Other WV State Code Which Can Affect Planning Beyond 8A

|  |  |  |  |
| --- | --- | --- | --- |
| **Code**  | **Title** | **What it Does** | **Comments/Implimentation** |
| 1-1-5  | West Virginia Coordinate System | Must Utilize the WV Coordinate System of 1983 or 1927 in all land descriptions including all maps, report or survey, or other document.  | 1-1-5,K: Nothing in this section prevents the recordation in any public record of any deed, map, plat, survey, description or of any other document or writing of whatever nature which would otherwise constitute a recordable instrument or document even though the same is not based upon or done in conformity with the West Virginia Coordinate System established by this section |
| 7-12, All | County/Muni Development Auth | Promote, develop and advance the business prosperity and economic welfare of the municipality or county for which it is created, its citizens and its industrial complex; to encourage and assist through loans, investments or other business transactions in the locating of new business and industry within the municipality or county and to rehabilitate and assist existing businesses and industries therein. | Mon Co has a development authority. |
| 7-22, All | County Economic Opportunity Development Districts | Allow Counties to provide economic inducements to enable the construction, supplementation, reconstruction and repair of structures and facilities in undeveloped, underdeveloped or seriously deteriorated areas within the county | Don’t know if Mon Co has utilized this yet. |
| 7-27, All | Let Counties Act Locally Act | Allow Counties greater ability to influence when and where new roads are constructed and existing roads and bridges are modernized or upgraded, including the ability to recommend to the DOH road and bridge construction projects and to assist in the financing of those projects and to provide a source of funding to finance construction of said roads, by allowing them to impose transportation sales and use taxes as provided in this article. | Don’t know if Mon Co has utilized this yet. |
| 7A, All | Consolidated Local Gov | Allows Counties/Munis to attain high standards of efficiency, economy, service and flexibility and to assure the ongoing improvement in the quality of life of all citizens of the state, by consolidation of part or all of their governmental and corporate functions | Mon Co does not have at this time |
| 16-12, All | Sanitary Dist for Sewage Disposal | Creation/Disolution of Sewer Districts |  |
| 16-13, All | Sewage Works/Stormwater Works | Ability of sanitary district to operate a stormwater collection system or sewage collection system | Don’t know if any PSDs beyond MUB have stormwater management |
| 16-13A, All | Public Service Districts | The maintenance, operation, improvement and extension of, properties supplying water, sewerage or stormwater services or gas distribution services or all of these within such territory may be constituted a public service district. This includes better management by expanding the ability/authority of the Public Service Commission to assist PSDs in operational, financial and regulatory affairs | There are 6 PSDs in Mon County (Canyon,Cheat View, Clay Battelle, Deckers Creek, Pleasant Valley, & River Rd) |
| 17-4, All | State Road System | Classification of State Roads including Right of Access and Approval of Subdivision Plans | Esp. 17-4-50 (subdivision plans) |
| 17-4A, All | Complete Streets Act | Allow for the accommodation of all users planning, design, construction, reconstruction, rehabilitation, maintenance and operations of transportation facilities receiving funds from the DOH | Includes a State Complete Streets Advisory Board |
| 22-22, All | Voluntary Remediation/Redevelopment Act | Allows for redevelopment of abandoned/ under-utilized property which allows for greater efficiency and use of existing public facilities and services. | Esp. 22-22-14 (land use covenant & conversion of non-residential into residential) |
| 24, All | Public Service Commission | Oversees the PSDs via enforcement and regulation of their practices, services, and rates.  |  |
| 30-13A, All | Professions & Occupations, Land Surveyors | Gives the requirements of being a land surveyor in WV | Includes board of professional surveyors |
| 36B, All | Uniform Common Interest Act | Creation of Residential or Commercial Associations for care of common interest property such as streets, community buildings or parking lots. | Includes requirement of certification of plat by an independent registered surveyor, architect or engineer (36B-2-109, G). |
| 37A, All | Radio Astronomy Zoning Act | No operating of electrical equipment within a certain proximity of any radio astronomy facility  | Mon Co does not have at this time |
| 39-1-2a | Requirements for Admission to Record Certain Instruments | Survey documents require surveyor’s signature and seal affixed thereto | Exemptions found under 39-1-2a, B and 30-13A |
| 60-7-4a | State Control of Liqours, Application for License | Use of a liquor license must be compatible with any plan or zoning ordinance adopted by the governing body |  |

Other WV Legislative Rules Which Can Affect Planning Beyond 8A

|  |  |  |  |
| --- | --- | --- | --- |
| **Rule** | **Title** | **What it Does** | **Comments/Implimentation** |
| Title 23 Series 1-5 | Board of Professional Surveyors | Outlines continuing education, complaint procedures, fees, and standards for practicing | Includes minimum plat standards and description standards, wvbps.wv.gov/law |
| Title 87 Series 4 | West Virginia State Fire Commission, State Building Code | Current State Code utilizes the International Building Code, 2015 version | Mon County does not currently implement. |
| Title 64 Series 9 | Sewer Systems, Sewage Treatment Systems and Sewage Tank Cleaners | Outlines requirements for sewer systems, sewage treatment/disposal plants and cert of sewage tank installers | 64-9-8.5 & 8.6: 10,00 sq ft (0.22 ac) for powts with public water; 20,000 sq ft (0.49 ac) for powts w/out public water64-9-8.9a Lots < 2ac & < 150 ft frontage require 10,00 sq ft for powts separate from other development |
|  |  |  |  |

Other Federal/State/Local Entities/Items Which Can Affect Planning Beyond 8A

|  |  |  |  |
| --- | --- | --- | --- |
| **Establisment** | **Title** | **What it Does** | **Comments/Implimentation** |
| 2003 under the Federal-Aid Highway Act of 1962 | Metropolitan Planning Organization | Federally mandated/funded transportation policy-making organization. Ensures existing/future expenditures of funds for transportation projects/ programs are based on a transparent continuing, cooperative, and comprehensive planning process  | Mon Co has one, MMMPO (www.plantogether.org/)  |
| 1987 under WV 8-20-1 | Morgantown Utility Board | Muni owned water utility that provides service to areas within multiple jurisdictions | Includes several areas in county jurisdiction, has taken over operation of several smaller PSD, most recently, Scotts Run (2013) www.mub.org |
| 1968 under the Nat. Flood Ins Act  | Nat. Flood Insurance Program (under FEMA) | Creates a nation-wide flood program for flood hazards with a Risk Mapping, Assessment and Planning Program | Includes creation of a Flood Insurance Rate Map with high hazard areas. Mon Co has a Floodplain Coordinator. Mon Co Floodplain Ord of 2009 created under this. |
| 6-28-1960 4-13-1964 11-6-1967 12-19-1967 7-28-1964 5-25-1954  | Canyon PSDCheat View PSDClay Battelle PSDDeckers Creek PSDPleasant Valley PSDRiver Rd PSD | Canyon offers Sewage DisposalCheat View offers WaterClay Battelle offers WaterDeckers Creek offers Sewage DisposalPleasant Valley offers WaterRiver Rd offers Water |  |
|  | Town of GranvilleTown of Star CityCity of WestoverTown of Blacksville | Granville offers Sewage DisposalStar City offers Sewage Disposal, WaterWestover offers Sewage DisposalBlacksville offers Sewage Disposal |  |