LLC	10/01/25	CAR#19 FLASHLIGHT	GENERAL FUND	POLICE DEPARTMENT	169.39
	10/01/25	XING GARD SAFTVEST/RAIN JA	GENERAL FUND	POLICE-SPECIAL DUTY	229.53
				TOTAL:	398.92
GREENERVOLTS	10/01/25	CH HALLWAY NEW LIGHTS	GENERAL FUND	STREETS & HIGHWAYS	500.00
				TOTAL:	500.00
JEFFERSON PUBLISHING COMPANY, INC.	10/01/25	NPH COA N CHARLES& WASHING	GENERAL FUND	PLANNING & ZONING	41.54
	10/01/25	NPH COA 311 E LIBERTY	GENERAL FUND	PLANNING & ZONING	29.58
	10/01/25	NPH ANX 330 SOUTHERLY LN	GENERAL FUND	PLANNING & ZONING	46.14
	10/01/25	NPH ANXTN 330 SOUTHERLY LN	GENERAL FUND	PLANNING & ZONING	47.98
	10/01/25	NPH ART522 PODA	GENERAL FUND	CITY HALL	48.50
	10/01/25	9/4 RFP FOR SALARY STUDY	CAPITAL RESERVE	GENERAL GOVERNMENT	31.42
	10/01/25	RFP NEW MD BUILDNG	CAPITAL RESERVE	STREETS & TRANSPORTATI	24.98
	10/01/25	RFP FOR PICKLEBALL CRTS CO	CAPITAL RESERVE	CULTURE & RECREATION	15.78
	10/01/25	RFP ELEC SERV DEPOT DISTRI	CAPITAL RESERVE	CULTURE & RECREATION	23.14
				TOTAL:	309.06
MATTHEW ANDERSON, PE, PLLC	10/01/25	SKT PK & HR FOUND WALLS IN	CAPITAL RESERVE	CULTURE & RECREATION	200.00
	10/01/25	BRIDGES INSPECTIONS	CAPITAL RESERVE	CULTURE & RECREATION	375.00
	10/01/25	HR BRIDGE FINAL INSP	CAPITAL RESERVE	CULTURE & RECREATION	125.00
				TOTAL:	700.00
PATTON BUILDING SERVICES INC	10/01/25	AUG25 CH/PD CLEANING SERV	GENERAL FUND	CITY HALL	933.50
	10/01/25	AUG25 CH/PD CLEANING SERV	GENERAL FUND	POLICE DEPARTMENT	933.50
				TOTAL:	1,867.00
SHENTEL BUSINESS	10/01/25	OCT25 PD INTERNET SERV	GENERAL FUND	POLICE DEPARTMENT	1,900.00
				TOTAL:	1,900.00
STAPLES ADVANTAGE INC	10/01/25	BUSINESS CARD PAPER CNCL	GENERAL FUND	CITY COUNCIL	66.56
	10/01/25	BI NOTEPADS& SHARPIES&PENS	GENERAL FUND	BUILDING INSPECTION	36.24
	10/01/25	P&Z SHARPIES	GENERAL FUND	PLANNING & ZONING	36.16
	10/01/25	CH PAPER AND CRRCTN TAPE	GENERAL FUND	CITY HALL	106.36
	10/01/25	CH COFFEE& CREAMER&BINDER	GENERAL FUND	CITY HALL	126.10

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	10/01/25	CARDSTOCK & PAPER TISSUE	GENERAL FUND	CITY HALL	66.68
				TOTAL:	438.10
THOMSON REUTERS	10/01/25	JULY25 WESTLAW SBSCPTN	GENERAL FUND	CITY ATTORNEY	396.60
	10/01/25	AUG25 WESTLAW SBSCRPTN	GENERAL FUND	CITY ATTORNEY	396.60
	10/01/25	SEPT25 WESTLAW SBSCRPTN	GENERAL FUND	CITY ATTORNEY	396.60
				TOTAL:	1,189.80
US POSTAL SERVICE	10/01/25	CM B&O/BL ACT 1853	GENERAL FUND	CITY HALL	10.77
				TOTAL:	10.77
TARGET SOLUTIONS LEARNING, LLC	10/01/25	FY26 PD PERSONEL TRACKNG S	GENERAL FUND	POLICE DEPARTMENT	1,231.77
				TOTAL:	1,231.77
VERIZON WIRELESS	10/01/25	AUG25 BI HOT SPOT	GENERAL FUND	BUILDING INSPECTION	20.02
				TOTAL:	20.02
VITAL SIGNS PLUS, INC.	10/01/25	PARKING FINE SIGN	GENERAL FUND	STREETS & HIGHWAYS	24.95
				TOTAL:	24.95
WASTE MANAGEMENT INC	10/01/25	OCT25 MD TRASH SERV	GENERAL FUND	STREETS & HIGHWAYS	320.94
				TOTAL:	320.94

FUND TOTALS	
001 GENERAL FUND	17,837.59
200 CAPITAL RESERVE	15,195.32
207 PARKS & REC	1,576.90
GRAND TOTAL:	34,609.81

TOTAL PAGES: 3

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: PCARD
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 10/01/2025 THRU 10/01/2025

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT		AMOUNT
CBP ENTERPRISES	10/04/25	AUG25 MOWING E RUN PK	PARKS & REC	PARKS & REC		720.00
	10/04/25	AUG25 MOWING HR	PARKS & REC	PARKS & REC		690.00
	10/04/25	AUG25 MOWING CRG HILL	PARKS & REC	PARKS & REC		705.00
	10/04/25	AUG 25 MOWING JMP	PARKS & REC	PARKS & REC		1,180.00
	10/04/25	AUG25 MOWIING WLGH KNOLLS	PARKS & REC	PARKS & REC		885.00
					TOTAL:	4,180.00
CHET HINES	10/04/25	HR MOWING FUEL 9/1	PARKS & REC	PARKS & REC		11.36
	10/04/25	HR MOWING FUEL 8/31	PARKS & REC	PARKS & REC		11.48
					TOTAL:	22.84
POTOMAC EDISON COMPANY, INC	9/25/25	SEPT25 JMP&ER BATH ELEC	PARKS & REC	PARKS & REC		210.34
	9/25/25	SEPT25 JMP&ER BATH ELEC	PARKS & REC	PARKS & REC		18.68
					TOTAL:	229.02

========== FUND TOTALS ==========

207	PARKS & REC	4,431.86
	GRAND TOTAL:	4,431.86

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 03-CT BOARD OF P&R
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: PARK1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 9/25/2025 THRU 10/04/2025

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1062: City Manager Report - September 15, 2025

ATTACHMENTS:
- 15 September 2025.pdf

City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

Memorandum to Mayor and City Council

From: Brent T. Manuel, City Manager
Subject: City Manager's Report
Date: 11 September 2025

ADMINISTRATION

- Meeting on air quality at city hall and police department/CTUB
- Participation in Walk About Nothing
- Participation in unhoused population discussion
- Meeting with county administrator and municipal managers within Jefferson County
- Participation in Personnel Committee and attendance at Historic Landmarks Commission meetings
- Participation in Finance Committee meeting
- Participation in webinar for an online risk management training program
- Chaired the Charles Town Utility Board meeting
- Participation in the Liberty Street progress meeting
- Attendance at Charles Tower evacuation after action meeting
- Participation in a Bond Committee meeting
- Participation in a Board of Parks and Recreation Commission agenda meeting

COMMUNITY AND ECONOMIC DEVELOPMENT

September Hip After Six: Food Truck Night 9/19

Hip After Six Candy Drop: Friday, October 17th at 6PM – Mark your calendars and plan to attend the City's first candy-drop at the Depot. This event is co-sponsored by Charles Town Now, Jefferson County Parks and Recreation and the City. After the drop, Charles Town Now will host the movie Coco on N. Charles Street that begins at dusk.

Funtopia Ribbon Cutting: Mark your calendars and plan to join the city as we welcome one of our newest downtown businesses. Saturday, October 4th at 10AM.

FINANCE

City received our FY 2026 distribution of OPIOID settlement funds in the amount of $34,018.62. This amount will be deposited into the OPIOID checking account.

Staff submitted participation forms for the Purdue and Secondary Manufactures OPIOID lawsuits. This participation was recommended by our OPIOID legal representative Stephen Skinner with Skinner Law Firm.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Resolution
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1063: A Resolution Designating September as Library Card Sign-Up Month

ATTACHMENTS:

- 2025-008 - A Resolution Designating September as Library Card Sign-Up Month.pdf

City of Charles Town
101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

A Resolution Designating September as Library Card Sign-Up Month

WHEREAS, the Charles Town Library has existed at 200 E. Washington St., Charles Town since 1927 and has served as a center for community for nearly a century;

WHEREAS, the Charles Town Library is a fine free library, which offers borrowing privileges to any resident of Jefferson County, or person who is employed in Jefferson County;

WHEREAS, libraries are essential for the education and development of children, offering everything from preschool story times to college and career planning resources for high school students, nurturing literacy and a love for reading;

WHEREAS, libraries provide welcoming and inclusive spaces where individuals from all backgrounds can learn and connect, bridging cultural, ethnic, generational, and economic divides, and strengthening the social fabric of their communities;

WHEREAS, libraries are committed to creating and maintaining diverse programs and collections that reflect the communities they serve, ensuring equitable access for all;

WHEREAS, libraries assist people of all ages in navigating life's complexities, offering access to research, information, and government services that enhance productivity and fulfillment;

WHEREAS, libraries boost the local economy by providing critical access to technology and training for job-seekers, entrepreneurs, and students;

WHEREAS, during times of crisis, libraries and their staff play a vital role in supporting communities both in-person and virtually;

WHEREAS, the shared resources provided by libraries help households save money, conserve resources, and reduce waste, offering a simple way to make a positive impact;

WHEREAS, a library card ignites creativity and empowers individuals to explore new interests and pursue lifelong learning;

WHEREAS, the Charles Town Library and Jefferson County Museum welcome residents of Jefferson County and tourists and visitors to the County on a daily basis;

WHEREAS, the Charles Town City Council is the decision-making body for the municipality of Charles Town, in the County of Jefferson, in the state of West Virginia;

THEREFORE, be it resolved that we, the Charles Town City Council, proclaim September as Library Card Sign-Up Month in Charles Town, West Virginia and encourage everyone to sign up for a library card today.

Micheal George, Mayor

James Kratovil, Esq., Councilmember

Elizabeth Ricketts, Councilmember

Jeff Hynes, Councilmember

Kevin Tester, Councilmember

Nate Hartman, Councilmember

Alden Roth, Councilmember

Andie Sugrue, Councilmember

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1064: Oath of Office - Julie Smith and Brent Manuel

ATTACHMENTS:

- Brent Manuel oath September 2025.pdf
- Brent Manuel - City Clerk September 2025.pdf
- Julie Smith Oath - September 15, 2025.pdf

State of West Virginia
City of Charles Town

COUNTY OF JEFFERSON

I, Brent Manuel, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and the ordinances of the City of Charles Town.

I, Brent Manuel, do solemnly swear that I will faithfully discharge and perform the duties of the position of Interim Director and Chair for the Charles Town Utility Board, to the best of my skill, judgment, and according to law.

Signature

The above oath was taken and subscribed before Ashley Stottlemyer, Charles Town Utility Board Secretary, on this 10th day of September, 2025.

Ashley Stottlemyer
Charles Town Utility Board
Secretary

CITY OF CHARLES TOWN, WEST VIRGINIA
CITY CLERK OATH OF OFFICE

I, **Brent Manuel,** do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of West Virginia.

I, **Brent Manuel,** do solemnly swear that I will faithfully discharge and perform the duties prescribed in the City of Charles Town's Charter by agreeing to accept the authority over, and responsibility for, the duties of City Clerk as prescribed in Section 33 of the Charter of the City of Charles Town for a period that runs concurrent with the City Manager's term of employment with the City.

Brent Manuel

The above oath was taken and subscribed before Micheal George, Mayor of the City of Charles Town, on this 15th day of September 15, 2025.

Micheal George
Mayor

CITY OF CHARLES TOWN, WEST VIRGINIA
CITY COUNCIL MEMBER OATH OF OFFICE

I, **JULIE SMITH,** do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of West Virginia.

I, **JULIE SMITH,** do solemnly swear that I will faithfully discharge and perform the duties of the position of City Council Member to the best of my skill, judgment, and according to law.

Julie Smith

Julie Smith
City Council Member

The above oath was taken and subscribed before Micheal George, Mayor of the City of Charles Town, on this 15th day of September 2025.

Micheal George
Mayor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1065: Finance Committee Report - September 9, 2025

ATTACHMENTS:

- Finance Committee Report - September.pdf

City of Charles Town Finance Committee Report
09 September 2025 Meeting

Drafted by: Jeff Hynes - Chairman

Call to Order 12:00AM

1. **Persons present:** Finance Committee Members: Councilman Kevin Tester, Councilman Nate Hartman, Councilman Jeff Hynes; and City Manager Brent Manuel. Assistant City Manager Alissa Meeks, Financial Director Lori Nice and Accounting Clerk Briana Ballou.

2. Unfinished Business

2025-974: HdL Update

Staff provided the committee with an updated status on HdL's activities.

Recommendations to the City Council: None, information only

2025-975: License Fee Waiver Request - Possible Executive Session

There was no unfinished business related to this topic.

Recommendations to the City Council: None, information only

2025-976: B&O Waiver Requests - Possible Executive Session

There was no unfinished business related to this topic.

Recommendations to the City Council: None, information only

2025-977: 100 Block of East Washington Street Incentive Package

The committee continued discussion on possible incentives for the 100 Block of East Washington Street and other underutilized sites downtown. Discussion to continue at its October meeting.

Recommendations to the City Council: None, information only

3. New Business

2025-978: License Fee Waiver Request – Possible Executive Session

This agenda item was addressed in Executive Session with agenda items 2025-979 (New Business)

2025-979: B&O Waiver Request – Possible Executive Session

The Committee entered Executive Session at 1:15PM to address this agenda item as well as agenda items 2025-978 (New Business).

Committee exited Executive Session at 1:24PM, Councilman Tester moved the following:

Vendor Account Numbers	Committee Action	Remarks
159	**Approve All But $50** License Fee	
8495	**Approve All But $50** License Fee	
8075	**Approve All** License Fee	
8169	**Approve All** B&O Fee	

Councilman Hartman seconded the motion, and it passed by unanimous vote – 3 to 0.

Recommendations to the City Council: None, information only

2025-987: 2025 Capital Revision #3

The Committee and staff discussed proposed revisions to the 2025 Capital Budget. An item is on the Council agenda for a vote.

Recommendations to the City Council: Approve the recommended revisions to the 2025 Capital Budget.

4. Finance Director Report

2025-879: July 2025 General Fund Budget Update

Recommendations to the City Council: None, information only

2025-880: July 2025 Capital Fund Budget Update

Recommendations to the City Council: None, information only

2025-985: July 2025 P&R Budget Update

Recommendations to the City Council: None, information only

2025-986: July 2025 Account Balance Update

Recommendations to the City Council: None, information only

5. Chairman's Report

6. The meeting was adjourned ooa 1:30pm

7. Next Scheduled Finance Committee meeting October 14, 2025 12:00PM.

the city of Charles Town, WV

FY 2026 Capital Reserve Budget

ACCOUNT	FY 2026 CURRENT BUDGET	AUGUST 2025	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES	REVISION #1 NOTES
CAPITAL BUDGET REVENUES							
Capital Reserve Carryover	$ 8,567,259		$ 8,553,059	$ 14,200	100%	Carryover balance from FY2025 Capital Reserve (This is carryover for unfinished projects noted in red. Carryover will be adjusted in the 1st Revision in July 2025.)	Adjust carry over amount to actual balanace as of June 30 2025
36800 Contributions from GF	$ 427,386	$ 427,386	$ 427,386	$ -	100%	Contributions from GF (Determined in July 2025 1st Revision)	
36800 Contributios from GF - Lottery / Gaming Revenue	$ 810,000	$ 68,163	$ 185,273	$ 624,727	23%	All lottery/gaming revenue remitted to Charles Town gets transferred to Capital Reserve from General Fund.	
33000 Developer Fees	$ 150,000	$ 34,824	$ 45,168	$ 104,832	30%	Developer Proffer fees.	
38000 Interest on Bank Accounts & Other Sources	$ 80,000		$ 14,176	$ 65,824	18%		
38600 Insurance Claims		$ 26,612	$ 26,612				
TOTAL REVENUES	**$ 10,034,645**	**$ 556,985**	**$ 9,251,675**	**$ 809,583**	**92%**		

ACCOUNT	FY 2026 CURRENT BUDGET	AUGUST 2025	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES	REVISION #1 NOTES
CAPITAL BUDGET EXPENSES							
975 GENERAL GOVERNMENT							
Information Technology							
City Hall WIFI Replacements - 975-59 General Government Capital Outlay	$ 10,000		$ -	$ 10,000	0%		
Computer Replacement - 975-59 General Government Capital Outlay Technology	$ 15,000		$ -	$ 15,000	0%	Computer replacement program for all General Government departments. (5 replacements are planned.)	
CW Hall WIFI Installation - 975-59 General Government Capital Outlay	$ 15,000		$ -	$ 15,000	0%		
Tyler Tech Version 10 Software - 975-59 General Government Capital Outlay Technology	$ 71,000		$ 1,233	$ 69,768	2%	Centralized Finance/Permitting/Zoning/Grants/Bond Tracking Software. This software will replace GoGov, MyGov, PSI, and enhance Incode. Having a centralized software will improve efficiency and reduce duplication of work. This software takes a year to implement. ($71,000 carried over from FY25.)	
TOTAL INFORMATION TECHNOLOGY	**$ 111,000**	**$ -**	**$ 1,233**	**$ 109,768**	**1%**		
Other - General Government							
Drone - 975-15 General Government Capital Outlay Equipment	$ 10,000		$ -	$ 10,000	0%		Supports advertising, event coverage, photography, structural inspections, damage assessment, police search and rescue, hostile environment response, and fire and disaster management.
Rouss Hall Landlord buy back - 975-58 General Government Capital Outlay	$ 140,000		$ -	$ 140,000	0%	$140,000 carried over from FY25.	
Salary Study - 975-23 General Government Professional Services	$ 30,000		$ -	$ 30,000	0%		Investing in initiatives to track and retain talent. Improving performance, and reducing long-term costs associated with turnover. To ensure we can identify high-performing individuals, support growth, and build a workforce committed to long-term success.
Zoning & Subdivision Ordinance Overhaul - 975-23 General Government Professional Services	$ 246,000	$ 6,413	$ 15,275	$ 230,725	6%	Outsourcing costs to update this ordinance. It has not been updated since 2012 - This is a 2 year plan for a total of $250,000. ($146,000 carried over from FY25 & $100,000 encumbered in FY25.)	
TOTAL OTHER - GENERAL GOVERNMENT	**$ 426,000**	**$ 6,413**	**$ 15,275**	**$ 410,725**	**4%**		
TOTAL GENERAL GOVERNMENT	**$ 537,000**	**$ 6,413**	**$ 16,508**	**$ 520,492**	**3%**		

ACCOUNT	FY 2026 CURRENT BUDGET	AUGUST 2025	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES	REVISION #1 NOTES
976 PUBLIC SAFETY							
Equipment							
Officer Equipment - 976-60 Public Safety Capital Outlay Equipment	$ 18,500		$ -	$ 18,500	0%	4 - APX N50 Portable Radios (3 Admin Staff & 1 spare)	
Speed Alert 24 Radar Trailer - 976-60 Public Safety Capital Outlay Equipment	$ 21,000		$ 20,223	$ 777	96%		The current trailer is outdated. The new equipment allows the PD to remotely monitor vehicle speeds and provides the ability to electronically notify residents of road closures and broadcast community event information. This enhanced functionality ensures more effective communication and public safety outreach.
TOTAL EQUIPMENT	**$ 39,500**	**$ -**	**$ 20,223**	**$ 19,277**	**51%**		
Information Technology							
Computer Replacement - 975-60 General Government Capital Outlay Technology Police Department	$ 52,000		$ 47,498	$ 4,502	91%	12 In-car Panasonic Tough Tablets (To replace generation 1 & 2)	
Cell Phone Forensic Downloading Equipment - 975-60 General Government Capital Outlay Technology PD	$ 27,000		$ 16,571	$ 10,429	61%	Possible grant funding.	
Cradle Point WIFI Mobile Routers - 975-60 General Government Capital Outlay Technology Police Dept.	$ 18,500		$ 14,175	$ 4,325	77%	9 Routers at $14,400 and $4100 installation labor.	
TOTAL INFORMATION TECHNOLOGY	**$ 97,500**	**$ -**	**$ 78,244**	**$ 19,256**	**80%**		
Vehicles							
Police Cars - 976-59 Public Safety Capital Outlay Vehicles	$ 118,000		$ 116,854	$ 1,146	99%	PD requests 2 vehicles per rotation schedule based on vehicle lifespan of 7 years.	
Police Vehicle Upfit Costs - 976-59 Public Safety Capital Outlay Vehicles	$ 12,000		$ -	$ 12,000	0%	This amount is for equipment installation labor. Equipment was purchased in FY25 through the COPS Grant.	
Police Cars - 976-59 Public Safety Capital Outlay Vehicles	$ 60,000	$ 60,297	$ 60,297	$ (297)	100%		Replace vehicle due to fire loss
Police Vehicle Upfit Costs - 976-59 Public Safety Capital Outlay Vehicles	$ 45,000		$ -	$ 45,000	0%		Replacement Vehicle uplift cost due to fire loss
TOTAL VEHICLES	**$ 235,000**	**$ 60,297**	**$ 177,151**	**$ 57,849**	**75%**		
Parking							
Parking Meters - 976-62 Public Safety	$ 16,000	$ 4,923	$ 4,923	$ 11,077	31%	10 - Model 90 Duplex Meter Housings at $6100; 15 -Model 90 Single Meter Housings at $4900; POM Parking Meter assembly at $5000.	
TOTAL PARKING	**$ 16,000**	**$ 4,923**	**$ 4,923**	**$ 11,077**	31%		
TOTAL PUBLIC SAFETY	**$ 388,000**	**$ 65,220**	**$ 280,541**	**$ 107,459**	**72%**		

ACCOUNT	FY 2026 CURRENT BUDGET	AUGUST 2025	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES	REVISION #1 NOTES
977 STREETS & TRANSPORTATION							
Buildings							
Charles Washington Hall - Apply roof coating - 977-57 Streets & Transportation Capital Outlay Buildings	$ 22,500		$ -	$ 22,500	0%		This is a small section of the rooftop that contains 4 rooftop AC units. This area has failed sealant and degraded membranes. It will be replaced with a 2 Ply-Cold System which has a usefull life of 30 years.
Charles Washington Hall - Paint Interior - 977-57 Streets & Transportation Capital Outlay Buildings	$ 8,000		$ -	$ 8,000	0%		Repainting of stairway walls, stage face, upper balcony ledge, and doors and trim.
Charles Washington Hall - Refinish Floor - 977-57 Streets & Transportation Capital Outlay Buildings	$ 10,000		$ -	$ 10,000	0%		Replacement of ballroom floor, steps, elevator ramp and bathroom landing.
Charles Washington Hall - Replace Blinds - 977-57 Streets & Transportation Capital Outlay Buildings	$ 20,000		$ -	$ 20,000	0%		Replacement of ballroom blinds.
City Hall - replace rooftop AC units - 977-57 Streets & Transportation Capital Outlay Buildings	$ 55,000		$ 9,270	$ 45,730	17%	$25,000 carried over from FY25.	Replacement of 2 City Hall rooftop AC units
City Hall - interior repair/maintenance - 977-57 Streets & Transportation Capital Outlay Buildings	$ 105,000		$ -	$ 105,000	0%	Funds requested to paint interior of City Hall, replace flooring, and replace appliances in first floor kitchen. Includes a 10% contingency. ($55,000 carried over from FY25.)	Additional funds needed for engineering costs, asbestos removal, ceiling tiles, and relocation of 1st floor wall.
City Hall - water damage repair - 977-57 Steets & Transprotation Capital Outlay Buildings	$ 25,000	$ 6,500	$ 6,500	$ 18,500	26%		2nd Floor water damage repair, including brick repointing, asbestos removal, and interior renovation.
Maintenance Equipment Building - 977-57 Streets & Transportation Capital Outlay Buildings	$ 150,000		$ -	$ 150,000	0%	Current building is maxed out on space. ($150,000 carried over from FY25.)	
Maintenance Yard Study & Engineering - 977-57 Streets & Transportation Capital Outlay Buildings	$ 250,000		$ -	$ 250,000	0%	Maintenance yard study. Current maintence yard is in poor condition and needs replaced or renovated. This is a placeholder to get this project going. (80,000 carried over from FY25.)	Council requests that a study be conducted for the best location of the Maintenance Yard along with associated engineering.
Rouss Hall - 1st Floor HVAC Unit - 977-57 Streets & Transportation Capital Outlay Buildings							
Rouss Hall - Paint Exterior/Repair Rotted Sills - 977-57 Streets & Transportation Capital Outlay Buildings	$ 80,000		$ -	$ 80,000	0%		All window sills at Rouss Hall have peeling paint and rotted wood. Correcting this disrepair will put the building in good condition.
Rouss Hall - Replace Gallery Floor - 977-57 Streets & Transportation Capital Outlay Buildings	$ 25,000		$ -	$ 25,000	0%		Replacement of 1st floor Art Gallery Floor including construction of ADA compliant ramp.
Rouss Hall - Apply roof coating - 977-57 Streets & Transportation Capital Outlay Buildings	$ 42,500		$ -	$ 42,500	0%		The roof is rusting and has degraded metal panels. It will be replaced with a Cool Sil System which has a usefull life of 10 years.
TOTAL BUILDINGS	**$ 793,000**	**$ 6,500**	**$ 15,770**	**$ 777,230**	**2%**		

ACCOUNT	FY 2026 CURRENT BUDGET	AUGUST 2025	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES	REVISION #1 NOTES
Streets/Infrastructure							
Charles Street Engineering Study - 977-61 Streets & Transportation Capital Outlay Stormwater Improvements	$ 80,000		$ 2,572	$ 77,428	3%		Concept Plan for the shared street and event space shovel ready design for Charles Street. This document will assist with grant applications.
Depot Square Design - 977-58 Streets & Transportation Capital Outlay Other Improvements	$ 50,000		$ -	$ 50,000	0%		Design for potential uses and amenities of the City's new town square.
Sidewalks (ADA) & stormwater drain for Lawrence/Congress - 977-58 Streets & Transportation Capital Outlay Other Improvements	$ 60,000		$ -	$ 60,000	0%	Stormwater repair and ADA sidewalks for the Lawrence & Congress intersection. Expected grant funding from State Carbon Reduction Funding. ($60,000 carried over from FY25.)	
Stormwater Assessment Study - 977-61 Streets & Transportation Capital Outlay Stormwater Improvements	$ 204,000	$ 8,268	$ 8,268	$ 195,733	4%	This funding is a 2 year plan to cover 6 study areas and 3 area reviews each year. ($204,000 carried over from FY25.)	
TOTAL STREETS/INFRASTRUCTURE	**$ 394,000**	**$ 8,268**	**$ 10,839**	**$ 383,161**	**3%**		
Vehicles							
Bucket Truck - 977-59 Streets & Transportation Capital Outlay Equipment	$ 175,000		$ -	$ 175,000	0%	Current bucket truck cannot safely reach the required heights for maintenance tasks. The cost of a new truck is approximately $170,000. The truck will be ordered in FY25 and received in FY26. ($22,000 carried over from FY25 and $153,000 encumbered in FY25.)	
Dump Truck - 977-59 Streets & Transportation Capital Outlay Equipment	$ 90,000		$ 83,075	$ 6,925	92%		
Pick-up Truck - 977-59 Streets & Transportation Capital Outlay Equipment	$ 65,000		$ -	$ 65,000	0%		
TOTAL VEHICLES	**$ 330,000**	**$ -**	**$ 83,075**	**$ 246,925**	**25%**		
Other - Streets & Transportation							
Flower planters - 977-58 Streets & Transportation Capital Outlay Other Improvements	$ 18,000		$ -	$ 18,000	0%	FY25 & 26 two year plan to install flower planters on Washington Street. ($5000 encumbered in FY25.)	An initiative to replace the aging flower pedestals along Washington Street. This aims to enhance the overall aesthetic appeal of the downtown area by systematically replacing outdated or deteriorating pedestals with durable, visually consistent alternatives.
Potter's Field - 977-58 Streets & Transportation Capital Outlay Other Improvements	$ 66,000	$ 35,943	$ 49,943	$ 16,057	76%	Installation of Interpretative signs, fencing, monument and landscaping. (66,000 carried over from FY25.)	
TOTAL OTHER - STREETS & TRANSPORTATION	**$ 84,000**	**$ 35,943**	**$ 49,943**	**$ 34,057**	59%		
TOTAL STREETS & TRANSPORTATION	**$ 1,601,000**	**$ 50,711**	**$ 159,628**	**$ 1,441,372**	**10%**		

ACCOUNT	FY 2026 CURRENT BUDGET	AUGUST 2025	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES	REVISION #1 NOTES
979 CULTURE & RECREATION							
Parks & Recreation							
Bridges at Happy Retreat & Stake Park - 979-58 Culture & Recreation Other Improvements	$ 84,000		$ 32,000	$ 52,000	38%	$84,000 carried over from FY25.	
JMP Slide - 979-59 Culture & Recreaption Capital Other Impovements	$ 14,200		$ 14,224	$ (24)	100%		
Pickle Ball Courts - 979-58 Culture & Recreation Capital Other Improvements	$ 65,000		$ -	$ 65,000	0%		Allowance for 60 X 60 paved court, 4 ft. chain link fence around the court, resurfacing in 2 colors, and 2 portable pickle ball nets
Paving Path from bridge to road by the Skate Park - 979-58 Culture & Recreation Other Improvements	$ 5,000		$ -	$ 5,000	0%	Connect the existing path on one side of the bridge to the other side. ($5000 carried over from FY25.)	
Pick-up Truck - 977-59 Culture & Recreation Capital Outlay Equipment	$ 50,000		$ -	$ 50,000	0%	This truck will be for the use of the Parks Manager.	
TOTAL PARKS & RECREATION	**$ 218,200**	**$ -**	**$ 46,224**	**$ 171,976**	**21%**		
Culture							
Decorative String Lights for Art Alley and Charles Street - 979-58 Culture & Recreation Other Improvements	$ 6,000		$ -	$ 6,000	0%		Installation of lights at Charles Street and Art Alley for safety and City beautification. This will complete the 2nd half of Charles Street.
Depot Square Christmas Design - 979-58 Culture & Recreation Other Improvements	$ 60,000		$ -	$ 60,000	0%		Outfitting the Depot Square with Christmas decorations and the beginning stages of holiday marketplace implementation. (Electric to the Depot Square 25,000; five marketplace huts $20,000; lights and Christmas decorations 15,000)
Historical Signs - 979-58 Culture & Recreation Other Improvements	$ 17,000		$ -	$ 17,000	0%		
Movie Screen - 977-59 Culture & Recreation Capital Outlay Equipment	$ 15,000		$ -	$ 15,000	0%		25 X 14 movie screen with inflatable frame for event use.
Wayfinding signage - 979-58 Culture & Recreation Other Improvements	$ 197,400		$ -	$ 197,400	0%	CDD REQUEST $100K for Wayfinding Signage implementation (3 years of phases at $100,000 per year ending in FY27.) (Request related to 2023 CTNOW ARPA Request) ($97,400 carried over from FY25 and $100,000 encumbered in FY25.)	
Festival Blow Up Games - 979-58 Culture & Recreation Other Improvements	$ 6,000		$ -	$ 6,000	0%		Basketball Shootout and Football Blitz blowup games for use at Festivals and P&R events. This will help save money with rental expenses during WV Fest.
TOTAL CULTURE	**$ 301,400**	**$ -**	**$ -**	**$ 301,400**	**0%**		
TOTAL CULTURE AND RECREATION	**$ 519,600**	**$ -**	**$ 46,224**	**$ 473,376**	**9%**		
Contingencies	$ 2,637,741		$ -	$ 2,637,741	0%	This amount will be adjusted in the 1st Revision in July 2025.	
Encumberances for Subsequent Years	$ 350,000		$ -	$ 350,000	0%	$100,000 for Wayfinding Signage; $250,000 for Augustine Avenue Project	
Transfer to Grant Projects	$ 3,987,304		$ -	$ 3,987,304	0%	$76,444 to Augustine Avenue Project. $861,555 to Liberty Street Project. $3,049,305 to JMP Pool Project.	
TOTAL EXPENSES	**$ 10,020,645**	**$ 122,344**	**$ 502,901**	**$ 9,517,744**	**5%**		
REVENUES OVER EXPENSES	**$ 14,000**	**$ 434,642**	**$ 8,748,774**				

GRANT PROJECTS BUDGET

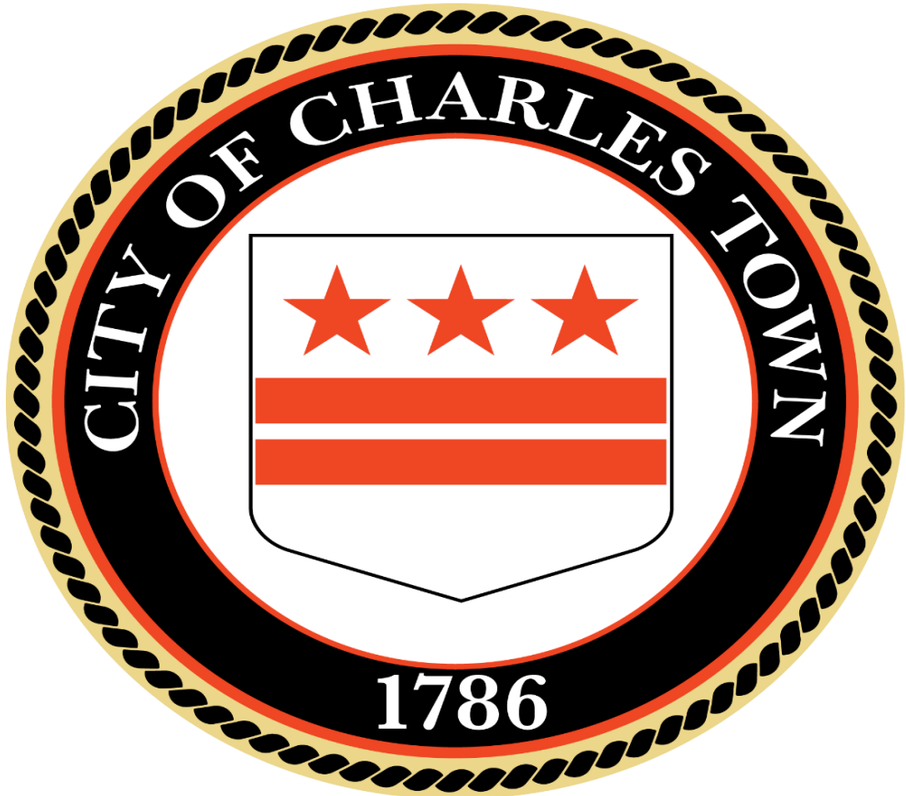
ACCOUNT	FY 2026 ENCUMBERED	FY 2026 BUDGET	AUGUST 2025	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
AUGUSTINE AVENUE GRANT PROJECT							
REVENUES							
Capital Reserve Carryover	$ 250,000	$ 76,444		$ -	$ 76,444	0%	This is a State project with 4 Federal grants that require upfront matches. The State will administer the project, therefore the City will only need to pay the matches. We will not receive any revenue or pay expenses that need to be reimbursed. All matches have been paid in previous years except a 76,444 match that is allocated for Phase I Construction. The $76,444 is budgeted for FY 2026 and carried over from FY25. There is a $250,000 encumberance set aside for estimated potential overages that the City may have to pay.
TOTAL REVENUES	**$ 250,000**	**$ 76,444**	**$ -**	**$ -**	**$ 76,444**	0%	
EXPENSES							
Augustine Avenue Trail Construction - Construction Phase I - 979-58 Culture & Recreation Other Improvements		$ 76,444	$ 150	$ 150	$ 76,294	0%	Construction - Phase 1 Funded through WVDOT Grant with a City match of $76,444. This is the only match left to pay for this project. All other matches have been paid in prior years.
Augustine Avenue Trail Construction - Construction Phase II & III Encumberance for FY27 - 979-58 Culture & Recreation Other Improvements	$ 250,000			$ -	$ -		This encumbrance is for potential overages on the project in which the City may be responsible.
TOTAL EXPENSES	**$ 250,000**	**$ 76,444**	**$ 150**	**$ 150**	**$ 76,294**	0%	
AUGUSTINE AVENUE REVENUES OVER EXPENSES	**$ -**	**$ -**	**$ (150)**	**$ (150)**	**$ 150**		

ACCOUNT	FY 2026 ENCUMBERED	FY 2026 BUDGET	AUGUST 2025	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
LIBERTY STREET FLOODING MITIGATION GRANT PROJECT							
REVENUES							
Capital Reserve Carryover		$ 861,555		$ -	$ 861,555	0%	This is the City's portion of the cost of this project after receiving the Chesapeake Bay and FEMA Grants listed below totaling $469,845. The $861,555 includes the City's $305,774 FEMA Grant match and the remaining $555,811 is the City's out of pocket expenses not supported by grants.
36500 Federal Grants - Chesapeake Bay Foundation		$ 94,845			$ 94,845	0%	Total award is $172,445. This grant does not require a match. $77,600 was received in FY24, which leaves a remaining balance of $94,845 to be received. This is a reimbursable grant so we must budget all expenses and administer the project.
36500 Federal Grants - FEMA		$ 375,000			$ 375,000	0%	Total award is $680,774. FEMA will pay the City $375,000 and the City is required to match $305,774. This is a reimbursable grant so we must budget all expenses and administer the project.
TOTAL REVENUES	**$ -**	**$ 1,331,400**	**$ -**	**$ -**	**$ 1,331,400**	0%	
EXPENSES							
Liberty Street Flooding Mitigation - Phase I - 977-61 Streets & Transportation Capital Outlay Stormwater Improvements		$ 1,331,400	$ 76,215	$ 264,037	$ 1,067,363	20%	Total construction cost is $1,420,000. We have received two grants to support this project, both of which are reimbursable, therefore we must budget the entire cost of the project. $88,600 was paid in prior years, leaving the remaining cost at $1,331,400.
TOTAL EXPENSES	**$ -**	**$ 1,331,400**	**$ 76,215**	**$ 264,037**	**$ 1,067,363**	20%	
LIBERTY STREET FLOODING REVENUES OVER EXPENSES	**$ -**	**$ -**	**$ (76,215)**	**$ (264,037)**	**$ 264,037**		

ACCOUNT	FY 2026 ENCUMBERED	FY 2026 BUDGET	AUGUST 2025	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
JEFFERSON MEMORIAL POOL GRANT PROJECT							
REVENUES							
Capital Reserve Carryover		$ 3,049,305		$ -	$ 3,049,305	0%	This is the City's portion of the cost of this project after receiving the Pool House LWCF and Pool LWCF Grants listed below totaling $1,850,695. The $3,049,305 includes the City's $250,000 Pool House LWCF Grant match and $1,600,695 Pool LWCF Grant match and the remaining $1,198,610 is the City's out of pocket expenses not supported by grants.
Pool House LWCF Grant		$ 250,000		$ -	$ 250,000	0%	Total award is $500,000. National Park Service LWCF will pay the City $250,000 and the City is required to match $250,000. This is a reimbursable grant so we must budget all expenses and administer the project.
Pool LWCF Grant		$ 1,600,695		$ -	$ 1,600,695	0%	Total award is $3,201,390. National Park Service LWCF will pay the City $1,600,695 and the City is required to match $1,600,695. This is a reimbursable grant so we must budget all expenses and administer the project.
TOTAL REVENUES	**$ -**	**$ 4,900,000**	**$ -**	**$ -**	**$ 4,900,000**	0%	
EXPENSES							
JMP Pool House Renovation - 979-58 Culture & Recreation Other Improvements		$ 1,400,000	$ 700	$ 700	$ 1,399,300	0%	Total construction cost is $1,400,000. We have received a $500,000 grant to support this project, $250,000 will be received from National Park Service and the City must match $250,000. This grant is reimbursable, therefore we must budget the entire cost of the project.
JMP Pool Upgrade - 979-58 Culture & Recreation Other Improvements		$ 3,500,000		$ -	$ 3,500,000	0%	Total construction cost is $3,500,000. We have received a $3,201,390 grant to support this project, $1,600,695 will be received from National Park Service and the City must match $1,600,695. This grant is reimbursable, therefore we must budget the entire cost of the project.
TOTAL EXPENSES	**$ -**	**$ 4,900,000**	**$ 700**	**$ 700**	**$ 4,899,300**	0%	
JEFFERSON MEMORIAL POOL REVENUES OVER EXPENSES	**$ -**	**$ -**	**$ (700)**	**$ (700)**	**$ 700**		

REPAVING BUDGET

ACCOUNT	FY 2026 CURRENT BUDGET	AUGUST 2025	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
REVENUES						
Repaving Carryover	$ 1,681,704		$ 1,681,704	$ -	100%	Carryover balance from FY2025 Repaving Funds. This amount will be adjusted in the first revision in July 2025.
36877 Contributions from GF - Repaving Fees	$ 150,000	$ 15,047	$ 27,863	$ 122,137	19%	Street Fees source = $4.10 fee, collected by the Charles Town Utility Board and remitted to the City of Charles Town for Capital Reserve Fund - Street Paving
38000 Interest on Bank Accounts & Other Sources	$ 50,000		$ 2,351	$ 47,649	5%	
TOTAL REVENUES	**$ 1,881,704**	**$ 15,047**	**$ 1,711,918**	**$ 169,786**	91%	
EXPENDITURES						
977-60 Streets & Transportation Capital Outlay Street Paving	$ 305,000	$ 303,952	$ 303,952	$ 1,048	100%	12 Jan 2023 Infrastructure Comm report identified 23 streets for repaving/repairs.
Paving Contingency - 977-60 Streets & Transportation Capital Outlay Street Paving	$ 1,576,704		$ -	$ 1,576,704	0%	This contingency represents past income collected by CTUB earmarked for street paving. It will be adjusted in the first revision in July 2025.
TOTAL EXPENSES	**$ 1,881,704**	**$ 303,952**	**$ 303,952**	**$ 1,577,752**	16%	
REVENUES OVER EXPENSES	**$ -**	**$ (288,905)**	**$ 1,407,966**	**$ (1,407,966)**		



FY 2025-2026
General Fund Budget

(Includes 2.5% COLA & 2.5% Merit Salary Increases)

ACCOUNT		CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
REVENUES							
30005	Unassigned Fund Balance (Carryover)	1,806,186		1,806,186	-	100%	Estimated carryover balance for fiscal year ending 2026.
30101	Taxes - Ad Valorem	1,851,076	820,970	820,970	1,030,106	44%	
30106	Supplemental Taxes	30,000	13,957	13,957	16,043	47%	Property taxes owed from previous years, but paid in the current fiscal year.
30200	Interest as Penalty	8,000	3,395	3,395	4,605	42%	
30300	Gas & Oil Severance Tax	30,000		-	30,000	0%	5% severance tax on gross receipts at the well head of oil and natural gas.
30400	Utility Tax (2%)	250,000	15,059	23,337	226,663	9%	
30500	Business & Occupation (B&O) Tax	2,032,082	317,495	787,574	1,244,508	39%	Included estimated B&O receipts from HDL collections services.
30600	Liquor Tax	25,000		8,079	16,921	32%	Each distribution quarter amount ranges from $5.5K - $7K, and has been steadily rising each year.
30700	Animal Control Tax	1,600	861	861	739	54%	This is donated back to the county each year under Dog Warden.
30800	Hotel/Motel Tax	200,000	15,408	28,886	171,114	14%	4 traditional hotels (Turf Motel, Days Inn, TravelLodge, Carriage Inn) and 5 independent rental companies (Homeaway.com, Expedia, AirBnB, Hotel Tonight, Evolve Vacation Rental Network)
32000	Court Costs, Fees & Charges	260,000	18,093	41,831	218,169	16%	
32100	Parking Violation Penalties	40,000	4,780	8,850	31,150	22%	
32500	Business License Revenue	35,000	4,810	34,285	715	98%	
32600	Building Permit Fees	550,000	58,982	106,896	443,104	19%	Building activity increasing/expected to remain strong through FY2026 with new development projects on the horizon and increases in permit fee structure.
32800	Franchise Tax	65,000	15,141	15,141	49,859	23%	Two Cable Franchisees
33000	International Registration Plan (IRP) Fees	70,000	3,077	19,347	50,653	28%	The International Registration Plan is an agreement for the registration of commercial motor vehicles that travel in the United States. It is designed to distribute apportioned taxes (registration fees) depending on the mileage driven in the participating jurisdictions.
33900	Emergency Service Fee	1,700		181	1,519	11%	Revenue from utility bills for EMS (5 cents)
34000	Parks & Rec Fee	1,700		181	1,519	11%	Revenue from utility bills for parks and recreation (5 cents)
34200	Parking Meter Revenues	45,000	2,980	8,036	36,964	18%	Revenue from parking meters and parking permits including ParkMobile app.
34500	Rents & Concessions	60,000	6,278	16,378	43,622	27%	CTUB rental of 661 space ($30,000); CW Hall 1st floor rental ($30,000)
35300	Zoning Fee	20,000	3,551	6,902	13,098	35%	Zoning applications
35500	Street Improvement Fee	135,000		14,127	120,873	10%	Revenue from utility bills for street improvements ($4 per month)
36504	Federal Government Grants	291,667	2,019	2,019	289,648	1%	DOJ/COPS grant for additional police officer. $125,000 across 3 years. HUD Grant for Revive program $250,000
36600	State Government Grants	-		-	-		
36700	Other Grants	-		268	(268)		
36900	Contributions from Other Funds - Sales Tax	1,500,000		375,000	1,125,000	25%	Ordinance requires payment of debt first (payments to BC are rent payments in PD and CH budgets to cover BC debt). Quarterly sales tax distributions are averaging $450,000 or $1,800,000 annually.
37600	Gaming Income	250,000	23,511	43,831	206,169	18%	Gaming receipts average $19K to $23K per month.
37900	Gain/Loss - Sale of Fixed Assets	-		-	-		
38007	Interest Income (Operating Acct)	35,000		2,036	32,964	6%	
38100	Reimbursements	110,000	3,538	61,920	48,080	56%	SRO reimbursement of $60k; crossing guards; misc. police reimbursements; Fuel Refunds; Pcard Rebate; etc.
38100	Lein Reimbursements	-		-	-		
38200	Refunds - Overpayments	500	(3,275)	(4,519)	5,019	-904%	
38600	Insurance Claims	-	1,363	1,363	(1,363)		
39200	Property Rehabilitation	-		-	-		
38700	Filing Fees	300		-	300	0%	Filing Fees Revenue - Election in FY25. $50.00 per person.

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
39700 Video Lottery	600,000	2,647	24,332	575,668	4%	Video lottery receipts average $13.4K to $22.2K per week.
39900 Misc Revenue	5,000	901	1,625	3,375	32%	Yard waste stickers and fingerprints
39902 Special Events - WV Fest	10,000		-	10,000	0%	
39903 Special Events - General	1,000	150	225	775	23%	Special activities fees
39904 Special Events - CW Hall	5,000	200	1,800	3,200	36%	
39907 Special Events - Car Show	5,000	1,465	2,550	2,450	51%	Car show registration and sponsors.
TOTAL REVENUES	**10,330,811**	**1,337,358**	**4,277,853**	**6,052,958**	41%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
EXPENSES						
ECONOMIC DEVELOPMENT - 402						
03 Salaries	77,000	8,701	14,430	62,570	19%	Business Development /Downtown Coordinator salary plus 2.5% merit and holiday supplement.
04 FICA	6,200	666	1,104	5,096	18%	FICA @ 7.65%
05 Group Insurance	9,300	804	1,737	7,563	19%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement	7,000	783	1,299	5,701	19%	PERS II Employer Contribution 9%
09 OPEB	2,000	68	135	1,865	7%	RHBT Insurance
10 Fringe Benefits		116	174			Deferred Compensation Employer Contribution 3%
11 Telephone	500		33	467	7%	Cell phone
14 Travel	3,000		22	2,978	1%	2 National Conferences; airfare, lodging, per-diem
20 Advertising/Legal Publications	500		-	500	0%	
21 Training & Education	-		-	-		$2,500 rolled under City Manager's office.
22 Dues & Subscriptions	2,000		95	1,905	5%	IEDC Membership, Survey Subscription, Adobe subscription
23 Professional Services	1,000		-	1,000	0%	Engineering Services
26 Insurance and Bonds	5,000	5,318	5,483	(483)	110%	Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property.
30 Contracted Services	1,000		-	1,000	0%	
41 Departmental Supplies	3,000		64	2,936	2%	Promotional items for events and City marketing and other departmental supplies.
43 Auto Supplies	-		-	-		Under Maintenance budget
TOTAL ECONOMIC DEVELOPMENT	**117,500**	**16,456**	**24,575**	**93,099**	21%	
MAYOR'S OFFICE - 409						
01 Salary	12,500	1,000	2,000	10,500	16%	Mayor's Salary
04 FICA Tax Expense	1,000	77	153	847	15%	
11 Telephone	-		-	-		
14 Travel Expense	2,000		-	2,000	0%	WV Municipal League
20 Advertising/Legal Publication	-		-	-		
21 Training & Education	1,000		-	1,000	0%	
22 Dues & Subscriptions	-		-	-		
26 Insurance & Bonds	1,000	1,044	1,073	(73)	107%	
41 Departmental Supplies	500		-	500	0%	$453.00 - Ceremonial Keys to the City and Coins
68 Community Contributions	2,000		-	2,000	0%	
TOTAL MAYOR'S OFFICE	**20,000**	**2,120**	**3,226**	**16,774**	16%	
COUNCIL - 410						
01 Salaries	40,000	2,917	5,833	34,167	15%	Eight Council Members at $5,000 annual salary
04 FICA Tax Expense	3,100	223	446	2,654	14%	
14 Travel Expense	4,800		-	4,800	0%	Conferences
20 Advertising	-		-	-		
21 Training & Education	3,200		-	3,200	0%	WV Municipal League Conference Registration ($450 per registration)
26 Insurance & Bonds	3,200	3,341	3,435	(235)	107%	Umbrella, Commercial Property, Worker's Comp, Automobile, Liability
41 Departmental Supplies	700		-	700	0%	
TOTAL COUNCIL	**55,000**	**6,480**	**9,713**	**45,287**	18%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
CITY MANAGER - 412						
03 Salaries	215,000	9,873	17,516	197,484	8%	City Manager & Deputy City Clerk Salary, 2.5% Merit and Holiday Supplement (Includes $5000 travel allowance for new City Manager.)
04 FICA Tax Expense	17,500	779	1,376	16,124	8%	FICA Tax @ 7.65%
05 Group Insurance	20,000	181	619	19,381	3%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement	19,000	1,823	2,237	16,763	12%	9% Employer Contribution PERS I and II
08 Overtime	2,500	309	474	2,026	19%	
09 OPEB	6,500	66	130	6,370	2%	RHBT Insurance
10 Fringe Benefits		132	198			Deferred Compensation Employer Contribution 3%
11 Telephone	550		43	507	8%	Mobile phone service
14 Travel Expense	1,500		-	1,500	0%	WVML Trip, City Clerk Election Training
20 Advertising	2,000		-	2,000	0%	
21 Training & Education	20,000		-	20,000	0%	402 Economic Development - $2,500 - Two National Conferences 415 Court Clerk - $500 - Municipal Court training, Election training 437 Planning & Zoning - $7,000 - Leadership WV Jefferson and APA Online Training 425 Enforcement Agency - $2,000 - ICC Conference & WV Code Officials Seminar 436 Building Inspections - $2,000 - ICC Conference & WV Code Officials Seminar 440 City Hall - $2,000 - WVML Conference 413 Treasurer's Office - $4,000 - WV GFAO Training - 4 employees; Spring or Fall Conference 750 Maintenance - $1,500
22 Dues & Subscriptions	1,000	50	50	950	5%	Adobe subscriptions. ICMA and WVML Fees.
23 Professional Services	38,000	4,999	13,995	24,005	37%	Background checks for City Manager candidates.
26 Insurance & Bonds	15,000	14,588	15,011	(11)	100%	Umbrella, Commercial Property, Worker's Comp, Automobile, Liability
30 Contracted Services	-		-	-		
41 Departmental Supplies	750	27	117	633	16%	Misc. Office Supplies
43 Auto Supplies (Gas & Oil)	-		-	-		Gas is covered under travel expenses.
TOTAL CITY MANAGER	**359,300**	**32,826**	**51,766**	**307,732**	14%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
TREASURER - 413						
03 Salaries	260,000	29,274	48,735	211,265	19%	Director of Finance, Accounting Clerk I, Accounting Clerk II, Accounting Clerk III salaries, 2.5% merit, and holiday supplements.
04 FICA Tax Expense	22,000	2,259	3,753	18,247	17%	FICA Tax @ 7.65%
05 Group Insurance	21,000	3,021	6,510	14,490	31%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement	24,000	2,657	4,415	19,585	18%	9% Employer Contribution PERS I and II
08 Overtime	3,500	249	324	3,176	9%	
09 OPEB	8,000	280	554	7,446	7%	RHBT Insurance
10 Fringe Benefits		499	749			Deferred Compensation Employer Contribution 3%
11 Telephone	-		-	-		Director of Finance Cell Phone
14 Travel Expense	1,500		-	1,500	0%	Director & Acct. Clerk III - WV Government Finance Officers Association Training
18 Postage	-		-	-		Transfer cost to City Hall and Pitney Bowes machine.
20 Advertising/Legal Pubs	2,500		-	2,500	0%	Financial statement publication $625, Levy Estimate $425, Tax increase notice $250.
21 Training & Education	-		-	-		$4,000 Rolled into City Manager's budget
22 Dues & Subscriptions	500	125	125	375	25%	Adobe subscription for Director & Accounting Clerk III
23 Professional Services	2,500		-	2,500	0%	J.C. Kunkle Accounting Services - CWH Landlord Trial Balance Analysis ($1,200) Police pension annual report ($800) Background Checks for New Hires ($300)
24 Audit Costs	90,000		31,500	58,500	35%	Perry & Associates and J.C. Kunkle FY25 Compilation and Preparation of Audit
26 Insurance & Bonds	15,000	18,338	18,890	(3,890)	126%	General Liability, Worker's Compensation, Umbrella
30 Contracted Services	25,000		5,803	19,197	23%	Tyler Technologies - Incode Annual License Fee
30 B&O Collections - Contracted Services	75,000	7,718	7,718	67,282	10%	
38 Refunds	75,000	4,824	65,542	9,458	87%	
41 Departmental Supplies	2,500	30	340	2,160	14%	Misc. Office Supplies
TOTAL TREASURER	**628,000**	**69,273**	**194,959**	**433,789**	31%	
COURT CLERK - 415						
03 Salaries	67,000	7,456	12,599	54,401	19%	Court Clerk Salary, 2.5% merit, and holiday supplement
04 FICA	5,500	570	964	4,536	18%	FICA Tax @ 7.65%
05 Group Insurance	19,000	1,605	3,332	15,668	18%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement	6,000	671	1,125	4,875	19%	9% Employer Contribution PERS I and II
08 Overtime	1,200		-	1,200	0%	
09 OPEB	2,000	60	119	1,881	6%	RHBT Insurance
10 Fringe Benefits		99	149			Deferred Compensation Employer Contribution 3%
14 Travel	500		-	500	0%	Court Clerk training and Election training
18 Postage	100		-	100	0%	
20 Advertising/Legal Publications	-		-	-		
21 Training & Education	-		-	-		$500 transferred to City Manager's budget. WVML training and Election training.
22 Dues & Subscriptions	-		-	-		
23 Professional Services	-		-	-		
26 Insurance & Bonds	4,500	4,879	5,024	(524)	112%	Court Clerk Bond, General Liability, Worker's Compensation, Umbrella
30 Contracted Services	1,025	280	525	500	51%	Flu shot
38 Refunds			400	(400)		
41 Departmental Supplies	600		22	578	4%	Ink cartridges, paper stock
TOTAL COURT CLERK	**107,425**	**15,621**	**24,259**	**83,315**	23%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
POLICE JUDGES - 416						
03 Salaries	32,000	3,350	4,900	27,100	15%	Two Municipal Court judges; two magistrates; two prosecuting attorneys; extra $2k for special judge, and holiday suppliments.
04 FICA	2,400	256	375	2,025	16%	
14 Travel	500	263	263	237	53%	WV State mandated annual training for magistrates & judges
21 Training & Education	1,000		225	775	23%	WV State mandated annual training for magistrates & judges
22 Dues and Subscriptions	100		-	100	0%	
23 Professional Services	1,000		-	1,000	0%	
26 Insurance & Bonds	2,500	2,672	2,748	(248)	110%	
41 Departmental Supplies	-		-	-		
TOTAL POLICE JUDGES	**39,500**	**6,542**	**8,511**	**30,989**	22%	
CITY ATTORNEY - 417						
03 Salaries	160,000	18,184	30,159	129,841	19%	Attorney salary plus 2.5% merit and holiday supplement.
04 FICA	13,000	1,391	2,307	10,693	18%	FICA @ 7.65%
05 Group Insurance	1,000	135	432	568	43%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement	15,000	1,637	2,714	12,286	18%	PERS II Employer Contribution 9%
09 OPEB	6,000	182	359	5,641	6%	RHBT Insurance
10 Fringe Benefits		364	546			Deferred Compensation Employer Contribution 3%
11 Telephone	250		19	231	7%	
14 Travel	1,000		-	1,000	0%	Travel allowance for various trainings.
20 Advertising/Legal Publications	-		-	-		Allowance for legal publications.
21 Training & Education	-		-	-		Rolled under City Manager's office.
22 Dues & Subscriptions	5,100		-	5,100	0%	Allowance for legal subscriptions and memberships. Bar license and legal research database subscription.
23 Professional Services	50,000		-	50,000	0%	Cost for outside legal council.
26 Insurance and Bonds	12,000	1,911	2,263	9,737	19%	
41 Departmental Supplies	1,000		-	1,000	0%	
TOTAL CITY ATTORNEY	**264,350**	**23,803**	**38,800**	**226,096**	15%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
ENFORCEMENT AGENCY - 425						
03 Salaries	61,000	6,630	11,456	49,544	19%	Code Enforcement Officer salary, 2.5% merit, holiday supplement., and clothing allowance.
04 FICA	4,900	507	876	4,024	18%	FICA @ 7.65% of Salary
05 Group Insurance	9,000	782	1,669	7,331	19%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement	5,400	597	990	4,410	18%	PERS II Employer Contribution 9%
09 OPEB	2,500	77	151	2,349	6%	RHBT Insurance
10 Fringe Benefits		133	199			Deferred Compensation Employer Contribution 3%
11 Telephone	500		19	481	4%	
14 Travel	3,000		-	3,000	0%	International Code Council Conference. Orlando. 2-3 days; airfare, lodging, meals, rental car/gas WV Code Officials Association Seminar. Roanoke, WV; airfare, lodging, meals, rental car/gas
18 Postage	1,500		43	1,457	3%	Certified Mailings
20 Advertising/Legal Publications	500		53	447	11%	Job posting ads, public notices for nuisance properties, and property maintenance violation notices.
21 Training & Education	-		-	-		$3,500 transferred to City Manager's budget. International Code Council Conference. Orlando, FL. Registration Fee ($1,600) WV Code Officials Spring Seminar, Roanoke, WV (9/2024) Registration Fee ($150)
22 Dues & Subscriptions	1,000		170	830	17%	ICC Membership ($160/yr)
26 Insurance and Bonds	4,000	4,164	4,296	(296)	107%	Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property.
30 Contracted Services	25,000		-	25,000	0%	Kimley-Horn Engineering Services
30 Nuisance Properties-Contracted Services	45,000	21,730	21,730	23,270	48%	Nuisance Properties cleanup and demos.
30 Nuisance Properties Relocation - Contracted Services	5,000		-	5,000	0%	Nuisance Properties housing relacation.
41 Departmental Supplies	2,000		-	2,000	0%	Building safety month supplies and code books
43 Auto Supplies	-		-	-		Under Maintenance budget
45 Uniforms	2,000		319	1,681	16%	Jackets & shirts.
TOTAL ENFORCEMENT AGENCY	**172,300**	**34,618**	**41,971**	**130,528**	24%	
REGIONAL DEVELOPMENT AUTHORITY - 435						
22 Dues & Subscriptions	11,500		11,304	196	98%	Region 9 Assessment - Fees are going up
TOTAL REGIONAL DEVELOPMENT AUTHORITY	**11,500**	**-**	**11,304**	**196**	98%	
Total City Administration	**2,470,875**	**249,082**	**529,210**	**1,943,827**	21%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
BUILDING INSPECTIONS - 436						
03 Salaries	88,000	9,840	16,781	71,219	19%	Building Official/Inspector salary, 2.5% merit, holiday supplement, and clothing allowance.
04 FICA	7,000	753	1,284	5,716	18%	FICA @ 7.65% of Salary
05 Group Insurance	1,500	113	365	1,135	24%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement	8,000	886	1,469	6,531	18%	PERS II Employer Contribution (9%). $272.37 per pay period * 26 pay periods
09 OPEB	3,000	98	194	2,806	6%	RHBT Insurance
10 Fringe Benefits		197	295			Deferred Compensation Employer Contribution 3%
11 Telephone	1,000	20	40	960	4%	Two lines; one is a hot spot. One is a cell phone.
14 Travel	3,000		-	3,000	0%	National ICC Conference; airfare, lodging, meals, gas
17 R&M Auto	-		-	-		Under Maintenance budget
18 Postage	1,000		-	1,000	0%	Certified mailings for property Notice of Violations
20 Advertising/Legal Publications	1,000		-	1,000	0%	Job posting ads, public notices for nuisance properties, and property maintenance violation notices.
21 Training & Education	-		-	-		$2,500 in City Manager's budget. ICC national conference, WV State Code Conference.
22 Dues & Subscriptions	1,000		-	1,000	0%	ICC membership dues; WICA subscription
23 Professional Services	50,000		-	50,000	0%	To cover expenses associated with inspections; compliance.
26 Insurance & Bonds	6,000	6,272	6,465	(465)	108%	Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property.
30 Contracted Services	-		-	-		
41 Departmental Supplies	2,000		-	2,000	0%	Building safety month supplies and code books.
43 Auto Supplies	-		-	-		Under Maintenance budget
45 Uniforms	2,000		-	2,000	0%	Jackets & shirts.
TOTAL BUILDING INSPECTIONS	**174,500**	**18,178**	**26,893**	**147,902**	15%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
PLANNING & ZONING - 437						
03 Salaries	407,000	30,221	50,122	356,878	12%	Assistant City Manager/Director of Community Development, City Planner/Zoning/Subdiv Administrator, Permit Tech, and Planner salaries, 2.5% merit, and holiday supplements.
04 FICA	33,000	2,312	3,834	29,166	12%	FICA @ 7.65% of Salary
05 Group Insurance	68,000	2,538	5,482	62,518	8%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement	38,000	2,720	4,511	33,489	12%	PERS II Employer Contribution (9%)
08 Overtime	1,500		-	1,500	0%	
09 OPEB	12,500	232	459	12,041	4%	RHBT Insurance
10 Fringe Benefits		423	635			Deferred Compensation Employer Contribution 3%
11 Telephone	250		62	188	25%	Director's department cell phone
14 Travel	8,000		-	8,000	0%	James - American Planning Association Conference Alissa - WV Leadership Trainings (12 trainings) & Women Leaders in Code Wendy - MGO Conference
18 Postage	1,000		-	1,000	0%	Certified Mailings; Legal notices, yard sign postings
20 Advertising/Legal Publications	4,500	107	171	4,329	4%	Advertising of BZA and public hearings for P/C meetings; hearing placards
21 Training & Education	-		-	-		$7,000 rolled into City Manager's budget. Alissa - WV Leadership conference registration amount $3,500; Leaders
22 Dues & Subscriptions	3,000		-	3,000	0%	AICP Membership; Wendy ICC membership; Alissa Community Development Society membership; Women Leaders in Code membership, Adobe subscription for 2 people.
23 Professional Services	5,000	4,000	4,000	1,000	80%	GIS Aerial imagery, Background Checks
26 Insurance & Bonds	20,000	17,958	18,529	1,471	93%	Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property.
30 Contracted Services	44,000	3,390	3,440	40,560	8%	Kimley-Horn and Associates - Engineering and routine plan review; bond assessments;
31 Contracted Services - Tree Board	-		-	-		To maintain Tree City USA Status, we must house this cost in the budget which is based on the population.
38 Refunds	1,000		170	830	17%	
41 Departmental Supplies	4,000	52	52	3,948	1%	Public hearing signs, office supplies, promotional supplies
53 Computer Software / Tech	13,000	730	730	12,270	6%	MyPermit Now Monthly Fees
TOTAL PLANNING & ZONING	**663,750**	**64,683**	**92,198**	**572,187**	14%	
Total City Bldg Inspection, P&Z, and Enforcement Agency	**1,010,550**	**117,480**	**161,062**	**850,617**	16%	
ELECTIONS - 438						
12 Printing	-		-	-		
20 Advertising/Legal Publications	-		-	-		Publish ballot multiple times
23 Professional Services	-		-	-		
30 Contracted Services	-		-	-		Poll workers for early voting and day of election.
41 Departmental Supplies	-		-	-		Purchase of ballots $1,500, Election Kits, Paper, Election Banner, Voter Stickers
TOTAL ELECTIONS	**-**	**-**	**-**	**-**		

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
CITY HALL - 440						
3 Salaries	103,000	11,572	19,192	83,808	19%	Director of Operations Salary, 2.5% merit, and holiday supplement
4 FICA Taxes	8,300	885	1,468	6,832	18%	FICA @ 7.65%
5 Group Insurance	20,000	1,630	3,407	16,593	17%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
6 Retirement	9,000	1,177	1,863	7,137	21%	9% Employer Contribution
9 OPEB	4,000	126	238	3,762	6%	RHBT Insurance
10 Fringe Benefits		231	347			Deferred Compensation Employer Contribution 3%
11 Telephone	20,000	401	981	19,019	5%	WebEx Phone Services ($5,000), Internet Service ($3,600), Cell phone - Director ($400), Rouss Hall Elevator & Fire Alarm Phone Service ($4,000), CWH Fire Alarm Phone Service ($1,000).
13 Utilities	40,000	3,663	6,513	33,487	16%	City Hall Oil and Electric, Rouss Hall Electric, CTUB Water/Sewer, CWH Electric
14 Travel Expense	2,000		-	2,000	0%	WV Municipal League Election Training in Charleston, WV and another conference in Baltimore, MD
15 Repair & Main. Bldg & Grounds	10,000	1,137	1,137	8,863	11%	Elevator Services and City Hall maintenance.
16 CH Repair & Maint Equip.	-		-	-		
18 Postage	4,000	367	367	3,633	9%	Pitney-Bowes Machine Postage; includes Treasurer's office mailings for B&O Tax Collection. Reflects increase in postage.
19 Bldg & Equipment Rental	250,000	20,600	60,682	189,318	24%	CWH Loan ($16,667 per month), CTUB Rent ($2,550 per month), Postage Lease, City Copier Rental, Plat Printer
20 Advertising/Legal Publications	4,000		50	3,950	1%	American Legal Publishing, Job postings, Weekly Event Calendar ($3,640), Board Vacancy Advertisements
21 Training & Education	-		-	-		$2,000 transferred to City Manager's budget
22 Dues & Subscriptions	3,500	275	2,672	828	76%	Jefferson County Chamber of Commerce ($275), SHRM Membership ($300), WVML Annual Dues ($2,400)
23 Professional Services	25,000	1,800	2,050	22,950	8%	Millenium Group insurance broker services estimated $1,800 per month, Open enrollment, payroll integration.
26 Insurance & Bonds	15,000	8,033	12,199	2,801	81%	Liability, Worker's Comp, Auto Insurance, Umbrella, Commercial
30 Contracted Services	287,000	16,973	25,472	261,528	9%	Sustainable Strategies (Grant Consultant, Matt Ward) - $60,000 ($5,000 per month) Website Hosting Fee (Revize) - $3,900 per year for 5 years Pest Control Services - $1,000 Patton Commercial Cleaning Services for City Hall and Rouss Hall - $50,000 Payroll Processing Base Fees - $4,000 ADP Software Recurring Annual Fee - $20,000 Tek Advisors - $150,000 per year.
32 Bank Charges	35,000	4,531	4,531	30,469	13%	Credit card merchant fees, eCheck Usage Fees, Fraud Detection Fees
37 Other Fees/Taxes	1,500	380	940	560	63%	Late fees
41 Departmental Supplies	12,000	2,178	2,967	9,033	25%	
53 Computer Software / Tech	15,000		15,021	(21)	100%	City Sonic Wall Annual License - $1,700 Clearcaster Annual License - $1,700 Granicus Annual License - $9,500 - Agenda management,Online training, Audio/Visual software for livestreaming meetings VEEAM Annual Maintenance - $600.00 Zoom Fees - $1,500 per year
TOTAL CITY HALL	**868,300**	**75,960**	**162,097**	**706,550**	19%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
CONTRIBUTIONS/TRANSFERS - 444						
68 Contributions - Community Partnership Grants	100,000		-	100,000	0%	Citizens Fire Co. $10,000; Independent Fire Co. $10,000; Library $20,000; Jef. Co. Com. Ministries $10,000; and EPTA $50,000.
68 Community Grants	50,000		-	50,000	0%	
68 Contributions - Revive Grant	290,000		-	290,000	0%	HUD Grant for Revive! Program. $250,000 with additional $20,000 support from City funds.
68 Contributions - Façade Improvement Program	25,000		-	25,000	0%	
68 Contributions - Homeless Solutions	-		-	-		County Homelessness position funding commitment
68 Contributions - Charles Town Now	70,000		-	70,000	0%	
68 Contributions - Sidewalk Improvement Program	50,000		-	50,000	0%	SIP grant historically funded out of CIP, but expense was moved General Operating budget to reflect ongoing and not capital expenses. Reducing by $5k due to lack of public interest
TOTAL CONTRIBUTIONS/TRANSFERS	**585,000**	**-**	**-**	**585,000**	0%	
PARKING - 571						
03 Salaries	46,000	4,877	8,438	37,562	18%	Parking Enforcement Officer salary, contingency, 2.5% merit, holiday supplement, and clothing allowance
04 FICA Tax Expense	3,700	380	653	3,047	18%	FICA @ 7.65%
05 Group Insurance	750	36	159	591	21%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement Expense	4,000	448	727	3,273	18%	9% Employer Retirement Contribution
08 Overtime	1,000	96	96	904	10%	RHBT Insurance
09 OPEB	1,500	48	93	1,407	6%	Deferred Compensation Employer Contribution 3%
10 Fringe Benefits		99	146			
13 Utilities	1,400		-	1,400	0%	Electric Service
16 Repair & Main - Equipment	1,000		-	1,000	0%	Parking meter repairs and maintenance
18 Postage	500		-	500	0%	
19 Bldg & Equipment Rental	500		-	500	0%	
20 Advertising / Legal Publications	500		-	500	0%	
26 Insurance & Bonds	3,000	3,085	3,183	(183)	106%	Prof Liability, Umbrella, Automobile, Worker's Comp
30 Contracted Services	500		-	500	0%	
41 Departmental Supplies	5,000		254	4,746	5%	Office Supplies, Batteries, Handheld Printer Paper
43 Auto Supplies (Gas/Oil)	500		-	500	0%	
45 Uniforms	500		-	500	0%	Jacket, Uniform Shirt, Patches, Badge, etc.
53 Computer Software/Tech	4,000		-	4,000	0%	United Public Safety/T2 Annual Fees
TOTAL PARKING	**74,350**	**9,069**	**13,749**	**60,747**	18%	
CONTINGENCIES - 699						
Other Contributions	350,000		-	350,000	0%	Placeholder for $50,000 for emergency snow costs. $250,000 for unexpected cost throughout the year. (SAO caps this amount at 10% of receipts.)
TOTAL CONTINGENCIES	**350,000**	**-**	**-**	**350,000**	0%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
POLICE DEPARTMENT - 700						
03 Salaries	1,640,000	182,622	316,208	1,323,792	19%	Base Salaries plus contingency, 2.5% merit, longevity, shift differential, clothing allowance, holiday supplement. (5) Patrolman, (3) Patrolman First Class, (4) Corporals, (3) Sergeants, (2) Lieutenants, (1) Captain (Held by Chief), (1) Chief. (3) Administrative personnel.
04 FICA	110,000	10,694	19,421	90,579	18%	FICA Tax at 7.65%
05 Group Insurance	289,000	21,987	46,701	242,300	16%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement	145,000	16,872	29,330	115,670	20%	Employer Retirement Contribution PERS I and II (9%) and MPFRS (8.5%)
07 Police Pension	30,000	100	100	29,900	0%	Legacy CTPD Retirement System
08 Overtime	160,000	27,098	55,642	104,358	35%	Shift coverage, late arrest/call out, special events, school events, court, etc.
09 OPEB	60,000	1,933	3,816	56,184	6%	RHBT Insurance
10 Fringe Benefits		3,433	5,193			Deferred Compensation Employer Contribution 3%
11 Telephone	48,500	1,900	6,058	42,442	12%	(4) department cell phones, MiFi/Craddle Points, for CAD in police vehicles, Internet, etc.
13 Utilities	48,000	3,168	6,469	41,531	13%	Electric and Internet Service, increase in FY25.
14 Travel	4,000		-	4,000	0%	Training, Conferences,etc.
15 R&M Building & Grounds	2,500		-	2,500	0%	Lights, Paint, Air Filters, Electrical supplies, Batteries
16 R&M Equipment	5,000		-	5,000	0%	Generator Service
17 R&M Auto	50,000	5,385	10,755	39,245	22%	Air filters, Vehicle Repairs, State Inspections, Vehicle Maintenance (Brakes/Rotors, tire install/rotation, etc.
18 Postage	1,300		-	1,300	0%	Stamps, USPS Certified Mail, UPS/Fedex, etc.
19 Building & Equipment Rental	100,000	8,346	24,813	75,187	25%	
20 Advertising/Legal Publications	5,500		-	5,500	0%	New Hire Ads 3-6 ads in local paper
21 Training & Education	20,000		200	19,800	1%	WVSP Academy, 16 hours in-service/8 supervisor hours.
22 Dues & Subscriptions	2,000		160	1,840	8%	WVCOP Dues, IACP, SRO, Journal
23 Professional Services	5,000	950	1,250	3,750	25%	Polygraph Exams, Psychological exam, Physical Exams, Diagnostic Imaging
26 Insurance & Bonds	110,000	117,020	120,621	(10,621)	110%	Worker's Comp, Liability, Automobile, Liability Claims, Commercial Property Insurance
30 Contracted Services	48,000	1,691	8,214	39,786	17%	CALEA Annual Continuation Fee ($4,595), Background Checks, Court Translator, Cleaning Fees, HVAC Service 661 George St.
37 Other Fees & Taxes	250	200	400	(150)	160%	661 George St. Ambulance Fees
41 Departmental Supplies	40,000	1,113	5,686	34,314	14%	Ammunition, Office Supplies, Cleaning Supplies, Water Delivery
43 Auto Supplies	65,000	7,034	14,074	50,926	22%	Gas, oil changes and tires for Police Vehicles
45 Uniforms	30,000	134	1,859	28,141	6%	Class A, BDU, duty gear, insignia, bullistic vest, coats, etc.
53 Computer Software/Tech	29,000	12,686	12,686	16,314	44%	CAD Motorola, Guardian Tracking, Police One Academy, Powerdms, VCS, Motorola Solutions (Watch Guard System), Revize (Website).
TOTAL POLICE DEPARTMENT	**3,048,050**	**424,365**	**689,655**	**2,363,588**	23%	
POLICE-SPECIAL DUTY CROSSING GUARDS - 704						
03 Salaries	35,000	1,075	1,075	33,925	3%	Five (5) Part-Time Crossing Guards (Wright Denny and Charles Town Middle). Expenses reimbursed by BOE. No COLA. Holiday supplements.
04 FICA Tax Expense	2,600	82	82	2,518	3%	
26 Insurance & Bonds	1,750	2,177	2,259	(509)	129%	
41 Departmental Supplies	250		-	250	0%	Stop signs
45 Uniforms	500		-	500	0%	Reflective jackets and vests
43 Auto Supplies (Gas & Oil)	-		-	-		
TOTAL POLICE -SPECIAL DUTY CROSSING GUARDS	**40,100**	**3,335**	**3,416**	**36,684**	9%	
Total Police and Crossing Guards	**3,088,150**	**427,700**	**693,071**	**2,400,272**	22%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
DOG WARDEN - 707						
Contributions	1,600		-	1,600	0%	City passes along the dog tag fees to the County
TOTAL DOG WARDEN	**1,600**	**-**	**-**	**1,600**	0%	
MAINTENANCE - 750						
03 Salaries	330,000	29,921	51,466	278,534	16%	Director and (4) Maintenance Staff salaries, 2.5% merit, holiday supplements, clothing allowances and contingency for CDL, Playground Inspection, and ASE certifications.
04 FICA Tax Expense	27,000	2,406	4,110	22,890	15%	FICA @ 7.65%
05 Group Insurance	47,000	2,433	5,305	41,695	11%	Health Insurance, Life Insurance, Dental Insurance, Vision Insurance. (Includes 16% premium increase projected by PEIA.)
06 Retirement	29,000	2,830	4,670	24,330	16%	9% Employer Contribution
08 Overtime	20,000	1,525	2,261	17,739	11%	
09 OPEB	8,000	187	369	7,631	5%	RHBT Insurance
10 Fringe Benefits		333	499			3% Deferred Compensation Employer Contribution
11 Telephone	3,000	97	256	2,744	9%	Field staff equipped with cell phones
13 Utilities	15,000	285	477	14,523	3%	Maintenance building electric, water, sewer, and internet
14 Travel Expense	1,500		-	1,500	0%	Maintain certifications; other skill enhancement training as required/proposed
15 R&M Buildings and Grounds	55,000	7,705	17,093	37,907	31%	General maintenance of city buildings.
16 R&M Equipment	15,000		124	14,876	1%	Regular maintenance of fleet equipment, primary expense is street sweeper repairs. We have a new leaf vacuum, so we don't have as much maintenance expense.
17 R&M Auto	10,000		425	9,575	4%	Regular maintenance of department and City vehicles
18 Postage	-		-	-		
19 R&M Bldg and Equip Rental	1,000		-	1,000	0%	Equipment rented as required to maintain various city buildings.
20 Advertising	500		-	500	0%	Spring and Fall Cleanup. Additional city sponsored projects as required.
21 Training & Education	2,500		-	2,500	0%	Maintain certifications; other skill enhancement training as required/proposed. CDL, Playground Inspection, ASE.
22 Dues & Subscriptions	500		-	500	0%	Camera subscription and CDL License Fees
23 Professional Services	500		-	500	0%	CDL physicals
26 Insurance & Bonds	19,000	16,884	16,946	2,054	89%	Liability, Worker's Comp, Vehicle Insurance
30 Contracted Services	60,000	8,781	13,824	46,176	23%	Trash Service, Box Rental Fees, Tree Services ($12,000), Snow Removal and Salt
41 Departmental Supplies	35,000		1,215	33,785	3%	General maintenance annual supplies. Christmas decorations, and light poles.
43 Auto Supplies (Gas, Oil & Tires)	25,000	232	2,013	22,987	8%	Gas, oil changes and tires for maintenance and City vehicles.
45 Uniforms	5,000		-	5,000	0%	
53 Software/Tech	-		-	-		
59 Capital Outlay	-		-	-		
TOTAL MAINTENANCE	**709,500**	**73,618**	**121,052**	**588,947**	17%	
STREET LIGHTS - 751						
13 Utilities	130,000	10,014	19,844	110,156	15%	Street lights electric.
TOTAL STREET LIGHTS	**130,000**	**10,014**	**19,844**	**110,156**	15%	
VISITOR'S CENTER - 901						
66 Contributions	100,000	6,739	6,739	93,261	7%	50% of Hotel/Motel Tax Revenue Contribution to Visitor's Center.
TOTAL VISITOR'S CENTER	**100,000**	**6,739**	**6,739**	**93,261**	7%	

ACCOUNT	CURRENT BUDGET	AUGUST 2025	FY 2026 YTD ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES AND EXPLANATIONS
FAIRS/FESTIVALS - 903						
20 Advertising/Legal Publications	2,000		-	2,000	0%	
30 Contracted Services	36,000	1,100	1,120	34,880	3%	**WV Fest** Stage/Sound ($5,000), Musicians ($5,000), Athlete Appearances ($10,000), Signage ($2,000), Inflatables ($2,000), Portable toilets ($1,000), Hospitality/lodging and meals for talent ($2,000), Shuttle bus ($1,500), Game Entertainment Avenue ($2,000) **Car Show** Sound ($2,500), Announcer ($500), Model T Ford Car Club ($600), Portapotts ($900), Gaming Trailer ($1,000)
38 Refunds	100		-	100	0%	
41 Departmental Supplies	25,000	500	4,177	20,823	17%	**WV Fest** Water/cups ($1,500), Tents ($1,500), Trophies ($500), Chairs & Railing ($1,000), Contests ($300), Signage ($1,500) **Car Show** Trophies/Plaques ($4,700), Signage/Parking ($500), Water/Chips ($1,500) **General** Welcome bags for new residents ($1,000), Candy ($2,000), Contest prizes for Light the City and Xmas parade ($1,625), Christmas costumes, Signs ($500)
52 Computer Software	1,300		-	1,300	0%	Light the City Map Software - App for Christmas lighting. Around Town Christmas contest. Annual Fee. Reimbursed 50% from Ranson, WV.
68 Contributions	4,000		-	4,000	0%	Donations to the Boys & Girls Club, High School Choir, and Jefferson High School Air Force ROTC.
TOTAL FAIRS/FESTIVALS	**68,400**	**1,600**	**5,297**	**63,103**	8%	
TRANSFERS - 960/698 SAO						
01 Transfers to Capital Reserve - Repaving	135,000	15,047	27,863	107,137	21%	Monthly Street Fee Remittance from CTUB is xfrd to Capital Reserve for future street repaving expenditures
02 Transfers to Capital Reserve - One Time Funding	427,386	427,386	427,386	-	100%	
03 Transfers Out - Parks & Rec	120,000	26,739	26,739	93,261	22%	50% Hotel/Motel tax revenue. Pool/Tennis Revenue funds the Parks & Rec budget. Reference Parks & Rec FY 2025 budget for further details.
04 Transfers to Residual Fund	200,000	200,000	200,000	-	100%	
11 Transfers to Capital Reserve - Table Games	810,000	68,163	185,273	624,727	23%	FY 2025 budget transfer includes lottery money (gaming and video); FY2025 proposed is the gaming/lottery estimated amounts transferred to Capital Reserve.
20 Transfers to Sales Tax	50,000	50,000	50,000	-	100%	
TOTAL TRANSFERS	**1,742,386**	**787,335**	**917,261**	**825,125**	53%	
TOTAL EXPENSES	**10,330,811**	**1,682,636**	**2,467,284**	**7,872,656**	24%	
REVENUES OVER EXPENSES	-	(345,278)	1,810,568			

the city of Charles Town, WV

FY 2026 P&R Budget

REVENUES	FY 2026 BUDGET	JULY 2025	AUGUST 2025	FY 2026 YEAR TO DATE	FY 2026 BUDGET BALANCE	FY 2026 % OVER/UNDER BUDGET	FINANCE NOTES
Carryover				-	-		
00 Pool Admission	20,400			-	20,400	0%	
01 Pool Concession Stand	3,000	16		16	2,984	1%	
02 Pool Rental	2,000			-	2,000	0%	
03 Pool Passes	3,000			-	3,000	0%	
04 Swimming Lessons	5,000			-	5,000	0%	
07 Pavilion Rental	4,000	700	300	1,000	3,000	25%	
10 Park Donations				-	-		
12 Hotel/Motel	100,000		6,739	6,739	93,261	7%	
14 Tennis CIP Donations	1,000			-	1,000	0%	
21 Junior Tennis	1,200			-	1,200	0%	
22 Tennis Lessons	7,500			-	7,500	0%	
38 Interest	750	279		279	471	37%	
39 Contributions from GF	20,000		20,000	20,000	-	100%	
TOTAL REVENUES	**167,850**	**995**	**27,039**	**28,034**	**139,816**	**17%**	

EXPENSES	FY 2026 BUDGET	JULY 2025	AUGUST 2025	FY 2026 YEAR TO DATE	FY 2026 BUDGET BALANCE	FY 2026 % OVER/UNDER BUDGET	FINANCE NOTES
03 Salaries	62,000	4,722	6,378	11,100	50,900	18%	Pool - 15 Part-time employees @ $25,000 Tennis - 7 Part-time employees @ $6500
04 FICA Tax Expense	5,000	361	488	849	4,151	17%	FICA @ 7.65% of Salary
08 Overtime	1,000			-	1,000	0%	
11 Telephone	1,000			-	1,000	0%	Jefferson Memorial Pool Phone Line
13 Utilities	12,000	241	298	539	11,461	4%	Charles Town Utility Board (Water) - Jeff Mem Park/Pool - $5,000 Potomac Edison (Electric) - Restroom Facilities, W. Liberty St., Jeff Mem Park/Pool - $5000
15 Buildings and Grounds	12,000	425		425	11,575	4%	R&L Landscapes/Spring Cleanup ($2,500), Grass/Weed killer, Window Installation, Light bulbs, Grass seed, straw, Outdoor lights, drain pipe, Boards for Benches, Bathroom Repairs, Painting Supplies, and Kiddie Matt mulch (moved from Department Supplies).
16 Pool supplies and equipment	5,000			-	5,000	0%	Halltown Pool & Spa - Chemicals/Filters/Pool Maintenance (#50 Tabs, Lube, Soda Splash, Filter Fresh, Algicide, Test Kits, Gaskets, Bolts.
20 Advertising/Legal Pub	200			-	200	0%	Publishing fees
21 Training	500			-	500	0%	CPR/First Aid training
26 Insurance & Bonds	4,000			-	4,000	0%	Commercial Property, Umbrella Liability, Automobile, Worker's
30 Contracted Services	50,000	6,758	6,494	13,252	36,748	27%	Mowing (Evitts Run, Happy Retreat, Craig Hill, Willingham, Jeff Mem Park) - $26,000; Porta Potty Setup/Clean and Service - $2,000 Water Testing - Pool - $100 Payroll Processing - $700 Annual Pest Control Services - $300
36 Refunds		100		100	(100)		
37 Other Fees/Taxes	150			-	150	0%	Pool permit fee Health Department
41 Departmental Supplies	13,150	1,093	69	1,162	11,988	9%	Trophies, T-shirts, Floats and whistles.
41 Junior Tennis Supplies	850			-	850	0%	Jr. Tennis Girls and Boys Shirts and Jackets and tennis balls.
42 Concession Stand Supplies	1,000			-	1,000	0%	
45 Uniforms				-	-		
59 Capital Outlay				-	-		
99 Contingencies				-	-		
TOTAL EXPENSES	**167,850**	**13,701**	**13,726**	**27,427**	**140,423**	**16%**	
REVENUES OVER EXPENSES	**-**	**(12,706)**	**13,313**	**607**	**(607)**		

REPAVING BUDGET

ACCOUNT	FY 2026 BUDGET	REVISION #1 PROPOSAL	REVISION #2 PROPOSAL	REVISION #3 PROPOSAL	FY 2026 CURRENT BUDGET	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES	REVISION #1 NOTES	REVISION #2 & 3 NOTES
REVENUES											
Repaving Carryover	$ 290,000	$ 1,391,704			$ 1,681,704	$ 1,681,704	$ -	100%	Carryover balance from FY2025 Repaving Funds. This amount will be adjusted in the first revision in July 2025.	Adjust carry over amount to actual balanace as of June 30 2025	
36877 Contributions from GF - Repaving Fees	$ 150,000				$ 150,000	$ 27,863	$ 122,137	19%	Street Fees source = $4.10 fee, collected by the Charles Town Utility Board and remitted to the City of Charles Town for Capital Reserve Fund - Street Paving		
38000 Interest on Bank Accounts & Other Sources	$ 50,000				$ 50,000	$ 2,351	$ 47,649	5%			
TOTAL REVENUES	**$ 490,000**	**$ 1,391,704**			**$ 1,881,704**	**$ 1,711,918**	**$ 169,786**	91%			
EXPENDITURES											
977-60 Streets & Transportation Capital Outlay Street Paving	$ 305,000			$ 55,000	$ 360,000	$ 303,952	$ 56,048	84%	12 Jan 2023 Infrastructure Comm report identified 23 streets for repaving/repairs.		Paving adjustment for the following: $10,000 Skate Park, $10,000 pot holes, $15,000 Morison Street parking, & $20,000 Willingham Knolls Park
Paving Contingency - 977-60 Streets & Transportation Capital Outlay Street Paving	$ 185,000	$ 1,391,704		$ (55,000)	$ 1,521,704	$ -	$ 1,521,704	0%	This contingency represents past income collected by CTUB earmarked for street paving. It will be adjusted in the first revision in July 2025.		
TOTAL EXPENSES	**$ 490,000**	**$ 1,391,704**			**$ 1,881,704**	**$ 303,952**	**$ 1,577,752**	16%			
REVENUES OVER EXPENSES	**$ -**	**$ -**			**$ -**	**$ 1,407,966**					

CITY OF CHARLES TOWN
BANK AND INVESTMENT ACCOUNTS
BALANCES AS OF AUGUST 31, 2025

ACCOUNT	LAST 4 OF ACCOUNT #	FUND	BANK	GL ACCOUNT #	ACCOUNT BALANCE	UNRESTRICTED FUNDS	RESTRICTED FUNDS	UNENCUMBERED FUNDS	COMMENTS
001 GENERAL FUND									
This pool of money is used to support the operations of the City. This Fund is monitored by the State of WV. The City must submit a budget to the State in March of each year for approval in the following April. All revisions to the budget must be sent to the State for approval. These funds support all operational expenses accross the City departments. These departments are Economic Development, Mayor's Office, Council, City Manager, Treasurer, Court Clerk, Police Judges, City Attorney, Enforcement Agency, Building Inspections, Planning & Zoning, Elections, City Hall, Contributions, Parking, Police, Crossing Guards, Maintenance, and Fairs and Festivals. Several revenues are received by the General Fund and passed through to other funds. Hotel/Motel Taxes are collected and half is transferred to the P&R Fund. The other half is given to the County CVB. Street Improvement Fees are collected and transferred to the Capital Fund Repaving Budget. Finally, Gaming and Vidoe Lottery Income is collected and transferred to the Capital Fund.								
General Fund	2792	General	Bank of Charles Town	001-101-00	$ 1,727,419		$ 1,727,419		General Fund operations.
002 COAL SEVERANCE									
This fund is a special revenue fund that is supported by the collection of a tax on the production of coal in the state. Because Jefferson County is not a coal producing county, we get a portion of the proceeds based on population. This budget is monitored by the State as well. The City must submit a budget to the State in March of each year to be approved in the following April just as we do for the General Fund. The Council has decided to use these funds to support the enhancement of the P&R pool. This P&R expenditure is approved by the State of WV.									
Coal Severance Tax Revenue Fund	2946	Coal Severance	Bank of Charles Town	002-101-05	$ 186,289		$ 186,289		Special revenue fund used for P&R pool.
003 RESIDUAL FUND									
Another name for this fund is the Rainy Day Fund. This is the City's savings fund. The State allows us to save 30% of our General Fund budget. The FY 2026 budget is $9,274,625. Therefore, the total of the accounts below cannot exceed $2,782,387. Given that information, the City can set aside aproximately one million additional dollars for savings in the Residual Fund. This money can be used to cover General Fund shortfalls or any other purpose the City considers appropriate.									
Residual Fund	2112	Residual	Bank of Charles Town	003-101-07	$ 1,223,034	$ 1,223,034		$ 1,223,034	Savings account/emergency fund for the city. Maximum balance can be 30% of general fund budget. No planned expenditures. Annual interest is 3.23%
Fidelity City Residual Fund #9959	9959	Residual	United Capital Fidelity	003-101-20	$ 826,034	$ 826,034		$ 826,034	Investment fund for GF budget stabalization.
008 SALES TAX									
The revenue that is received in this fund is the 1% city sales tax on the sale of goods and services that businesses operating within the Charles Town city limits must charge their customers. The State collects this tax for us and sends a quarterly payment to this fund. This money is unrestricted and can be used for whatever the City deems appropriate. Currently our ordinances declare that the money must first be used to pay debt obligations. In the FY 2026 General Fund budget the City is bringing in 1.5 million from the Sales Tax Fund. Approximately $325,000 of that money will be used to pay monthly bond/loan payments. The remaining $1,175,000 is allocated for City operations.									
Sales Tax	3012	Sales Tax	Bank of Charles Town	008-101-00	$ 4,410,286	$ 4,410,286	$ -	$ 4,410,286	$1.5 million committed to General Fund for FY 2026. Debt service is to be paid first per ordinance.
011 CHARLES WASHINGTON HALL LANDLORD FUND									
This fund was formed to create a LLC to redeem Federal and State historical tax credits associated with the renovation of Charles Washington Hall in 2014-2017. Money from this fund can be set aside to buy back the remaining portion of the LLC.									
CWH Landlord, LLC	3365	CWH Landlord	Bank of Charles Town	011-101-00	$ 576,769	$ 576,769	$ -	$ 576,769	Unrestricted revenues from the sale of federal historic tax credits. $25,000 allocated for possible option by out.
020 HOUSING REHAB FUND									
The Housing Rehabilitation Program was established in the 1980's when the City received HUD income for community housing rehabilitation. In the past, this was a loan program to the community. This program ceased several years ago. The City may want to pursue providing community grants to low income residents for housing repairs until the funds have been exhausted.									
Housing Rehab Program	2100	CDBG	Bank of Charles Town	020-101-00	$ 67,781	$ -	$ 67,781		Funds restricted to housing rehab services.

ACCOUNT	LAST 4 OF ACCOUNT #	FUND	BANK	GL ACCOUNT #	ACCOUNT BALANCE	UNRESTRICTED FUNDS	RESTRICTED FUNDS	UNENCUMBERED FUNDS	COMMENTS
021 POLICE INVESTIGATIVE FUND									
This Fund contains restricted money specifcally for police use. There are two accounts associated with this fund, Police Investitation and Federal Equitable. The Police Investigation account is generated from income received from the City's involvement in local confiscated property. These funds must be used for police purposes. The Federal Equitable account is generated from the City's involvement in the County TASK Force. Funds received are the City's portion of property confiscated by the TASK Force. These funds are monitored by the State TASK Force.									
Federal Equitable Fund	2873	Investigative	Bank of Charles Town	021-101-02	$ 125,025	$ -	$ 125,025		Funds restricted for limited police activities per Department of Justice guidelines.
Police Investigation Account	2814	Investigative	Bank of Charles Town	021-101-01	$ 45,034		$ 45,034		Funds for police use.
026 OPIOID FUND									
These funds exist from a legal settlement of the State against opioid manufacturrers, distributors, and pharmacies due to their contribution to the misues of opioids. The State mandates that the money must be used for treatment and recovery programs, mental health services, support of law enforcement and first responders, provision of prevention education, or improved access to Narcan. There will be annual distributions of approximately $35,000 through 2028.									
Opioid Settlement Fund	2106	Opioid Fund	Bank of Charles Town	026-101-01	$ 194,115		$ 194,115		Special revenue fund. Council is determining use of funds per State
200 CAPITAL RESERVE FUND									
Capital Reserve money is used to support capital expenditures. These expenditures are normally no less than $5000. A capital expense may be a purchase of land, buildings, vehicles, equipment, or infrastructure construction. They are usually one time expenditures that become fixed assets, and may be supported by grants. There are 3 checking accounts associated with the Capital Fund. The first bank account is the Capital Reserve account which pays for the capital purchases. This account is supported from lottery proceeds, developer fees, and transfers from the General Fund. The second bank account is the Repaving account which pays for the paving and construction of roads. This account is supported from repaving fees assessed on Charles Town residents. The City collects $48 annually from each Charles Town household to support paving. The final account, the EPA account, is the bank account in which grants are received. This is a pass through account. The balance of this bank account should always be zero because the money received should be immediately transferred out to the account that it is reimbursing.									
Capital Reserve Fund	2822	Capital Reserve	Bank of Charles Town	200-101-00	$ 8,123,013	$ 2,637,741	$ 5,485,272	$ 2,637,741	Funding for capital projects and grant projects approved in FY 2026 Capital Budget.
EPA/RLF Fund	2911	Capital Reserve	Bank of Charles Town	200-101-20	$ 78	$ -	$ 78		EPA project completed, but account remains open because it is a depository for Federal Equitable revenue and reimbursable grants.
Repaving	2094	Capital Reserve	Bank of Charles Town	200-101-09	$ 1,729,682		$ 1,729,682	$ 1,521,704	Special revenue for resurfacing projects approved in FY 2025 Capital Budget.
207 PARKS & RECREATION FUND									
The Parks & Recreation Fund is designated to support the operations of the parks, the pool, and P&R programs. Parks & Recreation is a separate entify from the City. There are 2 checking accounts associated with the P&R Fund. They are the P&R Operating account and the P&R Capital Improvement account. The Operations bank account is used to support the operations of the Parks Program. The main revenue for that account is Hotel/Motel Taxes that are collected in the General Fund and passed on to P&R per City ordinances. The Capital Improvement bank account is supported from community donations and transfers from the P&R Operating account. The Clifford Trust is included in this account. Some of the capital expenditures are restricted for specific purposes per the donors' requests.									
Parks & Rec	2881	Parks & Rec	Bank of Charles Town	207-101-00	$ 39,485		$ 39,485		Operating account for Parks and Recreation.
Parks & Rec Capital Improvement	7203	Parks & Rec	Bank of Charles Town	207-101-05	$ 114,784		$ 114,784		Account designated to P&R donations/contributions for future Parks capital improvement (i.e. tennis courts, pool, etc.)
400 BUILDING COMMISSION FUND									
The Building Commission is a separate entity from the City. It's purpose is to incur debt on behalf of the City. The properties that the debt are held against are owned by the Building Commission and leased to the City. This relationship exists between the Building Commission and the City until the debt is paid off. Then the property can be given back to the City. Currently there are 3 bonds/loans that the Building Commission holds for the City. The first one is a USDA Bond for Charles Washington Hall. The balance of the bond as of 5/15/2025 is $2,377,573 with monthly payments of $12,840. The second bond is another USDA Bond for Charles Washington Hall. The balance of this bond as of 5/15/25 is $751,198 with monthly payments of $3827. The final loan is held at the Bank of Charles Town at $1,637,630 as of 4/30/25. The monthly payments for this loan is $10,390.98. The Building Commission receives monthly lease payments from the General Fund to support these bond/loan payments. The Building Commission holds one year of bond/loan payments totaling approximately $325,000 in its checking account on reserve.									
Building Commission	4862	Bldg Commission	Bank of Charles Town	400-101-00	$ 364,125	$ -	$ 364,125		Near -term expenditures (i.e. debt service) are paid from the BC fund and directly reimbursed through monthly lease payments from the General Fund.

ACCOUNT	LAST 4 OF ACCOUNT #	FUND	BANK	GL ACCOUNT #	ACCOUNT BALANCE	UNRESTRICTED FUNDS	RESTRICTED FUNDS	UNENCUMBERED FUNDS	COMMENTS
700 POLICE PENSION FUND									
Money in the Police Penson Fund is designated for payroll and benefit payments to retired police officers and/or surving spouses. This is a separate entity from the City. There are 3 members in the plan. The City is obligated to pay a portion of the expenses calculated through information provided from Bolton. This is a transfer from the General Fund Police Budget. When the City's obligation is paid, the State will make an annual contribution to support the payroll expenses as well. The State has strict rules and reporting requirements regarding this account. The Fidelity Pension Investment account is held for future pension payments.									
Police Pension Relief Fund	2118	Police Pension	Bank of Charles Town	700-101-00	$ 13,599		$ 13,599		Funds used to support pension beneficiaries. Includes employer contributions from the General Fund calculated annually from the Bolton Actuarial Valuation Report and one annual State contrubition.
Fidelity Police Pension Fund #6846	6846	Police Pension	United Capital Fidelity	700-101-20	$ 562,844		$ 562,844		Investment fund for restricted use of future pension payments.
900 BOND ESCROW FUND									
The purpose of this fund is to hold developer bonds until project completion. When construction has been completed, inspected, and approved by Council for release, the money is given back to the developer. If the developer does not complete construction as required, the City keeps the funds to make the needed changes. Currently the City is only holding one bond in the amount of $107,157.									
Bond Escrow Fund	3004	Bond Escrow	Bank of Charles Town	900-101-00	$ 125,220		$ 125,220		Account is used to deposit bond funds from developers and held until projects are completed.

Total Bank Accounts……	**$ 19,065,736**			
Total Investment Accounts……	**$ 1,388,879**			
Total Funds……	**$ 20,454,615**	**$ 9,673,864**	**$ 10,780,751**	**$ 11,195,568**

Definations:

**Restricted Funds - Monies that are legally or contractually required to be used for a specific purpose.*

***Unrestricted Funds - Monies that are not designated for a specific purpose. These funds can be used for whatever the City deems appropriate.*

****Unemcumbered Funds - Monies that have not been set aside or committed to a specifc contract, project, or obligation.*

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1066: Charles Town Police Department August Statistical Report

ATTACHMENTS:

- August 2025 CTPD Stats.pdf

Charles Town Police Department
Monthly Stat Report

August 2025

911 Hangup	14	Missing Person	
Abandoned Vehicle	3	Motorist Assist	9
Alarm	19	MVA w/ Entrapment	
Assault	2	MVA Hit and Run	5
ATV Complaint	1	MVA No Injury	13
BOLO	6	MVA Major Incident	1
Breaking and Entering		MVA w/ Injury	4
Breaking and Entering Veh		Nuisance	2
Building Check	67	Open Door	4
Business Engagement	9	Out of Car (Investigation/Mtg/Court)	15
Capias Recall by Court	16	Overdose	2
Capias Service	3	Overdose-Death	
Civil Matter	1	Panhandling	
Community Engagement	10	Parking Complaint	11
Court/Bailiff Duty	2	Public Assist (In Person Contact)	33
Destruction of Property	1	Public Service (Phone Contact)	77
Directed Patrol	285	Pursuit	
Disabled Vehicle	10	Road Patrol	2
Disturbance	26	Service Miscellaneous	1
Dog Locked in Vehicle		Shooting	1
Domestic Battery	2	Shoplifting	1
Drug Activity	9	Special Event/Detail	11
DUI	2	Stolen Vehicle	1
EMS Assist	5	Suspicious Activity	4
Fingerprinting	5	Suspicious Mail	
Fire Assist		Suspicious Person	10
Fireworks Complaint		Suspicious Vehicle	13
Follow Up	28	Theft	3
Foot Patrol	29	Threats, Verbal/Physical	2
Found Property	3	Traffic Hazzard	7
Fraud	6	Transport	3
Gunshots Heard		Trespassing	5
Harrassment	2	Unattended Death	
Hardcopy Check	3	Warrant Service	11
Information		Welfare Check	19
Injured Animal	1	Wildlife Complaint	
Intoxicated Person	3	Wires Down	
Juvenile Complaint	1	**Total calls of service**	**844**

Assists/Back-Ups:	Ranson	**10**		Sheriffs Dept.	**32**
	Harpers Ferry			State Police	**2**
	Shepherdstown			Other (not including CTPD)	**4**
				Total Assists	**48**

	Male	Female	Caucasian	African American	Hispanic	Asian	Other/ Unknown	Total
Defendants:	20	5	20	5	0	0	0	**25**
Total Charges	30	22	45	7	0	0	0	**52**
Citations:								**200**
- Moving								**86**
- Nonmoving								**106**
- Criminal								**4**
- S Ticket (Parking)								**4**
Stops	105	61	119	18	23	4	2	**166**
Warnings:								**133**
Stops	82	51	97	12	18	0	6	**133**
Total	**207**	117	**236**	**35**	**41**	**4**	**8**	
Incident Report								**60**
Parking								
- Citations								**211**
-Warnings								**23**

Charles Town Police Department
Monthly Stat Report
Charges by Offense/Gender/Race

August 2025

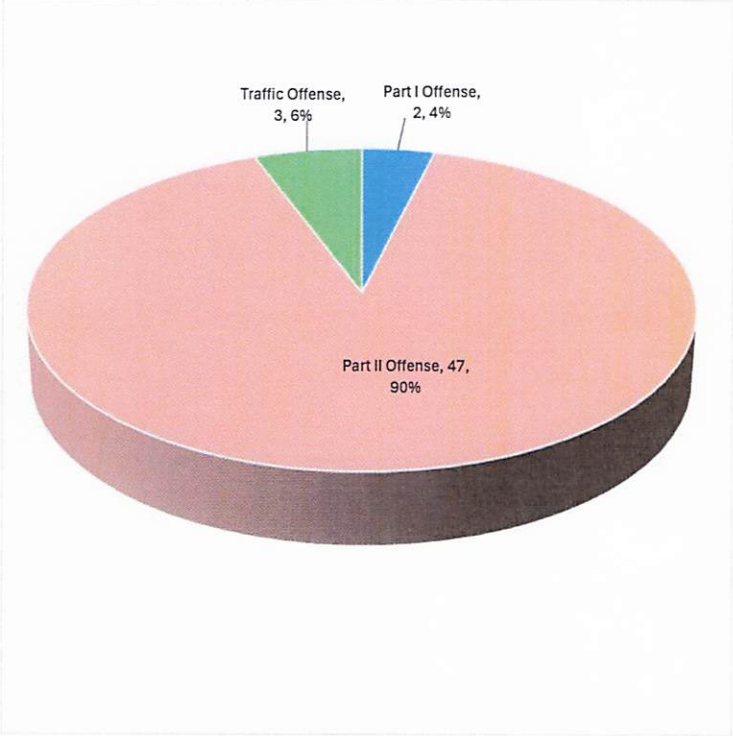
	Male	Female	Caucasian	African American	Hispanic	Asian	Unknown
PART I OFFENSE							
Arson 1st Degree	1		1				
Burglary (Daytime)							
Burglary (Nighttime)							
Grand Larceny							
Malicious Assault							
Malicious Wounding							
Attempted Murder 1st Degree							
Murder 1st Degree							
Petit Larceny							
Robbery - Attempted							
Robbery							
Robbery 2nd Degree							
Sexual Assault 1st Degree							
Shoplifting		1	1				
Shoplifting 2nd Offense							
Shoplifting 3rd Offense							
Strangulation							
TOTAL	**1**	**1**	**2**	**0**	**0**	**0**	**0**
PART II OFFENSE							
Assault							
Assault on an Officer							
Attempted to Defeat Drug/Alcohol Screening Test							
Battery	1		1				
Battery on Emergency Personnel							
Breaking and Entering - Attempted							
Capias Served	3		2	1			
Child Abuse Resulting in Injury							
Child Neglect Creating Risk of Injury							
Computer Fraud							
Conspiracy							
Conspiracy to Distribute MDMA							
Conspiracy to Breaking and Entering							
Conspiracy to Possess w/Intent to Deliver Cocaine							
Conspiracy to Possess w/Intent to Deliver Heroin							
Conspiracy to Shoplifting		1	1				
Cruelty to Animals							
Destruction of Property	1		1				
Disorderly Conduct							
Disruption of School							
Distribution of Crack Cocaine							
Disturbing the Peace							
Domestic Assault							
Domestic Battery	3		3				
Domestic Battery 2nd Offense							
Domestic Battery 3rd Offense							
Driving Revoked for DUI	1	1	1	1			
Driving Revoked for DUI 2nd							
Driving Revoked for DUI 3rd							
Driving Revoked Non DUI Admin							
DUI							
DUI 2nd							
DUI 3rd							
DUI Aggravated	2		2				

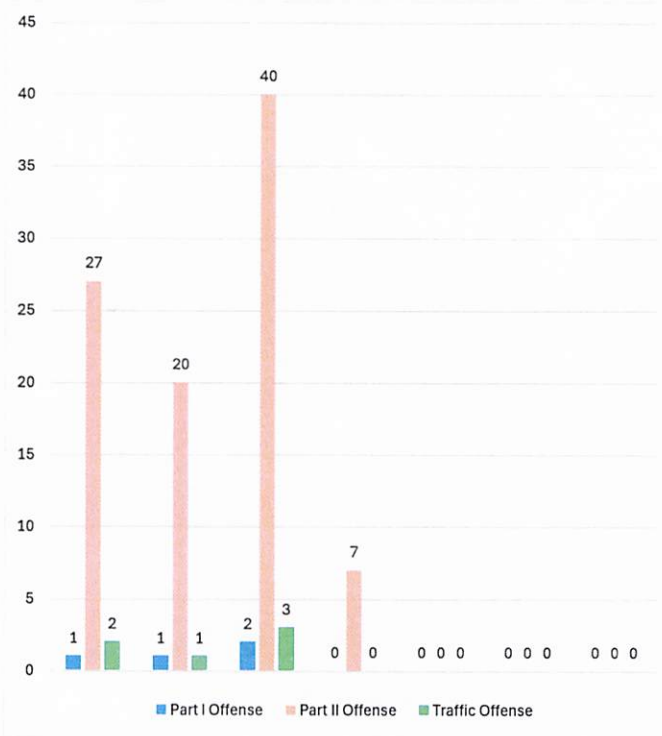
Charles Town Police Department
Monthly Stat Report
Charges by Offense/Gender/Race

DUI Causing Bodily Injury							
DUI - Drugs							
DUI - Drugs 3rd Offense							
DUI w/ Minor							
Engage in Business W/O Business Franchise Registration							
Failure to Make Required Payments							
False Alarm of Fire							
False Reporting of an Emergency	1		1				
Felon in Possession of Firearm	1		1				
Fingerprint Refusal	1		1				
Fleeing from Officer							
Fleeing in Vehicle w/ Reckless Indifference							
Forgery of Prescription		3	3				
Fraudulently Obtain Schedule V CDS Attempt		2	2				
Fraudulently Obtain Schedule V CDS		6	6				
Fugitive From Justice	2			2			
Interfering with Emergency Communication							
Interlock Violation							
Littering							
Non-Consensual Disclosure of Private Intimate Images							
Obstructing an Officer	1		1				
Obtain Money, Property, Services by False Pretense							
Open Container							
Open Container in Vehicle							
Pedestrian in Roadway							
Pimping							
Possession Deadly Weapon by Minor							
Possession of Alcohol Under 21							
Possession of Acetaminophen/Tramadol							
Possession of Cocaine	2	1	2	1			
Possession of Crack Cocaine	3		2	1			
Possession of Marijuana	3	1	3	1			
Possession of Methamphetamine							
Possession of Oxycodone							
Possession of Pregabalin							
Possession of Tramadol							
Possession w/ Intent to Deliver Crack Cocaine		1	1				
Possession w/ Intent to Deliver Heroin							
Possession w/ Intent to Deliver Methamphetamine							
Probation Revocation							
Prohibited Person in Poss of Firearm							
Prostitution							
Providing Alcohol to Under 21							
Public Intoxication	2		2				
Reckless Driving							
Resisting Arrest							
Sexual Abuse 1st Degree							
Sexual Assault 2nd Degree							
Threats of Terroristic Acts							
Transfer Receive Stolen Property							
Trespassing							
Unlawful Possession/Transport into WV Fentanyl							
Underage Consumption of Alcohol							
Uttering of Forged Prescription		4	4				
Wanton Endangerment							
TOTAL	**27**	**20**	**40**	**7**	**0**	**0**	**0**

Charles Town Police Department
Monthly Stat Report
Charges by Offense/Gender/Race

TRAFFIC OFFENSE							
Cell Phone Violation							
Child Safety Restraint Violation							
Defective Equipment							
Driving Suspended							
Driving Suspended 2nd Offense							
Driving Suspended 3rd Offense							
Driving Too Fast for Conditions							
Exp/No MVI							
Expired/No Operators							
Expired/No Registration	1	1	2				
Fail to Keep Right							
Fail to Maintain Control							
Fail to Obey Traffic Control Device							
Fail to Obtain WV Operators							
Fail to Report Accident							
Following to Closely							
Improper Backing							
Improper Registration							
Leaving the Scene of Accident w/ Damage							
Left of Center							
No Insurance/No Proof of Insurance							
No Motorcycle Endorsement							
No Parking Violation							
No Seatbelt							
Passing on Right							
Red Light Violation							
Speeding							
Stop Sign Violation	1		1				
TOTAL	2	1	3	0	0	0	0
TOTAL CHARGES	**30**	**22**	**45**	**7**	**0**	**0**	**0**





Charles Town Police Department

SRO Monthly Report

Washington High School / Charles Town Middle School / 2025/2026 / August 2025

INVOLVEMENTS:					
Alcohol Related		Fire/Shelter Drills	1	SRO Use of Force	
Battery on School Employee		Found Property		Suspensions	2
Citizen Assist	5	Incident Reports		Threats	
Directed Patrols		Juvenile Petitions		Tobacco Related	2
Disturbance		Marijuana Possession		Trespassing	
Evacuations		Parental Contacts	1	Vandalism/Theft	
Extra Curricular Activities		Parking Complaints		Vehicle Accident	
Fights		Reckless Driver		Welfare Check	
Fire Department Assist		Social Media Related		***Total Involvements***	***11***

Officer Notes/Misc. Information: No School From May 31st - August 18th(Summer Break). Participated in start of year class meetings with each grade level.

YOUTH SERVICES:	
Total Classes Taught:	0
Students in Class:	0
Topics Taught:	0
One on One Contacts:	0
Total Students Served:	

Charles Town Police Department

Community Policing Monthly Report

Downtown Charles Town / Residential Developments / Parks

August 2025

INVOLVEMENTS:	NUMBER
Building Check	6
Directed Patrol	25
Downtown Foot Patrol	5
Special Event/Detail (see specifics in Notes section)	10
Community Contact (talking with residents and visitors)	12
Business Contact (talking with business owners and employees)	9
Park patrol (Jefferson Memorial/Evitts Run/Skate Park, Willingham Knolls/Happy Retreat)	16
TOTAL INVOLVEMENTS	**83**

Officer Notes/Misc. Information:

Attended following events: Weekly Farmer's Market, Hip after 6, Black Culture Parade/Festival, 1st Friday concert at Happy Retreat, Car Show.

Met with Chief and police social worker to prep for meeting RE: Homeless downtown.

Charles Town Police Department

Police Social Worker Monthly Report

August 2025

INVOLVEMENTS:	NUMBER
Alcohol Related	1
Domestic Violence Related	1
Drug Related	0
Events attended	1
Homeless Related	2
Meetings attended	8
Mental Health Related	1
Outreach completed	2
Trainings attended	5
TOTAL INVOLVEMENTS	**21**

Police Social Worker Notes/Misc. Information:
Attended National Night Out
Trainings Attended:
Emerging Drug Trends / Back to School Stress / Mental Health First Aid Online Modules /
Regrounding Our Response Appalachia Training / Youth Mental Health First Aid Training
Community Connections Made:
Harm Reduction in Berkeley County (training/shadowing) / Met with Peer Recovery Specialist at
WVU Jefferson Memorial / Katie Blunt - Quick Response Team in JCO / Keith Lowry With JCCM /
Jefferson County Schools - Parent and Educator Resource Coordinator (PERC) - Haley Kern /
Jo Elliott-Domestic Violence Task Force / Eastern Panhandle Empowerment Center (EPAC) /
Pyramid Healthcare - Will Carpenter

Charles Town Police Department

Total Traffic Citation Report, by Violation

Violation	Description	Total
17A-3-13	Registration Carried And Signed	1
17A-3-16	Expired Registration	38
17A-9-2	No Or Expired Registration	28
17A-9-3	Improper Registration	1
17B-2-1	No Operators	5
17B-2-12	Expired Operators	1
17B-2-13	Operators Fail To Change Address	1
17B-4-3(b)	Driving Revoked For DUI/2nd/3rd	2
17B-4-3a	Driving Suspended or Revoked	2
17C-12-5	Stop Sign Violation	9
17C-14-15	Use Handheld Communication Device	1
17C-14-2	Improper Backing	1
17C-15-1	Unsafe-Improperly Equipped Vehicle	1
17C-15-49	Seatbelts Required	1
17C-16-9	No Or Expired MVI	24
17C-2-3(c)	Fail To Obey Officer Directing Traffic	1
17C-3-4	Fail To Obey Traffic Control Device	3
17C-3-5	Fail To Obey Traffic Light	12
17C-5-2(f)	Aggravated DUI >.15	2
17C-6-1a	Failure To Maintain Control	2
17C-6-1b	Speeding	35
17C-7-3	Improper Passing/Audible Signal	1
17C-7-4	Passing On Right-Off Road	3
17C-9-1	Fail Yield At Intersection	2
17D-2A-3	No Insurance	4
17D-2A-4	No Proof Of Insurance	11
CTPD171.07	Failure To Appear For Trial (CAPIAS)	2
CTPD361.08	Parking For Prohibited Purposes	4
CTPD531.03	Possession Of Marijuana <15gms	2
Report Totals		**200**

Report Includes:

All dates of issue between `00:00:00 08/01/25` and `23:59:59 08/30/25`, All agencies matching `CTPD`, All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types

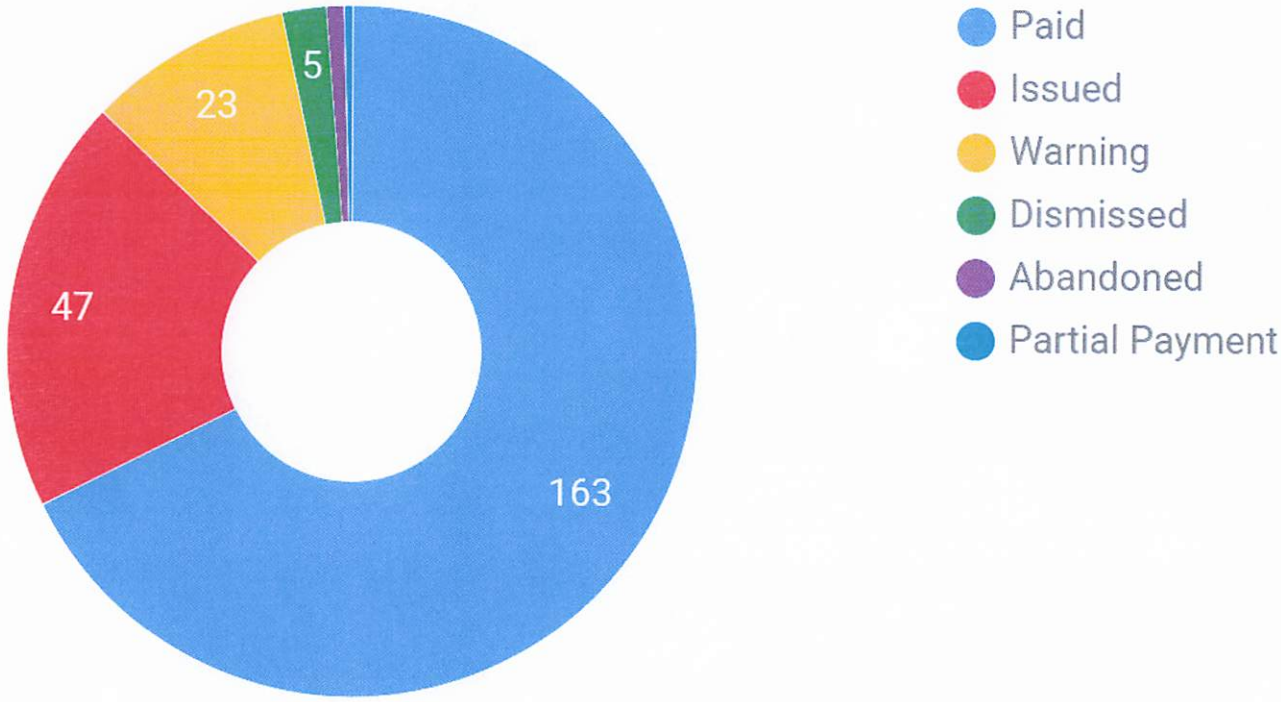
Charles Town Police Department

Total Traffic Warning Report, by Violation

Violation	Description	Total
17A-3-15	Improper Display Of Registration	7
17A-3-16	Expired Registration	31
17A-9-2	No Or Expired Registration	7
17C-12-5	Stop Sign Violation	1
17C-14-14	Littering From Motor Vehicle	1
17C-14-15	Use Handheld Communication Device	2
17C-14-2	Improper Backing	1
17C-15-1	Unsafe-Improperly Equipped Vehicle	11
17C-15-4	Head Lamp Requirements	1
17C-15-5	Tail Lamp Requirements	1
17C-16-9	No Or Expired MVI	6
17C-3-4	Fail To Obey Traffic Control Device	16
17C-3-5(c)	Right on Red	1
17C-6-1a	Failure To Maintain Control	2
17C-6-1b	Speeding	31
17C-7-3	Improper Passing/Audible Signal	1
17C-7-9	Improper Lane Change	2
17C-7-9(3)	Improper Use Of Turn Lane	1
17C-8-8	Improper Stopping/Turning/Signaling	1
17C-9-1	Fail Yield At Intersection	3
CTPD333.03	Hazardous Driving	2
CTPD349.15	Shortcutting Traffic Control Device	2
CTPD361.04(b)	Parking Time Limit (Non Business Dist)	1
CTPD533.07(a)	Littering	1
	Report Totals:	**133**

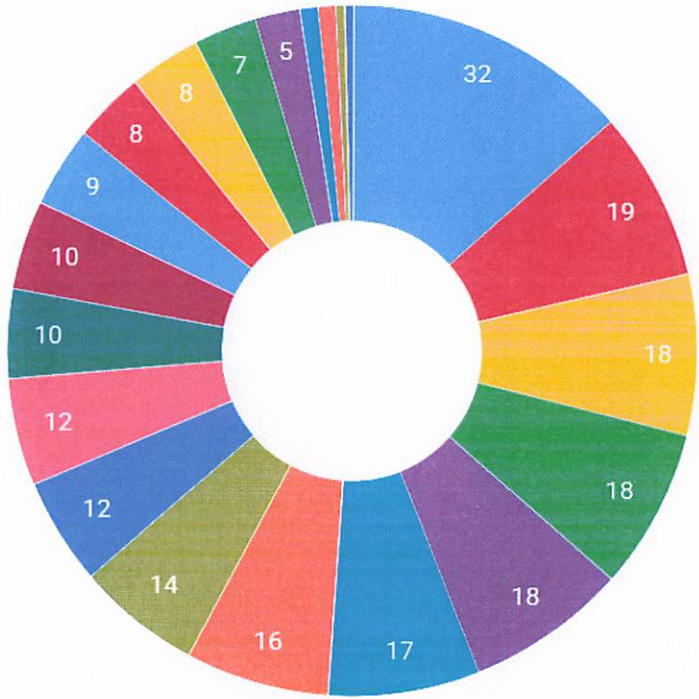
Report Includes:
All dates between `00:00:00 08/01/25` and `23:59:59 08/30/25`, All agencies matching `CTPD`, All issuing officers, All areas, All violations

City of Charles Town - Tickets By Status (Aug. 2025)



Data as of 9/15/2025, 12:00:00 AM

City of Charles Town - Tickets By Location (Aug. 2025)

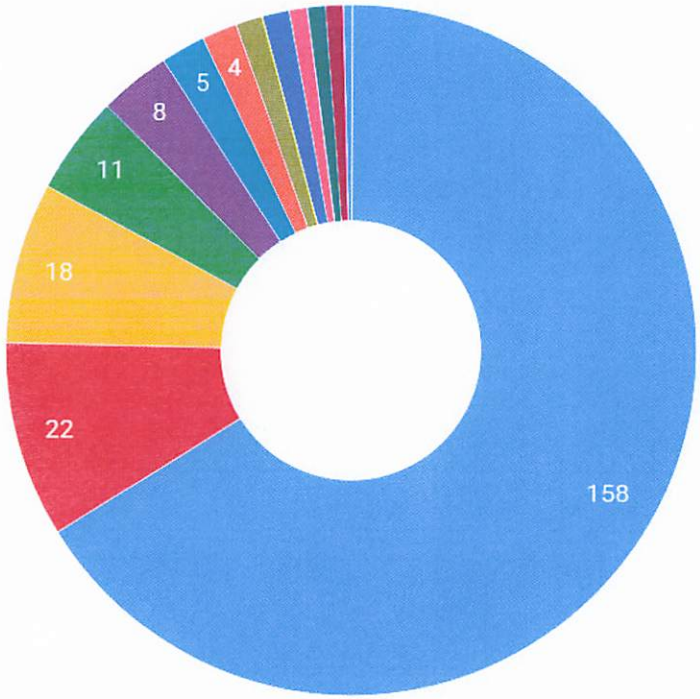


- 200 BLOCK NORTH GEORGE STREET
- 100 BLOCK SOUTH CHARLES STREET
- 100 BLOCK NORTH LAWRENCE STREET
- LIBERTY STREET PARKING LOT
- 200 BLOCK WEST LIBERTY STREET
- 100 BLOCK NORTH CHARLES STREET
- 100 BLOCK WEST WASHINGTON STREET
- 100 BLOCK WEST LIBERTY STREET
- 100 BLOCK EAST CONGRESS STREET
- 100 BLOCK SOUTH LAWRENCE STREET
- 100 BLOCK NORTH SAMUEL STREET
- 200 BLOCK WEST WASHINGTON STREET
- 100 BLOCK SOUTH SAMUEL STREET
- 100 BLOCK EAST WASHINGTON STREET
- 100 BLOCK WEST CONGRESS STREET
- CHARLES STREET PARKING LOT

1/2

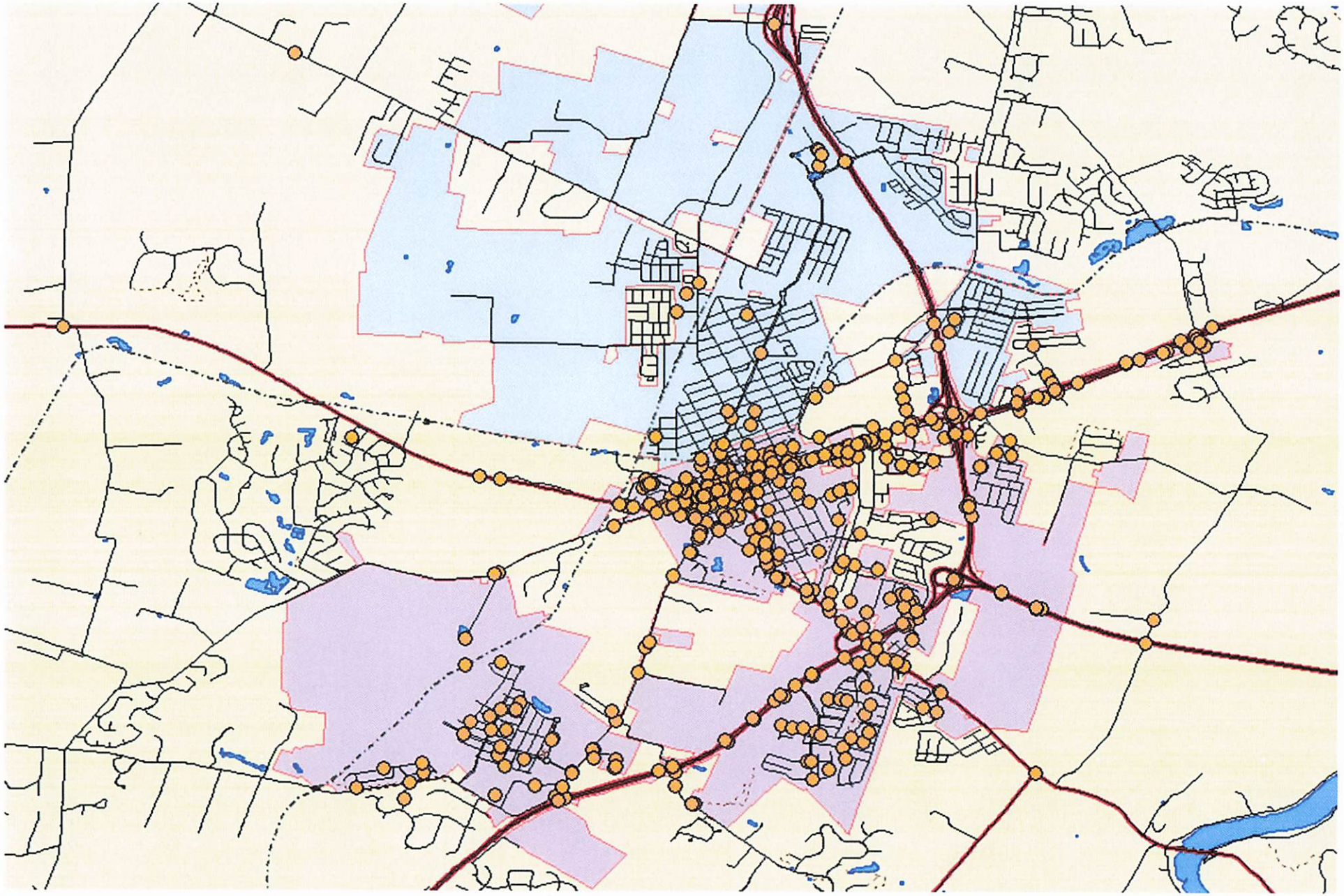
Data as of 9/15/2025, 12:00:00 AM

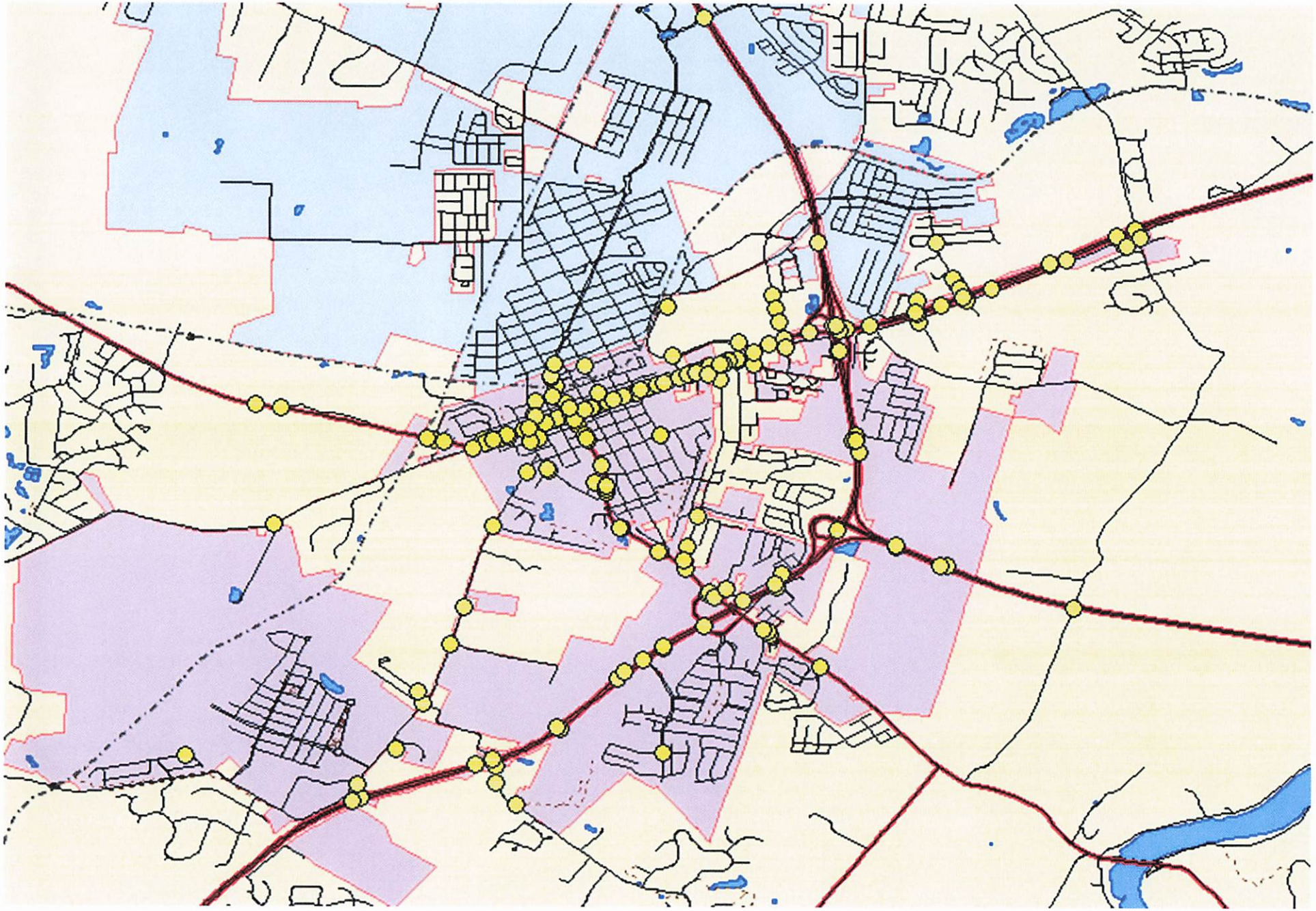
City of Charles Town - Tickets By Violation (Aug. 2025)



- Expired Meter
- Exceed 2 Hour Free Parking
- Permit Parking Only/Pay by App Violation (Liberty Street Lot)
- Right wheel more than 18" from right curb
- Accessible Parking Violation
- Yellow/Red Painted Curbs or Streets Violation
- Ten Minute Take Away Parking
- Parking Permit Violation
- Improper Manner of Parking
- Exceed 4 Hour Free Parking- Accessible
- Left wheel more than 18" from left (one-way) curb
- Parked within 20 feet of a Crosswalk
- Immobilization Device (Booting) Fee

Data as of 9/15/2025, 12:00:00 AM





City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2025-1114: Oath of Office Board of Parks and Recreation Commission - Kevin Derr

ATTACHMENTS:

- Kevin Derr Oath 2025.pdf

CITY OF CHARLES TOWN, WEST VIRGINIA
BOARD OF PARKS AND RECREATION COMMISSION
OATH OF OFFICE

I, **KEVIN DERR,** do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and the laws of the City of Charles Town.

I, **KEVIN DERR,** do solemnly swear that I will faithfully discharge and perform the duties of the position of Commissioner for the City of Charles Town Board of Parks and Recreation Commission to the best of my skill, ability, and judgment according to law.

Kevin Derr

The above oath was taken and subscribed before the City Clerk of Charles Town, on this 25th day of September 2025.

Brent Manuel
City Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/06/25
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Charles Town Utility Board Meeting Minutes - September 10, 2025

ATTACHMENTS:

- 2025.09.10 UB MINUTES .pdf

Charles Town Utility Board
Regular Board Meeting
September 10, 2025

The Charles Town Utility Board held a regular meeting on September 10, 2025 at 4:00 P.M. Members of the Board present were Micheal George, Chairman; John Maxey, Vice Chairman; Duke Pierson, Treasurer; Heidi Parker, Board Member; and Patrick Kratovil, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottlemyer, Secretary; and Robert Rodecker, Legal Counsel (Zoom).

County Commission Liaison, Commissioner Mike Mood was absent from the meeting.

CALL TO ORDER

The Chairman called the meeting to order at 4:00 P.M.

SWEARING IN OF NEW CHAIRMAN

The Chairman swore in the new Chairman, Brent Manuel.

APPROVAL OF MINUTES

Approval of August 27, 2025 Regular Meeting Minutes

The Chairman called for changes or corrections to the August 27, 2025 regular meeting minutes. Mr. Maxey suggested a minor spelling correction.

Action: **Original motion made by Mr. Pierson, amended by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved the August 27, 2025 regular meeting minutes as amended.**

PUBLIC COMMENT

Public comment was received by Jacquelyn Milliron and Dan Casto.

UNFINISHED BUSINESS

Update on WV PSC Cases - Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

i. 25-0263-W-C – West Virginia American Water Complaint Case

Mr. Rodecker mentioned a Recommended Decision is scheduled to be entered September 11th. Exceptions to the Recommended Decision can then be filed to the full Commission for their review.

Action: **No action required by the Board.**

WV-002 Charles Town Road Tank – Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(7) - To plan or consider an official investigation or matter relating to crime prevention or law enforcement.

This item was moved to Executive Session.

Action: **Motion made by Mr. Pierson, second by Mr. Maxey, to move agenda items WV-002 Charles Town Road Tank, Madison Greens AMEA and Media Farms AMEA to Executive Session to the end of Unfinished Business.**

CIF Workshop Overview

Mr. Eckenrode presented his cost summary and review of the wastewater plant upgrades for Charles Town and Tuscawilla over the next five years. Based on his recommendations a new plant is expected to cost $50 million including soft costs, with 45% attributing to existing and 55% for growth. The Board provided discussions. Mr. Eckenrode mentioned most of these improvements were noted in his 2018 Preliminary Engineering Report. He also stated that after talking with CTUB's environmental attorney, Richard Lewis, historical data showed elevated levels of Ammonia and BOD at the plant as well as an ongoing unknown issue in the Eastern panhandle of these elevated levels in influent wastewater.

Mr. Maxey suggested that out of the $10 million in soft costs for the wastewater plant expansion, 20% be allocated to existing customers for engineering and design and 80% to new growth for engineering, design and 100% of all land and easement costs as land is only attributable to growth. He proposed to use 45% to existing and 55% to growth on the $40 million and a split of 20/80 on the $10 million, giving the total costs to existing rate payers of $20 million out the $50 million leaving the new percentages at 40/60. Mr. Eckenrode accepted Mr. Maxey's recommendation and will get the information to Raftelis for a final report.

Action: **No action required by the Board.**

Madison Greens AMEA

The Board discussed this item in Public Session rather than Executive Session.

Action: **Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved removing this item from the table.**

Mrs. Stolipher provided the sewer AMEA for a total of 292 residential units near the Ranson Retail and Fairfax Crossing development. Mr. Rodecker reviewed the agreement. The Board provided discussions.

Action: **Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved the Madison Greens AMEA as submitted.**

Media Farms AMEA

This item was moved to Executive Session at the end of the agenda as motioned earlier in the meeting due to the threat of legal action from a public comment made by the Media Farms attorney, Dan Casto.

NEW BUSINESS

Beallair Pump Station Upgrade

Mrs. Stolipher provided quotes totaling $107,050 for the labor and material to replace the pumps, rails, bases and controls as it was constructed in 2006 and currently running on one pump. She mentioned the costs will be covered through the expenditure budget previously approved by the Board.

Action: **Motion made by Mr. Pierson, second by Mr. Kratovil, the Board unanimously approved the quotes for the Beallair upgrade as submitted.**

Unifilt Corporation Air Scour Retrofit

Mrs. Stolipher provided a quote totaling $165,900 for the replacement of the entire Air Scouring System at the Water Treatment Plant, which was identified in the Sanitary Survey as needing attention. She mentioned the costs will be covered through the expenditure budget previously approved by the Board. The Board provided discussions. Mr. Eckenrode was present to answer questions from the Board.

Action: **Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved the Unifilt Corporation proposal.**

Identification of the Source of High Ammonia and Nitrate Levels Entering the Charles Town Wastewater Treatment Plant

Mr. Maxey requested this agenda item per comments made by Mr. Eckenrode at the last meeting expressing concern over the high levels of Ammonia and Nitrate at the Charles Town Wastewater Plant which were contributing to the need of plant upgrades. Mr. Eckenrode clarified the high levels are influent Ammonia and BOD, not Nitrate. He mentioned the weekly results vary and spike sporadically and although staff has been monitoring, a source cannot be pinned down. Mr. Eckenrode stated CTUB is not in violation on the effluent.

The Board provided discussions. Mr. Lewis confirmed Mr. Eckenrode's points and provided discussions. Mr. Eckenrode will continue to monitor and any future plant upgrades will be designed to take care of these issues. He will also look into monitoring tools specific for Ammonia.

Action: **No action required by the Board.**

Collection System Project – Authorized Representative Resolution

Mrs. Stolipher provided the Authorized Representative Resolution will authorize Chairman Brent Manuel to sign all documents related to the Collection System Project. The previous resolution authorized the previous Chairman.

Action: **Motion made by Mrs. Parker, second by Mr. Kratovil, the Board unanimously approved Chairman Brent Manuel as the authorized representative.**

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher provided she will correct the typo in the wastewater report as mentioned in public comment. She also provided an update on the Liberty Street Stormwater project and the progress meetings on the Collection project and Chlorine Room project. Mrs. Stolipher mentioned a correspondence from Fox Glen to extend sewer to their site and requested they present the request to the Board. She also stated there could be potential grant opportunities through EPA for various project which she will explore.

Mayor Micheal George invited the Board to a joint workshop with City Council on September 15th for a discussion on CIF's.

Action: **No action required by the Board.**

Chairman Report

The Chairman had nothing to report.

Action: **No action required by the Board.**

APPROVAL OF BILLS

September 10, 2025

Action: **Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved the payment of the bills.**

EXECUTIVE SESSION

Media Farms AMEA

Action: **Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved removing this item from the table.**

WV-002 Charles Town Road Tank – Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(7) - To plan or consider an official investigation or matter relating to crime prevention or law enforcement.

Action: **Motion by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved convening into Executive Session at 5:04 P.M. to discuss WV-002 Charles Town Road Tank under the provision of W. VA Code 6-9a-4(b)(7) - To plan or consider an official investigation or matter relating to crime prevention or law enforcement.**

Media Farms AMEA Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

Action: **Motion by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved convening into Executive Session at 5:04 P.M. to discuss the Media Farms AMEA under the provision of W. VA. Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.**

The Board convened back into public session at 5:50 P.M.

WV-002 Charles Town Road Tank

Action: **Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously authorized payment of any invoices currently in CTUB's possession relating to the Charles Town Road Tank as quickly as possible.**

Media Farms AMEA

Action: **Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved the Media Farms AMEA as submitted.**

ADJOURNMENT

There being no further business at this time, the Board adjourned the meeting at 5:52 P.M.

INFORMATION ONLY

The next meeting is scheduled for Wednesday, September 24, 2025 at 4:00 P.M. at 661 S. George Street.

Brent Manuel
Chairman

Ashley Stottlemyer
Secretary

Docusign Envelope ID: AA0C6258-89CF-4EA5-BFF6-0135E3C2BD2A

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Stephen T. Rumbaugh, P. E.
Secretary of Transportation
Commissioner of Highways

September 9, 2025

Honorable Micheal George
Mayor of Charles Town
101 East Washington Street
Charles Town, West Virginia 25414

Dear Mayor George:

Thank you for your letter, dated September 3, 2025, regarding your concerns and alternatives to the current Route 51 Improvement Project, in Jefferson County, to the West Virginia Division of Highways (WVDOH).

Since the project's inception and more recently over the past few months, there have been changes in contributors and the administration at WVDOH. State Highway Engineer Jacob Bumgarner and his office will be coordinating the project going forward.

At your request, WVDOH would be more than willing to meet with you and anyone you believe would be key contributors, representing the community's interests in this project. The WVDOH agrees with your standpoint that a meeting would be an excellent opportunity to level set and begin conversations anew. This meeting can be held in Charleston, and we will provide a Google Meet option for those who need to join remotely. WVDOH will ensure all the necessary key project officials are present.

Please coordinate with the State Highway Engineer's Office to schedule a convenient time that works for the City of Charles Town team and community stakeholders. Keith Persinger is your contact person if you have any questions or to schedule the meeting. He can be reached at (304)414-6913 or tyrone.k.persinger@wv.gov. Also, if you would like to speak with State Highway Engineer Jacob Bumgarner, he can be contacted at (304) 205-8100.

Sincerely,

Stephen T. Rumbaugh, P.E.
Secretary of Transportation/
Commissioner of Highways

STR: Ph