



Opportunity lives here.

515 West
Main Street
P.O. Box 1310
Bridgeport, WV 26330-6310

Robert L. Greer, Mayor
A. Kim Haws, City Manager
Harry "Hank" Murray, III, Recorder

MUNICIPAL HOME RULE PILOT PROGRAM

2015 Amendment

APPLICATION



City Council:

Diana Cole Marra
John S. Wilson, Sr.
Dustin Vincent
Jeff Smell
LJ Maxey

A. Kim Haws, City Manager

Robert L. Greer, Mayor

*Made available to the public October 19, 2015

*To be submitted to the WV Municipal Home Rule Board January 2016



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EXECUTIVE SUMMARY

The City of Bridgeport, a Class III Municipal Corporation, Harrison County, West Virginia, having a population of approximately 8,149, was selected as a participant in the West Virginia Home Rule Pilot Program by the West Virginia Municipal Home Rule Board at its meeting held on May 21, 2008, as to all sections of its application. Bridgeport's original application contained four sections, (1) relating to restrictions on municipal participation in public schools; (2) the requirement that a municipality charge license and taxes not to exceed antiquated amounts previously authorized by the State; (3) authorizing the City to annex property to which it is best suited to provide public services under certain circumstances; and (4) authorizing Bridgeport as a Class III municipality to issue its own tax increment financing. The Board, at its meeting held on the 17th day of March, 2011, approved an amendment to the Home Rule authority of the City authorizing fire fees outside of the corporate limits of the City and authorizing a lien for the collection thereof.

In 2014, the Home Rule Board approved the City's amendment to revise its application relating to intergovernmental agreements, civil service as it relates to supervisory personnel, and procurement of engineering and architectural services.

Bridgeport, centrally located at the intersection of U.S. Route 50 and Interstate 79 between Clarksburg and Fairmont, West Virginia, has enjoyed strong population growth and significant economic and commercial development. Bridgeport attributes its growth and economic and commercial development not only to its location but also to its dedication to providing excellent services to its citizens, both residential and commercial. Throughout all of its growth, the residents of Bridgeport have managed to maintain the small community atmosphere. The community is very family-oriented and works together to provide advantages to the area youth, as well as senior citizens.

Bridgeport takes great pride in the quality and efficiency of its administrative staff and believes that the amendments to its Home Rule Plan herein set forth will add to and improve the efficient management of its assets and the efficiency with which it carries forth its municipal purposes. Approval of this plan will ensure that the City can continue improving the services and quality of life provided to its residents.

Permit Local Certification and Supervision of Code Enforcement Officials and Inspectors

The City proposes to permit local certification and supervision of code enforcement officials and inspectors. This amendment will exempt Bridgeport from the code

official/inspector licensing authority delegated to the State Fire Commission under existing statutory law. City personnel are tested and certified by the International Code Commission (ICC) which also provides continuing education for individuals it certifies. The Fire Commission thus adds no additional process and is simply an additional layer of bureaucratic red tape with no added value or efficiency. The city would continue to adopt and follow the State Fire Code as defined by the State Fire Commission.

SECTION I: APPLICANT INFORMATION

A. General Information

Name of Municipality: City of Bridgeport

Certifying Official: A. Kim Haws Title: City Manager

Contact Person: A. Kim Haws Title: City Manager

Address: 515 W. Main Street, PO Box 1310

City, State, Zip: Bridgeport, WV 26330

Telephone Number: 304-842-8225

Fax Number: 304-842-8201

E-Mail Address: kim.haws@bridgeportwv.com

2010 Census Population: 8,149

B. Municipal Classification

Class I _____ Class II _____ Class III X Class IV _____

C. Category of Issues to be Addressed

Please identify areas to be addressed through home rule: (Check all that apply)

_____ Taxing X Organization _____ Administrative _____ Personnel

(Please describe-attach additional pages for each category):

Please see a summary description of each category on the following pages. _____

SECTION II: NARRATIVE

PERMIT LOCAL CERTIFICATION AND SUPERVISION OF CODE ENFORCEMENT OFFICIALS AND INSPECTORS

Introduction: At the heart of North Central West Virginia, Bridgeport has proven to be a major growth area in the state. Bridgeport is continuously recognized for its outstanding schools and as a great place to live, do business and raise a family. In an effort to continue that growth, and to provide a standard of excellence its residents deserve, the City would like to amend its Home Rule Application in the following manner.

The City proposes to permit local certification and supervision of code enforcement officials and inspectors. This amendment will exempt Bridgeport from the code official/inspector licensing authority delegated to the State Fire Commission under existing statutory law. City personnel are tested and certified by the International Code Commission (ICC) which also provides continuing education for individuals it certifies.

Problem: The Fire Commission adds no additional process and is simply an additional layer of bureaucratic red tape with no added value or efficiency. The city would continue to adopt and follow the State Fire Code as defined by the State Fire Commission.

Proposed Solution: The specific statutes and regulations from which we will ask the Home Rule Board to exempt the City of Bridgeport are:

1. Subsections (d) and (f) of Section 5b, Article 3, Chapter 29, (§ 29-3-5b(d) and (f) of the code; and
2. Subsection (d) of Section 16, Article 12, Chapter 8, (§ 8-12-16(d)) of the code; and
3. All of the provisions of Title 87, Series 7 of the Code of State Regulations.

By way of explanation, Subsection (d) authorizes and empowers the Fire Commission to “propose legislative rules establishing State standards and fee schedules for the licensing, registration, certification, regulation, and continuing education of persons who will conduct inspections relating to the State Building Code, which include, but are not limited to, building code officials, inspectors, plans, examiners and home inspectors.”

Subsection (f) of § 29-3-5b provides that “for the purposes of this section the term “building code” is intended to include all aspects of safe building construction and mechanical operations and all safety aspects related thereto. In any question of priority (of conflict between any local ordinance and the State Building Code) the decision of the State Fire Commission determine the relative priority of such state law, county or municipal

ordinance or regulation of any agency thereof and determine compliance with the State Building Code by officials of the State, Counties, Municipalities and political subdivisions of the State.”

Based on the above provisions, the State Fire Commission asserts that legislative “pre-emption” of municipalities’ plenary power to regulate the construction, repair of buildings and their closure, demolition or removal under W.Va Code § 8-12-16, and that to fulfill its statutory purpose, the State Fire Commission has been empowered with the ability to review and oversee “all aspects” of every municipality’s code enforcement practices.

Conclusion: The legislature has tasked the State Fire Commission with determining and defining the State Fire Code, and with licensure of code officials, inspectors and plans examiners, there is no explicit authority for direct regulation of municipalities. Moreover, while the State Fire Commission is authorized to license code officials and inspectors, the actual testing is generally done through national organizations, such as the International Code Commission rather than the State Fire Commission. The City of Bridgeport would like the authority to make the decisions for our municipality.

SECTION III: AFFADAVITS

Hearing Mandate Verification

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Verification to be inserted upon completion of the Public Hearing

City Council Agenda indicating Public Hearing

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Agenda to be inserted after approval

City Council Minutes from Public Hearing

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Minutes to be inserted upon completion of the Public Hearing

Publication Mandate Verification

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Verification to be inserted once received at City Hall

Ordinance Authorizing Submission of Plan

AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD TO EXEMPT THE CITY OF BRIDGEPORT FROM THE CODE OFFICIAL / INSPECTOR LICENSING AUTHORITY DELEGATED TO THE STATE FIRE COMMISSION UNDER EXISTING STATUTORY LAW.

BE IT ORDAINED by the governing body of the City of Bridgeport, Harrison County, West Virginia, that the Mayor, Recorder and City Manager be and they are hereby authorized to submit to the West Virginia Municipal Home Rule Board an Application for approval of an amendment of its Home Rule Plan, as the same may be amended or supplemented, to exempt the City of Bridgeport from the code official / inspector licensing authority delegated to the State Fire Commission under existing statutory law.

BE IT FURTHER ORDAINED, that the Mayor, Recorder and City Manager be and they are hereby authorized to execute such Application for and on behalf of the City and to certify this Ordinance to the Municipal Home Rule Board of the State of West Virginia in accordance with the rules and regulations applicable thereto and to take any and all action necessary with respect to said Application and to execute such other documents, hearings, notices, certificates, and affidavits as are necessary or convenient to the filing of such Application.

Adopted this _____ day of _____, 2015, upon second and final reading.

Mayor

Recorder

Code Official / Inspector Ordinance

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Ordinance to be inserted once City is authorized to submit plan

Attorney Opinion

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Opinion will be inserted after the Public Hearing

State of West Virginia Fees Statement