

SHEPHERDSTOWN HISTORIC LANDMARKS COMMISSION

Monday, October 5, 2026
6:00 p.m.
TOWN HALL
104 NORTH KING STREET, SHEPHERDSTOWN

<https://us06web.zoom.us/j/86067120451?pwd=fWNLscmYpiOmof8Pknlig4oZKNXa8i.1>

1. Call to Order:

2. Approval of Previous Months' Minutes: September 14, 2026

3. Visitors:

4. Conflicts of Interest:

5. Applications:

26-25 107 E. New St.

Porch roof.

26-26 209 W. New St.

Propane tank.

6. Workshop Sessions:

- 301 E. German St. – Fencing

7. Ongoing Business:

- Town Hall staff report
- Auxilliary Dwelling Unit (ADU) ordinance

8. New Business:

- None

9. Adjournment:

SHEPHERDSTOWN HISTORIC LANDMARKS COMMISSION

Monday, September 14, 2026

6:00 p.m.,

TOWN HALL

104 NORTH KING STREET

In attendance: Commissioner Chair Keith Alexander (KA), Ashley Reynolds (AR), Cheryl Brown (CB), Jim King (JK) (advisory), Karl Musser (KM) (staff)

In absentia: Tom Mayes (TM), Rebecca Bicker (RB)

In audience: Sylvia Turner (ST), Lindsey Bordovsky (LB), Jamison Deason (JD), Carlos Niederhauser (CN), Elizabeth Wheeler (EW), Wesley Bateman (WB), Mariette Corrocan (MC), Chris Stroeck (CS), Annette Gavin Bates (AGB), Shane Harris (SH), Mike Nickerson (MN)

1. **Call to Order:** KA called the meeting to order at 6:00 p.m.
2. **Approval of Minutes:** Approved as submitted.
3. **Introductions:** Joe Yates
4. **Visitors:** None
5. **Conflicts of Interest:**
6. **Applications**

26-20 – 312 W. High Street

ST summarizes the project which involves adding a vinyl fence to enclose the yard that matches the portion of existing fence in style.

- Commissioners discuss the project, CB notes a preference for wood, but commissioners conclude the fence matches other fences in the neighborhood. KA also notes the need for a fence due to the applicant's traffic issues. AR moved to approve application as being consistent with Guidelines on PG 68. CB seconded. All in favor. None opposed. Passed.

26-21 – 322 W. German Street

JD summarizes the project which involves adding a shed to the backyard.

- Commissioners discuss the project. CB moved to approve application as being consistent with Guidelines on PG 56 (C). AR seconded. All in favor. None opposed. Passed.

26-22 – 200 & 202 S. Princess Street

EW summarizes the project which involves replacing the gutters, using half-round style on the public facing sides and K style on the interior sides.

- Commissioners discuss the project, clarify which sides count as public facing, which EW notes does include the side facing Union Alley. CB moved to

approve application as being consistent with Guidelines on PG 50. AR seconded. All in favor. None opposed. Passed.

26-23 – 320 W. German Street

WB summarizes the project which involves adding an addition and deck to the rear of a brick building that already has an older addition behind it. The new addition would attach to the older addition rather than the original building.

- Commissioners discuss the project with KA reviewing the list of guidelines for additions. Issues discussed include the overall scale of the project, comparisons between the new addition, old addition, and original building, particularly in regards to the materials and different roofing styles and the windows. Commissioners note there are clear differentiations between the different sections. AR moved to approve application as being consistent with Guidelines on PG 68 with reference. CB seconded. All in favor. None opposed. Passed.

26-24 – 112 E. German Street

MC summarizes the project which involves a new sign for The Mutt Market using the same bracket previously used by Cooper Captures Gallery.

- Commissioners discuss the project. AR moved to approve application as being consistent with Guidelines on PG 63. CB seconded. All in favor. None opposed. Passed.

6. Workshop Sessions:

- 112 E. New Street—CS presented a possible addition to the residence that would extend to the rear and side of the primary structure and raise the roof height. The commissioners expressed concerns about losing the chimney to the side extension, changes to the roofline and height, and the lack of differentiation between the original structure and the addition.

7. Ongoing Business

- Welcome Center sign on the Market House
 - AGB gives background on the existing sign and questions the need for replacement. KA summarizes HLC concerns about the sign. AGB describes damage done by the old sign and hidden by the current sign, agrees to provide installation details for the current sign. AGB also expresses a maintenance need for the smaller Public Library sign currently on the building and for any new sign. For a new sign AGB stresses that legibility is important and suggest if it references past uses of the building a preference for the Market House. Discussion of how sign is attached to the building. Discussion of possible damage

behind the sign, the need to address that and prevent future damage. SH expresses willingness to do restoration work on the smaller library sign and discusses designs of a potential new sign.

- Shepherd Family Burial Ground restoration work
 - MN gives a summary of proposed restoration work to be performed by Gruber-Latimer, including additional maintenance issues that need to be addressed. CB notes that the sidewalk is particularly dangerous. The HLC expresses support for the project, but also notes that general maintenance is outside the HLC purview.
- Town Staff Report.
 - Enforcement process is still being worked on and almost complete.
 - Historic Preservation intern onboarding this week.
- AR mentions possible nomination for the Historic Preservation Awards.

8. **New Business**

- None

9. **Adjournment:** Adjourn at 7:57 p.m.

Corporation of Shepherdstown
Staff Input Form
For the Historic Landmarks Commission

1. Applicant Name and Number: 26-25
2. Project Address: 107 E. New Street
3. Project Description: The applicant wishes to add a roof to an existing rear porch. The porch previously had a roof that was removed by a previous owner. Roofing would be metal, matching the main house roof, with wooden support beams.
4. Issues Identified: None.
5. Recommended Action: Staff recommends approval based on the applicant's proposal.
6. Staff Analysis for HLC: The parcel is zoned residential and located within the historic district. The Historic Guidelines (page 49) state a preference for standing seam metal roofs and that new roofs can be added to decks, balconies, etc. if in the rear of the building and not prominently in public view. The rear of the building is viewable from alley, though partially blocked by the garage. The materials and color match the existing roofing. The proposal appears consistent with the historic guidelines.
7. Staff Analysis for PC: Not needed, no change in footprint.
8. To Be Reviewed By ☒ Historic Landmarks Commission
☐ Planning Commission

Completed By: Karl Musser

Date: 9/21/2026



Historic Landmarks Commission's Application for Certificate of Appropriateness

104 N King St

PO Box 248 (for mailing)

Shepherdstown, WV 25443

Application # 26-25

This application is required for any modification of structures within the Shepherdstown Historic District ([map](#)). The purpose of this application is to protect the integrity of the exterior architectural features of structures in the designated Historic District. A review of this application shall be approved or rejected by the Historic Landmarks Commission (HLC). For projects modifying structural square footage, an approved Certificate of Appropriateness is required prior to this being forwarded to the Planning Commission for their review for the issuance of a project permit. Project permits are only valid for one year from the date of issuance. [Reference Title 9, Section 309.](#)

This form may be filled out digitally or printed and filled out by hand, PLEASE PRINT OR TYPE CLEARLY

Applicant's Name: Terry Ruthrauff
(Must be Property Owner)

Mailing Address: Post Office Box 38
Shepherdstown WV 25443
City State Zip

Telephone: [REDACTED] **Email:** [REDACTED]

Street [REDACTED] **of Proposed Work:** 107 East New Street, Shepherdstown, WV 25443

Lot Number/Legal Description: _____
(if no address exists)

Current Zoning: Residential - Low Density **Current Land Use:** Residential - Low Density
Note: Reference [zoning map](#) for zoning classifications.

Description of Work:

Replacement of a new roof over the existing rear porch. Previous was removed by past owner.

Project Category: Minor
(see descriptions on next page)

Contractor Performing the Work: John Hines

Contractor's Business License: WV 064923

A copy of the contractor's Shepherdstown business license or license application MUST be attached.

Please reference [Title 9](#) of Town Ordinance for specifics

Please contact Karl Musser, Planning and Zoning, with any questions. (304)702-2305 • kmusser@shepherdstown.us



Historic Landmarks Commission's Application for Certificate of Appropriateness

104 N King St

PO Box 248 (for mailing)

Shepherdstown, WV 25443

Application # 26-25

Check all the areas that apply:

All Categories



Copy of general contractor's Shepherdstown business license or license application.

Category I

Minor Projects such as awnings, porch railings, window boxes, satellite dishes, solar panels, signs, fences, non-permanent storage sheds and other minor changes

☒ PHOTOGRAPHS OR DRAWN ELEVATION VIEWS OF THE PROPOSED WORK SITES (clearly labeled), at reasonable scales, of the parts of the structure to be altered (again, clearly labeled in terms of which side of the structure, etc.) are needed

☒ MATERIAL AND COLOR SAMPLES for exterior finishes

Category II

Driveways, decks, carports, porch enclosures and window, roof, or siding replacement

Category III

New construction of and/or additions to residential, commercial, and industrial structures

(Categories II and III):

☐ SITE PLAN is required at common engineering (1" = 10' or 1" = 20', etc.) or architectural scales (1/4" = 1' or 1/8" = 1'). Specifically, these drawings shall include: North point, scale, date, property boundaries (lot lines), existing trees and/or significant planting (if work will disturb surroundings), street & parking lighting

☐

Gross & net land area of property

☐

Setback from property boundaries

☐

Existing & proposed topography (only if regrading of the property is required)

☐

Existing & proposed accessory structures.

☐

Existing & proposed street right-of-way & entrance

☐

MATERIAL AND COLOR SAMPLES for exterior finishes

☐

ELEVATIONS, drawings indicating height of proposed structures, materials, and window and door arrangements.

☐

ZONING INFORMATION shall be defined in the application as required:

☐

Dwelling density (residential application only)

☐

Flood plain designation if any (mapping available in Town Hall)

☐

Cost estimates and property appraisals for applications seeking exemptions from Chapter 12- Flood plain provisions.

Category IV

Demolitions or Relocation of a Structure

- ☐ Historic designation of structures to be demolished (documents available in Town Hall)
- ☐ Complete description of structure(s) or part(s) of structure(s) to be demolished.
- ☐ At least one (1) structural report by a certified structural engineer. Applies to demolition requests for structures fifty (50) years or older.
- ☐ For relocations, sidewalk and handicap access

Please reference [Title 9](#) of Town Ordinance for specifics

Please contact Karl Musser, Planning and Zoning, with any questions. (304)702-2305 • kmusser@shepherdstown.us



Historic Landmarks Commission's Application for Certificate of Appropriateness

104 N King St

PO Box 248 (for mailing)

Shepherdstown, WV 25443

Application # 26-25

Remedies and penalties

The owner or agent of a building or premises in or upon which a violation of any provision of the Planning and Zoning Title has been committed or shall exist, or the leasee or tenant of an entire building or entire premise in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred (100) dollars. Each and every day that such violation continues may constitute a separate offense. Reference Title 9, Section 905.

Please read the following paragraph carefully and sign.

Attach all documents specified in the checklist of this application.

I hereby certify that all information herein provided is true and accurate. I hereby authorize the inspection of the above premises by authorized agents of the Shepherdstown Planning Commission at any reasonable time to determine compliance with the Commission's approval. **I UNDERSTAND THAT MY PRESENCE AT THE ASSIGNED APPLICATION REVIEW MEETING IS REQUIRED.** Application must be signed by owner or his/her agent.

Date: 9.13.26

Signature: _____
(Owner)

Print Name: Terry Ruthrauff

For Office Use:

Zoning Officer Comments:

Fee Paid

Date Paid



Historic Landmarks Commission's Application for Certificate of Appropriateness

104 N King St

PO Box 248 (for mailing)

Shepherdstown, WV 25443

Application # 26-25

Application Fees

Please check all boxes that may apply. Application fees are due upon submittal. Fees should be payable to the Town Treasurer/Clerk and must accompany the application. **If work begins without the required permit, double the cost of said permit will be applied.** Reference Title 9, Section 902 Paragraph XIV.

☒	<u>Category I:</u> \$50.00 - Minor projects such as murals, awnings, porch railings, window boxes, satellite dishes, solar panels, gutters & downspouts, patios, sidewalks, hardscaping, signs, fences, storage sheds (not attached to the ground) and other minor changes and permit extensions.
☐	<u>Category II:</u> \$100.00 - Window replacement, roof replacement, siding replacement, porch enclosure, driveways, carports, and decks.
☐	<u>Category III:</u> \$300 + \$0.50 per sq ft - New construction of and/or additions to residential, commercial, and industrial structures. \$50 + \$0.10 per sq ft - New construction of garages & other accessory buildings (permanently attached to the ground).
☐	<u>Category IV:</u> Demolition or Relocation of a Structure: Removal of any building feature(s) or razing of any structure(s) or relocation of a structure to new location. For either project, the applicant must submit the following in writing (in addition to an application): • Reason for the demolition/relocation (including historic documentation). • Describe the structure's condition in detail. • Describe the proposed reuse of the site, including full drawings of new structure & landscaping. • Evidence of relevant funding or financial concerns. • Timeframe for project \$50.00 - Accessory Buildings \$150.00 - Non-Contributing Structures (< 50 years old) \$500.00 - Contributing Structures (≥ 50 years old)
☒	\$15 – Certificate of Appropriateness Fee

Please reference [Title 9](#) of Town Ordinance for specifics

Please contact Karl Musser, Planning and Zoning, with any questions. (304)702-2305 • kmusser@shepherdstown.us

Existing rear porch at 107 East New Street, Shepherdstown, WV 25443. Will be covered with a roof composed of wooden beams and metal roofing. Wood parts will be painted white and the roof black to match features already on house. The porch roof will replace one that was removed by previous owners.



Corporation of Shepherdstown

Staff Input Form

For the Historic Landmarks and Planning Commissions

1. Applicant Name and Number: 26-26
2. Project Address: 209 West New Street
3. Project Description: Installation of a propane tank on the side of the house, to be screened from public view.
4. Issues Identified: None
5. Recommended Action: Staff recommends approval based on the applicant's proposal.
6. HLC Decision: TBD.
7. Staff Analysis for HLC: The location of the tank to the side of the building with screening appears to be consistent with the historic guidelines for mechanical systems (page 34).
8. Staff Analysis for PC: Property is zoned Residential. It's unclear if setback limits apply to equipment like propane tanks, but assuming the 3 ft. setback required for accessory buildings (Section 9-208) also applies, the proposed tank would be 6 ft. from the side lot line and meet that setback. There is also existing HVAC equipment in the same side yard. The tank would not have a significant impact on the amount of greenspace. Proposal appears to meet all requirements of Title 9.
9. To Be Reviewed By ☒ Historic Landmarks Commission
☐ Planning Commission

Completed By: Karl Musser

Date: 9/29/2026



Application Number 26-26

Application for Certificate of Appropriateness & Project Permit

Corporation of Shepherdstown, West Virginia

104 N. King St. P.O. Box 248 (for mailing)
Shepherdstown, WV 25443

This application combines the Certificate of Appropriateness and Project Permit applications and is required for projects within the corporate limits of Shepherdstown and the Shepherdstown Historic District ([map](#)), that involve modifications to structural square footage. Examples include decks, porches, driveways, carports, accessory structures, and new construction of and/or additions. A review of the application shall be approved or rejected by the Historic Landmarks Commission (HLC) (Reference Title 9, Section-309) and once a Certificate of Appropriateness is approved it will be forwarded to the Planning Commission for their review for the issuance of a Project Permit (Reference Title 9, Section-902). If approved, the Project Permit is valid for one year from the date of issuance.

PLEASE PRINT OR TYPE CLEARLY

Applicant's Name: Joya Subudhi
(Must be Property Owner)

Mailing Address: _____

Day Time Telephone Number:

E-Mail Address:

Street Address of Proposed Work: 209 W New St. Shepherdstown, WVA 25443

Lot Number/Legal Description: _____
(If no address exists)

Current Zoning: residential - low density **Current Land Use:** residential - low density

Note: See [zoning map](#) for correct zoning classification

Description of Work: _____

_____ Installation of a propane tank for gas fireplaces. It will be a 120 gallon, white tank that is 420 lbs.

_____ The gas line will not be visible. The gas lines are running through the basement of the house.

_____ There is no charge for the propane tank if I use 75 gallons per year. If I use less, I will be charged \$99.95.

_____ After the tank is installed, I will put up lattice or plant shrubbery so that it is not visible.

Please reference [Title 9](#) of Town Ordinance for specifics.
Please contact Karl Musser, Planning & Zoning, with any questions.
(304) 702-2305 • kmusser@shepherdstown.us



Application Number 26-26

Cost Estimate: \$768.68 Project Category (Descriptions are below): Category I

Contractor performing work: Griffith Energy Services Inc.

Contractor's Business License #: WV038707

Check all the areas that apply:

All Categories

 Copy of general contractor's Shepherdstown business license or license application.

Category I Minor Projects such as awnings, porch railings, window boxes, satellite dishes, solar panels, signs, fences, non-permanent storage sheds and other minor changes

 X PHOTOGRAPHS OR DRAWN ELEVATION VIEWS OF THE PROPOSED WORK SITES (clearly labeled), at reasonable scales, of the parts of the structure to be altered (again, clearly labeled in terms of which side of the structure, etc.) are needed.

 N/A MATERIAL AND COLOR SAMPLES for exterior finishes

Category II Driveways, decks, carports, porch enclosures and window, roof or siding replacement

Category III New construction of and/or additions to residential, commercial, and industrial structures

(Categories II and III)

 SITE PLAN is required at common engineering (1" = 10' or 1" = 20', etc.) or architectural scales (1/4" = 1' or 1/8" = 1'). Specifically, these drawings shall include: North point, scale, date, property boundaries (lot lines), existing trees and/or significant planting (if work will disturb surroundings), street & parking lighting.

 Gross & net land area of property

 Setback from property boundaries

 Existing & proposed topography (only if regrading of the property is required)

 Existing & proposed accessory structures.

 Existing & proposed street right-of-way & entrance

 MATERIAL AND COLOR SAMPLES for exterior finishes

 ELEVATIONS, drawings indicating height of proposed structures, materials, and window and door arrangements

 ZONING INFORMATION shall be defined in the application as required:

 Dwelling density- net (residential application only)

 Flood plain designation if any (mapping available in Town Hall)

 Cost estimates and property appraisals for applications seeking exemptions from Chapter 12-Floodplain provisions

Please reference [Title 9](#) of Town Ordinance for specifics.

Please contact Karl Musser, Planning & Zoning, with any questions.

(304) 702-2305 • kmusser@shepherdstown.us



Application Number 26-26

Category IV Demolitions or Relocation of a Structure

- Historic designation of structures to be demolished (documents available in Town Hall)
- Complete description of structure(s) or part(s) of structure(s) to be demolished.
- At least one (1) structural report by a certified structural engineer. Applies to demolition requests for structures fifty (50) years or older.
- For relocations, sidewalk and handicap access

Remedies and penalties

The owner or agent of a building or premises in or upon which a violation of any provision of the Planning and Zoning Title has been committed or shall exist, or the leasee or tenant of an entire building or entire premise in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred (100) dollars. Each and every day that such violation continues may constitute a separate offense. (Reference Title 9, Section-905)

Please read the following paragraph carefully and sign.

Attach documents specified in the checklist of this application. I hereby certify that all information herein provided is true and accurate. I hereby authorize the inspection of the above premises by authorized agents of the Shepherdstown Planning Commission at any reasonable time in order to determine compliance with the Commission's approval. I understand that my presence at the assigned application review meeting is required. Application must be signed by owner or his/her agent.

Date: 9/28/26 Owner's Signature: Joya Subudhi

Print Name: Joya Subudhi

Zoning Officer Comments:

Fee Paid _____

Date Paid _____

Please reference [Title 9](#) of Town Ordinance for specifics.
Please contact Karl Musser, Planning & Zoning, with any questions.
(304) 702-2305 • kmusser@shepherdstown.us



Application Number 26-26

Application Fees

Please check all boxes that may apply. Reference Section 9-902 of Chapter 8 paragraph XIV for more information. Application fees are due upon submittal. Fees should be payable to the Town Treasurer/Clerk and must accompany the application. **If work begins without the required permit, double the cost of said permit will be applied.**

	<u>Category I:</u> \$50.00 - Minor projects such as murals, awnings, porch railings, window boxes, satellite dishes, solar panels, gutters & downspouts, patios, sidewalks, hardscaping, signs, fences, storage sheds (not attached to the ground) and other minor changes and permit extensions.
	<u>Category II:</u> \$100.00 - Window replacement, roof replacement, siding replacement, porch enclosure, driveways, carports, and decks.
	<u>Category III:</u> \$300 + \$0.50 per sq ft - New construction of and/or additions to residential, commercial, and industrial structures. \$50 + \$0.10 per sq ft - New construction of garages & other accessory buildings (permanently attached to the ground).
	<u>Category IV:</u> Demolition or Relocation of a Structure: Removal of any building feature(s) or razing of any structure(s) or relocation of a structure to new location. For either project, the applicant must submit the following in writing (in addition to an application): • Reason for the demolition/relocation (including historic documentation). • Describe the structure's condition in detail. • Describe the proposed reuse of the site, including full drawings of new structure & landscaping. • Evidence of relevant funding or financial concerns. • Timeframe for project \$50.00 - Accessory Buildings \$150.00 - Non-Contributing Structures (< 50 years old) \$500.00 - Contributing Structures (≥ 50 years old)
	\$15 – Certificate of Appropriateness Fee

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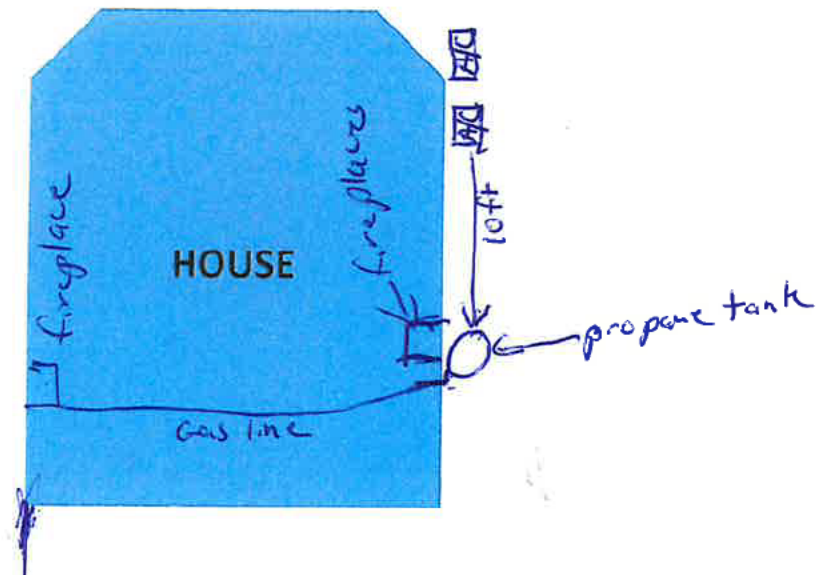
Property Cut Sheet for Setting Propane Tanks

Customer Name: Jaya Subudhi Date: 9-18-26

Property Address: 209 W. New Street, Shepherdstown, WV 25443

Account # 9069289

Show distance for property lines from both the house and the Propane Tanks, Show distance from the Propane tanks to any out buildings i.e.: Shed, Garage, Carport etc..





Accessory Dwelling Units (ADU) Ordinance

The State passed a law requiring municipalities to allow Accessory Dwelling Units (ADUs) on any parcel containing a single-family dwelling unit. Ryan Simonton has provided a summary of that legislation that's been included in your packet in the following pages. ADUs can be regulated and we have until the end of the year to pass an ordinance to that effect. ADUs do still need to meet the zoning requirements of single family dwellings (regarding setbacks, lot sizes, building height, etc.) and have a maximum size of 75% of the primary dwelling or 1,000 sq. ft., whichever is less. ADUs in the Historic District may still be held to the Historic Guidelines.

Also in this packet, following that summary, is the draft ADU ordinance being proposed to bring us into compliance with the State law. It does contain language (Section 208 (a) 12)) making it explicit that the historic guidelines are a requirement for ADUs. Also while the State law allows for an additional ADU fee, the ordinance opts not to apply any additional fee beyond our usual project permit fees (which would still apply).

Keith brought up the question of whether for purposes of the historic guidelines ADUs be treated as residences or outbuildings, which would be for the HLC to decide, and you may want to edit the guidelines to cover ADUs explicitly.

The Planning Commission is required to review any Title 9 changes and they got their first look at this ordinance in their last meeting on September 21. They are having a special meeting immediately following this one to discuss this ordinance and to decide on recommendations to Town Council. We're currently looking at a first reading of the ordinance at the October 14th Town Council meeting, and the Council will be welcoming input after that.

Accessory Dwelling Units Summary of State Law June 15, 2026

2026 Legislation:

2026

Senate

Bill

659

(https://www.wvlegislature.gov/Bill_Status/bills_history.cfm?INPUT=659&year=2026&sessiontype=RS) requires municipalities to allow one accessory dwelling unit by right on each lot or parcel occupied by a single-family dwelling.

Brief overview

Municipalities may not require additional parking or fees in lieu of parking, require the ADU match the design/pitch/finishing of the principal dwelling; among several other restrictions, and must allow manufactured homes used as ADUs. The municipality may require an application fee up to \$250 and require a will-serve letter from water/sewer systems.

FAQ/Legal Requirements

1. 2026 SB 659 passed March 6, 2026, and becomes effective June 4, 2026.
2. The bill adds a new Article 40 to Chapter 8 of the WV Code
3. In brief, it requires municipalities to allow Accessory Dwelling Units on **every lot or parcel that contains a single-family dwelling unit**.
4. An Accessory Dwelling Unit is “a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with, or is otherwise exempt from, any applicable regulatory requirements.”
 - a. The single-family dwelling must be larger than the ADU.
 - b. The ADU has its own cooking, sleeping, and sanitation facilities.
 - c. A **manufactured home** may be used as an ADU, and it may share water, sewer, and utility connections with the single-family dwelling. (W. Va. Code 8-40-2(h) and (i)).
 - i. A Manufactured Home is “a structure constructed in compliance with the federal Manufactured Home Construction and Safety Standards, 42 U.S.C. §5401 *et seq.*, and installed on a permanent foundation.”
5. A Single-Family Dwelling is “a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit.”
 - a. **The bill does not require someone to be living in the Single-Family Dwelling in order to have an ADU**
6. ADUs must be permitted “by right,” – this is defined at § 8-40-1(b) as approval without (1) a public hearing, (2) a variance, conditional use permit, special permit, or special exception; or (3) other discretionary zoning action other than site plan approval and confirming construction plans conform to regulatory requirements [here, regulatory requirements means the Fire Code, local law, zoning code, building code, and other generally applicable law - §8-40-1(d)(2)]
7. The ADU can be attached, detached, or internal to the single-family dwelling.

- a. A detached ADU has a maximum size: 75% of gross floor area for the single-family dwelling, or 1,000 square feet, whichever is less.
- 8. There are several categories where municipalities cannot regulate. Cannot require:
 - a. Additional parking for an ADU or fees in lieu of parking
 - b. Matching exterior design of the single-family dwelling (**exception for historical districts where there is a district-wide regulation**)
 - c. Family/marital/employment relationship between occupants of the Single Family Dwelling and the ADU
 - d. Development impact fees over \$250 [can have a \$250 fee]
 - e. Improvements to streets or sidewalks (but repair/reconstruction is permitted if damaged by construction)
 - f. Maximum building heights, minimum setbacks, minimum lot sizes, maximum lot coverages, or minimum building frontage **that are more restrictive than those for the single-family dwelling (i.e., general zoning code requirements can apply)**
 - g. Restrictive covenant (this does not limit or prohibit restrictive covenants between private parties, i.e. HOAs can require them, but cities cannot)
 - h. Require separate water or sewer connection for the ADU
- 9. There are several things municipalities specifically *can do*. Cities can:
 - a. Regulate short-term rentals (subject to W. Va. Code 8-1-5a)
 - b. Require an application/review fee of up to \$250 for an ADU, in addition to usual fees for building permits (“building fees” in the bill)
 - c. Require a “will-serve” letter from the water and sewer system serving the single-family dwelling, or approval from Department of Health if municipal water/sewer service is not available.
- 10. Effective date: any regulation in violation of the bill is invalid as of January 1, 2027. Indicates compliance need by 1/1/27 (rather than 6/4/26).
- 11. This will require updates to the existing Zoning Code.
 - a. ADUs definition will need to be updated to the state law definition
 - b. The ADU should likely to be defined as an accessory use permitted by right in all zoning districts, subject to a supplemental regulation requiring that they be accessory to an existing single family dwelling on the same lot or parcel.
 - c. Supplemental regulations related to accessory structures will need to be updated.
 - d. Council can decide whether to assess the application fee, whether to reduce setbacks or lot coverage requirements (or whether to require that these apply to ADUs in the same way they apply to single-family dwellings)
- 12. Process options:
 - a. Prepare draft ordinance, Planning Commission review, recommendation to Council.
 - b. Discussion with Council / draft to Council, Council refers preferred draft to Planning Commission for concurrence on Comprehensive Plan, and adopts ordinance after Planning Commission recommendation.
 - c. Ordinance should be adopted no later than December 31, 2026.

Sec. XXX.XX. - Definition of terms.

Accessory Dwelling Unit means a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with, or is otherwise exempt from, any applicable regulatory requirements.

Attached Accessory Dwelling Unit means a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with, or is otherwise exempt from, any applicable regulatory requirements, and is a part of the same structure used or intended as a single-family dwelling on the parcel.

Detached Accessory Dwelling Unit means a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with, or is otherwise exempt from, any applicable regulatory requirements and is not attached to the structure used or intended as a single-family dwelling on the parcel.

Manufactured Home means a structure constructed in compliance with the federal Manufactured Home Construction and Safety Standards, 42 U.S.C. §5401 *et seq.*, and installed on a permanent foundation.

Table XXX.XX.X: Permitted Land Uses

Uses	X	Y	Z	AA	BB	CC	DD	EE	FF	GG	HH	Supplemental Regulations
<u><i>Accessory Dwelling Unit</i></u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>							<u>XX</u>
<u><i>Attached Accessory Dwelling Unit</i></u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>							<u>XX</u>
<u><i>Detached Accessory Dwelling Unit</i></u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>							XX

Sec. XXX.XX. - Supplemental regulations pertaining to permitted land uses table.

(XX) A single Accessory Dwelling Unit (ADU) shall be permitted on any parcel containing a single family dwelling, subject to the following requirements:

- i. The ADU may be attached or detached from the primary structure
- ii. The ADU must have a smaller area than the existing single family dwelling, determined by measuring gross floor area

iii. Setbacks: setbacks from front, side, and rear property lines for detached ADUs will be the same as those for single family dwellings in the district.

iv. Maximum building heights, minimum setbacks, minimum lot sizes, maximum lot coverages, and minimum building frontage shall be the same as for single family dwellings in the district.

v. Parking: No additional off-street parking shall be required beyond what is required for the principal dwelling.

vi. Use: ADUs may be rented, leased, or used for short-term rental purposes subject to applicable law.

vii. Application: No ADU may be constructed or occupied without a permit issued by the Town on application forms to be provided by the Town. Each application shall be accompanied by an application fee of \$250.

viii. No ADU will be permitted unless the applicant provides with the application a “will-serve” letter from the water and sewer system serving the single-family dwelling, or approval from Department of Health if municipal water/sewer service is not available

ADUs will be subject to all other requirements of the Zoning Code, except where a different requirement is specified by this Supplemental Regulation (XX).

**AN ORDINANCE OF THE CORPORATION OF SHEPHERDSTOWN
ESTABLISHING REQUIREMENTS FOR ACCESSORY DWELLING UNITS**

The Town of Shepherdstown hereby ordains as follows:

Section 1. Findings and Purpose.

The Town Council finds and concludes that 2026 West Virginia Senate Bill 659, codified at W. Va. Code §§ 8-40-1 *et seq.*, requires municipalities to allow one accessory dwelling unit by right on each lot or parcel occupied by a single-family dwelling, and provides various requirements for municipalities in connection with permitting accessory dwelling units in their communities which supersede the general authority to implement zoning regulations under Chapter 8A of the West Virginia Code.

This ordinance is adopted for the purpose of complying with newly-adopted state law, and to further the purposes of the current Shepherdstown Comprehensive Plan.

In accordance with W. Va. Code § 8A-7-8, this Ordinance has been referred to the Shepherdstown Planning Commission for its advice, and the Town Council finds that the amendment to the Planning and Zoning Code established by this Ordinance is consistent with the current adopted comprehensive plan, including by furthering the community goals recited in this Section 1.

Section 2. Adoption of Amendment to Title 9 of the Codified Ordinances of the Town.

The following portions of the Codified Ordinances of the Town are hereby amended as provided (new matter underlined; deleted matter ~~stricken~~):

Sec. 9-207. Off-street parking requirements.

Parking space or spaces surfaced with asphalt, concrete or other stabilized material such as crusher-run and three (3) inches of stone shall be provided on any lot on which any of the following uses are hereafter established. Each space shall have access to a street or alley. For purposes of computing, each space will be not less than nine (9) feet wide nor twenty (20) feet long.

I. Minimum requirements for specific uses:

(a) For dwellings, one (1) space on the lot for each living unit in the building. For lodging houses, one (1) space on the lot for each lodging unit in the dwelling. No additional spaces will be required for the first ADU on any lot which already contains a single-family dwelling.

(b) For churches erected on new sites, one parking space on the lot for each ten (10) seats in the main auditorium, but existing churches and additions to or enlargements of churches existing at the time of passage of this title shall be exempt from this requirement.

(c) For places of public assembly, including auditoriums and theatres, one space for each seven (7) seats provided .

(d) For all schools, except high schools, two (2) spaces for each classroom; for high schools ten (10) spaces for each classroom.

(e) For institutions, clubs, lodges and other public and semi-public buildings, five (5) spaces for each one thousand (1,000) square feet of floor area.

(f) For commercial and residential uses located on the same lot in the Residential Commercial District, one space for each dwelling unit and one space for each two hundred (200) square feet of commercial floor area, with a minimum of two (2) spaces required. No additional spaces will be required for the first ADU on any lot which already contains a single-family dwelling.

(g) For commercial uses, except as specified in Section 9-207 I(f), one (1) space for each three hundred (300) square feet of floor area and one (1) space for each two (2) employees.

II. General rules and exceptions:

(a) In the RC and C Districts, parking space may be provided on a separate lot if within three hundred (300) feet of the building served, and two (2) or more owners may join together in the provision of this parking space.

(b) No parking space may be located in a front yard. This does not prohibit parking in a driveway.

(c) Parking spaces may be provided in side and rear yards in the Commercial District but are limited to rear yards in Residential Districts.

(d) Parking space for any use specifically permitted in an R District may be provided on a lot adjoining that use.

(e) Existing buildings not complying with off-street parking requirements may be remodeled, repaired or structurally altered, but any enlargement must provide the required parking spaces for said enlargement.

Sec. 9-208. Accessory Dwelling Units; Private detached garage or accessory building.

(a) A single Accessory Dwelling Unit (ADU) shall be permitted on any lot or parcel containing an existing single-family dwelling, subject to the following requirements:

1) **Single-family dwelling.** For purposes of determining whether the lot or parcel contains an existing single-family dwelling, a structure is a single-family dwelling if it meets the definition provided in this Code and is not used for another purpose (such as a dwelling occupied for multifamily or commercial purposes as a preexisting, nonconforming use).

2) **Type.** The ADU may be attached to or detached from the single family dwelling.

3) **Area.** The ADU must have a smaller area than the existing single family dwelling, determined by measuring gross floor area. Attached or detached ADUs shall not be more than 75 percent of the gross floor area of the single-family dwelling or 1,000 square feet, whichever is less.

4) **Setbacks:** setbacks from front, side, and rear property lines, and from other structures, for detached ADUs will be the same as those for single family dwellings in the district. Attached ADUs shall be considered a part of the principal structure for purposes of determining compliance with setbacks.

5) **Height:** Maximum building heights for ADUs shall be the same as the maximum building height for single-family dwellings in the zoning district.

6) **Lot size:** An ADU will be permitted on a lot having the minimum lot size required for a single-family dwelling in the district.

7) **Lot coverage:** An ADU will be subject to the maximum lot coverage provisions in the district. An ADU will be permitted if the ADU, together with the existing single-family dwelling and any other structures on the lot or parcel, will not exceed the maximum lot coverage for the district.

8) **Building or lot frontage:** An ADU will be permitted on a lot having the minimum lot frontage required for a single-family dwelling in the district.

9) **Streets and Sidewalks:** No improvements to streets or sidewalks will be required as a condition of establishing an ADU, but the property owner and/or contractor shall be responsible for the full cost of repairing and restoring any portion of a street, curb, sidewalk, or other public infrastructure damaged or deteriorated in connection with the construction of an ADU.

10) **Parking:** No additional off-street parking shall be required beyond what is required for the principal dwelling.

11) **Use:** ADUs shall be used as a dwelling and may be rented, leased, or used for short-term rental purposes subject to applicable law.

12) **Design:**

(A) Within a historic district as defined by W. Va. Code §8A-1-2, an ADU shall match follow the design requirements imposed pursuant to any ordinance or regulation duly adopted for the preservation of that historic district.

(B) Within the Shepherdstown Historic District established pursuant to Chapter 3 of this Title, the requirement to follow such requirements shall include, but not be limited to, compliance with the then-current Shepherdstown Historic District Design Guidelines and the requirement to obtain a certificate of appropriateness prior to issuance of a project permit pursuant to Section 9-309.

(C) Except for applicable historic district regulations, an ADU shall not be required to match the exterior design, roof pitch, or finishing materials of the existing single-family dwelling.

(D) Unless expressly preempted by this subsection, all design and performance standards applicable to single-family dwellings in the zoning district shall apply to ADUs. If there are no design and performance standards applicable to single-family dwellings in the zoning district, then, unless expressly preempted by this subsection, all design and performance standards applicable to accessory structures in the zoning district shall apply to ADUs.

13) **Application:** No ADU may be constructed without a Project Permit as required by Section 9-902 or occupied without an Occupancy Permit as required by Section 9-903. Each application shall be accompanied by an application fee in the amount provided by Section 9-902.XIV.

14) **Water and Sewer Service:** No ADU will be permitted unless the applicant provides with the application a “will-serve” letter from the water and sewer system serving the single-family dwelling, or approval from Department of Health if municipal water/sewer service is not available. Water and sewer service for the ADU do not need to be separate from the service for the primary structure.

15) **Manufactured homes.** A manufactured home may be used as an ADU subject to the requirements of this Section only if it is installed on a permanent foundation and complies with applicable building, fire, and safety codes.

16) **Other zoning regulations.** ADUs will be subject to all other requirements of this Code, including Title 9 Planning and Zoning.

(b) A private garage or other accessory building, except an ADU, located in the rear yard may not be nearer than three (3) feet to any side lot line, nor nearer than twelve (12) feet to an alley line, except that a common or joint garage may be erected on adjoining lots. On corner lots, said garage or other accessory building shall not be nearer to the side street line than the main building.

CHAPTER 4 - COS (Conservation Open Space) District

Section 9-405 Accessory uses

(a) General signs. Section 9-210-I, “Signs, general.”

(b) ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

CHAPTER 5 (PR) Park-Residential, R-1, R-2 Districts

Section 9-502 Uses permitted in the PR (Park Residential) District

(a) Uses (a) through (d) permitted in the COS District

(b) A single family residence per existing lot as presently recorded with no construction on a slope greater than twelve (12) percent, or below the base flood level as determined by H.U.D.

(c) ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

CHAPTER 6 - RC (Residential Commercial) District

Section 9-602 Uses permitted in the Residential Commercial District

The following uses shall be permitted if not more than three thousand (3,000) square feet of floor area:

(a) Any use permitted in the R-2 District, including ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

(b) Transient lodgings.

(c) Retail outlets: furniture, department, clothing dry goods, shoe and variety stores, hardware, electrical appliance, paint and wallpaper stores.

(d) Specialty shops: gift shops, jewelry stores, magazine, book and stationery outlets, florist shops, camera and photography shops and studios, sporting goods and antique shops.

(e) Food, Drug and Beverage: grocery, fruit and/or vegetable stores, delicatessens, drug stores, bakeries, restaurants, taverns, and the like.

(f) Service and recreation: laundromats, dry cleaning and laundry pick-up stations, barber and beauty shops, dressmaking and millinery shops, shoe repair and tailor shops, commercial recreation, repair shops for appliances and small articles, furnace, heating and plumbing shops.

(g) Business and professional offices: medical, dental, clinics, law offices, banks, finance, and utility company offices, insurance and real estate offices.

(h) Public service buildings: libraries, museums, and community centers.

(i) Accessory uses or buildings not used for dwelling; provided, that ADUs are permitted as provided in Section 9-208 of this Code.

(j) Business and advertising signs, real estate and public building signs or bulletin boards when attached to a building pertaining to the use of the property on which the sign is located, provided that they meet the requirements of Section 9-210

CHAPTER 7 C (Commercial) District

Section 9-702 Uses permitted in the Commercial District

The following uses shall be permitted:

(a) Any use permitted in the RC District; including ADUs, when constructed on a lot or parcel with an existing single-family dwelling, subject to the requirements of Section 9-208 of this Code.

(b) Newspaper printing and publishing facilities and print shop.

(c) Indoor storage and transfer.

(d) Automobile filling stations, automobile repair and sales.

(e) Lumber yards.

(f) Feed, grain and farmers' supplies

(g) Dry cleaners.

(h) Other commercial ventures, except that none shall be permitted that interfere with neighboring properties in terms of fire hazards, smoke emission, glare, noise, odor, dust, vehicle movement, liquid and solid waste, visibility, vibration, heat, electrical static, or radioactivity.

CHAPTER 9 – ENFORCEMENT AND PENALTIES

Section 9-902 Project permit

I. Required

(a) Before any construction, alteration, reconstruction, moving, or demolition of any structure is made within the town which would affect the exterior appearance of the structure, the applicant proposing to make the construction or change shall file with the Planning Commission an application for permission to build, alter, reconstruct, move, demolish or make the addition.

(b) Before any installation, erection, construction or moving of any utility equipment, including, but not limited to, any overhead electric transmission line, on metal or wooden poles or towers or pole structures, cross country telephone trunk line including microwave, transmission pipe line, natural gas line, trunk sewer line or sub-station and pump station, portable and stationary standby generators, fuel and oil tanks, air conditioning compressors, liquid propane gas tanks and security alarms, is made within the town, the applicant proposing to make the installation, erection, construction or move shall file with the Planning Commission an application for permission.

(c) Every application shall be referred to and considered by the Planning Commission and accepted or rejected by it; Provided, that: a duly appointed zoning officer may consider and approve, on behalf of the Planning Commission, applications filed which are for Category I projects as the same are defined in Section 9-902 XIV herein, entitled "Project permit fee schedule." No permit for any such change may be granted until the Planning Commission or appropriate zoning officer has acted thereon as hereinafter provided. Applications not approved by the Zoning Officer will automatically be referred to and considered by the Planning Commission and accepted or rejected by it.

XIV. Project permit fee schedule

In order to defray the expense of administering this title, a fee is adopted in the following categories:

Category I: Minor projects such as painting (change in color only), awnings, porch railings, window boxes, satellite dishes, solar panels, propane tanks, signs, or other minor changes and permit extensions. \$35.00.

Category II: Accessory buildings except ADUs, sidewalks, decks, fences, driveways, garages, storage buildings, carports. \$50.00.

Category III: Single family dwelling major changes excluding additions but including window and roof replacement, non-profit tax exempt organizations. \$150.00 (Plus \$1.50 per \$1,000.00 value over \$50,000.00). Attached and detached ADUs.

Category IV: Additions except ADUs, commercial-industrial, multi-family residences. \$400.00 (Plus \$1.50 per \$1,000.00 value over \$50,000.00).

Category V: Demolition.

\$50.00 Accessory Buildings.

\$150.00. Non Contributing Structures.

\$500.00 Contributing Structures.

The Planning Commission shall categorize any request not specifically listed in the above categories. Fees shall be paid to the Town Treasurer/Clerk and must accompany the application. If work begins without the required permit, double the cost of said permit ~~would~~ will be charged.

CHAPTER 13 – DEFINITIONS

For the purpose of this title certain terms or words used herein shall be interpreted as follows:

Words used in the present tense include the future. All words in the singular include the plural and all words in the plural include the singular. The word "shall" is mandatory and not 131 directory. The word "used" shall be deemed to include "designed, intended, or arranged to be used."

Accessory Dwelling Unit means a self-contained and independently accessed living unit that includes its own cooking, sleeping, and sanitation facilities and complies with, or is otherwise exempt from, any applicable regulatory requirements.

Accessory Dwelling Unit, Attached means an accessory dwelling unit located within or attached to a structure on the same parcel, with its own entrance/exit directly to the exterior of the property.

Accessory Dwelling Unit, Detached means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a structure on the same parcel.

Accessory use or building - A use or separate unattached building customarily incidental and subordinate to the principle use or building and located on the same lot with such principal use or building.

Apartment - Dwelling unit clearly delineated from adjacent dwelling units as evidenced by the existence of separate entrance, separate plumbing, and separate kitchen. See dwelling unit.

Bed-and-Breakfast Establishment - A residence occupied by the owner in which rooms are let for transients and in which no meal other than breakfast is served for payment. Includes inns in which no long-term lease for rooms is executed by the guest and in which no meals are served for payment.

~~*Dwelling, accessory apartment* - A secondary dwelling unit established in conjunction with a primary dwelling unit, whether a part of the same structure or detached from the primary dwelling unit.~~

Dwelling, one-family - A building containing not more than one (1) dwelling unit

Dwelling, single family means, in connection with any *Accessory Dwelling Unit* use, a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit, and shall have the same meaning as that term defined by W. Va. Code §§ 8-42-1 *et seq.*, as it may be amended.

Dwelling unit - A building or portion thereof arranged or designed for occupancy by not more than one (1) family for living purposes and having cooking facilities.

Family - One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family may contain more than three (3) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Floor area of building, total - The total number of square feet of floor area in a building, excluding cellars, uncovered steps, and uncovered porches; but including the total floor area of

accessory buildings on the same lot. All horizontal measurements shall be made between interior faces of walls.

Gross Floor Area means, in connection with Accessory Dwelling Units, the interior habitable area of a single-family dwelling or an accessory dwelling unit.

Household means a family living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Independently accessed means, for purposes of any accessory dwelling unit, an entry and exit leading to the exterior of the accessory dwelling unit, as required by the International Residential Code adopted as part of the State Building Code.

~~Lot— A parcel of land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as required.~~

Lot means part of a subdivision or a parcel of land, the map or plat of which has been legally recorded with the office of the County Clerk, or, a lot or parcel of land, described by metes and bounds, the deed of which has been recorded with the office of the County Clerk.

Manufactured Home means a structure constructed in compliance with the federal Manufactured Home Construction and Safety Standards, 42 U.S.C. §5401 et seq., and installed on a permanent foundation.

Parcel means a single lot, or a grouping of lots acquired by a single deed and considered as one buildable lot for zoning purposes. Parcels that consist of a grouping of lots acquired by a single deed may be subdivided for purposes of creating more buildable parcels, subject to compliance with all regulations contained within this Code, including the subdivision regulations.

Short-term rental means an individually or collectively owned single-family house or single-family dwelling unit or a unit or group of units in a condominium, cooperative, time-share, or owner-occupied residential home that is offered for a fee for 30 days or less.

~~Short-term rental housing— A dwelling unit offered to a succession of renters, tourists, or transients by lease for periods of time less than four (4) months. Short-term rental housing includes, but is not limited to, day to day, week to week, and month to month leases. Month to month extensions to leases longer than four (4) months shall not be considered short term rental housing. Short term rental housing shall be considered a boardinghouse under these Ordinances. (added December 2011)~~

Section 3. Repeal, Savings, Severability.

Any section of this Code repealed or modified by a subsequent ordinance will continue in force until the effective date of the repealing ordinance.

The repeal or modification of any part of this Code does not affect any existing right acquired, or liability or obligation incurred, under the code sections amended or repealed unless the modifying ordinance expressly so provides. Any repealed or modified part of this Code will remain in force for the purpose of sustaining any proper legal proceedings and prosecutions related to the enforcement of such right or liability brought prior to the repeal or modification.

The repeal of any repealing ordinance, clause, or provision does not revive any former ordinance, clause, or provision unless expressly provided by ordinance.

If any provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid by a court of competent jurisdiction or other entity or agency having jurisdiction to make such determination, the remainder of this Ordinance and the application to other persons or circumstances remain in effect.

Section 4. Effective date; application. This ordinance shall be effective on January 1, 2027. This Ordinance does not affect rights, duties, or liabilities that matured, penalties that were incurred, and proceedings that were begun, before its effective date. The law remains in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty, forfeiture or liability.

Section 5. Recording of ordinance. The Recorder is directed to obtain all signatures required by the form of Ordinance adopted and maintain an executed original ordinance with the official records of the Town, to be maintained, preserved, and accessed in accordance with the laws of the State of West Virginia, and to take the following additional actions: None.

FIRST READING: _____

Mayor

SECOND READING: _____

ADOPTED: _____

Recorder

FILED: _____