

# MONONGALIA COUNTY COMMISSION

COURTHOUSE  
MORGANTOWN, WEST VIRGINIA 26505

Robert "Bob" Bell, Commissioner  
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## MONONGALIA COUNTY TOWER ORDINANCE

Adopted April 17<sup>th</sup>, 2002. Revised May 28<sup>th</sup>, 2003; November 26<sup>th</sup>, 2003.

### I. PURPOSE

The purpose of this Section is to ensure the citizens of Monongalia County have access to wireless technology under the provision of the Telecommunications Act of 1996. This Section is also intended to protect the residents of the County from the proliferation of freestanding towers, which detract from the beauty of the County.

The goals of this ordinance are to:

- Encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the County;
- Encourage co-location of new and existing tower sites;
- Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact within the County is minimal;
- Encourage users of towers and antennas to minimize the adverse visual impact of the towers and antennas by using stealth designs; and
- Provide adequate site location opportunities for the provision of telecommunication services with minimal negative impact on the resources of the County.

### II. APPLICABILITY

- Height Limitations:* The requirements set forth in this ordinance shall govern the location of all new towers.
- Amateur Radio Antennas (<100')*: This ordinance shall not govern any antenna, less than one hundred (100) feet, that is owned and operated, exclusively, by a federally licensed amateur radio station operator.
- Amateur Radio Antennas (>100')*: This ordinance shall govern any antenna, one hundred (100) feet or greater in height, that is owned and operated by a federally licensed amateur radio station operator.
- New antenna* that locates on an existing tower.
- Towers in existence* on the effective date of this ordinance are required to comply with this Section in the event they increase in height beyond the height of the existing tower as measured on the effective date of this ordinance.
- Temporary towers* are required to comply with this Section.
- Mobile towers* are not required to comply with this Section.

**III. APPROVING BODY**

For the purposes of this Section, the approving bodies are the Monongalia County Planning Commission (MCPC) and the County Planning Official.

- A. Applications subject to MCPC approval include the following:
  - 1. A new tower greater than one hundred (100) feet in height; and,
  - 2. Extending the height of an existing tower greater than forty (40) feet above its existing height.
  - 3. The MCPC preliminary approval, public hearing, and final approval procedures are set forth in Section XI of this Ordinance.
- B. The County Planning Official will review and approve or reject, within fifteen (15) business days from the date of receipt of a completed application, all administratively approved applications. No public hearings are required for administratively approved applications. Applicants subject to administrative approval include the following:
  - 1. New antenna locating and co-locating on an existing tower or alternative antenna support structures.
  - 2. New alternative antenna support structures.
  - 3. New antenna installed on a structure other than a tower; provided the antenna and supporting electrical and mechanical equipment must be of a neutral color that is closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - 4. Towers that are extended in height up to forty (40) feet beyond existing height as measured on the effective date of this Ordinance.
  - 5. New towers that are up to one hundred (100) feet in height.
  - 6. Replacement of an existing tower to accommodate a co-location opportunity. Replacement tower must not exceed forty (40) feet greater than the existing tower. The replacement tower must be built on the same property within one hundred (100) feet of the existing tower. The existing tower must be removed after the replacement tower is constructed and service providers are on the air.

**IV. DEFINITIONS**

- Alternative Antenna Support Structure:* Man-made trees, clock towers, bell steeples, light poles, flag poles, signs, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- Antenna:* Any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- Collapse Zone:* An area delineated on the applicant's site plan illustrating where the tower may collapse based on the site and

	design specifications stamped by a licensed engineer.
<i>Co-locate:</i>	To locate wireless communications equipment from more than one provider on a single site.
<i>Co-location:</i>	The use of a tower or alternative antenna support structure by more than one telecommunications provider.
<i>Communications Antenna:</i>	Any device used to collect or radiate electromagnetic waves, including directional antennae, microwave dishes and satellite dishes, and omnidirectional antennae.
<i>Habitable Structure:</i>	Any building that is used, or designed, or intended to be used for human habitation, for living, sleeping, cooking, or eating purposes, or any combination thereof.
<i>Non-construct Zone:</i>	The perimeter of a proposed tower where an existing habitable structure is located within a distance equal to 200% of the proposed tower's height
<i>Radio Frequency (RFP) Propagation Map:</i>	A multicolored map depicting a visual representation of the proposed coverage area and signal strength within the proposed coverage area, regularly used by radio frequency engineers when designing a communications network.
<i>Stealth:</i>	Shall mean concealed, camouflaged wireless telecommunication facilities designed so that the facilities have the appearance of a structure other than a telecommunications facility and in such a manner that is consistent with the existing landscape, streetscape, or development pattern.
<i>Tower:</i>	Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers,

common-carrier towers, cellular telephone towers, and the like.

*Tower, Abandoned:*

Any tower not in service. A tower not in service may be characterized as not having any antennas (panel type and whip type), or any other device that looks like an antenna, on the tower.

*Tower, Guyed:*

Any tower using wire guys connecting above grade portions of a tower diagonally with the ground to provide support for tower and/or antennae.

*Tower Height:*

Measured from the base on which the tower is mounted to the top of the tower or other structure, even if the highest point is an antenna or lightning rod, whichever is greater.

*Tower, Lattice (Self-support):*

Structure that generally has three or four legs consisting of vertical, horizontal, and diagonal cross strips or bars that is designed to support communication antenna arrays. The structure legs are anchored to concrete and steel foundations (caissons) embedded into the soil.

*Tower, Mobile:*

Any tower capable of being transported in, or by, a motor vehicle. A mobile tower parked for more than twenty-four hours will be classified as a *temporary tower*.

*Tower, Monopole:*

Structure that consists of a single freestanding pole designed to support communication antennae arrays. The structure is anchored to a single concrete and steel foundation (caisson) embedded into the soil.

*Tower, Temporary:*

Towers standing for sixty (60) consecutive days or less.

## **V. TOWERS, GENERAL**

The provisions of this Section shall apply to all towers erected in the County after the effective date of this ordinance.

- A. The County Planning Official, upon request by the applicant, will provide a list of the information required for the submission of an application for approval of a new tower.
- B. Applicants shall be encouraged to use stealth designs, particularly within residential neighborhoods and near habitable structures. Stealth designed towers shall be permitted within a non-construct zone but shall not be permitted where an existing habitable structure is located within its collapse zone.
- C. All lattice, monopole, and guyed towers shall not be permitted within a non-construct zone except TV, CB, and amateur radio antennas for personal use that are less than 100 feet, assuming such antennas are not a safety factor to neighboring structures.
  - 1. Hardship Waiver – An approving body may grant a waiver to the non-construct zone requirement only when the applicant can adequately document to the satisfaction of the Approving Body that the non-construct zone requirement constitutes an undue hardship based on:
    - a. The unavailability of co-location opportunities – A technical report must be provided by a radio frequency or comparable engineer documenting that a co-location is not available in providing seamless service; or,
    - b. The unavailability of sites – A technical report must be provided documenting that sites, which would comply with the non-construct zone provision, are not available in providing seamless service; or,
    - c. Construction constraints – A technical report must be provided by an engineer demonstrating that construction constraints (i.e., subsoil conditions, available access, etc.) make compliance unattainable.

No tower shall be located where an existing habitable structure is located within the collapse zone. Further, the approving body granting a hardship waiver must require, to the extent feasible, that the applicant utilize an acceptable stealth design.
- D. Each applicant for a new tower shall provide, to the County Planning Official, an inventory of its existing towers that are within a three (3) air mile radius of the proposed site.
- E. The owner shall maintain the tower in compliance with standards contained in applicable Federal and State regulations.
- F. As a condition of issuing a permit to construct or operate a tower in the County, the owner/operator of the tower is required to design and allow co-location until said tower has reached maximum structural capacity. Tower designs shall, at a minimum, provide co-location opportunities as provided below:

One carrier .....	Stealth Tower ≤ 100' in height
Two carriers .....	Stealth >100' in height Monopole ≤ 200' in height
Three carriers.....	Monopole > 200' in height All lattice towers

- G. All towers must meet or exceed current standards and regulations of the American National Standards Institute.
- H. All applications for new towers shall include:
1. A map illustrating the location of the site for the proposed tower. The site shall be physically and visually marked in the field, for immediate identification, with any combination of survey irons or flags.
  2. Explanation from the applicant as to why the site was selected. No new tower shall be permitted unless the applicant submits evidence that demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna.
  3. A written commitment to the County Planning Official from the owner/operator of the tower that the owner/operator shall allow co-locations on the tower where structurally and economically feasible.
  4. A visual analysis, which may include photo simulation or other techniques, which identifies the potential visual impacts of the proposed tower. Visual analysis of the tower shall be from at least two (2) directions. All costs for the visual analysis shall be borne by the applicant.
  5. Radio Frequency Propagation Maps.
  6. A NEPA (National Environmental Policy Act) Environmental Compliance Checklist prepared in accordance with Section 106 of NEPA; which shall be provided prior to the issuance of a permit.
  7. A copy of the State Historic Preservation Office (SHPO) review; which shall be provided prior to the issuance of a permit.
  8. Site plans.
    - a. A *concept plan* shall be submitted with the application showing the location and dimensions of all improvements in the project area, including information concerning (if required) rights-of-way and easements, topography, setbacks, ingress/egress, parking, fencing, landscaping, and adjacent uses. Concept plan approval by the Monongalia County Planning Commission is required for applications requiring MCPC approval. Concept plan approval by the County Planning Official is required for administratively approved applications.

As part of the concept plan review, screening, fencing, or anti-climbing security features shall be required around the base of the tower and any shelters. Security fencing shall not be less than six (6) feet in height.
    - b. A *final site plan*, sealed by a licensed professional engineer, shall be submitted prior to the issuance of a permit. This requirement applies to applications submitted for administrative approval and MCPC approval. The sealed plan must show the location and dimensions of all improvements in the project area, including information concerning (if required) rights-of-way and easements, topography, setbacks, ingress/egress, parking, fencing, landscaping, the collapse zone, the non-construct zone, and adjacent structures and uses.
  9. To insure the removal of all improvements at any abandoned tower, as provided in Section VI of this Ordinance, any applicant filing a request under this Ordinance shall, prior to the issuance of a development permit, deposit with the

County Commission and to the benefit of the County Commission, a letter of credit, a performance bond, or other security acceptable to the County Planning Official in the amount equal to the cost of the demolition and removal of the tower and facilities. Any guarantee submitted shall be irrevocable and shall provide for the County Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee. In the case of a performance bond, the applicant shall provide the County Planning Official a copy of the policy stating that the bonding agent must provide a thirty (30) day notification of cancellation to the County Planning Official.

10. A completed "Address Assignment Form" from the Office of Emergency Management/MECCA 9-1-1.
- I. Signs shall be provided per Federal Communications Commission (FCC) requirements.
- J. Towers should be sited within or adjacent to areas of mature vegetation. Towers should only be considered elsewhere on the property when technical data or aesthetic reasons indicate there is no other preferable location.
- K. The following requirements shall govern the landscaping surrounding towers:
  1. Towers shall be landscaped within six (6) months after the tower is erected with a visual buffer of plant materials that effectively screens the view of the shelters from adjacent property. The standard visual buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing (if provided) enclosing the facilities. The visual buffer strip shall include trees eight (8) feet tall and ten (10) feet apart and a contiguous hedge three (3) feet deep capable of growing three (3) feet high within eighteen (18) months planted in front of the trees.
  2. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the MCPC, or County Planning Official in cases of administrative approval, may determine the natural growth around the property perimeter may be a sufficient visual buffer without the need for additional landscaping or screening.
  3. Existing trees within 200 feet of the tower shall not be removed except as needed to construct towers, install ingress/egress and utilities, and to maintain the operation of the structure.
- L. The design and lighting requirements set forth in this section shall govern the installation of all towers and antennas governed by this ordinance.
  1. Towers, except alternative antenna support structures, shall maintain a galvanized steel finish subject to the standards of the Federal Aviation Administration (FAA).
  2. At a facility site, the design of the shelters shall, to the extent possible, use materials, colors, and textures that will blend the tower facilities to the natural setting and surrounding structures.
  3. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, lighting methods shall be used that would cause least disturbance to surrounding uses; provided the lighting meets FAA requirements.

4. No advertising of any type may be placed on the tower, shelter, or fence. Identification signs required by the FCC are exempt from this provision.
  5. Towers shall be designed to collapse within the lot lines or lease area in case of structural failure.
- M. A Memorandum of Lease Agreement shall be recorded in the Office of the Monongalia County Clerk in a form approved by the County Planning Official prior to the issuance of a permit.

## **VI. REMOVAL OF ABANDONED ANTENNAS AND TOWERS**

- A. Any contract with an owner of property upon which a tower is to be constructed, shall include a provision that specifies, in the case of abandonment, the method that will be followed for dismantling and removing the tower, including a timetable for removal.
- B. Any antenna or tower that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the County Planning Official notifying the owner of such abandonment. The County Planning Official may, at his or her discretion, extend said timeframes for the purpose of sustaining the legislative intent provided herein.
- C. Tower removal shall include all improvements above ground and to three (3) feet below grade.
- D. Failure to remove an abandoned antenna or tower within said ninety days shall constitute a forfeiture of the security issued by the applicant under Section V, Paragraph H., and Subparagraph 9 above. Removal costs that exceed the amount of said security shall remain the responsibility of the applicant.
- E. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

## **VII. DAMAGED/DESTROYED TOWERS**

- A. Any tower damaged/destroyed by vandalism, terrorism, faulty construction or design, wind, ice, snow, earthquake, fire, or other act of nature or God, that was completely operational/functional at the time of the damage/destruction, must be repaired or replaced within twelve (12) months of damage/destruction. If the tower is not repaired or replaced within twelve (12) months, the requirements set forth in Section VI "Removal of Abandoned Antennas and Towers" above shall apply.
- B. If the tower is repaired or replaced within twelve months of damage/destruction, no permits, applications, reviews, or fees will be required as long as the tower is reconstructed to meet the requirements of this Section.



## **VIII. REPLACEMENT TOWERS**

- A. Any tower can be replaced with a similar tower for reasons of structural integrity or advances that have been made in technology since the installation of the existing tower.
- B. Replacement towers must meet the requirements of this Ordinance.
- C. Replacement towers must receive administrative approval and are subject to the fee schedule in this Ordinance.

## **IX. FEES**

- A. Fees to be paid to the County Planning Official (due at the time the application is submitted to the County Planning Official) shall be \$500.00 for an application fee. This application fee applies to all new towers, replacement towers, extension of existing towers, alternative antenna support structures, antenna installed on a structure other than a tower, and co-locations on existing towers or alternative antenna support structures. The application fee is non-refundable. A \$20 application fee is required for TV, CB and amateur radio towers for personal use that are more than 20 feet but less than 100 feet.
- B. Prior to the issuance of a development permit under this ordinance, a \$2,000.00 development permit fee is required for all new towers, replacement towers, extension of existing towers, and alternative antenna support structures. TV, CB and amateur radio towers for personal use that are less than 100 feet are exempt from the development permit fee.
- C. Each co-location on an existing or new tower or alternative antenna support structure requires no development permit fee.
- D. Antenna installed on a structure other than a tower requires no development permit fee.
- E. Temporary towers require a \$50.00 application fee. The application fee is non-refundable. Development permit fees are not required for temporary towers.
- F. Other than the application and development permit fees listed in Sub-sections IX.A through IX.E above, no other fees, charges, or permits shall be imposed by the County Planning Official for the construction or installation of new towers or antennas.
- G. Special expert consultants and costs – An approving body may retain special expert consultants as it deems necessary to provide assistance in the review of site location alternative analysis. Application fees may be reasonably increased to cover the costs of staff and/or special expert consultant review of requests filed under this Ordinance.

## **X. ENFORCEMENT PROVISIONS**

- A. It shall be the duty of the County Planning Official to enforce this Ordinance and to bring to the attention of the County Commission and the County Prosecuting Attorney any violations or lack of compliance. Any person, firm, or corporation who fails to comply with or violates any provision of this Ordinance or direction of the County Planning Official or any other authorized employee of the county shall be guilty of an offense and, upon conviction, shall pay a fine to the Sheriff of Monongalia

County of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) plus the cost of prosecution.

- B. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal use of a tower, and these remedies shall be in addition to the penalties described above.
- C. If, after the Notice of Violation has been duly issued and/or posted, the violation of this Ordinance continues or is allowed to occur, the County Planning Official or designee may seek, with the assistance of the County Prosecuting Attorney, an injunction in the Monongalia County Circuit Court to restrain a person or unit of government from violating the provisions of this Ordinance. The County Planning Official, with the assistance of the County Prosecuting Attorney, may also seek a mandatory injunction in the Circuit Court directing a person or unit of government to remove a structure erected in violation of the provisions of this Ordinance. If the Planning Official is successful in any such suit, the respondent shall bear the costs of the action.
- D. Each day during which any violation of this Ordinance continues constitutes a separate offense. The imposition of a fine or penalty for any violation of or noncompliance with this Ordinance shall not excuse the violation or noncompliance or permit it to continue; any and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time.
- E. Any use or structure constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance, may be declared by the Monongalia County Commission to be a public nuisance, abatable as such, and the owner of the building, land, or premises shall be liable for maintaining a public nuisance.
- F. Nothing contained herein shall prevent the County from taking other lawful action as necessary to prevent or remedy any violation.

#### **XI. PLANNING COMMISSION APPROVAL PROCESS**

- A. A pre-application meeting for all new tower applications shall be required between the applicant and the County Planning Official.
- B. Applications requiring approval by the Monongalia County Planning Commission (MCPC):
  - 1. Preliminary approval shall either be granted or denied by the MCPC upon review of all preliminary application elements. Preliminary application and associated checklists shall be in a format acceptable to the County Planning Official. The MCPC may table a preliminary approval request for further study.
  - 2. Upon preliminary application approval, the MCPC shall hold at a later date a duly advertised public hearing prior to final approval.
    - a. The applicant shall submit to the Planning Office a list of the property tax map and parcel numbers and owners' names and addresses, as of record in the

office of the Monongalia County Assessor, located within 500 feet from the location of the proposed tower. The applicant must also submit a stamped envelope for each of the names and addresses of property owners within the 500 feet perimeter. If the list includes a lot within a subdivision with a homeowners' association, the applicant must submit the name of the president of that subdivision's homeowners association along with a stamped and addressed envelope for that member.

- b. The Planning Office shall publish, at least fifteen (15) days prior to the date set for the public hearing, a notice of the date, time, and place of the public hearing as a Class I legal advertisement in compliance with the provisions of WV Code §59-3-1, et. seq. At the same time the legal advertisement is submitted to the newspaper for publication, the Planning Office shall mail a notice of the public hearing to the property owners located within 500 feet of the location of the proposed tower and the president of the homeowners' association(s), if applicable, by using the prepared envelopes submitted by the petitioner with the initial application for appeal.
3. After a duly advertised public hearing is conducted, the MCPC shall either grant or deny a final approval request upon review of final application elements. Final application and associated checklists shall be in a format acceptable to the County Planning Official. The MCPC may table a final approval request for further study. Final approval may be granted by the MCPC with contingencies associated with the provisions of this Ordinance.

## **XII. FILING PROCEDURE FOR AN APPEAL OF A DECISION BY AN APPROVING BODY**

- A. An appeal taken from any order, requirement, decision, or determination made by an Approving Body charged with the enforcement of this ordinance shall be filed with the Planning Office. The initial application for appeal must be submitted on forms prescribed by the Planning Office and be accompanied by a \$300 fee. The appeal application shall specify the reasons for the request and shall be made within thirty (30) calendar days of the original action in question unless otherwise prescribed by the Planning Commission by general rule and regulation. The Planning Commission shall maintain appellate authority over administrative decisions; the County Commission shall maintain appellate authority over Planning Commission decisions.
- B. The petitioner shall include in the initial application for appeal a list of the property tax map and parcel numbers and owners' names and addresses, as of record in the office of the Monongalia County Assessor, located within 500 feet from the location of the proposed tower. The applicant must also submit a stamped envelope for each of the names and addresses of property owners within the 500 feet perimeter. If the list includes a lot within a subdivision with a homeowners' association, the applicant must submit the name of the president of that subdivision's homeowners association along with a stamped and addressed envelope for that member.
- C. The Planning Office shall publish, at least fifteen (15) days prior to the date set for the public hearing, a notice of the date, time, and place of the public hearing as a Class I legal advertisement in compliance with the provisions of WV Code §59-3-1, et. seq. At the same time the legal advertisement is submitted to the newspaper for publication, the Planning Office shall mail a notice of the initial appeal and hearing to

the property owners located within 500 feet of the location of the proposed tower and the president of the homeowners' association(s), if applicable, by using the prepared envelopes submitted by the petitioner with the initial application for appeal. Mailed notifications shall only be required for the initial public hearing. Published legal notices shall be required prior to public hearings before the Planning Commission and the County Commission.

- D. The appellate authority shall hold a duly scheduled public hearing on the appeal to take testimony from interested parties prior to rendering its decision.
- E. If the appellate authority decides to uphold the original decision, the original decision stands and the petitioner's appeal is denied. The petitioner is formally notified by mail by the Planning Official or designee of the appellate authority's decision, its findings of fact, and the petitioner's right to appeal the decision to the next appellate authority within thirty (30) days.
- F. If the appellate authority reverses or modifies the original decision, the appeal stands as approved by the appellate authority. The petitioner is formally notified by mail by the Planning Official or designee of the appellate authority's decision, its findings of fact, and the petitioner's right to appeal the decision to the next appellate authority within thirty (30) days. Should the appellate authority reverse the original decision in whole, 50 percent of the filing fee shall be refunded to the petitioner.
- G. When an application for appeal has been filed with the Planning Office, all proceedings and work on the premises in question shall be stayed, i.e., stopped (by written notice of the Planning Official or designee and sent to the applicant by certified mail).

### **XIII. LIABILITY**

- A. The County Planning Official, his/her designee, or members of the MCPC charged with the interpretation and enforcement of this Ordinance, acting in good faith and without malice in the discharge of the duties described in this Ordinance, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the County Planning Official, his/her designee, or members of the MCPC in the enforcement of any provision of such Ordinance shall be defended by the County Commission and the County Prosecuting Attorney, or designee, until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County Commission.
- B. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the County Planning Commission, the County Planning Office, the County Planning Official, his/her designee, or the County Commission be held as assuming any such liability by reason of the reviews or permits issued under this Ordinance.

**XVI. CONFLICTS WITH OTHER ORDINANCES**

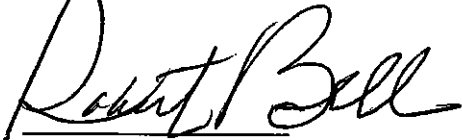
If any conflicts between this Ordinance and any other County Ordinance, or part thereof, arise, the provisions of this Ordinance shall prevail.

This ordinance shall become effective on and after passage and upon adoption by the Monongalia County Commission.

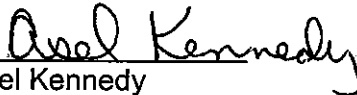
PASSED by the County Commission of Monongalia County, West Virginia on FIRST READING on the 24th day of August, 2005.

A SECOND READING and public hearing was held on the 7th of September, 2005, after notice of a public hearing on said ordinance was published as a Class II Legal Advertisement and upon motion of Commissioner Pyles and seconded by Commissioner Kennedy.

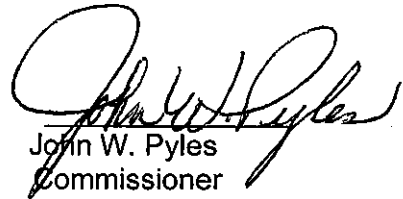
Following said public hearing on a motion of Commissioner Pyles, seconded by Commissioner Kennedy, it is now ordered that the aforesaid amended ordinance be, and hereby is, Approved and Adopted by the County Commission of Monongalia County, West Virginia.



Robert L. Bell  
President



Asel Kennedy  
Commissioner



John W. Pyles  
Commissioner

ADOPTED: September 7, 2005