

CHAPTER SIXTEEN

ARTICLE I - Buildings

16.1.1 Housing Board Created – There is hereby created a board to be known as the “Housing Board of The Town of Glasgow,” which shall be the agency for the enforcement of this Article, and which shall consist of the following five members: The Mayor, the Town Engineer, the Fire Chief, The Chairman of the Sanitation Committee of the Council, and one member at large. The member at large shall be a resident of the Town, above the age of eighteen years and shall be appointed by, and serve at the will and pleasure of, the Mayor. The Mayor shall serve as the presiding officer of the Board and a clerk shall be chosen by the Board from among its members to serve until a successor clerk is chosen. Meetings may be called by the Mayor, the Clerk of the Board, or any two Board members by written notice mailed or delivered to each Board member at least five days prior to the meeting date and meetings also may be held, without such call and notice, pursuant to resolution or order adopted by the majority vote of the members present at any meeting except findings made by the Board under the authority of Sections 16.1.4, 16.1.6, and 16.1.8 of this Article, which findings shall be made only with an affirmative vote of at least 3 Board members.

16.1.2 Maintenance of Dwelling or Other Building Unfit for Human Habitation Prohibited – It shall be unlawful for any person, firm, or corporation to maintain in the Town of Glasgow any dwelling or other building which is unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or any other conditions

prevailing in any building or buildings, whether used for human habitation or not, which would cause such buildings to be unsafe, unsanitary, dangerous or detrimental to the public welfare.

16.1.3 Violation of Article; Order to Show Cause – The housing board, of its own initiative, and good cause appearing therefore, may, or upon written complaint by any person charging person, firm, or corporation with a violation of Section 16.1.2 of this Article shall, enter an order charging such person, firm, or corporation with the violation of Section 16.1.2 of this Article, and directing such person, firm, or corporation to show cause, at a hearing of such Board to be held at a time and place therein specified, which time shall be not less than two weeks after the service of such order and which place shall be within the Town of Glasgow, why he, they, or it should not be ordered to comply with the provisions of the said Section 16.1.2. Such order and, all proceedings held thereunder shall be in the name of the Town of Glasgow, a municipal corporation, acting by and through the Housing Board of said Town, complainant, against the named person, firm, or corporation against whom the order was issued, respondent; shall identify the property alleged to be maintained in violation of this Article; shall state generally the nature of such violation, and shall be served in the manner designated in Section 16.1.11 of this Article upon the respondent named therein.

16.1.4 Hearing Upon Order to Show Cause; Order of Violation – At the hearing provided for in the order to show cause, the housing board shall afford the respondent an opportunity to be heard concerning the charge against him and may further hear and consider such other evidence as it may deem proper relating thereto,

upon the basis of all whereof, the Board shall find first, whether such respondent is in violation of Section 16.1.2 of this Article, and second, if found to be in violation thereof, then whether or not the property identified in the order to show cause can, within a reasonable time be so repaired as to comply with the provisions of Section 16.1.2 hereof. The findings of the Board shall be embodied in an order entered by it.

16.1.5 Order to Make Repairs – In the event the order entered under Section 16.1.4 hereof shall find that the respondent is in violation of Section 16.1.2 of this Article and that the dwelling or other building on the property identified in the order to show cause can, within a reasonable time, be so repaired as to comply with the provisions of Section 16.1.2 hereof, then the said order shall direct the respondent, within a period of time therein designated which shall be not less than thirty days from the service of said order upon the respondent, to make such repairs to said dwelling or other building as shall be necessary to cause it to be in compliance with Section 16.1.2 hereof.

16.1.6 Failure to Comply with Order to Make Repairs; Hearing – In the event the order to make repairs described in Section 16.1.5 of this Article shall have been served upon the respondent, and the housing board has cause to believe that the respondent, within the period of time therein designated, has failed to make repairs as therein directed, the housing board shall, upon a notice of not less than five days to the respondent hold a hearing to determine whether said order to make repairs has, in fact, been complied with by the respondent, and shall make a finding in that regard.

16.1.7 Order to Close, Remove, or Demolish Dwelling or Other Building – In the event the housing board shall have made a finding under Section 16.1.6 of this

Article that the respondent has failed to make repairs as previously ordered by the board, or in the event the order entered under Section 16.1.4 hereof shall find that the respondent is in violation of Section 16.1.2 of this Article and that the dwelling or other building located on the property identified in the order to show cause cannot, within a reasonable time, be so repaired as to comply with the provisions of Section 16.1.2 hereof, then, in either such event, the housing board shall further order the respondent, within a period of time therein designated which shall be not less than thirty days from the service of said order upon the respondent, to close, remove, or demolish such dwelling or other building, as the board shall deem necessary.

16.1.8 Removal or Demolition of Dwelling or Other Building by Housing Board; Removal of Furnishings – In the event the order to close, remove, or demolish a dwelling or other building entered under the authority of Section 16.1.7 of this Article shall have been served upon the respondent, and the housing board has cause to believe that the respondent, within the period of time therein designated, has failed to close, remove, or demolish such dwelling or other building as therein ordered, the board may, upon a notice of not less than five days to the respondent, hold a hearing to determine whether such order to close, remove, or demolish has, in fact, been complied with by the respondent, and in the event the board at such hearing finds that the respondent has failed to comply with said order, the board may order that agents of the board go upon the property in question and remove therefrom or demolish, as the order may direct, the dwelling or other building thereon, and to remove and store any furnishings therein situate.

16.1.9 Disposition of Removed or Demolished Building and Premises:

Cost – Any dwelling or other building so removed or demolished, or the materials thereof, and the furnishings removed therefrom, shall be sold by the board at public or private sale, and as a unit or as separate items, after advertising such sale by publishing a notice thereof once a week for two consecutive weeks in a newspaper of general circulation in the Town, or by posting and leaving posted, notices of sale in at least five conspicuous places in the Town at least eight days prior to the date of sale. The proceeds of sale, after payment of the costs of sale, shall be applied to the payment of costs incurred by the board in the removal or demolition of such dwelling or building and in the removal and storage of the furnishings therein situate. Any costs of closing, removing, or demolishing a dwelling or other building and removing or storing the furnishings therein situate under the authority of this Article not reimbursed by the proceeds of the sale thereof as provided in this section shall constitute a lien against the property on which such dwelling or other building was located, and a notice thereof may be recorded in the judgment lien docket in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in the same manner, and with like effect, as a judgment can be recorded therein. The lien created by this Section may be enforced in the same manner as a judgment lien may be enforced under the laws of the State of West Virginia.

16.1.10 Entry Upon Premises – For any purpose in connection with the administration or enforcement of this Article, the members and agents of the housing board may enter upon any premises in the Town: Provided, that any entrance upon premises for the purpose of making examinations or inspections shall be made in such

manner as to cause the least possible inconvenience to the persons in possession thereof.

16.1.11 Service or Publishing of Notices and Orders – Every notice and order provided for in this Article shall be served upon each respondent therein named in one of the following methods:

(a) If the respondent be an individual who resides in Kanawha County, West Virginia, by serving the same in accordance with the provisions of Section 1, Article 2, Chapter 56 of the Code of West Virginia.

(b) If the respondent be an individual who does not reside in Kanawha County, West Virginia, by publishing the same once a week for two consecutive weeks in a newspaper of general circulation in the Town, and service by publication shall be deemed to have been made on the date of the second publication thereof, and

(c) If the respondent be a corporation, by serving it in any method recognized by the statutes of this state for service or process upon a corporation of the class involved.

In addition to such service, every notice and order provided for in this Article shall be posted, and left posted, in a conspicuous place on the premises affected thereby on or before the date of such service or the date of such first publication, as the case may be.

16.1.12 Adjournment of Meetings – Any meeting of the housing board held under, or provided for, in this Article or provided for in any order or resolution of the board may be adjourned from time to time as the board may determine, and any

business which is to be conducted at a meeting may be conducted at an adjournment thereof with like effect as at the original meeting.

16.1.13 Appeal; Injunction – The respondent in an order entered hereunder shall have the right of injunctive relief by the Circuit Court of Kanawha County, West Virginia, granted by Section 16, Article 12, Chapter 8 of the Code of West Virginia, and shall have the right of appeal to the Circuit Court of Kanawha County as authorized by the laws of the State of West Virginia.

ARTICLE II House Trailers

16.2.1 Finding of Facts

1. The Common council of the Town of Glasgow desires to create building regulations that will enhance the appreciation of property in the corporate limits of the Town of Glasgow.

2. In order to regulate the placement of housing within the Corporate limits, the Council finds that a few homes have been constructed within the Corporate limits of the Town of Glasgow except within what is known as the Melrose Division of the Town of Glasgow.

3. The Town Council finds that it is in the best interest of all property holders within the corporate limits of the Town of Glasgow to prohibit the placement of mobile homes except in designated areas within the corporate limits of the Town of Glasgow.

16.2.2 Restriction on the Placement of Mobile Homes in the Town of Glasgow – No mobile home shall be placed on any lot within the Town of Glasgow except in designated areas. The designated areas in the Town of Glasgow are the Cedar

#1 mobile home lots, the Sycamore area of the Town of Glasgow, and that area northwest from Tompkins Avenue to Kelley's Creek from the Glasgow Sewer Plant to the railroad.

16.2.3 Owner or Tenant of Land Responsible for Violation on Land – It shall be unlawful for the owner or tenant, or any one or more of the owners or tenants, of any parcel of land within the corporate limits of the Town of Glasgow to knowingly permit the placement of a mobile home on any such parcel of land so owned by him or them as such owner, or in which he or they have the right of occupancy as such tenant, that has not been designated as an area where mobile homes can be placed.

16.2.4 Definition of Mobile Home and Exceptions – A mobile home within the meaning of this Article, shall mean a structure or enclosure which is used, or which is designed for use, for living or sleeping purposes for human beings, and which is, or is designed and made so as to be capable of being, equipped with wheels, or affixed to, or made a part of, a vehicle equipped with wheels, so that it may, by means of such wheel, or when so affixed to, or made a part of, such vehicle, be moved or transported from place to place. There is expressly accepted from the definition of "mobile home," as herein used, automobiles, trucks, and small mobile camping units known by the name of "camper" or by similar names, so long as such automobiles, trucks, or camping units are not used for living or sleeping purposes within the Town of Glasgow. It is further expressly accepted from this definition double wide and triple wide mobile homes that have the wheels removed and are further attached and placed on a permanent foundation.

16.2.5 Requirement as to Structure and Value of Mobile Homes and as to Method and Condition of Keeping, Maintaining, Placing, Or Parking the Same in the Designated Areas of the Town of Glasgow – A mobile home, in order to be lawfully kept, maintained, placed, or parked in the Town of Glasgow, shall, with respect to its structure and value and the method and conditions of its keeping, maintenance, placing, and parking in the Town, meet all the requirements set forth in Subsections (a) through (i) of this Section.

a. The mobile home shall be of dimensions of not less than ten (10) feet in width and fifty (50) feet in length.

b. The mobile home shall be placed and kept on a parcel of land which has a width, throughout from its front to its rear, of not less than 40 feet.

c. The mobile home shall be so placed and kept on the parcel of land that one of the ends of the mobile home shall directly face the street or highway on which such parcel fronts.

d. The mobile home shall be so placed and kept on the parcel of land that the end of the mobile home, which faces the street or highway shall set back from the street or highway which it faces at least as far as the nearer to said street or highway of the buildings located on the lot on either side of it.

e. The mobile home shall be so placed and kept on the parcel of land that the side yards shall be essentially equal in width. The term "side yard" as used, shall mean that part of the parcel lying between the side of the mobile home and the side line of the parcel on which it is situate.

f. There shall be only one mobile home placed and kept on each lot, and there shall be no other structures on said lot except a garage or other customary accommodation for automobiles not exceeding two in number, and except such structures as are specifically authorized by the Article.

g. The mobile home shall be affixed to the land by sturdy underpinning made of brick, masonry or other durable material.

h. There must be constructed and maintained adjacent to the mobile home a porch or patio made of wood or other hard-surfaced material, which porch or patio shall have a width of not more than eight (8) feet.

i. There shall be constructed and maintained a walkway, built of hard-surface material, extending from the porch or patio mentioned in Subsection "h" above to the sidewalk, street, or highway upon which the mobile home faces.

16.2.6 Exception Approved by Town Council for the Temporary Placement of Mobile Homes on Town Property – From time to time the Town Council by vote can allow the placement of a camper trailer on Town property for the purpose of allowing an individual to park and sleep in said camper trailer. A camper trailer is defined as a movable vehicle with wheels that is used for recreational purposes and from time to time used for sleep. In no way does this exception to this ordinance allow an individual to place a camper trailer or a mobile home on an individual's property for sleeping purposes.

16.2.7 Liability of Persons Bringing Into, or Moving or Transporting a Mobile Home within or through the Town – Any person, firm, or corporation bringing or causing to be brought into the Town a mobile home, or moving or transporting, or causing to be moved or transported, within or through the town a mobile home, shall be liable in damages to any owner or tenant of real or personal property for damage caused to such real or personal property, and to the Town of Glasgow for damage caused to publicly owned municipal property, resulting from the present of such mobile home in the Town or its movement or transportation within or through the Town. The liability imposed by this Section shall be absolute and need not be predicated upon the existence of negligence on the part of the owner of the mobile home or the owner or operator of the vehicle by which it is pulled or transported.

16.2.8 Permit Required; Fee; Determination of Compliance; Contents – Any person, firm or corporation desiring to keep, maintain place, or park a mobile home in the Town of Glasgow shall, before so doing, obtain from the Council of the Town of Glasgow a permit so to do. The cost of the permit shall be \$25.00, which shall be paid prior to its issuance. Before issuing such permit, the Council shall determine that the mobile home's structure and value of the mobile home, and the method and condition of its being kept, maintained, placed, and parked in the Town, comply, in all respects, with the requirements of this Article. For the purpose of making such determination, the Council may require the applicant for such permit to present such plans, sketches, lot lay-out, and other information, written or verbal, as the Council shall deem pertinent and necessary. Further the Town Council shall determine if said

mobile home is being moved to a designated area within the corporate limits of the Town.

16.2.9 Injunction Against Violation – Any person, firm, or corporation who shall keep, maintain, place, or park a mobile home in the Town of Glasgow in violation of this Article may be enjoined by the Town from such violation by a proper action for injunctive relief instituted in a court of record in Kanawha County, West Virginia.

16.2.10 Violation; Penalty – Any person who shall violate, and the members of any firm and the directors and officers of any corporation which shall violate, the provisions of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined an amount not to exceed \$500.00 for each violation. Each day that the mobile home shall be kept, maintained, placed, or parked in violation of this Article shall constitute a separate offense under this Article.

16.2.11 Grandfather Clause – This Ordinance shall in no way affect any private lot on which a mobile home is located in the Town of Glasgow at the time of the passage of this Ordinance. However, if the existing mobile home is moved, no other mobile home may be placed on its lot unless said lot is located within one of the designated areas within the corporate limits of the Town of Glasgow.

16.2.12 Repeal of Inconsistent Ordinances; Construction of Said Ordinance
– All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed. Whenever in this Ordinance, or in any rule or regulation authorized by said Ordinance, any of the words, terms or phrases defined in this section are used, they shall be taken and construed to having the meaning, application and effect respectively ascribed to in this section unless otherwise specified or clearly intended.

ARTICLE III – Building Permit

16.3.1 Finding of Facts

1. The Town Council finds that the current fee of \$1.00 in order to obtain a building permit is not sufficient to cover the operational cost of issuing said permit.
2. The Town Council finds that the procedure for obtaining a building permit currently in place is not sufficient to ensure that the property values of Town residents would not be adversely affected by future construction of homes or buildings or by future additions or remodeling of existing homes and buildings.
3. The Town Council finds that by placing restrictions on buildings and home within the Town limits would ensure that property values would not depreciate by the construction or remodeling of homes or buildings within the corporate limits.
4. The Town Council finds that by placing building restrictions on lots in the Town of Glasgow to prohibit the building or construction of any building or home within five (5) feet from existing boundary line as to the width and the back of the property and said building or home shall not be built within fifteen (15) feet from the front of such property or within fifteen (15) feet from the sidewalk of street will ensure that property values will not depreciate.
5. The Town Council finds that by requiring new construction of buildings and homes to meet a 1,000 square foot minimum will ensure property located within the Town limits to be depreciated by new construction.

6. The Town Council finds to enforce the provisions of the Ordinance a fine will be assessed of a minimum of \$50.00 and not to exceed \$100.00 per day for each day the landowner is not in compliance with the Ordinance.

16.3.2 Procedure for Obtaining Permit – Any person desiring to build, repair, alter, or remodel any residential dwelling, commercial or industrial building or any other structure in the Town of Glasgow shall apply in writing to the Mayor or the Recorder for a permit to begin said construction. Said person shall comply with the following:

a. Said construction shall not be located within five (5) feet of the side boundaries of said property and within five (5) feet of the back of said boundary line.

b. Said construction shall not be located within fifteen (15) feet of the front of said property boundary.

c. Said construction of a new home or commercial building shall not be less than 1,000 square feet on said property located in the Town of Glasgow.

Said application for the required permit shall show the name and address of the applicant, the location of said construction, the size of the land that the construction will take place on, the type of structure to be built, the estimated cost, the use to which said building will be devoted and the party that will perform said work.

Said application shall be signed verifying all requirements of building, construction, remodeling or other use is in compliance with the above requirements.

Upon being signed by the applicant, the application shall be submitted to the Building Committee of the Council for consideration. If the Building Committee, after reviewing said application for compliance with this ordinance, determines that the building or remodeling or construction will conform with the requirements of this Ordinance and all other municipal requirements, the application and permit, upon the payment of a fee of \$7.50, shall be issued and signed by the chairperson or other committee member.

Any construction, remodeling, repair work or alteration work that does not exceed \$1,000 in cost shall be exempt from paying the permit fee. However, said applicant or landowner is not exempt from applying for a building permit.

16.3.3 Compliance With Permit Requirements – Any residential dwelling, commercial or industrial building, or other structure constructed in the Town shall be built strictly in accordance with the permit issued therefor. Any person, corporation or entity violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not less than \$50.00 or more than \$100.00 per day for said violation. Each day in violation of this ordinance shall constitute a new and chargeable offense.

16.3.4 Injunctive Relief – The Town may, in any proper court, obtain a prohibitory injunction against any person, corporation or entity, who shall be in violation of the provisions of Section 16.3.1, 16.3.2, or 16.3.3 of this Article which shall prohibit such person, corporation or entity from continued or further violation of such Sections.

ARTICLE IV – Movement of Homes, Mobile Homes, Double Wide Homes, Triple Wide Homes, and Building on Roads, Right-of-way and Other Property within the Corporate Limits of the Town of Glasgow.

16.4.1 Finding of Facts:

1. The Town Council finds that a permit shall be obtained for the movement of a home, mobile home, double wide home, triple wide home or building moved within the corporate limits of the Town of Glasgow in order for the Town to monitor such movement and to provide adequate police protection not only to the party moving said unit but also to the residents of the Town that could be impacted by such move.

2. The Town Council finds that a fee of twenty-five (\$25.00) is a fair and equitable fee to be charged for the obtaining of a permit to move all homes, mobile homes, double wide homes, triple wide homes and buildings within the corporate limits of the Town of Glasgow.

16.4.2 Permit Requirements

1. The owner of any home, mobile home, double wide home, triple wide home or building shall obtain a permit prior to moving any home, mobile home, double wide home, triple wide home or building within the corporate limits of the Town of Glasgow.

2. Owner Responsibility for Violation of said Ordinance – It shall be unlawful for the owner of any home, mobile home, double wide home, triple wide home or building to violate this ordinance by moving a home, mobile home, double wide home, triple wide home or building within the corporate limits of the Town of

Glasgow without first obtaining a permit pursuant to the permit requirement of #1 of this section.

3. Permit Fee – A permit fee of twenty-five dollars (25.00) shall be paid at such time an application for a permit is made.

16.4.3 Violation: Penalty – Any person, corporation, partnership or any director or officer of any corporation who shall violate the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not to exceed \$500.00 for each violation. Further any person, firm, partnership or corporation that fails to obtain a permit under this Ordinance may be enjoined by the Town from such violation by a proper action filed in the Circuit Court of Kanawha County, West Virginia.

16.4.4 Repeal of Inconsistent Ordinances; Construction of Ordinance – All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed. Whenever in this ordinance, or, in any rule or regulation authorized by said Ordinance, any of the words, terms or phrases defined in this section are used, they shall be taken and construed to having the meaning, application, and effect respectively ascribed to in this section unless otherwise specified or clearly intended.