

**AN ORDINANCE OF COUNCIL AMENDING, MODIFYING AND RE-ENACTING
ARTICLE 534 OF THE CODIFIED ORDINANCES OF THE CITY OF HUNTINGTON,
AS REVISED, REGARDING JUNK STORAGE.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HUNTINGTON,
CABELL AND WAYNE COUNTIES, WEST VIRGINIA,** that Article 534 of the Codified
Ordinances of the City of Huntington, as revised, is hereby **AMENDED, MODIFIED AND RE-
ENACTED** to read as follows:

**ARTICLE 534
JUNK STORAGE**

534.01	Authority
534.02	Purpose
534.03	Definitions
534.04	Prohibited Acts
534.05	Exclusions
534.06	Enforcement
534.99	Penalty

534.01 AUTHORITY

This ordinance is adopted pursuant to the authority granted the City of Huntington in West Virginia Code §§8-12-5(13), 8-12-5(15), 8-12-5(23), and 8-12-5(44).

534.02 PURPOSE

(a) The City of Huntington hereby declares that a clean, wholesome and attractive environment is of vital importance to the continued general welfare of its citizens, and that regulation of the outdoor storage of junk, rubbish, clutter, litter or debris, regardless of quantity, is hereby prohibited within the sight of persons lawfully traveling the public roads or within sight of one or more neighboring properties anywhere within the City of Huntington and declares the same to be a nuisance and a fire hazard.

(b) By adoption of this ordinance, the City of Huntington declares its intent to preserve and promote a reasonable quality of environment and aesthetics and to prohibit actions and conduct that tend to depreciate not only the property on which it is located but also the property of other persons in the neighborhood and community generally.

534.03 DEFINITIONS

1. **Enclosed porch or balcony** shall mean a platform located at and attached to or abutting against the entrance to a building, completely covered by a roof and completely enclosed by fully intact glass and/or fully intact screens. Screens are framed wire mesh or framed plastic mesh used to keep out insects and permit airflow.

2. **Enforcement officer** shall mean employees of the Inspections and Compliance Division as well as members of the Huntington Police Department and any persons appointed by the Mayor to enforce the provisions of this ordinance.

3. **Front yard** shall mean that part of the property whereby the front of the house faces the public street and encompasses that open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

4. **Open Storage** shall mean such storage or accumulation which is visible from any public street or sidewalk or from any adjoining property.

5. **Owner** shall mean the actual owner, agent or custodian of the property, whether individual or partnership association, corporation or other entity of any other kind.

6. **Person** shall mean an individual, partnership, association, corporation, or entity of any other kind.

7. **Yard** shall mean any open, unoccupied space, other than a court, unobstructed from the ground to the sky, on a lot on which a building is situated.

534.04 PROHIBITED ACTS

No person in any residentially zoned district shall store, open store, collect, park, leave, deposit, maintain, reserve, put aside for future use, permit, allow, or suffer to remain on any porch, balcony, roof, or in a yard or front yard except in a completely enclosed building or structure, any:

(1) Lumber or other building materials except those related to projects for which a valid building permit has been issued. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used for construction. Exception to this subsection is firewood for the personal use of the resident;

(2) Equipment or materials used in the construction trade;

(3) Upholstered furniture, mattresses, materials and other similar products not designed, built and manufactured for outdoor use unless such is in an enclosed porch or balcony. Items intended for outdoor usage may be allowed to occupy the front yard if they are located entirely upon porches, decks, patios, and patios. Items intended for outdoor usage that are not located upon porches, decks, patios, and decks within the front yard will be allowed only if accompanied by the user but may not remain in such front yard overnight with the exception of items intended and designed for outdoor decorative purposes.

534.05 EXCLUSIONS

Article 534 shall not apply to the storage or placement on the premises of the following material(s):

1. Wood intended for consumption in a wood-burning stove, furnace or fireplace located in a building on the premises;
2. Lawn or yard or garden ornaments and implements;
3. Lawn and patio furniture;
4. Standing fences;
5. Hoses and sprinklers used for watering lawns or gardens;
6. Storage or placement and accumulation of materials in connection with a

- commercial operation duly conducted on the premises where such storage, placement and accumulation are expressly permitted by the City of Huntington; and
7. Construction materials and equipment used for the construction or renovation of a building on the premises for which a building permit has been issued.

534.06 ENFORCEMENT

(a) Enforcement Officer: This law may be enforced by an individual duly appointed by the City of Huntington. Said persons shall have the authority to enforce the provisions of this chapter and to inspect premises within the municipality as necessary for said enforcement. The enforcement officer shall make periodic inspections of the City of Huntington to ensure that the requirements of this law are met.

(b) Complaints: Any person may file a complaint with Inspections and Compliance Division that a violation of this ordinance may have taken place. The complaint shall be forwarded to an enforcement officer who shall properly investigate any such complaint. The enforcement officer may also investigate any alleged violation that he or she has reason to believe has occurred or is occurring. If a violation of the said ordinance is found to exist by the enforcement officer, a Notice to Comply shall be issued to said violator, giving the violator ten (10) days in which to comply with said ordinance.

(c) Notice to Comply: The written notice to comply shall contain the following information and shall be served in accordance with the laws of the State of West Virginia concerning service of process:

1. The name of the owner or occupant to whom the notice shall be addressed;
2. The location of the premises involved in the violation;
3. A statement of the facts which alleged violates the ordinance;
4. A demand that the junk be removed or placed so as to be in compliance with the law within ten (10) days after the service of the notice;
5. A statement that a failure to comply shall result in a fine and/or prosecution; and
6. A copy of the ordinance that has been violated.

(d) If the violation continues beyond the ten (10) day period, the enforcement officer is hereby authorized to issue a citation to any person whom the enforcement officer has reason to believe has violated this ordinance, and shall cause such person to appear before the Municipal Court of the City of Huntington for a hearing on the charges.

534.06 PENALTY

Any person found to be guilty violating any of the provisions of this Article shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) and/or up to Thirty (30) days in jail. Each day's continued violation shall constitute a separate offense.

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BE IT FURTHER ORDAINED that all other articles, sections and subsections of the Codified Ordinances of the City of Huntington, as revised, shall remain in full force and effect until

further Ordinance of this Council.

BE IT FURTHER ORDAINED that Article 534 shall become effective upon its adoption by Council and approval by the Mayor.

SPONSORED BY COUNCILWOMAN SANDRA CLEMENTS

APPROVED AS TO FORM BY SEM

FIRST READING 2/25/2013-UNANIMOUSLY REFERRED TO SAFETY COMMITTEE (back as 1st reading 3/11/2013 - ORDERED ADVERTISED)

SECOND READING 3/25/2013 - ADOPTED (8 yeas 0 nay, 3 absent-Ball, Clark and Bates)

DATE March 25, 2013

Barbara Nelson
BARBARA NELSON, CITY CLERK

DATE 3-25-2013

Steve Williams
STEVE WILLIAMS, MAYOR

✓
APPROVE

DATE 3/27/13

VETO