

ORDINANCE 227

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS,  
WEST VIRGINIA, AMENDING THE CITY OF ELKINS CODE, CHAPTER 13,  
OFFENSES – MISCELLANEOUS, BY ADDING ARTICLE IV, NUISANCE  
PROPERTIES, SECTION 13-32 to 13-33, REQUIREMENT OF SECURING  
VACANT OR OPEN BUILDINGS.**

**WHEREAS**, it is the intent of the City of Elkins, pursuant to its powers under W. Va. Code §8-12-5, to secure and preserve the public's safety within its boundaries; and

**WHEREAS**, the Common Council has adopted various ordinances which state that certain acts or conduct are unlawful and in violation of the Elkins City Code and its ordinances; and

**WHEREAS**, it is in the best interest of the citizens of the City to amend Chapter 13 and adopt a new ordinance as contained herein; and

**NOW THEREFORE**, BE IT ORDAINED and ENACTED by the Common Council of the City of Elkins that said Chapter 13 Offenses – Miscellaneous, be amended and supplemented as follows:

Chapter 13  
Offenses – Miscellaneous  
Article IV – Nuisance Properties

**Section 13-32 - Securing Vacant or Open Buildings**

(a) Any person or persons owning, maintaining, operating, collecting rents for, or having any legal or equitable interest in any vacant and open building, or any uncompleted abandoned building, or any vacant boarded-up building must be secured by methods approved by the Elkins Police Department.

**Section 13-33 - Penalty**

(a) Any person who violates the provisions of this Section shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

(b) A separate and distinct offense shall be regarded as committed each day on which such person or persons shall violate the provisions of this Section.

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 passage.

CITY OF ELKINS

PASSED AND APPROVED ON FIRST READING: December 1, 2016.

PASSED AND APPROVED ON THE SECOND AND FINAL READING THIS 15<sup>th</sup>  
DAY OF December 2016.

CITY OF ELKINS, WEST VIRGINIA

Van T. Broughton  
Van T. Broughton, Mayor

Attest:

Jessica R. Sutton  
Jessica R. Sutton, City Clerk