

ORDINANCE 325

**AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING ELKINS CITY CODE §152.025 CONCERNING MEETING FREQUENCY FOR THE BOARD OF ZONING APPEALS.**

WHEREAS, the Common Council has previously adopted a zoning ordinance which provides for the Board of Zoning Appeals and its meetings which is codified in City Code § 152.025 (G) and

WHEREAS, WV Code §8A-8-5 has recently been amended to provide for the frequency of meetings for the Board of Zoning Appeals; and

WHEREAS, the Common Council has determined that City Code §152.025 (G), Powers and Duties of the Board of Zoning Appeals should be amended to reflect the changes in the West Virginia Code which is in the best interests of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Common Council that City Code, §152.05(G) Powers and Duties of the Board of Zoning Appeals be amended to add the following language to the noted section:

**§ 152.025 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.**

(G) The Board of Zoning Appeals shall meet semi-annually and may meet more frequently at the written request of the chairperson or by two or more members. Notice for a special meeting must be in writing; include the date, time, and place of the special meeting; and be sent to all members at least two days before the special meeting. Written notice of a special meeting is not required if the date, time, and place of the special meeting were set in a regular meeting. The Board of Zoning Appeals must have a quorum to conduct a meeting. A majority of the members of the Board of Zoning Appeals is a quorum. No action of a Board is official unless authorized by a majority of the members present at a regular or properly called special meeting.

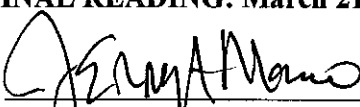
If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon the date of its final adoption.

**PASSED AND APPROVED ON THE FIRST READING: March 7, 2024.**

**PASSED AND APPROVED ON THE SECOND AND FINAL READING: March 21, 2024.**

  
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Attest: Sutton R. Stokes, City Clerk

  
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Jerry A. Marco, Mayor