

CODE ENFORCEMENT AGENCY FAYETTE COUNTY, WEST VIRGINIA

BY-LAWS

FAYETTE COUNTY CODE ENFORCEMENT AGENCY

Article I: Members of Code Enforcement Agency:

Section 1. Members:

The Code Enforcement Agency shall be composed of a County Administrator, a consulting engineer designated by the Fayette County Commission, the County Health Officer or his or her designee, a fire chief from a county fire company, the Fayette County Litter Control Officer, the Director of the Fayette County Solid Waste Authority, and two (2) at-large members appointed by the Fayette County Commission for two (2) year terms. The first at large member appointed by the Fayette County Commission to the Code Enforcement Agency shall be appointed to an initial term of one (1) year, and, thereafter, any person appointed to that position shall be appointed for a two (2) year term. The second at-large member appointed by the Fayette County Commission to the Code Enforcement Agency shall be appointed to an initial term of two (2) year, and, thereafter, any person appointed to that position shall be appointed for a two (2) year term. A Fayette County Administrator or Assistant County Administrator appointed by the Fayette County Commission shall serve as Chairperson of the Fayette County Code Enforcement Agency but shall have no vote on any matter coming before the Fayette County Code Enforcement Agency except if the other members entitled to vote on any matter be equally divided.

Section 2. *Ex Officio* Member:

The Fayette County Sheriff shall serve as an *ex officio* member of the Code Enforcement Agency and shall be the county officer charged with enforcing, with the advice and consent of the Fayette County Prosecuting Attorney, the orders of the Code Enforcement Agency or the County Commission issued pursuant to the Fayette County Comprehensive Public Nuisance Abatement Ordinance, or those other Ordinances of Fayette or Orders of the Fayette County Commission issued in pursuance of its authority under West Virginia Code § 7-1-3ff.

Article II: Meetings of the Code Enforcement Agency:

Section 1. Regular Meetings:

The Fayette County Code Enforcement Agency shall hold its regular meetings at the Fayette County Commission Chambers at 1:00 p.m. on the second Monday of each month or at such other time and place as the Fayette County Code Enforcement Agency may fix therefore.

Section 2. Special Meetings:

Special meetings of the Fayette County Code Enforcement Agency may be called by the County Administrator, or upon the request of two (2) members; and at least one (1) days' notice thereof shall be given by telephone or by E-mail.

Section 3. Quorum:

A quorum shall consist of any four (4) members entitled to vote on any matter properly coming before the Agency at any meeting of the Fayette County Code Enforcement Agency.

Section 4. Procedures for Meetings:

All meetings of the Code Enforcement Agency shall be conducted in compliance with the West Virginia Open Governmental Proceedings Act, sometimes called the Open Meetings or "Sunshine" Act, West Virginia Code §§ 6-9A-1 through 12.

Article III: Duties of Code Enforcement Agency

Section 1. Purpose:

The purpose of the Code Enforcement Agency is to secure adequate protection of the Public Health, Safety, Welfare and the Environment within Fayette County from any existing or threatened Public Nuisance or any Endangerments to the Public Health, Safety, Welfare, or the Environment addressed in, and otherwise enforcing the provisions of, the Fayette County Comprehensive Public Nuisance Abatement Ordinance, and any other Ordinances properly enacted by, or any Orders properly issued by, the Fayette County Commission and committed thereby to the jurisdiction of the Fayette County Code Enforcement Agency.

Section 2. Investigations when directed by the Fayette County Commission:

When so directed by the Fayette County Commission, any member or authorized agent of the Code Enforcement Agency shall make appropriate inspections and investigations, or cause appropriate inspections and investigations to be made, under their direction and control, of such places, conditions, locations, structures, objects or activities from time to time at any place in Fayette County as the County Commission may designate to determine whether any condition exists or activity is being engaged in which constitutes a Public Nuisance as defined under state law or under any Fayette County ordinance.

Section 3. Duty of Members acting on their authority:

Any authorized member or agent of the Code Enforcement Agency from time to time may make reasonable and appropriate inspections and investigations, or cause reasonable and appropriate inspections and investigations to be made, under their direction and control, of such places, conditions, locations, structures, objects or activities within or affecting Fayette County where there exists reasonable grounds for suspecting that any condition exists or activity is being engaged in that constitutes or may constitute a Public Nuisance as defined under state law or under any Fayette County ordinance.

Section 4. Duty of Members acting on receipt of responsible complaint

Upon receipt by the Fayette County Code Enforcement Agency or any member or authorized agent thereof of a report in writing made by any responsible Person, as that term is defined in the Fayette

County Comprehensive Public Nuisance Abatement Ordinance, who has reasonable grounds to conclude, believe, or suspect that: **(1)** there exists at any place in Fayette County a Public Nuisance as defined by state law or under any Fayette County ordinance; or **(2)** that any Person may be in imminent danger of physical harm by reason of a known or suspected Public Nuisance; any authorized member or agent of the Code Enforcement Agency as may be designated either by the Fayette County Commission or by formal resolution of the Code Enforcement Agency shall timely and competently make, or cause to be made, reasonable and appropriate inspections and investigations of such places, conditions, locations, or activities at any place in Fayette County that are the subject of the complaint to determine whether any condition exists or activity is being engaged in which constitutes a Public Nuisance under state law or other county ordinance, provided, that such report is signed by the Person requesting the inspection and the report of such Person alleges in sufficient detail: **(i)** the facts believed to constitute a Public Nuisance as defined and declared by county ordinance or by operation of state law; **(ii)** the place or places where the Public Nuisance condition exists, or the Public Nuisance activity is being engaged in; and **(iii)** if known, the names of the Persons causing, creating, maintaining, committing, or contributing to the Public Nuisance as defined and declared by county ordinance, and the name of the owner(s) of the property upon which the Public Nuisance condition exists or Public Nuisance activity is being conducted.

Article IV: Order of Business

Section 1. Fayette County Code Enforcement Agency Order of Business:

Unless otherwise decided by the majority vote of the Fayette County Code Enforcement Agency, the order of business at meetings of the County Enforcement Agency shall be:

1. Approval of minutes of previous meeting
2. Old business
3. New business

Article V: Conflict of Interests

Section 1. Prohibited Conflicts of Interest:

No Member of the Fayette County Code Enforcement Agency shall conduct or participate in any meeting, decision or recommendation, or vote on any matter coming before the Agency, in which the Member has a direct or indirect personal, business, financial or other interest, other than the public interest, which might exert any influence upon the Member, in any way interfere with the Member's decision-making process, or which may reasonably present the appearance of any such influence or interference. Any actual or potential conflict of interest shall be disclosed to the Members of the Fayette County Code Enforcement Agency immediately upon Member's discovery of such conflict.

Section 2. Prohibited Interest in any Public Contract of the Code Enforcement Agency:

No Member or Authorized Agent of the Fayette County Code Enforcement Agency may have, hold, accept, solicit, offer, or receive any direct or indirect, conditional or unconditional, personal or financial interest of any kind in any public contract, any part of the administration, supervision, granting or termination of which is under the jurisdiction of the Fayette County Code Enforcement Agency. Any Member or Authorized Agent of the Fayette County Code Enforcement Agency who has any grounds to know, believe or reasonably suspect that any Member or Authorized Agent

of the Fayette County Code Enforcement Agency has or has had, held, accepted, solicited, offered, or received any such interest, or will in the future, shall promptly and fully report such grounds to the Office of Fayette County Prosecuting Attorney.

Article VI: Freedom from Improper Influence

Section 1. Illegal or Improper Communication to any Member or Authorized Agent:

Any Member or Authorized Agent of the Fayette County Code Enforcement Agency who receives any communication that expresses or implies any threat or intimidation of any kind, or that offers any consideration or promise of consideration with respect, directly or indirectly, to any matter before, or ever likely to come before, the Fayette County Code Enforcement Agency shall forthwith report such communication to the Office of the Fayette County Prosecuting Attorney.

Section 2. Improperly Interfering with or Impeding Proper Performance of Public Duties:

If any Member or Authorized Agent of the Fayette County Code Enforcement Agency knows or reasonably suspects that any Person, as that term is defined in the Fayette County Comprehensive Public Nuisance Abatement Ordinance, is improperly interfering with or impeding, or has improperly interfered with or impeded, or threatens in the future to improperly interfere with or impede any Member or Authorized Agent of the Fayette County Code Enforcement Agency in the performance any official duty or responsibility, such Member or Authorized Agent shall immediately report such knowledge or suspicion to both the Office of the Fayette County Prosecuting Attorney and to the Sheriff or any Deputy Sheriff of Fayette County.

Section 3. Prohibited *Ex Parte* Communication Regarding any pending Rulemaking Matter:

In the event that any Member of the Fayette County Code Enforcement Agency receives any information from any source outside the Fayette County Code Enforcement Agency, its staff, Authorized Agents or Legal Counsel, that relates, directly or indirectly, to any rulemaking matter then presently pending or coming before the Code Enforcement Agency, other than through the formal, authorized channels for submission of information to the Code Enforcement regarding any rulemaking matter, shall promptly submit all such information received to the Fayette County Code Enforcement Agency.

Section 4. Prohibited *Ex Parte* Communications Regarding any Pending Adjudicatory or Enforcement Matter:

No Member of the Fayette County Code Enforcement Agency should allow any Person, as that term is defined in the Fayette County Comprehensive Public Nuisance Abatement Ordinance, other than another Member or Legal Counsel for the Code Enforcement Agency, to present to such Member any information that relates directly or indirectly to any official adjudicatory or enforcement proceeding pending or coming before the Code Enforcement Agency other than through the formal, authorized channels for submission of such information on adjudicatory or enforcement matters before the Code Enforcement Agency. In the event that any Member of the Fayette County Code Enforcement Agency receives any such information from any source outside the Fayette County Code Enforcement Agency, its staff, Authorized Agents or Legal Counsel, that relates, directly or indirectly, to any adjudicatory or enforcement matter then presently pending or

coming before the Code Enforcement Agency shall forthwith report such communication or attempted communication to the Office of the Fayette County Prosecuting Attorney.

Article VII: Confidentiality

Section 1. Confidentiality of Communications During Executive Sessions of the Agency:

All official actions taken by the Fayette County Code Enforcement Agency will be done in a public meeting. From time to time as allowed under West Virginia law, the Fayette County Code Enforcement Agency will meet in Executive Session. The Members and Authorized Agents of the Fayette County Code Enforcement Agency shall maintain confidentiality of all matters discussed in Executive Session, unless the Code Enforcement Agency, by majority vote, authorizes the public or private disclosure of any such matters and communications.

Article VIII: Amendments

These Bylaws may be amended by vote of a majority of the Fayette County Code Enforcement Agency in publicly-notice, regular meeting assembled.