Codified
Ordinances
of
Benwood
West Virginia

Local legislation current through December 14, 2021 State legislation current through 2021 A.L.S.

## **CERTIFICATION**

I, Walter W. Yates, Mayor of Benwood, West Virginia, pursuant to West Virginia Code 8-11-4(b), hereby certify that the general and permanent ordinances of the City of Benwood, West Virginia, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of the City of Benwood, West Virginia, 2010, as amended to December 14, 2021.

/s/ Walter W. Yates
Mayor

Codified, edited and prepared for publication by THE WALTER H. DRANE COMPANY Cleveland, Ohio

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#### CITY OF BENWOOD

#### **ROSTER**

(2022)

## **COUNCIL**

Steve Ankrom First Ward

Curtis M. Mele

John Kazemka Second Ward

Larry Ferrera, III

Lori Longwell Third Ward Clyde Lunsford

Robert Givens Fourth Ward

Bob Rose

### **ADMINISTRATION**

Walter W. Yates Mayor

Frank Longwell Chief of Police

Tiffany Ankrom City Clerk/Recorder and Treasurer

David McLaughlin Code Enforcement Officer

David McLaughlin Director of Public Works &

Development

Gary Williams Water/Sewer Operator

Eric Gordon City Attorney

The publisher expresses their appreciation to

TIFFANY ANKROM City Clerk/Treasurer

and all other City officials who gave time and counsel to this 2021 update.

AN AMENDED ORDINANCE TO ADOPT THE 2010 CODIFIED ORDINANCES; TO ADOPT NEW MATTER; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; AND TO DIRECT THAT THE STATUTORY REQUIREMENTS FOR THE CODIFICATION OF ORDINANCES BE COMPLIED WITH.

WHEREAS, the Council of the City of Benwood, West Virginia has deemed it necessary to recodify the City ordinances of a permanent and general nature;

WHEREAS, it has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such recodification;

WHEREAS, the recodification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BENWOOD:

Section I: The ordinances of the City of Benwood, West Virginia, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, chapters, articles and sections are hereby approved, adopted and enacted as the Codified Ordinances of Benwood, West Virginia, 2010.

Section II: Pursuant to West Virginia Code 8-11-4(b):

- (a) Notice of the proposed adoption of the Codified Ordinances shall be given by publication as provided in West Virginia Code 8-11-4(a)(2);
- (b) Through authentication of this Ordinance, the Mayor shall certify the 2010 Benwood Codified Ordinances which shall be filed as a permanent record in the office of the City Clerk.

Section III: The provisions of this Ordinance, including all provisions of the Codified Ordinances, shall be in full force and effect as provided by law. All ordinances and resolutions or parts thereof enacted prior to November 1, 2010, which are inconsistent with any provision of the Codified Ordinances, are hereby repealed as of the effective date of this Ordinance except as follows:

(a) The enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provisions prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in the violation of any such legislative provisions, nor to affect any indictment or prosecution therefor. For such purposes, any such legislative provisions shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.

- (b) The repeal provided above shall not affect:
  - (1) The grant or creation of a franchise, license, right, easement or privilege.
  - (2) The purchase, sale, lease or transfer of property.
  - The appropriation or expenditure of money or promise or guarantee of payment.
  - (4) The assumption of any contract or obligation.
  - (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness.
  - (6) The levy or imposition of taxes, assessments or charges.
  - (7) The establishment, naming, vacating or grade level of any street or public way.
  - (8) The dedication of property or plat approval.
  - (9) The annexation or detachment of territory.
  - (10) Any legislation enacted subsequent to November 1, 2010.

Section IV: This ordinance shall become effective from and after its date of passage.

	Edward M. Kuca Jr. Mayor	
Attest:		
Judy L. Hunt		
City Clerk		
Passed First Reading February 25, 2014		
Passed Second Reading March 25, 2014		

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PART FIFTEEN - Fire Prevention Code

PART SEVENTEEN - Building and Housing Code

#### **EDITOR'S NOTE**

The arrangement and numbering of the Codified Ordinances into component codes, chapters, articles and sections are based on an adoption of the decimal numbering system which is in accord with the best accepted practice in instituting a codification. Each section is self-identifying as to code, article and section number. For example, 305.06 indicates that the code number is 3, the article number is 305 (or the 5th article within code 3), and the section number is .06. The code and article numbers appear left of the decimal, with the code number preceding the first two digits left of the decimal, and the article number being all digits left of the decimal. The section number appears right of the decimal. As another example, 113.10 indicates the code number is 1, the article number is 113 (or the 13th article within code 1), and the section number is .10.

This numbering system has the advantage of inherent flexibility in allowing for an almost endless amount of expansion. Codes, chapters, and articles initially are odd-numbered, thus reserving the use of even numbers for future legislation. Sections within articles are consecutively numbered, except that penalty provisions are usually assigned the number .99. Newly created sections subsequent to the original codification may be indicated by three digits right of the decimal in the event the law properly belongs between two consecutively numbered sections. For example, newly created 575.061, 575.062 and 575.063 follow 575.06 and precede 575.07 to be placed in their logical position.

Section histories enable a user to trace the origin of the law contained in the section. The history indicates the derivation by reference to either its passage date and the ordinance number originally assigned to it at that time, or to its inclusion in any prior code. Sections without histories indicate that the section contains new matter which was ordained by the Adopting Ordinance which enacts the Codified Ordinances.

The Comparative Section Table is included to show the disposition of every ordinance included in the Codified Ordinances. It indicates whether a given ordinance was consolidated with another into one section or split into two or more sections. Cross references direct the user to subject matter reasonably related to material contained within a given article.

#### **GENERAL INDEX**

EDITOR'S NOTE: References are to individual code sections. As additional aids for locating material, users are directed to:

- (a) The comparative Section Table which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.
- ordinances or resolutions integrated therein.

  (b) The table of contents preceding each component code, and the sectional analysis preceding each chapter.
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OFF-STREET   Opening door on traffic side   349.09   owner prima-facie liable   361.12   parallel   361.05   parallel   361.05   private property   361.04   electric personal assistive   mobility device   371.09 (c)   parallel   prohibited   places   361.03   purposes   361.08   purposes   361.08   purposes   361.08   jaywalking   371.03   right of way, yielding   371.05   and yielding   371.05   and yielding   371.05   and yielding   371.06   and yielding	off-street (see PARKING,			371.01
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form of; stubs   issuance; stamping   or endorsing   705.12   false information to   501.02, 501.09   or endorsing   705.12   misrepresentation, obtaining by   705.18   penalty   705.99   traffic order, renewals   705.21   revocation, suspension, alteration   705.28   rights under; evading provisions   705.25   separate for each activity   705.23   building (see   BUILDING PERMIT)   cable television   909.01   commercial and   heavy vehicle use   347.01   fees (see FEES)   fireworks display   545.10(b)   floodplain development   1747.07   parades; street assembly   311.04   sewer tap   1729.01   tree removal   915.06   PROPERTY DESTRUCTION   monument, boundary   533.04   tree removal   1357.01   procedures, standards   1357.02   traffic order, compliance with   303.01, 303.03   303.	exemptions 705.	30, 705.31	assault and battery on	529.021
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#### **COMPARATIVE SECTION TABLE**

EDITOR'S NOTE: Source material for the Codified Ordinances of Benwood, West Virginia was either ordinances or resolutions enacted by Council, or new matter ordained by the Adopting Ordinance. Sections of the Codified Ordinances without any history indicate that such sections contain new matter ordained by the Adopting Ordinance. In the following table, the disposition of all source material in the Benwood, West Virginia Codified Ordinances is indicated.

Ord. No. 12-23-58	C.O. Section 1729.01, 1729.02, 1729.04	Ord. No. 5-12-81	C.O. Section 361.075
12 23 30	to 1729.06	7-14-81	725.01
6-28-60	505.08	9-17-81	927.02 to 927.08
5-16-61	149.01 to 149.03	6-6-82	1729.03
7-11-61	923.01 to 923.15 923.99	6-8-82	709.01, 709.99
8-8-61	1109.01 to 1109.18, 1109.99	1-8-85	157.01
8-14-62	1385.01 to 1385.07, 1385.99	2-26-85	719.01 to 719.08, 719.99
6-9-64	909.01 to 909.10	6-9-87	731.01, 731.99
8-10-65	113.01(a)(b)	6-27-87	1735.01
8-9-66	113.02	11-22-88	951.01 to 951.03
6-18-67	1711.01 to 1711.05, 1711.99	6-27-89	505.06, 505.10, 505.99,
9-11-73	1723.01, 1723.03, 1723.04,		1735.01(b)(d), 1735.99
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3-9-76	361.13		1741.03
6-28-77	713.01, 713.02, 713.14 to	11-14-89	171.02(a)
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3-11-80	103.01	2-27-90	347.06
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	to 1331.03, 1333.01 to	3-23-93	113.01(c)
	1333.05, 1335.01 to	4-11-95	Repealed 951.04, 505.09
	1335.03, 1337.01 to	7-23-96	709.02
	1337.04, 1339.01 to	9-10-96	171.02(b)
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	1343.05, 1353.01 to	4-14-98	145.01 to 145.13
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	1355.05, 1357.01, 1357.02,	4-25-00	113.03
	1359.01, 1359.02, 1363.01	10-10-00	Repealed 549.01 to 549.04,
	to 1363.03, 1371.01 to		549.99
	1371.12	11-13-01	355.01 to 355.07, 355.99

Ord. No. 3-11-03 8-26-03 9-23-03 10-14-03 12-9-03 1-13-04 5-25-04 10-12-04 2-8-05 3-22-05	C.O. Section 1729.02(f), 1729.03 171.01 713.03 to 713.13 1735.01(c) 951.05(b) 107.04 1741.01(b) 709.04 354.01 to 354.06, 354.99 1723.02, 1723.05	Ord. No. Adopting Ordinance (Cont.)	C.O. Section 517.99, 521.01 to 521.13, 521.99, 525.01 to 525.05, 525.99, 529.01 to 529.04, 529.99, 533.01 to 533.09, 533.99, 541.01, 541.02, 541.99, 545.01 to 545.12, 545.99, 705.01 to 705.32, 705.99, 709.03, 735.01 to 735.07, 739.01 to 739.03, 905.01 to 905.06, 1117.01
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