

**ORDINANCE 282**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO REPEAL ELKINS CITY CODE §150.065 THROUGH §150.070 REGARDING ENFORCEMENT AGENCY**

**WHEREAS**, the Common Council previously established an Enforcement Agency by adopting an Ordinance on October 17, 1963, and

**WHEREAS**, the Enforcement Agency had the authority to “investigate dwellings and building conditions and conduct hearings;” and

**WHEREAS**, the Enforcement Agency continued to carry out its directives concerning dwellings and buildings over a period of years; and

**WHEREAS**, the Common Council established a Code Enforcement Department as defined by Title 87, West Virginia Code of State Rules, Section 7-2 in December 2011 with the full-time employment of a Code Enforcement Official; and

**WHEREAS**, the establishment of the Code Enforcement Department allowed the Common Council to pass ordinances adopting the West Virginia State Building Code, which among other Codes includes the International Property Maintenance Code, the Vacant Structure ordinance, the Rental Inspection ordinance, the Enforcement of External Sanitation and the Common Nuisance Violations ordinance and the Unsafe Structures ordinance; and

**WHEREAS**, the Code Enforcement Department Official is licensed and certified by the West Virginia State Fire Commission as set forth in Title 87 West Virginia Code of State Rules, Series 7; and

**WHEREAS**, once the Code Enforcement Department was established followed by the subsequent adoption of the various State building, safety and sanitation standards through the ordinance

process, the Enforcement Agency was no longer needed, and its purpose had been superseded by the establishment of the Code Enforcement Department; and

Whereas, the information concerning the Enforcement Agency and the Code Enforcement Department has been presented to both the Public Safety Committee and the Rules and Ordinance Committee and both Committees have recommended that the City Code be amended to reflect the current status of City procedures concerning Code Enforcement by repealing the relevant sections of the City Code regarding the Enforcement Agency; and

**WHEREAS**, it is in the best interest of the citizens of the City of Elkins to clarify and define the responsibility of the enforcement of all of the City Code provisions regarding the condition and safety of structures;

**NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKINS**, that City Code §150.065 through §150.070 **BE REPEALED**.

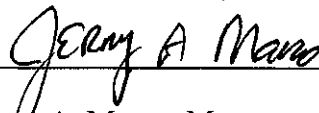
If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall be effective upon passage.

**PASSED AND APPROVED ON THE FIRST READING: May 20, 2021.**

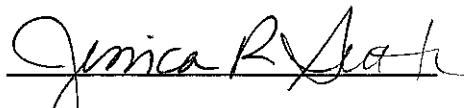
**PASSED AND APPROVED ON THE SECOND AND READING: June 10, 2021.**

CITY OF ELKINS, WEST VIRGINIA

  
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Jerry A. Marco, Mayor

*Attest:*

  
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Jessica R. Sutton, City Clerk