NOTE BY CLERK OF THE HOUSE OF DELEGATES.

All other laws of the session are published in a separate volume.
List of Members and Officers of the Legislature of West Virginia

1929

SENATE

President—M. Z. White, Williamson.
Clerk—M. S. Hodges, Franklin.
Sergeant-at-Arms—Roscoe C. Mulcahy, Buffalo.
Doorkeeper—A. S. McDougal, Harrisville.

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>NAME</th>
<th>POST OFFICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>First....</td>
<td>Wright Hugus, (R)</td>
<td>Wheeling</td>
</tr>
<tr>
<td></td>
<td>*W. Edwin Wells, Jr., (R).</td>
<td>Newell</td>
</tr>
<tr>
<td>Second...</td>
<td>Walter R. Reifs, (R).</td>
<td>Sistersville</td>
</tr>
<tr>
<td></td>
<td>*Evan G. Roberts, (R).</td>
<td>Moundsville</td>
</tr>
<tr>
<td>Third....</td>
<td>Albert B. White, (R).</td>
<td>Parkersburg</td>
</tr>
<tr>
<td></td>
<td>*Thomas J. Davis, (R).</td>
<td>Harvisville</td>
</tr>
<tr>
<td>Fourth...</td>
<td>Wm. E. Walker, (R).</td>
<td>Ripley</td>
</tr>
<tr>
<td></td>
<td>*Wm. Woodyard, (R).</td>
<td>Spencer</td>
</tr>
<tr>
<td>Fifth....</td>
<td>Dr. B. W. West, (R).</td>
<td>Huntington</td>
</tr>
<tr>
<td></td>
<td>*Jacob D. Smith, (R).</td>
<td>Hamlin</td>
</tr>
<tr>
<td>Sixth....</td>
<td>M. Z. White, (R).</td>
<td>Williamson</td>
</tr>
<tr>
<td></td>
<td>*L. E. Woods, (R).</td>
<td>Welch</td>
</tr>
<tr>
<td>Seventh.</td>
<td>T. H. Lilly, (R)</td>
<td>Hinton</td>
</tr>
<tr>
<td></td>
<td>*John G. Hutchinsen, (R).</td>
<td>Beckley</td>
</tr>
<tr>
<td>Eighth...</td>
<td>Walter S. Hallanan, (R).</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>*M. T. Miller, (R).</td>
<td>Madison</td>
</tr>
<tr>
<td>Ninth....</td>
<td>A. B. Abbot, (D).</td>
<td>Fayetteville</td>
</tr>
<tr>
<td></td>
<td>*Ferry N. Wiseman, (D).</td>
<td>Summersville</td>
</tr>
<tr>
<td>Tenth...</td>
<td>A. C. Herb, (D).</td>
<td>Sutton</td>
</tr>
<tr>
<td></td>
<td>*Albert G. Mathews, (D).</td>
<td>Grantsville</td>
</tr>
<tr>
<td>Eleventh</td>
<td>Ira L. Smith, (R).</td>
<td>Fairmont</td>
</tr>
<tr>
<td></td>
<td>*W. Merle Watkin, (R).</td>
<td>Grafton</td>
</tr>
<tr>
<td>Twelfth.</td>
<td>Blaine Engle, (R).</td>
<td>Clarksburg</td>
</tr>
<tr>
<td></td>
<td>*John R. Davis, (R).</td>
<td>Weston</td>
</tr>
<tr>
<td>Thirteenth</td>
<td>B. H. Hiner, (D).</td>
<td>Franklin</td>
</tr>
<tr>
<td></td>
<td>*Harry B. Martin, (R)</td>
<td>Elyria</td>
</tr>
<tr>
<td>Fourteenth</td>
<td>E. Bunker Reynolds, (R).</td>
<td>Keyser</td>
</tr>
<tr>
<td></td>
<td>*A. L. Helmick, (R)</td>
<td>Thomas</td>
</tr>
<tr>
<td>Fifteenth</td>
<td>Frank B. Robinson, (R).</td>
<td>Ranson</td>
</tr>
<tr>
<td></td>
<td>*Harry F. Honahaw, (D).</td>
<td>Bunker Hill</td>
</tr>
</tbody>
</table>

(R) Republican, (D) Democrat, (*) Holdover Senator.
Standing Committees of the Senate

ON PRIVILEGES AND ELECTIONS.

Messrs. Walker (Chairman), Woods, Wells, Roberts, Davis (of Ritchie), West, Hutchinson, Mathews and Abbot.

ON THE JUDICIARY.

Messrs. Smith (of Marion), (Chairman), Reynolds, Hugus, Engle, Smith (of Lincoln), Davis (of Ritchie), Hutchinson, Watkins, Hallanan, Lilly, Helmick, Roberts, Wiseman, Hiner and Mathews.

ON FINANCE.

Messrs. Hallanan (Chairman), Helmick, Reitz, White (of Wood), Woods, Reynolds, Robinson, Miller, Walker, Woodyard, Wells, West, Davis (of Lewis), Martin, Abbot, Henshaw and Herold.

ON EDUCATION.

Messrs. Reynolds (Chairman), Engle, Woods, Hugus, Smith (of Lincoln), Miller, Martin, Mathews and Herold.

ON COUNTIES AND MUNICIPAL CORPORATIONS.

Messrs. White (of Wood), (Chairman), Hugus, Reynolds, Hallanan, Smith (of Marion), West, Roberts, Abbot and Henshaw.

ON ROADS AND NAVIGATION.


ON BANKS AND CORPORATIONS.

Messrs. Roberts (Chairman), Hugus, Robinson, Walker, Davis, (of Lewis), Watkins, Hutchinson, Wiseman and Herold.

ON PUBLIC BUILDINGS AND HUMANE INSTITUTIONS.

Messrs. Martin (Chairman), Robinson, White (of Wood), Lilly, West, Miller, Davis (of Lewis), Roberts, Wells, Herold and Wiseman.
ON PENITENTIARY.

Messrs. Helmick (Chairman), Reynolds, Reitz, Smith (of Lincoln), Hutchinson, Watkins, Roberts, Herold and Henshaw.

ON RAILROADS.

Messrs. Helmick (Chairman), Woods, Lilly, Davis (of Lewis), Davis (of Ritchie), Walker, Hutchinson, Henshaw and Hiner.

ON MILITIA.

Messrs. Wells (Chairman), Helmick, Robinson, Davis (of Ritchie), Walker, Hutchinson, Watkins, Herold and Abbot.

ON FEDERAL RELATIONS.


ON INSURANCE.

Messrs. Engle (Chairman), Woods, Hallanan, Smith (of Marion), Helmick, Robinson, West, Abbot and Henshaw.

ON IMMIGRATION AND AGRICULTURE.

Messrs. Robinson (Chairman), Reynolds, Davis (of Lewis), Davis (of Ritchie), Walker, Smith (of Lincoln), Martin, Hiner and Wiseman.

ON MINES AND MINING.

Messrs. Wood (Chairman), Helmick, Smith (of Marion), Hugus, Hutchinson, Watkins, Miller, Abbot and Wiseman.

ON MEDICINE AND SANITATION.

Messrs. West (Chairman), White (of Wood), Hallanan, Lilly, Wells, Watkins, Davis (of Lewis), Mathews and Abbot.

ON LABOR.


ON CLAIMS AND GRIEVANCES.

Messrs. Hutchinson, (Chairman), Reitz, White (of Wood), Martin, Wells, West, Miller, Hiner and Herold.
SENATE COMMITTEES

ON FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS.
Messrs. Davis (of Lewis), (Chairman), Reynolds, Smith (of Marion), Watkins, Woodyard, Hutchinson, Smith (of Lincoln), Wiseman and Mathews.

ON PUBLIC PRINTING.
Messrs. Woodyard (Chairman), Reitz, Helmick, Hugus, Engle, West, Lilly, Abbot and Herold.

ON RULES.
Messrs. White (of Mingo), (Chairman, ex-officio), Hallanan, Smith (of Marion), Reynolds and Henshaw.

TO EXAMINE CLERK'S OFFICE.
Messrs. Smith (of Lincoln), (Chairman), Woodyard, Martin and Abbot.

ON PUBLIC LIBRARY.
Messrs. Woodyard, (Chairman), Reitz, White (of Wood), Robison, Davis (of Ritchie), Smith (of Lincoln), Hutchinson, Hiner and Wiseman.

ON TEMPERANCE.
Messrs. Miller (Chairman), White (of Wood), Woods, Engle, Wells, Smith (of Lincoln), Hutchinson, Mathews and Abbot.

ON RE-DISTRICTING.
Messrs. Hugus (Chairman), White (of Wood), Reynolds, Hallanan, Smith (of Marion), West, Woodyard, Hiner and Abbot.

ON FORESTRY AND CONSERVATION.
Messrs. Lilly (Chairman), Reitz, Hallanan, Smith (of Marion), Davis (of Lewis), Miller, Martin, Hutchinson, West, Wells, Henshaw and Wiseman.

JOINT COMMITTEE ON ENROLLED BILLS, ON THE PART OF THE SENATE.
Messrs. Smith (of Lincoln), (Chairman), Wells, Walker, Watkins and Abbot.
# House of Delegates

**OFFICERS**

Speaker—J. Wm. Cummins, Wheeling.
Clerk—L. V. Reed, Sisterville.
Sergeant-at-Arms—W. H. Hutchison, Spencer.
Doorkeeper—E. H. Knabenshue, Buckhannon.

<table>
<thead>
<tr>
<th>County</th>
<th>Members</th>
<th>Post Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbour</td>
<td>Herman J. Poling, (D)</td>
<td>Philippi</td>
</tr>
<tr>
<td>Berkeley</td>
<td>Charles Beard, (R)</td>
<td>Martinsburg</td>
</tr>
<tr>
<td>Boone</td>
<td>L. J. Rice, (R)</td>
<td>Martinsburg</td>
</tr>
<tr>
<td>Braxton</td>
<td>E. E. White, (D)</td>
<td>Madison</td>
</tr>
<tr>
<td>Brooke</td>
<td>L. T. Harvey, (D)</td>
<td>Sutton</td>
</tr>
<tr>
<td>Cabell</td>
<td>J. C. Dean, (D)</td>
<td>Frametown</td>
</tr>
<tr>
<td>Calhoun</td>
<td>James L. Deuley, (R)</td>
<td>Weirsburg</td>
</tr>
<tr>
<td>Clay</td>
<td>R. Lee Beubring, (R)</td>
<td>Huntington</td>
</tr>
<tr>
<td>Doddridge</td>
<td>Ralph R. Robison, (R)</td>
<td>Huntington</td>
</tr>
<tr>
<td>Fayette</td>
<td>M. F. Leonard, (R)</td>
<td>Huntington</td>
</tr>
<tr>
<td>Gilmer</td>
<td>R. F. Brimmer, (R)</td>
<td>Milton</td>
</tr>
<tr>
<td>Grant</td>
<td>J. L. Reed, (R)</td>
<td>Proctor</td>
</tr>
<tr>
<td>Greenbrier</td>
<td>W. T. Sheppard, (D)</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Hampshire</td>
<td>Caudy G. Davis, (D)</td>
<td>Alderson</td>
</tr>
<tr>
<td>Hancock</td>
<td>Thomas F. McKenzie, (R)</td>
<td>New Cumberland</td>
</tr>
<tr>
<td>Hardy</td>
<td>J. D. Chipley, (D)</td>
<td>Moorefield</td>
</tr>
<tr>
<td>Harrison</td>
<td>Karl B. Kyle, (R)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td>Jefferson</td>
<td>Harvey W. Harmar, (R)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td>Kanawha</td>
<td>E. Leslie Long, (R)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td>Jackson</td>
<td>James W. Bartlett, (R)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td>Jefferson</td>
<td>Harry Riley, (R)</td>
<td>Ripley</td>
</tr>
<tr>
<td>Kanawha</td>
<td>Earl M. McGlothlin, (R)</td>
<td>Ravenswood</td>
</tr>
<tr>
<td>Kanawha</td>
<td>U. S. Martin, (D)</td>
<td>Shepherdstown</td>
</tr>
<tr>
<td>Lewis</td>
<td>Harold Mathews, (R)</td>
<td>Charleston</td>
</tr>
<tr>
<td>Lincoln</td>
<td>Edward Calderwood, (R)</td>
<td>Charleston</td>
</tr>
<tr>
<td>Logan</td>
<td>James O. Lakin, (R)</td>
<td>Charleston</td>
</tr>
<tr>
<td>Marshall</td>
<td>T. J. Robson, (R)</td>
<td>Charleston</td>
</tr>
<tr>
<td>Marshall</td>
<td>E. M. Keasley, (R)</td>
<td>Charleston</td>
</tr>
<tr>
<td>Mingo</td>
<td>Charles H. Payne, (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td>Lewis</td>
<td>J. W. Farnsworth, (R)</td>
<td>Weston</td>
</tr>
<tr>
<td>Lincoln</td>
<td>Kyle Topping, (R)</td>
<td>Atanwood</td>
</tr>
<tr>
<td>Logan</td>
<td>Harry S. Gay, Jr., (R)</td>
<td>Mount Gay</td>
</tr>
<tr>
<td>Marion</td>
<td>Rollo J. Conley, (R)</td>
<td>Fairmont</td>
</tr>
<tr>
<td>Marion</td>
<td>M. L. Brown, (R)</td>
<td>Fairmont</td>
</tr>
<tr>
<td>Marshall</td>
<td>Ellsworth Morgan, (R)</td>
<td>Fairmont</td>
</tr>
<tr>
<td>Marshall</td>
<td>Dr. Will F. Crew, (R)</td>
<td>Glen Easton</td>
</tr>
<tr>
<td>Mason</td>
<td>C. E. Hutchison, (R)</td>
<td>Moundsville</td>
</tr>
<tr>
<td>Mason</td>
<td>George A. Raines, (R)</td>
<td>Leon</td>
</tr>
</tbody>
</table>
# Members of the House of Delegates

<table>
<thead>
<tr>
<th>County</th>
<th>Members</th>
<th>Post Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mason</td>
<td>Russell Starkey, (R)</td>
<td>Glenwood</td>
</tr>
<tr>
<td>Mercer</td>
<td>F. M. Peters, (D)</td>
<td>Bluefield</td>
</tr>
<tr>
<td></td>
<td>Roy A. Cole, (R)</td>
<td>Monticello</td>
</tr>
<tr>
<td></td>
<td>T. E. Massie, (R)</td>
<td>Princeton</td>
</tr>
<tr>
<td>Mineral</td>
<td>O. S. W. Farenbaker, (R)</td>
<td>Keyser</td>
</tr>
<tr>
<td>Mingo</td>
<td>William B. Hoze, (R)</td>
<td>Williamson</td>
</tr>
<tr>
<td>Monongalia</td>
<td>James W. Hartigan, (R)</td>
<td>Morgantown</td>
</tr>
<tr>
<td>Monroe</td>
<td>H. S. Vandervort, (R)</td>
<td>Morgantown</td>
</tr>
<tr>
<td>Morgan</td>
<td>S. S. Busserd, (R)</td>
<td>Berkeley Springs</td>
</tr>
<tr>
<td>McDowell</td>
<td>J. W. Luther, (R)</td>
<td>Welch</td>
</tr>
<tr>
<td></td>
<td>M. H. Tabor, (R)</td>
<td>Crumpler</td>
</tr>
<tr>
<td></td>
<td>John D. Kennedy, (R)</td>
<td>Bradshaw</td>
</tr>
<tr>
<td></td>
<td>T. Edward Hill, (R)</td>
<td>Keystone</td>
</tr>
<tr>
<td></td>
<td>J. E. Brown, (D)</td>
<td>Summersville</td>
</tr>
<tr>
<td></td>
<td>John Ulrich, (R)</td>
<td>Wheeling</td>
</tr>
<tr>
<td></td>
<td>John T. Carter, (R)</td>
<td>Elm Grove, Wheeling</td>
</tr>
<tr>
<td></td>
<td>J. Wm. Cummins, (R)</td>
<td>Wheeling</td>
</tr>
<tr>
<td></td>
<td>Milton McCollooh, (R)</td>
<td>Wheeling, R. F. D.</td>
</tr>
<tr>
<td>Pendleton</td>
<td>R. M. Hiner, (D)</td>
<td>Franklin</td>
</tr>
<tr>
<td>Pleasants</td>
<td>Charles E. Fogle, (R)</td>
<td>St. Marys</td>
</tr>
<tr>
<td>Pocahontas</td>
<td>George F. Hull, (R)</td>
<td>Durkin</td>
</tr>
<tr>
<td>Preston</td>
<td>B. S. Rankin, (R)</td>
<td>Tunnelton</td>
</tr>
<tr>
<td></td>
<td>James Henry Smith, (R)</td>
<td>Buckton Mills</td>
</tr>
<tr>
<td>Putnam</td>
<td>J. Stanley Stephens, (R)</td>
<td>Buffalo</td>
</tr>
<tr>
<td>Raleigh</td>
<td>A. C. Sutphin, (R)</td>
<td>Beckley</td>
</tr>
<tr>
<td></td>
<td>Kyle D. Harper, (D)</td>
<td>Beckley</td>
</tr>
<tr>
<td>Randolph</td>
<td>Frank C. Baker, (D)</td>
<td>Elkins</td>
</tr>
<tr>
<td></td>
<td>Cyrus H. Scott, (D)</td>
<td>Elkins</td>
</tr>
<tr>
<td>Ritchie</td>
<td>Harvey Cline, (R)</td>
<td>Pennsylvania</td>
</tr>
<tr>
<td>Roane</td>
<td>Charles S. Meredith, (R)</td>
<td>Spencer</td>
</tr>
<tr>
<td></td>
<td>Grover P. Hedge, (D)</td>
<td>Spencer</td>
</tr>
<tr>
<td>Summers</td>
<td>Q. P. Vines, (D)</td>
<td>Hinton</td>
</tr>
<tr>
<td>Taylor</td>
<td>Guy D. Haymond, (R)</td>
<td>Grafton</td>
</tr>
<tr>
<td>Tucker</td>
<td>M. B. West, (D)</td>
<td>Parsons</td>
</tr>
<tr>
<td>Tyler</td>
<td>James T. Fonner, (R)</td>
<td>Middlebourne</td>
</tr>
<tr>
<td>Upshur</td>
<td>B. C. Radabough, (R)</td>
<td>Hall</td>
</tr>
<tr>
<td>Wayne</td>
<td>General H. Marcum, (D)</td>
<td>Crum</td>
</tr>
<tr>
<td></td>
<td>W. B. Smith, (D)</td>
<td>Wayne, Rte. No. 1</td>
</tr>
<tr>
<td>Webster</td>
<td>W. S. Wyseong, (D)</td>
<td>Webster Springs</td>
</tr>
<tr>
<td>Wetzel</td>
<td>Lee Cusack, (D)</td>
<td>New Martinsville</td>
</tr>
<tr>
<td></td>
<td>W. O. Gallagher, (D)</td>
<td>Pine Grove</td>
</tr>
<tr>
<td>Wirt</td>
<td>Hugh Prather, (D)</td>
<td>Elizabeth</td>
</tr>
<tr>
<td>Wood</td>
<td>J. F. Bennett, (R)</td>
<td>Parkersburg</td>
</tr>
<tr>
<td></td>
<td>Thayer M. McElroy, (R)</td>
<td>Parkersburg</td>
</tr>
<tr>
<td></td>
<td>Frances I. Radenbaugh, (R)</td>
<td>Parkersburg</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Joseph H. Cooper, (R)</td>
<td>Pineville</td>
</tr>
</tbody>
</table>

63 Republicans.
31 Democrats.
Standing Committees of the House of Delegates

ON ELECTIONS AND PRIVILEGES.

ON THE JUDICIARY.

ON FEDERAL RELATIONS.
Messrs. McKenzie (Chairman), Beard, Rairden, Leonard, Rexroad, Kennedy, Topping, Riley, Fazenbaker, Fonner, Prather, Gallagher, Vines, Peters and Davis.

ON TAXATION AND FINANCE.

ON MILITARY AFFAIRS.
Messrs. Conley (Chairman), Stephens, Crow, Hogg, Smith (of Preston), Beuhring, McKenzie, Riley, Lakin, Reed, Hartigan, Chipley, Sheppard, White, Matthews (of Fayette) and Hiner.

ON PROHIBITION AND TEMPERANCE.
Messrs. Harmer (Chairman), Fogle, Morgan, Rexroad, Beard, Massie, Buzzerd, Smith (of Doddridge), Topping, Miss Radenbaugh, Messrs. Harvey, Brown (of Nicholas), Martin, Scott and Hays.

ON EDUCATION.
Messrs. Brammer (Chairman), Vandervort, Cline, Cooper, Deuley, Rexroad, Bartlett, Fogle, Kennedy, Massie, Haymond, Hartigan, Fonner, Scott, Cusack, Hedges and Matthews (of Fayette).
ON COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS


ON BANKS AND CORPORATIONS.

Messrs. Carter (Chairman), Smith (of Doddridge), Brown (of Marion), Sutphin, Robson, Long, McKenzie, Calderwood, Luther, Raine, Payne, Matthews (of Fayette), Peters, White and Vines.

ON ROADS.

Messrs. Calderwood (Chairman), Smith (of Preston), Robison, Gay, Vandervort, Starkey, Riley, Reed, Luther, Sutphin, Carter, Buzzerd, Hedges, Wysong, Baker, Talbott and Hiner.

ON FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Starkey (Chairman), Fazenbaker, Crow, Cline, Cooper, Buzzerd, Rice, Topping, Hill, Cole, Kidd, Wysong, Hiner, Evans and West.

ON CLAIMS AND GRIEVANCES.


ON HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.

Messrs. Lakin (Chairman), Radabaugh, Brammer, Miss Radabaugh, Messrs. Hartigan, Farnsworth, Raine, Crow, Meredith, Cline, MacQueen, Davis, Marshall, West and Marcum.

ON PRINTING AND CONTINGENT EXPENSES.

Messrs. Haymond (Chairman), McColloch, Deuley, Conley, Bartlett, Fogle, Mathews (of Kanawha), Rice, Rexroad, Leonard, Evans, Smith (of Wayne), Brown (of Nicholas), Gallagher and Marcum.

ON EXECUTIVE OFFICES AND LIBRARY

Messrs. Rexroad (Chairman), Rankin, Hull, Luther, Massie, Hogg, Haymond, Harmer, Beuhring, McGlothlin, Prather, Harvey, Hays, Harper and Cusack.
ON FORESTRY AND CONSERVATION.

Messrs. Raine (Chairman), Farnsworth, Robson, Buzzerd, Beard, Massie, Kennedy, Hull, Sutphin, Meredith, White, Kidd, Marshall, Hays and Martin.

ON ARTS, SCIENCE AND GENERAL IMPROVEMENTS.

Miss Radenbaugh (Chairman), Messrs Lakin, Riley, Gay, Hogg, Radabaugh, McKenzie, Rice, Hutchinson, Vandervort, Chipley, Marshall, Hays, West and Martin.

ON PENITENTIARY.

Messrs. Brown (of Marion), (Chairman), Crow, Fonner, Ulrich, Radabaugh, Leonard, Bennett, Beard, Keatley, Bartlett, Talbott, Cusack, Harvey, Poling and Martin.

ON MINES AND MINING.


ON AGRICULTURE.

Messrs. McGlothlin (Chairman), Massie, Miss Radenbaugh, Messrs. Vandervort, Beard, McColloch, Reed, Rankin, Topping, Rairden, Dean, Sheppard, Martin and Smith (of Wayne).

ON STATE BOUNDARIES.

Messrs Rankin (Chairman), Rairden, Brammer, McKenzie, Riley, Fazenbaker, Rexroad, Kennedy, Ulrich, Fonner, Hiner, Mar­cum, Brown (of Nicholas), MacQueen and Harper.

ON RAILROADS.


ON LABOR.

ON MEDICINE AND SANITATION.

Messrs. Hull (Chairman), Rankin, Hartigan, Crow, Hutchinson, McIntire, Morgan, Luther, Radabaugh, Cooper, West, Brown (of Nicholas), Harvey, Marcum and White.

ON GAME AND FISH.

Messrs. Deuley (Chairman), Keatley, Rairden, Cole, Long, Rankin, Beard, Hull, Hutchinson, Cooper, West, MacQueen, Payne, Brown (of Nicholas), Baker and Chipley.

ON INSURANCE.


ON RULES.

Messrs. Cummins (Chairman, ex-officio), Keatley, Hull, Tabor, Hogg, Mathews (of Kanawha), Wysong and Baker.

ON RE-DISTRICTING.

Messrs. Massie (Chairman), Kyle, Lakin, Farnsworth, Tabor, Cooper, Conley, Long, Gay, Smith (of Doddridge), Scott, Harper, MacQueen, Smith (of Wayne) and Davis.

JOINT COMMITTEE ON ENROLLED BILLS, ON THE PART OF THE HOUSE.

Messrs. Buzzerd (Chairman), McIntire, Beard, Fonner, Baker and Harvey.
# TABLE OF CONTENTS

**MUNICIPAL ChARTERS**

**REGULAR SESSION, 1929**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Parkersburg Charter</td>
<td>1</td>
</tr>
<tr>
<td>2. Moundsville Charter</td>
<td>78</td>
</tr>
<tr>
<td>3. Welch Charter</td>
<td>81</td>
</tr>
<tr>
<td>4. Charleston Charter</td>
<td>143</td>
</tr>
<tr>
<td>5. Precision City Charter</td>
<td>233</td>
</tr>
<tr>
<td>6. Wheeling Charter</td>
<td>263</td>
</tr>
<tr>
<td>7. McMechen Charter</td>
<td>280</td>
</tr>
<tr>
<td>8. Mullens Charter</td>
<td>311</td>
</tr>
<tr>
<td>9. Martinsburg Charter</td>
<td>338</td>
</tr>
<tr>
<td>10. Point Pleasant Charter</td>
<td>349</td>
</tr>
<tr>
<td>11. Huntington Charter</td>
<td>350</td>
</tr>
<tr>
<td>12. Weston Charter</td>
<td>372</td>
</tr>
<tr>
<td>13. Dubois Charter</td>
<td>373</td>
</tr>
<tr>
<td>14. Follansbee Charter</td>
<td>376</td>
</tr>
<tr>
<td>15. Bluefield Charter</td>
<td>381</td>
</tr>
<tr>
<td>16. Williamson Charter</td>
<td>388</td>
</tr>
<tr>
<td>17. Addison Charter</td>
<td>390</td>
</tr>
<tr>
<td>18. Philippi Charter</td>
<td>391</td>
</tr>
<tr>
<td>19. Princeton Charter</td>
<td>392</td>
</tr>
<tr>
<td>20. Logan Charter</td>
<td>425</td>
</tr>
<tr>
<td>21. Williamson Charter</td>
<td>447</td>
</tr>
<tr>
<td>22. Philippi Charter</td>
<td>480</td>
</tr>
<tr>
<td>23. Clarksburg Charter</td>
<td>482</td>
</tr>
</tbody>
</table>
Legislature of West Virginia

ACTS OF 1929
REGULAR SESSION

MUNICIPAL CHARTERS

CHAPTER 1

(Senate Bill No. 7—By Mr. White, of Wood)

AN ACT to incorporate the City of Parkersburg, in the county of Wood, and to repeal all prior acts incorporating said city, and all acts amendatory of any such acts of incorporation, and repealing all other acts or parts of acts inconsistent or in conflict herewith.

[Passed January 30, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. City a body corporate; powers.
2. Corporate boundaries; provisions as to paving by street or other railway company.
3. Laws, ordinances and resolutions not inconsistent, to remain in force.
5. (a) Definition of election.
(b) Election board; number and appointment.
(c) Election board; qualifications.
(d) Election board; oath of members.
(e) Election board; vacancies.
(f) Election board; electioneering, etc., prohibited.
(g) Election board; organization.
(h) Election board; compensation.
(i) Election board; duties; penalty for violations by.
(j) Primary elections to name candidate; form of statement of candidacy; petition accompanying nomination statement.
(k) Statement and petitions to be filed; publication of candidates; official primary ballot.
(l) Number and delivery of primary ballots.
(m) Selection from primary election of candidate at next general municipal election.
(n) Form of ballots for general and special elections.
(o) Election and voting precinct; duty of election officials.
(p) Election officials, duties, oath, qualification and compensation.
SEC. 20. (a) Taxes, etc., to insure to exclusive benefit of city.
(b) Payments into and from city treasury.
(c) City depository; how funds are disbursed.
21. Certificate by county assessor to city clerk of assessment; rate of levy; correction of erroneous assessment.
22. Procedure for collection of municipal taxes.
23. Procedure for collection of taxes in case of neglect or refusal to pay.
24. Lien of taxes upon real estate; delinquent list.
25. (a) Powers of council.
(b) License taxes.
(c) Fee for license or permit to do business.
(d) Prohibition or regulation of transaction of any business.
(e) Licenses to be issued by city clerk.
26. (a) Limitation on expenditure of秘诀 of city.
(b) No debt to be created before levy to provide revenue is made; exceptions.
27. Penalty for acceptance of free passes, etc., by officer or employee of city; exceptions.
28. Civil service board.
29. Fiscal year; examination of books and accounts by accountant; publication.
30. Rules for construction of acts.
31. Bonds of officers, surety conditions and where filed.
32. (a) Enforcement of penalties for violation of ordinances.
(b) Appeal from police court to circuit court.
(c) Jurisdiction of city for police and criminal purposes.
(d) Police court: Judge of and powers.
(e) Presiding judge may hold for grand jury.
33. Power of council as to police department.
34. (a) Power of council as to parks, airports, etc.
(b) Power of council as to hospitals or infirmaries.
35. City to have use of county jail.
36. Power of council as to cemeteries.
37. Powers of eminent domain.
38. (a) Power to acquire land for streets, roads, etc.
(b) Power to open streets and establish markets, parks, etc.
(c) Power to pave streets, etc.
(d) Right of eminent domain for streets and other purposes.
(e) Limitation on use of farming, etc., land for streets, etc.
(f) Further powers as to streets and limitation on acceptance when donated.
(g) Plots for proposed subdivisions to be filed.

PARKERSBURG CHARTER
[Ch. 1]
Be it enacted by the Legislature of West Virginia:

Section 1. The inhabitants of so much of the county of Wood 2 as is within the boundaries prescribed by section two of this 3 act, and their successors, shall be and remain, and they are 4 hereby made a body politic and corporate, by the name and 5 style of "The City of Parkersburg," and as such, and by that 6 name may contract and be contracted with, sue and be sued, 7 plead and be impleaded, answer and be answered unto, and 8 may purchase, take, receive, hold and use goods and chattels, 9 lands and tenements, and choses in action, or any interest, 10 right or estate therein, either for the proper use of said city, 11 or in trust for the benefit of any person, purpose or corpora-
tion therein; and may grant, sell, convey, transfer, lease, let, assign, pledge, mortgage, charge and encumber any such prop-
erty in any case, and in any manner, in which it would be lawful for a private individual so to do, subject to the limita-
tions and provisions of the constitution of the state; and may have and use a common seal and alter and renew the same at pleasure; and generally shall have all the rights, franchises, capacities and powers appertaining to like corporations in this state, and shall have and succeed to all powers, franchises and immunities, rights and privileges, which were conferred upon or belonged or appertained to said city of Parkersburg, by virtue of any act or acts of the general assembly of the state of Virginia, or of the legislature of this state heretofore passed.

The enumeration of particular powers in this act shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the City of Parkersburg and the council there-
of shall have and exercise all other powers, privileges and authority granted to or conferred upon municipalities and city councils under the Constitution of the state of West Virginia under chapter forty-seven of the Code of West Virginia of one thousand nine hundred and twenty-three, and under any other law of the said state, as same now are and as same may hereafter be amended.

Sec. 2. The corporate limits and boundaries of said city shall be as hereafter defined in sub-section (a) of this section, save that such limits and boundaries shall, from and after the twenty-eighth day of December, one thousand nine hundred and twenty-nine be as defined in sub-section (b) hereof:

(a). Beginning at a point in the ordinary water line on the southern bank of the Little Kanawha River, and opposite the center of the mouth of Worthington creek; thence across the river to the center of Worthington creek; thence with the center line thereof to a point under the center of the bridge on the Staunton pike; thence in a straight line to a point in the center of the Northwestern turnpike or Seventh street, two hundred feet east of the eastern line of Fairview avenue; thence parallel with said Fairview avenue and two hundred feet therefrom to a point two hundred feet north of the northerly line of Twenty-third street; thence in a westerly direction parallel with Twenty-third street, and two hundred
18 feet therefrom to a point two hundred feet easterly from the
19 easterly line of Oak street; thence in a northerly direction and
20 parallel with said Oak street and two hundred feet therefrom
21 to a point three hundred feet northerly from the north line of
22 Twenty-fifth street; thence parallel with said Twenty-fifth
23 street and three hundred feet northerly therefrom to the
24 center of Murdock avenue extended; thence with the center
25 line of Murdock avenue, and in a southerly direction, to the
26 southern line of what were formerly the lands of J. N. Cam-
27 den; thence with the said Camden line, and its extension, to
28 the state line on the western side of the Ohio river; thence
29 with the state line, southerly to a point opposite a point on
30 the southern bank of the Little Kanawha river at the mouth
31 thereof, in the ordinary water line thereof; thence to said
32 last named point and thence with the ordinary water line of
33 said river in an easterly direction to the place of beginning.
34 (b). Beginning in the ordinary water line on the southern
35 bank of the Little Kanawha river at a point where the center
36 line or Orchard street extended would intersect said ordinary
37 water line, thence along the Little Kanawha River to a point
38 opposite the center of the mouth of Worthington creek; thence
39 across said river to the center of Worthington creek; thence
40 following the meanders of said Worthington creek, and with
41 the center line thereof, to the mouth of Holmes run; thence
42 with the center of Holmes run to its intersection with St.
43 Mary’s pike; thence across said pike to a point where the
44 easterly line of McKinley street in Holmes park addition num-
45 ber one intersects said pike; thence with said easterly line of
46 McKinley street, and with the same extended, in a northerly
47 direction to southerly line of Arlington cemetery; thence in a
48 westerly direction with said line of Arlington cemetery, and
49 the extension thereof, to the Bull creek road; thence across
50 said road in a straight line and general westerly direction to
51 the southeast corner of Spring grove cemetery; thence with
52 the southerly line of Spring grove cemetery and the northerly
53 line of Grove avenue in Hillsdale addition to the Edgar line;
54 thence in a northerly direction, with the common line be-
55-56 tween Edgar property and cemetery property, to where said
57 line would be intersected by the northerly line of Eagle prop-
58 erty extended; thence in a westerly direction with the north-
59 erly line of Eagle property and northerly line of the Masonic
60 home property, and the same line extended, to the center of
Pond run; thence down Pond run, with the center line there-
of, to the northerly line of Twenty-sixth street, which street
runs between Anderson addition and what was formerly land
belonging to J. N. Camden; thence with the line of Twenty-
sixth street and said line extended towards and across the
Ohio river to a point in the West Virginia-Ohio state line
on the westerly side of said river; thence down the Ohio river
with the said state line to a point opposite a point on the
southern bank of the Little Kanawha river at the mouth
thereof in the ordinary water line thereof; thence to said
last named point; thence with the said ordinary water line
of said river in an eastern direction to a point where said
water line is intersected by the westerly line of Market street
extended; thence in a southwesterly direction to the north-
western corner of tract now owned by the City of Parkers-
burg and known as the old pest house lot; thence with the
western line of said lot to its southwestern corner; thence
with the southerly line of said lot, to a point one hundred
and fifty feet west of Lubeck avenue; thence with a line fol-
lowing Lubeck avenue and parallel therewith in a general
southwesterly direction and one hundred and fifty feet west
of Lubeck avenue to where said line intersects the westerly
line of the Lubeck road just south of the Nicelyville school;
thence at about a right angle and in a straight line in an
easterly direction to center of Neal’s run, to a point midway
between the extension of the southerly line of Seventh avenue
in South Parkersburg and the northerly line of Eighth ave-
nue; thence continuing parallel with said southerly line of
Seventh avenue to the westerly side of Division street;
thence southerly with the westerly side of Division street
to a point opposite center of road now known as the easterly
extension of Seventh avenue; thence across Division street
following the center line of said easterly extension of Seventh
avenue and said line extended, crossing ‘‘A’’ street, to a point
one hundred and fifty feet east of the easterly line of Wood
street extended; thence parallel with the easterly line of Wood
street extended in a northerly direction to northerly line of
Merrick property, or the westerly extension thereof; thence
easterly with Merrick line and its extension to easterly line of
the Elizabeth pike; thence with the easterly line of the Eliza-
beth pike in a southerly direction to the point where said line
intersects the westerly line of O’Brien tract; thence north-
103 easterly with the northwesterly line of the O'Brien tract or its
104 extension to its intersection with the easterly line of Adrian
105 avenue extended; thence with the easterly line of Adrian ave-
106 nue and the extension thereof, crossing Hillcrest boulevard, to
107 the northerly line of Rayon drive; thence westerly with the
108 northerly line of Rayon drive to the easterly line of Soyer
109 avenue; thence with the easterly line of Soyer avenue, and the
110 same extended in a straight line, to the southerly line of Fair-
111 grounds park addition; thence easterly and with said southerly
112 line of Fairgrounds park addition to a point where the easterly
113 line of Central avenue extended would intersect said south-
114 erly line of Fairgrounds park addition extended; thence at
115 right angles and with the easterly line of Central avenue and
116 the same extended to its intersection with the southerly line of
117 Broadway; thence towards the Kanawha river with the south-
118 erly line of Broadway to and across Camden avenue; thence
119 with the easterly and northerly sides of Camden avenue and
120 towards the Ohio river to the center of Orchard street; thence
121 with the center line of Orchard street and the same extended
122 to the south bank of the Little Kanawha river, the place of
123 beginning.
124 (c). Provided, that in case any street car or other railway
125 company has heretofore constructed, or operates upon or over,
126 any tracks or rails upon or along any street or road within
127 any territory heretofore outside of the corporate limits of the
128 City of Parkersburg, and which territory by this act is in-
129 cluded within the corporate limits of said city, and has by
130 the terms of any franchise heretofore granted to said com-
131 pany, or its predecessors in title, by the county court of Wood
132 county, or by the terms of any contract heretofore made by
133 it, or its predecessor in title, with said county court, had its
134 responsibilities for paving, or obligations to pave, any part of
135 such street or road between its rails or otherwise, limited or
136 defined, then such responsibility or obligation for paving shall
137 not be extended or enlarged by the fact that such street or
138 road is, by this act, embraced within the corporate limits of
139 such city, and as to such street or road, the said company shall
140 not be affected by the provisions of section forty-eight of this
141 act, but its liabilities and obligations in regard to such pav-
142 ing shall be governed by such franchise or contract granted
143 or entered into previous to the passage of this act.
Sec. 3. All general and special laws of the state of West Virginia, governing cities, not inconsistent with the provisions of this act, shall apply to and govern the City of Parkersburg. All ordinances and resolutions lawfully passed and now in force in the City of Parkersburg under its former organization, and not inconsistent herewith, shall remain in force until altered or repealed by the council. All rights and property heretofore vested in said city absolutely or in trust, are continued and preserved, and no right or liability, either in favor or against it, existing at this time, and no suit or prosecution of any kind, shall be affected by this act, unless otherwise provided herein.

Sec. 4. The government of said city shall be vested in a council, consisting of a mayor and four councilmen. The mayor and four councilmen now in office shall continue in office until the expiration of the terms for which they were elected. The first general election under this act shall be held on the Tuesday after the first Monday, in April, one thousand nine hundred and twenty-nine, and an election for mayor and councilmen shall be held on the same day in every third year thereafter.

Such officers shall be nominated and elected at large; they shall qualify by taking the oath of office and by giving such bonds as may be prescribed by ordinance; their terms of office shall begin on the second Monday after their election and shall continue for three years, and until their successors are elected and qualified.

Sec. 5. (a). The word "election" in this section shall include primary elections held for nomination for candidates for elective offices hereunder; general elections held for election of mayor and council; special elections held under removal provisions of section fifty-three hereof; special elections on ordinance referendums held under the provisions of section seventeen hereof; special bond or levy elections held for no other purposes than to pass upon ratification of proposed bond issues or levies.

(b). There is hereby created for said City of Parkersburg an election board for the purpose of preparing and having printed and distributed the ballots and providing and distributing the other supplies for any election held in the city under this act, for which said board is appointed, for appoint-
15 ing election officers, for canvassing, and in proper cases re-
16 counting the votes cast at such election, and for declaring the
17 result of such election and for such other purposes as may be
18 specified herein.
19 This board shall be composed of three members. One mem-
20 ber of said board shall be appointed by the council of said
21 city, one member by the county court of Wood county, and
22 one member by the circuit court of Wood county, or by judge
23 thereof. The members of said election board shall be ap-
24 pointed not less than thirty days nor more than sixty days,
25 prior to each election to be held in said city under this act,
26 and shall serve until the result of the election for which they
27 are appointed has been ascertained and declared and all mat-
28 ters pertaining thereto finally determined.
29 (c). The members of this board shall be qualified voters
30 of the said city and persons of good moral character, and not
31 addicted to the use of intoxicating liquors. No officer or em-
32 ployee of said city shall be eligible for appointment to, or
33 service on, said election board. No one shall be eligible for ap-
34 pointment to, or service on, said election board who has been
35 an officer or employee of said city within ninety days next
36 preceding the election for which he may be appointed, or who
37 has any interest in the result of said election other than as a
38 taxpayer and citizen of said city.
39 (d). The members of said election board shall qualify as
40 such by taking and subscribing an oath that they will support
41 the Constitution of the United States, the constitution of the
42 state of West Virginia, and that they will faithfully and im-
43 partially perform their duties as members of said board, as
44 prescribed by law.
45 (e). In the event of a vacancy occurring on the election
46 board, such vacancy shall be filled by the same authority as
47 originally made the appointment.
48 (f). No member of said election board shall, after becom-
49 ing a member thereof, do any electioneering for or against, or
50 solicit the vote or influence of any person for or against any
51 candidate or measure to be voted for, or on, at any election for
52 which said member is appointed to serve.
53 (g). Said board shall elect one of its own members as
54 chairman, and one as secretary, and shall keep a record of its
55 proceedings in a well bound book which shall be preserved by
the city clerk with other records of the city. In said book shall also be recorded the certificates of appointment of the members of said board, and their oaths of office.

(h). The members of said election board shall receive the sum of four dollars per day for the time actually employed in the performance of their duties hereunder, payable out of the city treasury.

(i). Except as otherwise expressly provided in this act, or as may be inconsistent with any provision hereof, the said election board shall be charged with all the duties and responsibilities which under the general election law of the state devolve upon the clerks of the county court and circuit court, upon the board of ballot commissioners, upon the board of canvassers and upon the county court; and they shall be subject to all the pains and penalties for breaches of law and omissions of duty which are provided by general law, in chapters three and five of the code of West Virginia, on the part of the several officers, who, under the general election law, perform in state and county elections, the duties hereby devalued upon the election board.

Any member of such election board, who shall violate any provision of this act, for the violation of which no penalty is otherwise provided herein, or under chapters three or five (\(^2\)) of the code of West Virginia, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than three months, or, in the discretion of the court, by both fine and imprisonment.

(j). Candidates to be voted for at any general municipal election in the City of Parkersburg, at which a mayor and four councilmen are to be elected under the provisions of this act, shall be named at a primary election, and no other names shall be printed upon the ballot provided for use at such primary election, except those authorized to be placed thereon in the manner herein prescribed.

The primary election for nomination of candidates for municipal offices shall be held on the second Tuesday preceding the general municipal elections. Any person desiring to become a candidate for mayor or councilman, shall, at least ten days prior to said primary election, file with the city clerk
95 a statement of said candidacy in substantially the following
96 form:
97 STATE OF WEST VIRGINIA, WOOD COUNTY:
98 I, .................................................... , being first duly sworn, say
99 that I reside at...........................................street in the city of
100 Parkersburg, county of Wood, state of West Virginia; that I
101 am a qualified voter therein; that I am a candidate for nom-
102ination to the office of (mayor or councilman) to be voted upon
103 at the primary election to be held on the second Tuesday pre-
104ceding the Tuesday after the first Monday in April, 19......,
105 and I hereby request that my name be printed upon the of-
106ficial primary ballot for nomination by such primary election
107 for such office.
108 ...............................
109 Subscribed and sworn to before me by............................ on this
110 ..............day of............................, 19......
111 ...............................
112 Notary Public.
113 My commission expires........................................
114 and shall at the same time file therewith the petition of at
115 least twenty-five qualified voters requesting such candidacy.
116 Each such petition shall be verified by one or more persons
117 as to qualifications and residence, with street number, of each
118 of the persons so signing the said petition, and the said peti-
119tion shall be in substantially the following form:
120 Petition Accompanying Nomination Statements.
121 The undersigned, duly qualified electors of the City of
122 Parkersburg, residing at the places set opposite our respective
123 names hereto, do hereby request that the name of (name of
124 candidate) be placed on the ballot as a candidate for nomina-
125tion for (name of office) at the primary election to be held on
126 the second Tuesday preceding the Tuesday after the first Mon-
127day in April, 19...... We further state that we know him to
128 be a qualified elector of said city and a man of good moral
129character, and qualified, in our judgment, for the duties of
130such office. Names of qualified electors, number, street, age,
131length of residence in city.
132 (k). Immediately upon the expiration of the time for filing
133the statements and petition of candidates with the city clerk,
134the said clerk shall file all such statements and petitions with
135the election board and the said election board shall cause to be
136 published in two daily newspapers published in, and of general circulation in, the said city, if such there be, the names of the persons who are to be voted for at the primary election, arranged for each office in alphabetical order, and as they are to appear upon the primary ballot; and the said election board shall cause the ballots to be used at said primary election to be printed and authenticated with the fac-simile signature of each member of said board. Upon said ballots, the names of the candidates for mayor shall be placed in alphabetical order immediately after the words, "vote for one," and at the left of each name there shall be printed a square, within which the voter may by mark indicate his choice. Following these names, shall be printed the names of the candidates for council in alphabetical order, and under the words, "vote for four," and at the left of each name shall be printed a similar square. The ballots shall be printed upon plain, substantial white paper, and shall be printed as hereinafter prescribed, and shall be in substantially the following form:

Official Primary Ballot.

Candidates for nomination for mayor and councilmen of the city of Parkersburg at the primary election to be held on the day of March, 19...

For Mayor
(Vote for One)
(Names of Candidates)
For Councilmen
(Vote for four)
(Names of candidates)

Official ballot—attest:

---------------------------------------------
---------------------------------------------
---------------------------------------------
Election Board.

The number of ballots so printed for any election hereunder shall be twenty per centum in excess of the total number of listed and registered voters in the city, according to the last city list or registration as authorized by paragraph (x) of this section.

(l). When the ballots for any election hereunder have been printed they shall be delivered to the said election board, and the said board shall on the day preceding any election
Ch. 1]  PARKERSBURG CHARTER  13

177 hereunder, sit in the council chamber in the city building from
178 ten o'clock, a. m. until five o'clock p. m. for the purpose of
179 delivering ballots, poll books and other election supplies to the
180 respective commissioners of election appointed to receive them
181 as hereinafter provided. The number of such ballots as de-
182 livered for each precinct shall be equal to twenty per centum
183 in excess of the total number of listed and registered voters in
184 such precinct according to the last city listing or registration
185 which may have been made pursuant to the authority granted
186 by paragraph (x) of this section. Such list or registration of
187 voters in each precinct respectively shall be delivered with the
188 order supplies as above provided for.
189 (m). At such primary election the two candidates receiv-
190 ing the highest number of votes for Mayor shall be the candi-
191 dates and the only candidates, whose names shall be placed
192 upon the ballot for mayor at the next succeeding general mun-
193 icipal election; and the eight candidates receiving the highest
194 number of votes for councilmen at such primary election, or all
195 such candidates if fewer than eight, shall be the candidates,
196 and the only candidates, whose names shall be placed upon the
197 ballot for councilmen at such municipal election. In the event
198 of the death or resignation of a nominee before election, the
199 candidate receiving the next highest number of votes at the
200 primary shall be placed on the ticket in his stead.
201 (n). The ballots for general and special elections here-
202 under shall be in the same general form as hereinabove pro-
203 vided for primary elections, so far as applicable, and shall be
204 printed under the same supervision and in the same number
205 and shall be handled in the same way and under the same
206 regulations as hercinabove provided for such primary elec-
207 tions; provided, that the form of ballots for special elections
208 under the provisions of sections seventeen, forty-eight and
209 fifty-three of this act shall conform to the provisions of these
210 sections.
211 (o). The establishment and boundaries of election pre-
212 cincts in said city shall be determined by the city council by
213 ordinance; the establishment of voting places in such precincts
214 shall be made by said election board; the announcing of such
215 voting places, the preparation and distribution of ballots, the
216 ascertaining and declaring the results of all elections shall con-
217 form to and comply with the general election laws of the state
218 so far as the same may be applicable and not herein otherwise 
219 provided, and all officers provided for in this section shall 
220 perform the same duties and be subject to the same penalties 
221 for omissions of duty or for violation of law, as are provided 
222 by said general election laws for officers performing the cor- 
223 responding duties at state and county elections, unless herein 
224 otherwise expressly provided. 
225 (p.) For the purpose of conducting elections hereunder, 
226 there shall be appointed election officers as follows for each 
227 voting precinct in the city: Three commissioners of election, 
228 two poll clerks and two challengers. These officers shall have 
229 the same duties and responsibilities and shall conduct the 
230 election in conformity with, and shall be subject to, the same 
231 regulations and penalties as are provided by chapters three and 
232 five of the code of West Virginia relating to elections and 
233 offenses thereat, so far as the same may be applicable. 
234 Before entering upon the discharge of their duties, each of 
235 said election officers shall take and subscribe the same oath 
236 required by law for the corresponding election officers ap- 
237 pointed under the general election law of the state. 
238 No person shall be eligible to appointment as a commissioner 
239 of election or poll clerk, or shall act as such, at any election 
240 hereunder who has anything of value bet or wagered on the 
241 result of such election. 
242 No person shall be appointed or shall serve as an election 
243 officer at any election hereunder, who is a candidate to be 
244 voted for at such election or who is not a qualified voter of the 
245 city, is not of good standing and character, who is addicted to 
246 the use of intoxicating liquors, of who is, or has been within 
247 sixty days next preceding such election, an officer or employe 
248 of the City of Parkersburg, and, in addition to these qualifi-
249 cations, each challenger must be a qualified voter of the elec- 
250 tion precinct in which he serves. 
251 Such election officers shall receive for their services as com-
252 pensation, to be paid by the city, such sum as may from time 
253 to time be fixed by ordinance, not greater than the sum pro- 
254 vided by law for the compensation of similar officers at state 
255 and county elections; provided, that in the absence of any such 
256 provisions by ordinance, they shall so receive the same com-
257 pensation as may be provided by state law for compensation for 
258 such similar officers.
The election officers for the several precincts shall be selected and appointed as follows:

For a primary election: The election board shall meet in the city building at ten o’clock a. m., on the Wednesday preceding a primary election to be held hereunder and each member of the board shall nominate one qualified person as commissioner of election for each voting precinct in the city, and the board shall thereupon appoint the persons so nominated, together with two clerks and two challengers for each precinct; provided, that any group or groups of qualified voters in any precinct may by petition or petitions, each signed by not fewer than twenty-five per centum of the qualified voters in such precinct, nominate to the election board qualified persons for election officers for such precinct, and if any such petition is filed with the chairman or secretary of said board, at or before the time fixed for such meeting above provided for, then all the election officers for any such precinct shall be selected from the nominations so made; all the signatures to any such petition need not be upon the same paper, and such petitions shall be signed and verified as provided in paragraph (j) hereof; no person shall sign two such petitions, and if any voter shall sign two such petitions, then his name shall be stricken from both and not counted on either in determining the number of signers, provided further, that if there be two nominating petitions filed for any precinct, the board shall select two commissioners, one clerk and one challenger from the petition having the larger number of signers, and one commissioner, one clerk and one challenger from the petition having the smaller number of signers, and if there be three such petitions filed for any precinct, the board shall select one commissioner from each, and one clerk and one challenger from each of those having a larger number of signers than the third petition has; and provided further, that to fill any position not covered by such nominations, the board shall appoint a qualified person as above provided.

For a general election: The board shall meet in the council chamber of the city building at ten o’clock, a. m. on the Wednesday preceding a general election, at or before which time each of the two candidates for mayor shall have the right to submit in writing to the board, nominations of qualified persons for one commissioner of election, one clerk and one challenger for each or any voting place in the city. Whereupon
the election board shall appoint as election officers the persons so nominated and shall appoint one additional commissioner of election for each precinct. In case no nominations, or an incomplete list or lists of nominations are submitted, the board shall select and appoint as above provided election officers to fill the places for which no such nominations are made.

For a special election called for acting upon the authorization of bond issues or authorizing of special levies, or for any other purpose, at which no officers are to be elected, the officers of election shall be appointed by the election board in the manner which is hereinabove provided for the election of such officers for primary elections, and subject to the same right of nomination by petition.

For a special election for the removal of an elective officer or officers, as provided by section fifty-three of this act, if there are but two candidates for mayor to be voted for, the officers of election shall be selected and appointed as and in the manner herein provided for general elections; if at such special election there are more than two candidates for mayor to be voted for, or if there are no candidates for mayor but only candidates for council to be voted for, then, in the one case the candidates for mayor and in the other case the candidates for council, may each nominate in writing qualified persons for one commissioner, one clerk and one challenger for each and any voting precinct and from the nominations so made, the election board shall appoint three commissioners, two clerks and two challengers for each precinct; provided, that said board shall select and appoint as above provided, election officers to fill any places not covered by the nominations so made by the candidates.

Each precinct election officer appointed hereunder shall be notified in writing, by said election board, of such appointment, by notice addressed to such appointee at his place of residence, and deposited in the post office at Parkersburg, postage prepaid, on the day of such appointment, save when herein otherwise expressly provided.

No precinct election officer so appointed shall be removed by the election board, save for cause, a statement of which cause shall be spread upon the board’s records.

In case any precinct election officer so appointed shall be before three o’clock p. m. on the day preceding an election here-
under, notify the election board of his inability or unwillingness to serve, or in case of a vacancy otherwise arising before that time, as from death or removal, the election board shall thereupon proceed to fill the resulting vacancy from nominations previously made, or then submitted, by the same person or group upon whose nomination the nominee unable or unwilling to serve was originally appointed, and in the absence of any such nomination, the vacancy shall then be filled by the said board, and in either event the said board shall immediately cause written notice of the appointment to be delivered to the appointee in person.

The commissioners of election for each precinct shall designate in writing one of their number to receive from the election board the ballots, ballot boxes and poll books for their precinct. The person so designated shall, on the day preceding any election attend at the council chamber in the city hall for that purpose between the hours of ten o'clock a.m. and four o'clock p.m. at the meeting of the board provided for in paragraph (l) hereof, and shall receive the said ballots and supplies and receipt to the board therefor. If any such commissioner has not appeared by four p.m. on said day, the election board shall designate a special messenger, and shall cause said ballots and supplies to be by said special messenger delivered to one of the election commissioners for such precinct. Such messengers shall be allowed and paid by the city the sum of two dollars for his services in acting as such messenger.

If any precinct election officer shall fail to appear at the hour appointed for the opening of the polls, the commissioners of election, or the remaining commissioners, may appoint a qualified person to serve in his stead, but if the qualified voters of the precinct present at the polls, being at least ten in number, shall nominate a qualified person such nominee shall be appointed. If none of the commissioners of election shall appear at any precinct at the hour appointed for the opening of the polls, the qualified voters of the precinct present, being at least ten in number, shall elect by viva voce vote three commissioners to act in their stead.

The conduct of any election hereunder, and the counting of votes and ascertaining the result by the precinct election officers herein provided for, shall, unless otherwise herein expressly provided be governed (so far as the same may be ap-
 applicable) by the general election laws of the state as contained in chapters three and five and elsewhere in the code of West Virginia.

The said precinct election officers shall make return of the result of the election to the election board at the city building within eight hours after the closing of the polls, at which time they shall deliver to said board the sealed packages of ballots cast at said election at their respective precincts, together with one of the duplicate certificates, required by said general election law showing results of the vote at such precinct, as well as both sets of poll books and tally sheets; the other duplicate certificates shall before ten o'clock a. m. on the day following the election be delivered to the city clerk who shall post the same in his office for public inspection.

On the second day following any election hereunder the election board shall meet in the council chamber in the city building at ten o'clock A. M., and shall proceed publicly to canvass the returns received from all the voting places in said city. The procedure, including the opening of ballot packages, the counting of ballots, the re-sealing thereof, the recount of votes in any precinct upon demand of any candidate or candidates, canvassing the returns of said election, declaration of result and making of certificates thereof shall follow the form of procedure laid down in section sixty-eight of chapter three of the code of West Virginia for the county court sitting as a board of canvassers, so far as the same may be applicable and not inconsistent with any of the provisions hereof.

The demand for the recount above referred to must be made before six o'clock, p. m. of the second day following the election, or within two hours after the completion of the canvass, if such canvass be not completed before six o'clock, p. m. on said day.

The certificate of result hereinabove referred to shall follow the form prescribed in section sixty-nine of chapter three of said code so far as the same may be applicable; one of such certificates shall be recorded in the records of such board; one of such certificates shall be transmitted to each person voted for as a candidate at such election; one shall be delivered to the city clerk by whom it shall be laid before the city council at its next meeting.
Said election board shall cause the certificate showing the result of said election to be published at least once in two daily newspapers, if such there be, published and of general circulation in said city beginning in the earliest issue practicable after the completion of the canvass and of any recounts in connection therewith.

One set of poll books and tally sheets, together with the sealed packages of ballots used in said election, shall, immediately upon the completion of the canvass, be delivered by the election board to the city clerk whose duty it shall be to safely keep and preserve the same for one year in some secure and suitable place in the city building, and thereafter until all pending contests and other questions pertaining to said election shall have been determined, after which same shall be destroyed by fire.

The other set of poll books and tally sheets shall be preserved in the custody and under the control of said election board, whose duty it shall be to safely and securely keep the same for the same period hereinabove described, and so that no person other than the members of said election board shall have access thereto. At the expiration of the prescribed time, said books and sheets shall be destroyed by fire.

In the case of a tie vote resulting from any election held in said city under this act, on any question submitted to the voters of said city, or between two or more candidates voted for at any election, the said election board shall determine the said tie by declaring the nomination or election of one of said candidates or by declaring the question voted upon, carried or lost as the case may be.

In the event of a contest between candidates over nominations for, or elections to, an elective office under this act, or in the event of a contest by any qualified elector of said city over the result of any election held under the provisions of this act, the said election board shall hear and determine the said contest, and proceedings governing the same before said board shall be the same as provided by law for the governance of the county court in contests over the election of county officers, save as herein otherwise provided.

In any matter of contest hereunder an appeal as a matter of right shall lie direct from said election board to the circuit court of Wood county. Upon such appeal being taken, the
circuit court shall try the contest de novo. Notice of such ap- peal shall be given and the bond required by section three of chapter six of the code shall be filed within the time therein limited; whereupon, all ballot packages, poll books and tally sheets in the custody of the election board or city clerk, and pertaining to said election shall be transmitted to the circuit court and shall, under the direction and subject to the orders of the court, be preserved by the clerk thereof. The judgment of said court shall be certified to said election board, who shall enter the same upon their minutes as the judgment of the board.

Any person who is qualified to vote for members of the state legislature in Wood county, and who has been a resident of the city of Parkersburg for sixty days next preceding the election at which he offers to vote, shall be qualified to vote in any election held under this act in the precinct in which such person is on the day of the election a bona fide resident; provided, that any person who will be qualified to vote at any election shall also be qualified to vote at the preceding primary election to name candidates to be voted for at such election. Until the City of Parkersburg shall have adopted the provisions of the general registration law of the state, as authorized by statute, no person shall be denied the right to vote because such person’s name does not appear on the list or register of voters which the city council shall have authority to cause to be made, and which may be provided for by ordinance, but any person whose name does not appear, as well as any person whose name does so appear, but whose right to vote is challenged by any voter or election officer, shall be required by the commissioners of election to make an affidavit showing that such person possesses all the necessary qualifications for a voter at such election, and in general, giving the information so far as applicable to municipal elections, provided to be given to registrars under the general election law, as contained in section ninety-eight-a of chapter three of the code of West Virginia. This affidavit may be made before one of the commissioners of election or before any person authorized to administer oaths and shall contain the names of two qualified voters of such precinct who shall be known to said election commissioners to be reliable persons and who shall state under oath that such person who desires to vote, and who
has made the affidavit herein required, is known to them and
that the statements therein made they believe to be true, which
affidavit shall be signed by said two persons and sworn to be-
fore one of the commissioners of election, or some other person
authorized to administer oaths. Upon such affidavit being
made, as provided, if a majority of said commissioners of
election believe the party applying to vote is a qualified voter
in that precinct, the said person shall be permitted to vote and
his name shall be added by the commissioners to the list of
voters of such precinct furnished to them by the election board,
as provided by paragraph (l) hereof, if his name is not already
upon such list. But if a majority of said commissioners do
not believe that such person is a qualified voter in such pre-
cinct, his vote shall be rejected. All affidavits taken pursuant
to this section shall be returned with the precinct returns, and
shall by the election board, be sealed and delivered to the clerk
of the circuit court of Wood county, to be dealt with as pro-
vided by section eighty-three of chapter three of the code of
West Virginia.

Sec. 6. Each member of the council (consisting of the mayor
and four councilmen) chosen as provided in this act, shall have
the right to vote on all questions coming before the council.
Three members of the council shall constitute a quorum, and
the affirmative vote of three members shall be necessary to
adopt any ordinance. Upon every vote, the ayes and noes
shall be called for and recorded, and every resolution or ordi-
nance shall be reduced to writing and read before the vote is
taken thereon.

The mayor shall preside at all meetings of the council; he
shall have no power to veto any measure, but every ordinance
passed by the council must be signed by the mayor, or by three
councilmen, and be recorded before the same shall be in force.

Sec. 7. The council shall have and possess, and the council
and its members shall exercise, all executive, legislative and
judicial powers conferred upon cities, towns and villages by the
general law of the state and by this act.
The executive and administrative powers, authority and du-
ties in said city shall be distributed into and among five de-
partments as follows:

1. Department of public affairs.
2. Department of accounts and finance.
10 3. Department of public safety.
11 4. Department of streets, parks, public improvements and public property.
12 5. Department of water works and sewers.
13 The council shall determine the powers and duties to be vested in and performed by the several departments and assign same to the appropriate department, and may from time to time change the same as may be deemed expedient for the better transaction of the city’s business, and shall prescribe the powers and duties of officers and employes, may assign particular officers and employes to one or more of the departments; may require an officer or employe to perform duties in two or more departments; and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Sec. 8. The mayor shall be superintendent of the department of public affairs; he shall be the chief executive officer of the city; shall have and exercise all the rights, powers and duties conferred on mayors by the constitution and laws of this state and those conferred by this act and by any ordinance of the city not inconsistent therewith.

The council shall, at the first regular meeting after election of its members, designate by majority vote, one councilman to be superintendent of the department of accounts and finance; one to be superintendent of the department of public safety; one to be superintendent of the department of streets, parks, public improvements and public property; and one to be superintendent of the department of water works and sewers; but such designation shall be changed whenever it appears that the public service would be benefited thereby.

The council may provide by ordinance for officers to be elected by majority vote of the council, as hereinafter enumerated: city clerk, city solicitor, city engineer, city physician, chief of police, chief of fire department, and for such other officers and assistants as may be deemed to be necessary to the proper and efficient conduct of the affairs of the city, and may fix and change their respective duties and compensation. Any such officer or assistant so elected or appointed may be removed at any time by a vote of a majority of the members of the council, under such regulations as council may prescribe.

Sec. 9. The council shall have the power from time to time, by ordinance or resolution, to create, fill and discontinue offices
3 and employments other than herein prescribed, according to
4 their judgment of the needs of the city, and may prescribe,
5 limit or change the duties and the compensation of such officers
6 or employes. Unless and until otherwise provided by ordi-
7 nance, day laborers and ordinary employes may be employed
8 and their employment discontinued by the superintendent of
9 the department in and under which they are employed.

Sec. 10 (a). The mayor and each member of the council
2 shall be a qualified voter of the city and shall have been an
3 inhabitant of the city for at least two years prior to his elec-
4 tion, and shall have been assessed with city taxes for at least
5 one year prior to his election. The mayor shall have attained
6 the age of at least thirty years, and each member of the council
7 shall have attained the age of at least twenty-five years. Be-
8 fore any such officer takes his seat or performs any of the
9 duties of his office he shall take and subscribe an oath or affirm-
10 ation that he possesses all of the qualifications prescribed by
11 this act, and is not subject to any of the disqualifications de-
12 scribed herein; that he will support the constitution of the
13 United States, the constitution of this state, and will honestly
14 discharge the duties of his office to the best of his skill and
15 judgment, which oath shall be filed with, and preserved by, the
16 city clerk. Each of such officers shall give bond, which shall
17 be presented to, and approved by, the council, conditioned as
18 hereinafter prescribed for official bonds. The bond of the super-
19 intendent of the department of accounts and finance shall be
20 in the penalty of twenty-five thousand dollars; the bond of the
21 mayor and other members of the council shall be each in the
22 penalty of five thousand dollars;
23 (b). Each of the appointed officers enumerated in section
24 eight herof shall be a qualified voter of the city, and before
25 performing any of the duties of the office, he shall take and
26 subscribe an oath as provided in sub-section (a) hereof, and
27 shall give such bond as may be prescribed by ordinance;
28 (c). No appointed or elected officer of said city shall be
29 interested, directly or indirectly, in any contract with the city
30 either for work to be done or supplies to be furnished; no such
31 officer shall hold any state or federal office (except that he
32 may be a notary public or member of the national guard), and,
33 unless herein otherwise provided, each such officer shall hold
34 office until his successor has been duly elected or appointed
35 and qualified.
Sec. 11. Council shall have a place of meeting in the city building. The mayor and each member of the council shall have offices in the city building.

The mayor and each member of the council in office at the time of the passage of this act, or anyone succeeding any one of them in any such office, shall, until the thirtieth day of June, one thousand, nine hundred and twenty-nine, receive the compensation now provided by law. Thereafter, the mayor and each member of the council shall receive compensation as follows: The mayor thirty-six hundred dollars per year; each member of the council three thousand dollars per year; which salaries shall be paid in monthly installments.

Every other officer or assistant shall receive such compensation as the council shall, by ordinance provide, payable in equal monthly installments.

The compensation of all other employees of said city shall be fixed by the council, and shall be payable monthly; or at such more frequent intervals as the council may determine; provided, that the amount of compensation of ordinary laborers may, in the absence of, and until, action of the council, be determined by the superintendent of the department under whom said laborers are employed.

Sec. 12. If a vacancy shall occur in the office of mayor or member of the council, the council shall, as soon as practicable, fill the vacancy for the remainder of the unexpired term by the election of some eligible person.

The council shall have, and is hereby granted, the authority to remove from office any member of their body, including the mayor, for any of the causes mentioned in section six, article four of the constitution of the state of West Virginia, upon written charges preferred by a member of the council, or by any responsible person; of which charges the officer accused shall have reasonable notice, and upon which he shall have the opportunity to be heard, and shall have the right to be represented by counsel.

The officer accused shall not have the right to vote upon any question involved. The affirmative votes of three-fourths of the remaining members of the council shall be required to effect a removal. In case the mayor is the one against whom charges are preferred, the superintendent of the department of accounts and finance shall preside at the hearing.
In case charges are filed against any member of the council, the council shall have the power, by the affirmative votes of a majority of all the members elected to the council, to suspend the accused councilman from the exercise of all his official functions, pending the hearing and determining of the said charges. For the period of said suspension the councilman accused shall not be entitled to draw any salary, and in the event such charges are sustained and the councilman is removed from office, he shall not be entitled to any salary from and after the date of such suspension, but in the event the charges are not sustained and he is not removed from office, he shall be entitled to receive his full salary for the entire period of suspension.

Sec. 13. A regular meeting of the council shall be held on the second Monday after the general election in April of each third year, and thereafter at least once a week. The council shall provide by ordinance for the time of holding regular meetings. Special meetings may be called from time to time by the mayor or any two councilmen; the call for such special meeting shall state the business to be transacted thereat, and no business not stated in the call shall be transacted.

All meetings of the council, whether regular or special, at which any person not a city officer is admitted, shall be open to the public.

The mayor shall be the president of the council, and preside at its meetings, and shall supervise all departments, and report to the council for its action, with his recommendations, if he has any, on all matters requiring attention in any department. The superintendent of the department of accounts and finance shall be vice president of the council, and in case of a vacancy in the office of mayor, or in the absence or disability of the mayor, shall perform the duties of the mayor.

Sec. 14. Except as may be herein otherwise provided, the council shall be the sole judge of the qualifications and election of its own members; and may, except as herein provided, determine the rules of its own procedure; may arrest and punish by reasonable fine, any member or other person who shall be guilty of disorderly or contemptuous conduct in its presence during its sessions.

A majority of the whole number of councilmen shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of
11 absent members under such rules, and in such manner, and 
12 under such penalties as may be prescribed. 
13 The council shall cause a journal to be kept of its proceed-
14 ings, which journal shall be at all times open to the inspection 
15 of any taxpayer of the city; which journal shall be kept by, and 
16 be in the custody of, the city clerk, or such other officer as may 
17 be provided by ordinance. 
18 Neither the mayor, nor any other member of the council shall, 
19 during the time for which he was elected be eligible for, or 
20 appointed to, any office under the city; and no such officer 
21 shall be employed by the city in any capacity while holding 
22 such office, and no compensation shall be audited or paid for 
23 services rendered to the city by the mayor, or any member of 
24 the council, other than the official salary provided by this act. 

Sec. 15. Every ordinance and every resolution introduced 
2 into the council shall be read in full when introduced. 
3 Every ordinance, and every resolution making or authoriz-
4 ing the making of any contract involving the expenditure of 
5 money to an amount of more than five hundred dollars, shall be 
6 complete in the form in which it is finally passed and remain on 
7 file with the clerk for public inspection for at least one week 
8 before the final passage or adoption thereof. 
9 No money shall be appropriated save by ordinance; but the 
10 council may by resolution direct the expenditure of money 
11 which has been theretofore appropriated by ordinance; pro-
12 vided such expenditure is within the limit of such appropria-
13 tion, and for the purpose set forth in said ordinance. 
14 All ordinances and resolutions shall be spread at large upon 
15 the minutes of the meeting of the council at which the same 
16 are passed. All ordinances shall be recorded in an ordinance 
17 book to be provided by the council for that purpose, and after 
18 being so recorded and found to be correct, shall be signed by 
19 the mayor. Such ordinance book shall be indexed to show in 
20 brief form the subject of the ordinance, and the same, or copies 
21 thereof, certified as provided by this act, shall be received by 
22 all courts and justices in this state as evidence. 

Sec. 16. The council shall have authority to grant franchises 
2 to persons or corporations allowing, for the time named therein, 
3 the occupation or such portions of streets, alleys, bridges or 
4 public places in the city as will be necessary or convenient for
works of public utility and service. No such franchise shall be
golated save by ordinance.

Every grant of any such franchise shall be for a limited
period of time. If no limit shall be expressly provided, the
franchise shall be for one year only. No such franchise shall be
ganted for longer period than thirty years, and no amend-
ment or addition thereto shall extend beyond the termination of
the franchise to which it is an amendment or addition.

If any franchise which was granted before this act goes into
effect is not limited as to time, then any franchise granted by
way of amendment, extension or addition thereto shall never-
theless be made subject to the conditions hereof including the

time limit of not exceeding thirty years.

If a franchise be granted by the city to an individual or to
an independent or new company, and the work constructed
thereunder afterwards becomes a part of, or is operated as a
\textit{part of}, a larger work of the same kind, whose franchise was
previously obtained and is limited to expire earlier, such later
franchise shall, by reason of such annexation, merger or single
operation, expire simultaneously with such earlier franchise.

No ordinance granting any such franchise shall be consid-
ered by the council until the applicant therefor shall have
caused to be published notice of the object, nature and extent
of such franchise, at least once a week for four successive weeks,
in a daily newspaper published in the city of Parkersburg, and
shall have filed with the council proof of such publication. No
such ordinance granting a franchise shall be made to take effect
from its passage under the urgency provisions of sub-section
\textit{(a)} of section seventeen hereof. Where not otherwise provided
in this section, every such ordinance shall be subject to all the
provisions of sections fifteen and seventeen hereof.

Every such franchise shall contain a provision that the
grantee shall indemnify the city against all damages caused by
construction and operation thereunder, which indemnification
shall be secured by bond in such penalty as may be provided in
the ordinance granting the franchise. Such ordinance shall
also contain such reasonable additional provisions and condi-
tions as may be requisite for the protection of the city and its
inhabitants from unnecessary damage or inconvenience by rea-
son of the construction and operation thereunder.
No such franchise shall be granted unless the ordinance granting the same provides that the city shall receive in consideration therefor, a compensation to be paid annually during the lifetime of the franchise, provided, that when the principle of competition is employed in the granting of a franchise, such competition may be exercised in either of the following ways:

That the franchise with prescribed terms and conditions as to its extent, and as to rates to be charged the public thereunder for services rendered, shall be given to the persons or corporations agreeing to pay therefor to the city the highest compensation; or

That the franchise, with prescribed conditions as to its extent, and the compensation that must be paid the city therefor, shall be given to the persons or corporations that will agree to render services thereunder to the public at the lowest rates.

Sec. 17 (a). No ordinance or franchise passed by the council, save when otherwise required by the general laws of the state or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety, which shall contain a statement of its urgency, shall go into effect before ten days from the time of its final passage, and not then unless within two days after passage, Sundays and holidays excepted, the same shall be published in full in some newspaper published in and of general circulation in said city.

(b). If, within ten days from the passage of any ordinance or franchise, a petition signed by qualified electors of said city equal in number to at least twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general election, protesting against the passage of said ordinance or franchise, be presented to the council, the said ordinance or franchise, shall thereupon be suspended from operation, and said petition shall be referred to the city clerk for examination, verification and certification. The examination, verification, authentication, inspection, certification and submission of said petition shall be governed by the same provisions set up in section fifty-three hereof for the petition therein provided for.

If the clerk should certify said petition to be insufficient, and an amended and sufficient petition is not filed within the time required by the provisions of said section fifty-three, then said ordinance or franchise shall become operative. But if the clerk shall have attached to said petition a certificate of sufficiency,
it shall be the duty of the council to reconsider said ordinance or franchise, and if the same is not entirely repealed, the council shall submit the same to a vote of the people at the next general election, or a special election to be called for such purpose, and such ordinance or franchise shall not go into effect or become operative unless and until a majority of the qualified voters voting for or against the same at said election, shall vote in favor thereof. The ballot used when voting upon such ordinance of franchise shall contain the words "For the Ordinance" or "Against the Ordinance" (stating the nature of the ordinance) and if a majority of the qualified electors voting thereon shall vote in favor thereof, said ordinance or franchise shall thereupon become valid and binding. If a majority of such voters shall vote against the same, it shall become of no effect. More than one such ordinance or franchise may be voted upon at the same election.

Elections hereunder shall be conducted in accordance with the provisions of section five hereof.

Sec. 18. The council shall have the right to levy and collect annually, a capitation tax of two dollars from each male inhabitant of said city, who has attained the age of twenty-one years, is not a person of unsound mind or a pauper. Said tax is to be collected as other taxes are collected.

Sec. 19 (a). Council shall annually levy and collect taxes to provide funds for the conduct of said city in the manner, and after the estimates and within the limits prescribed in the general law of the state of West Virginia, as contained in section eight of chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and twenty-three; provided, that the laying of levies for Firemen's and Policemen's Pension Funds shall be governed as to amounts thereof by section fifty-four hereof relating to such funds. Provided, that if the council is of the opinion that the maximum rate of levy authorized in section eight of chapter twenty-eight-a of the said code of West Virginia, will not, in addition to special levies, if any, produce sufficient funds for the current or ensuing fiscal year to cover the expenditures for said year, it may lay an additional levy and submit the same for ratification to the voters of said city as provided by sections nine and ten of chapter twenty-eight-a of the said code of West Virginia of one thousand nine hundred and twenty-three. The election at which such
question is submitted shall be conducted under the provisions of section five of this act.

(b). At the time of making such annual levy the council shall apportion the same, together with all the estimated receipts of the city from all sources (save receipts from the water works and from any other utility operated by the city under authority of section forty-seven hereof) among the several departments and funds of which estimates have been made as above; which said apportionment, when adopted, shall be spread upon the records of the council, and the funds so apportioned shall be used for no other purpose than as provided by such apportionment, and if, at the end of any fiscal year, there remains any unexpected balance in any fund or appropriation, the same shall be covered into the treasury as a lapsed balance; provided, that if after the thirtieth day before the end of any fiscal year it becomes evident that there will remain in any fund or appropriation any unexpended balance which will lapse, the council may, in cases of emergency, by ordinance, appropriate the same, or some part thereof, to some other fund, if, in the judgment of the council, the needs of the city so demand.

(c). All receipts from the water works shall be apportioned to the water works to provide for the expenses of the operation, maintenance and extension thereof and for the payment of interest upon, and the retirement of, water works bonds.

Sec. 20 (a). All taxes which are, or shall be authorized to be levied and collected for said city, and all fines and penalties which may be imposed and collected for violation of the laws and ordinances of the said city, shall inure to the exclusive benefit of said city.

(b). All moneys received and collected for the use of said city shall be paid into the city treasury, and shall not be drawn therefrom except as the council, in accordance with this act, may order, by orders drawn upon the city treasury, signed by the mayor and countersigned by the superintendent of the department of accounts and finance, save that in case such superintendent is absent or unable to act, or is acting as mayor, such countersignature shall be by the city clerk; and no order shall be issued on any fund unless there is an unexpended balance to the credit thereof sufficient to cover such order, and unless there is money in the treasury to pay the same.

(c). The city treasury shall be one or more of the banks
of said city which shall be selected by, and which shall serve as such, during the pleasure of the council. The money deposited therein shall be disbursed only upon orders drawn against the same signed and countersigned as hereinbefore prescribed. Each bank so selected shall, before receiving any money on deposit, give bond payable to said city, with security to be approved by the council, conditioned to safely keep and account for such deposit and interest agreed to be paid thereon, and otherwise as may be required by law, in such penalty as may be prescribed by council; provided, that at no time shall there be deposited in any such bank or left on deposit therein, a sum equal to more than the penalty of the depository bond so given by it.

The council may at any time require new depository bond to be given, but such bonds shall be required to be given at least every three years in the month of July following the regular municipal election hereinbefore provided for.

Sec. 21. The officer whose duty it is to make out the land and personal property assessment books for the county court of Wood county, shall annually, not later than the twentieth day of July, furnish to the city clerk of the city of Parkersburg, a certified statement showing in separate amounts the aggregate value of all the personal property, and the aggregate value of all the real estate and the aggregate value of all property assessed by the board of public works, or other board in lieu thereof, in said city, as ascertained from said land and personal property books, and from the assessments furnished by the state auditor to the county clerk, showing the value of the property assessed in said city by the board of public works for the current year. The statement so furnished shall be laid by the city clerk before the council at its next meeting (not later than the first day of August), and shall be taken by the said council as the proper valuation of all property in said city liable for taxation for municipal purposes for the purpose of determining the rate of levy for municipal purposes for the current fiscal year, as referred to in section nineteen of this act, and in section eight of chapter twenty-eight-a of the code of West Virginia; and as soon as the rate shall have been determined upon, the city clerk shall furnish the officer whose duty it is to make out land and personal property books, a certified copy of said order fixing the rate of such levy; and such officer
Sec. 22. Municipal taxes on real and personal property levied under this act shall be payable on the first day of December of each year in which the levy is made, but if the officer charged with the collection of city taxes, who shall be the superintendent of the department of accounts and finance, or some other officer appointed by the council for that purpose, shall not be ready to receive such taxes by the first day of December, then as soon after that date as notice shall be given by such officer by publication in one or more newspapers published in said city that he is ready to receive such taxes. The bills for such taxes shall be made out each year, and when paid, shall be receipted by such officer and delivered to the person paying the same. Any taxpayer may pay the whole amount of taxes assessed against him, including capitation tax, within one month after such first day of December, or within one month after the collector has given notice that he is ready to receive taxes, if he is not so ready by the first day of December, and thereupon shall receive a discount of two per centum on the amount of all real and personal property taxes so paid;

Provided, however, that for the period of five years after the passage of this act, no tract of land containing more than five acres situated within the limits of said city as prescribed by this act used exclusively for gardening, grazing or agricultural purposes, shall be taken and treated as a part of the territory of said city without the consent of the owner thereof, unless said owner shall have sold or leased the same, or some portion thereof, in lots of five acres or less, or shall have laid off such tract in town lots, and offered the same, or some of them, for sale.
Sec. 23. In case any person shall neglect or refuse to pay in whole or in part any tax lawfully levied upon him for the benefit of said city, on or before the first day of January, of the year following that in which the levy is made, or on or before the first day of the month following the giving of the notice by the collector, provided for in section twenty-two of this act, if said notice be not given before the first day of January, such person or persons shall be chargeable with interest upon the amount of said taxes, at the rate of six per centum until the same are paid, and the officer appointed to collect said taxes shall be charged with said interest and required to account therefor. And it shall be lawful for such officer to take reasonable distress of any personal property in said city belonging to such delinquent or delinquents, or in which they shall have any right or interest, and such officer is hereby invested with all the rights, privileges and authorities in relation to distraint, sale and garnishment concerning said city taxes, as are authorized and given to sheriffs and collectors by the laws of West Virginia.

Sec. 24. All taxes assessed upon real estate within said city, for the benefit of said city, shall remain a lien thereon from the time the same are assessed, which shall have priority over all other liens except for taxes due to the state, county or district, and may be enforced by the council in the same manner now provided by law for the enforcement of the lien for county taxes, by a suit in equity in the name of the city, in any court having jurisdiction, or in such other manner as the council may, by ordinance, prescribe; and if not paid as provided by this act, said lien and taxes shall bear interest at the rate of six per centum per annum until the same are fully paid. And the personal property of every person to whom the said real estate shall come by descent, purchase or gift, shall be subject to distress and sale in the same manner and to the same effect as if he, she or they were originally chargeable with such taxes. And in all cases in which any tax assessed upon real estate for the benefit of said city shall be paid in whole or in part by the tenant, or out of his or her property, he shall be entitled to deduct the same out of the accruing rent, or to recover the amount so paid from the owner of such real estate, unless it shall have been otherwise especially agreed. The council shall, by ordinance, require the collector on the first day of June in
23 each year after he ascertains which of the taxes in the city have
24 not been collected, to make out and return to the council, al-
25 phabetical lists in two classes: One a list of real estate and the
26 other a list of persons and property, other than real estate, in
27 the city, delinquent for the non-payment of taxes thereon for
28 the year preceding such return, and require the collector re-
29 turning the said lists to subscribe an oath to each list in form
30 and effect as sheriffs are required to make to delinquent lists
31 returned to the state; and the council is prohibited from giving
32 the collector credit for any uncollected city taxes unless the
33 same have been abated as prescribed by this act, or are men-
34 tioned in such lists. If any real estate within said city be re-
35 turned delinquent for non-payment of the taxes thereon, and
36 such return shall be made by the collector thereof, in such man-
37 ner as the council of said city may prescribe, a copy of such
38 delinquent list may be certified by the mayor and the city clerk
39 under direction of the council to the auditor of the state, and
40 said real estate may be sold for taxes, interest and commission
41 thereon, in the same manner and at the same time, and by the
42 same officer, as real estate is sold for non-payment of state
43 taxes.
44 A copy of said delinquent list, immediately after confirma-
45 tion by council, shall be filed in the office of the clerk of the
46 county court of Wood county, and recorded in a well bound,
47 permanent book, to be furnished by the city and kept and pre-
48 served in said office for said purpose.

Sec. 25. Under such regulations as may be ordained by the
2 council and as the interest and convenience of the inhabitants
3 of said city shall require, the council shall have the authority:
4 (a). To require licenses of, and to grant and revoke licenses
5 to: owners of horses and horse drawn vehicles of every descrip-
6 tion kept for hire in said city; owners of push carts; owners of
7 vehicles used in the collection of junk and second hand goods;
8 and to levy and collect license taxes thereon; and to regulate
9 all taxi cabs engaged in the transportation of passengers for
10 hire over the streets and alleys of the city, and to fix the rate
11 of charges therefor; and to make it unlawful to charge a higher
12 rate than the maximum so fixed by council:
13 To require and revoke licenses of, and to grant or refuse
14 licenses to, hawkers and peddlers within said city, including
15 persons who temporarily station themselves upon the street to
16 sell or exhibit articles, and to levy and collect license taxes thereon; but no license shall be granted to permit the permanent occupancy for private use of any street, alley, or public square, or part thereof, or for any use of such street, alley, or public square that will obstruct the free use thereof:

21 To require and revoke licenses of, and to grant or refuse licenses to, persons selling or handling soft drinks of all kinds at retail in said city, and to levy and collect license taxes thereon:

25 To require licenses of owners and keepers of dogs in the city, and to levy and collect taxes thereon; and to provide for the killing of dogs, the keeping of which are not so licensed, or which are allowed to run at large:

29 To require or revoke licenses of, and to grant or refuse licenses to owners and keepers of hotels, restaurants, rooming houses and boarding houses, and of junk dealers and dealers in second hand goods or wares:

33 To require licenses of and to grant licenses to persons conducting or carrying on any business or vocation within the city for which the state now requires, or may hereafter require license:

37 To require or revoke licenses for, and to grant or refuse licenses to, theatrical exhibitions, public shows, musical performances and all performances for which admission is obtained by the payment of money or other reward and to levy and collect license taxes on the same; provided, that this paragraph shall not apply to exhibitions, shows or performances given by or for religious, charitable, educational, eleemosynary, patriotic or fraternal organizations, when the net proceeds are to be devoted to charitable, religious, benevolent, educational or patriotic purposes:

47 To require or revoke licenses of, and to grant or refuse licenses to, any one who keeps for public use or resort in said city, any billiard or pool table, bowling alley, shooting gallery or skating rink, bathing or swimming beach or pool and to levy and collect license taxes on the same:

52 To impose license taxes upon, and to collect such taxes from, corporations carrying on business within said city, which shall be in addition to the special license tax, if any, applicable to the particular business carried on.
56 (b). Concerning any of the things enumerated in sub-section 57 (a) hereof upon which no license tax is therein specially au-
58 thorized but for which the state imposes a tax under chapter 59 thirty-two of the code as it now is or as it may hereafter be
60 amended, the said council shall have authority to impose a
61 license tax; provided, that the amount of any license tax shall
62 not in any case exceed the amount of the state license tax im-
63 posed upon the same thing or business; and, provided, further,
64 that in no case shall the license tax imposed upon a corporation
65 as such, that is, the tax authorized by the last clause in said
66 sub-section (a), exceed ten dollars per year for a corporation
67 organized under the laws of the state of West Virginia, or fif-
68 teen dollars per year for any other corporation.
69 (c). In every case in which license or permit to do business
70 in this city is granted, whether or not a license tax is imposed,
71 the council may provide for the collection of a fee of fifty cents,
72 which shall be in addition to the license tax, if any, imposed.
73 This fee is for the issuing or granting of permit or license and
74 shall not be collected when a tax only is imposed, as in case of
75 corporation mentioned in the last paragraph of sub-section (a)
76 of this section, and no license or permit is issued or required.
77 (d). The council may, by ordinance, prohibit the doing in
78 this city without a license, and may regulate the doing with a
79 license, of any act or the transaction of any business, for which
80 license may be required pursuant to this section, and may en-
81 force such prohibitions by suitable fines and penalties.
82 (e) All licenses shall be issued by the city clerk unless this
83 duty is placed by ordinance upon some other officer, and no
84 license shall be delivered to the person or persons applying
85 therefor until the tax, if any, imposed thereon, and the fee
86 above authorized, if any, has been provided for, has been paid.

Sec. 26 (a). The council is prohibited from employing or
2 appropriating the taxes or other revenues of the city in any
3 other manner than according to the provisions of this act and
4 general law, or for any purposes not strictly municipal and
5 local, and no member of the council, or any committee of the
6 council, shall have the power (without the previous authority
7 of the council) to create any debt or liability binding on the
8 city, save that in case of emergency, such member or commit-
9 tee may incur such liability for the city in an amount not exceeding
10 twenty-five dollars without such previous authority.
(b). No money shall be appropriated and no debt shall be created for any purpose whatever unless the funds to meet the same shall have been first provided by levy duly laid in accordance with the provisions of this act; save that this provision shall not apply to the water works, or to any other utility which may be operated by the city, so far as the expenditures in connection therewith are met by the receipts therefrom, and not by levy; and no contract shall be entered into involving or anticipating future levies, unless all questions connected with the same shall have been submitted to a vote of the people and shall have received three-fifths of all the votes cast for and against the same. Provided, that the council may make provision by ordinance by appropriations for the temporary and necessary needs of the city between the close of any fiscal year, June thirtieth, and the laying of the levy, as above provided. Appropriations for such short emergency periods to be at no greater rate than those for the fiscal year then just closed, or about to close.

Sec. 27. No officer or employee of said city shall accept or receive, directly or indirectly, from any person, firm or corporation, operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract or agreement shall be void.

Such prohibition of free transportation shall not apply to policemen, or firemen in uniform; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section.

Sec. 28. Council shall create by appointment, a civil service board, consisting of three residents of the city, whose duty it shall be to examine all applicants for positions in the departments of police, fire and water works, and such other departments as may be ordained, including the chiefs of such departments; and shall define the terms and prescribe the duties of the members of such board and its general procedure. All per-
8 manent appointments to said departments (not including ordinary laborers) shall be made from applicants recommended by said board, and when appointed, such persons shall be removed only for cause. All appointments to the police department shall be made by the mayor; all appointments to the fire department shall be made by the superintendent of the department of public safety; all appointments to the water works department shall be made by the superintendent of the department of water works and sewers; such appointments in each case must be confirmed by the council before becoming permanent.

Sec. 29. The fiscal year of said city shall begin on the first day of July, and end on the thirtieth day of June of the following year. At the end of each fiscal year, the council shall cause a full and complete examination of all the books and accounts of said city to be made by a competent accountant, and shall publish the result of such examination in two daily newspapers of the city of opposite politics, if such there be.

Sec. 30. In the construction of this act, the following rules shall be observed:

(a). When an officer or officers is named in any law referred to in this act, or in any general law of the state governing municipalities, said law shall, when applied to said city, be construed to mean the officer or officers having the same functions or duties under the provisions of this act, or ordinance passed pursuant thereto.

(b). The word "franchise" shall include every privilege in the streets, highways, and public places of the city, whether granted by the state or the city, which does not belong to citizens generally by common right.

(c). The word "electors" shall be construed to mean persons qualified to vote for elective officers at regular municipal elections in said city.

Sec. 31. Where by this act or by any ordinance of said city, any officer of said city, who receives a monthly salary of more than fifty dollars, is required to give an official bond, it shall be given with a surety company approved by the council; bonds of other officers may be given with personal security, approved by the council. All official bonds shall be payable to the city of Parkersburg, and be with the condition that the officer shall faithfully discharge the duties of his office, and faithfully ac-
count for and pay over, as required by law, all moneys which
come into his hands by virtue of his office. Such bonds,
except that of the superintendent of the department of accounts
and finance, shall be filed in the office of the superintendent of
the department of accounts and finance, and shall be carefully
preserved by him. The bond of the superintendent of the de-
partment of accounts and finance shall be filed with, and pre-
served by the mayor.

Sec. 32 (a). The council shall have authority to pass all
ordinances (not repugnant to the constitution of the United
States or the constitution of this state or to this act) which
shall be necessary and proper to carry into effect any power,
authority or jurisdiction which is or shall be granted to or
vested in said city, or in the council, and to enforce any and
all of said ordinances, through the police court by reasonable
fines and penalties and by imprisoning the offender or offend-
ers, or otherwise as may be herein provided; and upon failure
of any offender to pay any fine or penalty imposed, he may be
compelled to labor at any public works or improvements un-
dertaken by the city, or any work upon which the city may law-
fully employ labor, at such rate per diem as the council may
fix (but not at a less rate than is paid for like labor to regular
employees of the city) until any fine imposed upon, or costs as-
sed against, such offender shall have been fully paid and
discharged, after deducting charges of support while in cus-
tody of the officers of said city. Provided, however, that no
fine shall be imposed exceeding one hundred dollars, and no
person shall be imprisoned or compelled to labor as aforesaid
for more than sixty days for any one offense. And, provided,
further, that when the offense for which a fine or imprisonment
is imposed is also punishable under a state law, the said city
may provide for and enforce penalties by fine and imprison-
ment, equal to but not in excess of the penalties provided by
state law.

(b). Every person sentenced by said police court to impris-
onment or to the payment of a fine of ten dollars or more (and
in no case shall a fine of less than ten dollars be imposed if the
defendant, his agent or attorney objects thereto) shall be al-
lowed an appeal to the circuit court of Wood county, provided,
otice of such appeal be given within forty-eight hours from
the rendition of the judgment, upon entering into and filing,
within such time, an appeal bond with surety deemed sufficient and approved by the judge of said police court, in a penalty double the amount of the fine and costs, with condition that the person appealing will appear before the said circuit court at its next term, and not depart thence without leave of the court and will perform and satisfy any judgment which may be rendered against him by the said circuit court upon such appeal.

When any such appeal is taken, the warrant of arrest, a transcript of the judgment, the appeal bond, and other papers in the case shall be forthwith delivered by the judge of the police court to the clerk of the circuit court, who shall place the case upon the docket of said court, and the said court shall proceed to try the case as upon indictment or presentment, and shall render such judgment, including the costs, as the law and evidence may demand. If the judgment be against the accused it shall include the costs incurred in the proceeding before the police court, as well as in said circuit court. In no case shall a person convicted before the circuit court upon such appeal for the violation of a city ordinance be sentenced to pay a larger fine or sentenced to a longer term of imprisonment than is provided in said ordinance, and such fine and the costs incurred before the said police judge shall, when collected, be paid over by the sheriff of Wood county to the judge of said police court. Provided, that in case a fine only is imposed by said police court, the party fined and desiring to appeal may, in lieu of giving appeal bond, deposit the amount of fine and costs in cash with the judge of said police court, which sum shall be, by him, immediately paid over to the superintendent of the department of accounts and finance, who shall keep the same in a separate account until such time as said case is heard and determined in said circuit court; and upon a certified copy of the judgment of said circuit court being delivered to him, the said superintendent shall pay the amount of such fine and costs into the proper city fund, or to the party fined, according as the said party is acquitted or convicted in said circuit court.

(c) The jurisdiction of said city for police and criminal purposes shall extend one mile beyond the corporate limits of said city in all directions, except to the westward, in which direction, said jurisdiction shall extend to the West Virginia state
Such jurisdiction shall also include any grounds in the county of Wood acquired, owned or leased by the city as a public park or parks or for use in connection with water works, or with any other project for which the city is authorized to hold property outside the city limits.

(d). The mayor shall be ex-officio judge of the police court, and in his absence or inability to act, the superintendent of the department of public safety shall be ex-officio judge of said court, and the council shall have the authority to provide by ordinance for the appointment of one or more additional police judges or deputy police judges. Each of such officers shall be ex-officio a justice of the peace with authority to issue warrants or other process for all offenses committed within the police jurisdiction of said city, of which a justice of the peace has jurisdiction under the state law, and for all violations of any city ordinance; and in order to preserve the peace and good order of the city and to protect persons and property therein, riotous and disorderly persons within the said jurisdiction may be arrested and detained before the issuing of a warrant.

(e). The presiding judge of said police court may, without fees or other compensation, commit persons charged with felony or misdemeanor to jail, and take bond for their appearance before the grand jury of Wood county, and he shall have power to issue execution for all fines, penalties and costs imposed by him.

Sec. 33. The council shall have authority to pass such ordinances as in their judgment will be necessary and proper, and which are not repugnant to the constitution of the United States or the constitution of this state or to this act, to protect and secure the inhabitants of said city against all persons who may violate the law or the public peace, or any ordinance of said city, and to that end shall have authority to organize and maintain a police department, and to prescribe the duties and define the powers of the several officers and members thereof in such manner as will most effectively preserve the peace and good order of said city and protect the inhabitants thereof and their property.

Sec. 34 (a). The council shall have the authority to acquire property for, and to maintain and regulate public parks, air ports, sites for water works and ground to be used in connection therewith, sites for cemeteries, and for plants for produc-
tion of gas, light and power, incinerating plants and plants for disposal of garbage and sewage, whether any of the same be located within or without the city limits as herein defined; and to operate all such plants; to acquire, use, lease, rent and sell water power and water rights and sites whether within or without the city limits; to acquire ground for and to erect city hall, stations for fire departments and to regulate the same; to establish and maintain free public libraries and reading rooms and to purchase books, papers and magazines therefor; to receive donations and bequests of money and property for any of said purposes and for other purposes, whether the same be in trust or otherwise, and to provide by ordinance for the management of the same by officers of the city, or by such agents or trustees as may be prescribed; to acquire property for and to erect and maintain work house, jail, hospital, or infirmaries, and all other places necessary for said city, whether the same be within or without the city limits as herein defined.

(b). The council shall have authority to ordain and provide for the internal administration and management of any such hospitals or infirmaries by and through a board or boards of trustees created and selected by the council; provided, that the member of the council to whose department any such hospital or infirmary is assigned, shall be always ex-officio a member of any such board, and that at least one member of any such board shall always be a woman, and at least one member shall always be a physician.

Sec. 35. The said city shall have the use of the county jail of Wood county for confinement of persons who shall be sentenced to imprisonment under the ordinances of said city; and all persons confined in said county jail by virtue hereof, shall be under the charge and in the custody of the sheriff of Wood county, who shall receive, keep and discharge such persons in such manner as may be prescribed by ordinances of said city, or otherwise, according to law. For the subsistence of such city prisoners, the sheriff shall be paid by the city at the same rate at which he is paid by the county court for the subsistence of county prisoners.

Sec. 36. The council shall have the authority to regulate the burying of the dead within the city, to preserve the peace and order within the cemeteries therein, and within such cemeteries as may be the property of the city situated outside of city lim-
its, if any such there be, and in general to have such control over all such cemeteries as will promote the public good.

Sec. 37. The council shall have authority to take and use, as prescribed by this act, any lots or parcels of ground, or any part thereof in said city, for streets, alleys or market places, or for any public purposes provided by this act, or under general statute of this state, upon making to the owner or owners thereof adequate compensation therefor.

Sec. 38 (a). The council having acquired the necessary lands for the purpose, may alter the location and width of any street, alley or public road as lies within the corporate limits of said city, in order to conform the same to the general plan of said city, or for any other public purpose; provided, that in case any street or public road within the city shall have been designated by the state road commission, or any other body created by law in lieu thereof, as a state highway, the location of the same shall not be altered, or its width diminished, save with the consent of such state road commission, or other body.

(b). The council shall have the authority to lay out within said city, or cause to be opened, any streets, walks, alleys, market grounds, public squares or parks, and to extend, widen or diminish (save as above provided) the width thereof, having first obtained title to the ground necessary, if any.

(c). The council shall have the authority to graduate any street, walk, alley, market ground, public square or park, which is or may be established under the authority of this act, and to pave or otherwise improve the same; to cause the same to be kept in good repair and generally to ordain and enforce such regulations respecting the same, or any of them, as shall be proper for the health, interest and convenience of the inhabitants of said city.

(d). In order to acquire the ground, if any is necessary, to provide for opening, extending or widening any street, walk, alley, market ground, public square or park, or site for hospital, airport, water works, or any other structures authorized by this act, or by general law, or rights of way for streets, alleys, water or sewer lines, the said city is hereby empowered and is given the authority to condemn said property for such purposes by a proper action in the circuit court of Wood county in the manner prescribed by the general law of the
34 state governing such actions, and to acquire in such proceed-
ing either the fee simple title or the right of way or easement, 35 as may be asked for in the application filed in such proceeding.
36 (e). In no case shall any street, road or alley be laid in, 37 across or upon lands used exclusively for gardening, farming, 38 grazing or agricultural purposes without the consent of the 39 owner thereof, until the said owner shall have sold or leased 40 the same in lots of five acres or less, or shall have laid off said 41 lands in lots, and offered the same, or some of them, for sale.
42 (f). The council may cause the streets, alleys and public 43 roads lying within said city to be kept in good order and con-
dition, but this provision shall not apply to any street or road 44 hereafter opened or dedicated to the public within the cor-
porate limits of said city by private persons unless the council 45 shall have first accepted such street, road or alley as a street,
46 road or alley of said city; and the council shall not accept any 47 such as a street or alley of said city which may hereafter be 48 opened and donated to the public by private persons in order 49 to extend any street or alley now established within the cor-
porate limits until the same shall have been made to conform 50 in width and direction to the street or alley so extended; and 51 where new streets or alleys are hereafter laid out and do-
52 nated to the public not in extension of streets or alleys al-
53 ready established, the council shall not accept any such street 54 until at least sixty feet in width of ground for a street, or 55 twenty feet for an alley, shall have been laid off and donated 56 to the city, unless the council shall, in the resolution accepting 57 the same, specifically authorize a less width and state the rea-
58 son why, in that particular case, such width is deemed proper 59 and sufficient.
60 (g) In case a proposed subdivision of any lot or parcel of 61 land is situated within the corporate limits of said city, or 62 abuts on said limits, it shall be the duty of the owner or his 63 legal representative (as required by section thirteen of chapter 64 seventy-three of the code of West Virginia of one thousand 65 nine hundred and twenty-three) to submit a plat or plan of 66 such sub-division to the council showing the street and alley 67 connections with the said subdivision makes with the said 68 city streets and alleys already established therein, and that 69 the said sub-division does not impede or prevent the further 70 development or extension of said city. If the council approves
75 said plat or plan, such approval shall be endorsed thereon be-
76 fore the same is filed in the office of the clerk of the county
77 court of Wood county, and such plat or plan shall not be re-
78 corded in said clerk’s office until such approval of the city
79 has been endorsed thereon.
80 (h). In no case shall any such street, road or alley be ac-
81 cepted by the council until the same has been surveyed and
82 graded, and the grade has been accepted and approved by the
83 council at the time the plat is approved and ordered recorded.
84 In all such cases a copy of the plat showing platting and grades
85 established, shall be filed with the records of the city, and
86 when thereafter any work or improvement shall be under-
87 taken or made by the city on any such streets or alleys no
88 change in the grade established as aforesaid shall be made be-
89 fore the owners of the property abutting the same shall have
90 consented thereto in writing, or before the damage to the
91 property abutting the same by reason of such change of grade
92 shall have been ascertained and agreed upon. Provided, that
93 in case the owner or owners of any property abutting the
94 street or alley upon which any such improvement is contem-
95 plated, refuse to assent to such improvement or to agree upon
96 any sum as damages, and if by reason of such failure, im-
97 provement of value and importance to the public be held up
98 and prevented, the council is hereby given the authority to
99 institute and prosecute proceedings in the name of the city
100 of Parkersburg in the circuit court of Wood county, as and
101 in the manner provided in chapter forty-two of the code of
102 West Virginia of one thousand nine hundred and twenty-
103 three, so far as the same may be applicable, to ascertain and
104 determine the amount of compensation, if any, to which such
105 owner or owners would be entitled on account of damages, if
106 any, to their property which would result from the proposed
107 change. When such compensation, if any, shall be so ascer-
108 tained, it shall be within the option of the council to pay the
109 same, or to abandon the proposed undertaking or to change
110 the plan thereof.

Sec. 39. The council shall have authority: (a) To ordain
2 and enforce such regulations as shall be necessary and proper
3 to prevent accident and damage by fire in said city, and to
4 secure the inhabitants thereof, and the property therein, so
5 far as practicable, from injury by fire, and, to that end, may
cause the removal or repair as hereinafter provided of any building, or other combustible material which may, in the opinion of the council, endanger adjacent property by its liability to take fire; (b) To regulate generally for the construction, inspection and repair of all buildings within the city, and to provide special regulations applicable to buildings within such fire limits as may be established by ordinance; (c) to provide for the establishment, organization, equipment and government of a fire department and fire companies and for the purchase of apparatus and appliances for extinguishing and fighting fires; (d) to ordain regulations for the storage of gun powder and other combustibles and dangerous articles and the place and manner of keeping the same; and (e), generally in addition to any power herein given, to exercise all the powers bestowed upon councils in regard to fire fighting by section nine of chapter forty-eight of the code of West Virginia of one thousand nine hundred and twenty-three.

Sec. 40. The council shall have authority: (a) to ordain and enforce such regulations within said city as shall be necessary or proper to preserve the health of the inhabitants of said city, and to secure them from contagious, infectious and other diseases; (b) to require and compel the abatement and removal of all nuisances within said city at the expense of the person or persons causing the same, or of the owner or owners of the grounds whereon the same shall be; (c) to prevent or regulate slaughter houses within said city, or the exercise of any offensive or unhealthy business, trade or employment therein, and to ordain and enforce such regulations respecting the same as the comfort, health or convenience of the inhabitants of said city shall require; (d) to prevent the keeping or exposing or offering for sale of any stale meats, fish, vegetables or other such matter, or, the depositing the same, or any dirt, rubbish, offal, or other substance upon any lot, street, alley, wharf or square inside the city, or upon the banks of any river or stream, within the limits of said city; (e) to prevent fowls, hogs, dogs, or other animals from being kept in, or from running at large, in said city, and to subject the same to such regulations as they may deem proper; (f) to provide for the sanitary inspection of all springs, dairies, slaughter houses and other places in said city where food or drink are produced, prepared, sold or served for human consumption, whether on or off the premises, and for the sanitary inspection of all such places which may be
26 outside the limits of the city where food or drink is handled
27 or prepared for human consumption and for sale within the
28 city; and to prohibit, and enforce such prohibition by suitable
29 penalties, the bringing into the said city or the offering for sale
30 therein, of any articles or food or drink not handled or pre-
31 pared in accordance with the regulations ordained for that
32 purpose, and generally to ordain and enforce such regulations
33 respecting the producing, preparing, handling or sale of food
34 or drink for human consumption in said city as the health and
35 comfort of the inhabitants thereof shall require; (g) to regu-
36 late by ordinance the location, construction, repair, use, empty-
37 ing and cleaning of all water closets, privies, cesspools, septic
38 tanks, sinks, plumbing, drains, yards, pens, stables, and other
39 places where offensive or dangerous substances or liquids are,
40 or may accumulate; and to provide suitable penalties for the
41 violation of such regulations, which may be enforced against
42 the owner, agent, occupier or tenant of any premises or struc-
43 ture where such violation may occur; (k) to cause to be filled,
44 raised or drained any ground in said city which would be sub-
45 ject to be covered with stagnant water, or to remove from any
46 ground or premises in said city any offensive or unwholesome
47 substance, permitted by the owner or occupier thereof, to re-
48 main or accumulate therein, and to collect the expense of doing
49 any of the things herein provided from the owner or occupier
50 of such premises as hereinafter provided in section forty-one
51 hereof.

Sec. 41. In case it should be deemed expedient to remove or
2 repair any building or structure in said city, or to remove
3 from any premises any combustible material, by reason of dan-
4 ger of fire resulting from existing conditions, as mentioned in
5 sub-section (a) of section thirty-nine hereof, or in case it should
6 be deemed expedient to abate or remove any nuisance as men-
7 tioned in sub-section (b) of section forty hereof, or in case it
8 should be deemed expedient to drain, raise or fill any ground
9 as mentioned in sub-section (h) of section forty hereof, the
10 expense of said work shall be borne by the owner or occupier
11 of the property upon which said nuisance or dangerous condi-
12 tion exists, and if said work is done by the city, the expense
13 thereof may be recovered by the city from the owner or occu-
14 pier of said property, and such expense shall constitute a lien
15 against the real estate from or upon which said structure is
16 removed, or upon which said nuisance is abated, or fill or drain
17 made; provided, the city council shall first cause notice to be given to the owner or occupier of said property or to his agent, summoning him to appear before the council at a time stated, not less than five days after the giving of such notice, and show cause, if any he can, why the work required to be done, or the nuisance required to be abated, as specified in said notice, should not be so done or abated. If such owner or occupier fails to appear or show cause, or if, upon appearing, the council after hearing such owner or occupier, should be of the opinion that such nuisance or other condition exists and should be corrected or abated, the council may direct by resolution that said work be done and the said nuisance abated, within such time as under the circumstances of the case may be deemed proper, and upon the failure of the owner or occupant to so do the said work or abate the said nuisance, within the time named, the council may direct the said work to be done, or the nuisance to be abated by the city and shall render to the owner or occupier of said premises, a statement of the cost thereof, which cost shall be paid to the city by said owner or occupier, and in the event of his failure to so pay the same, the city may recover the amount from such owner, and the said amount shall constitute a lien against said real estate, which may be enforced by the city by suit in equity before any court having jurisdiction, as other liens against real estate are enforced, or same may be recovered by action at law before any court of justice having jurisdiction. Provided, that such amount shall cease to constitute a lien against said property as against creditors of the owner thereof or purchasers thereof for value without actual notice of the same, unless within six months a certified statement, showing the nature of said work, the date and amount thereof, the property affected and the name of the owner thereof, be filed for record in the office of the clerk of the county court of Wood county; and it shall be the duty of such clerk to record the same in the trust deed books in the name of the city and in the name of each owner of said property, for which recordation he shall be paid by the city.

53 In the case of non-resident owners of real estate any notice required to be given hereunder may be served upon any tenant, occupier or rental agent, or by publication thereof twice a week for two weeks in some newspaper published in said city. Any expense incurred by the city as hereinabove provided
58 may be collected in the manner herein provided notwithstanding the imposition of any fines or penalties upon any such owner or occupier for the violation of the provisions of any ordinance of the city relating to the same matter.

62 In case a tenant of any property shall, pursuant to this section, be required to, and shall incur expense, such tenant shall be entitled to deduct the amount thereof out of accruing rent or he may recover the amount so paid from the owner, unless otherwise specially agreed.

Sec. 42. The Council shall have authority: (a) To establish and regulate markets in and for said city; to appoint the time and place for holding the same; to provide suitable buildings therefore; and to ordain and enforce such regulations respecting the same as the convenience and interest of the inhabitants of said city may require; (b) to construct and own landings, wharves and wharf boats and docks and to operate, lease, repair, alter or remove the same, to establish and collect rates and fees for using in any manner the landings, wharves, wharf boats or docks belonging to the city; and to pass and enforce such ordinances as shall be proper and needful to keep the same in order and repair and to regulate the use thereof; (c) to provide for the proper weighing and measurement of all hay, animals, meat, provisions, coal and lumber offered for sale in said city, and to provide for the inspection of weights and measures; (d) to regulate or prohibit the firing in said city of guns, crackers, fireworks or any combination of gunpowder or other combustible or dangerous material or substance; and (e) to aid or to assist in the aiding or relief of poor and indigent persons in said city, and to provide or assist in providing medical and surgical attention for such purposes.

Sec. 43. The council shall have authority to regulate the speed at which horses or other animals, or vehicles of any kind, may be ridden, driven or propelled upon or along any street, alley or public place in said city, as well as to regulate the weight and size of such vehicles; to regulate the progress of all traffic at street intersections in congested districts of said city, as may be designated as such by ordinance, and to control and direct the same by signs or signals, or otherwise; to regulate and forbid the parking of vehicles upon any designated streets, and to declare any street to be a one way street or to be a through street; provided, that the speed, size and weight of vehicles as fixed by the regulations of the state road commission
13 shall not be diminished so far as the same may concern any 
14 street, alley or public thoroughfare in said city which has been 
15 designated by such commission as a connecting part of the state 
16 road system, nor shall any street, alley or public thoroughfare 
17 so designated be declared a one way street, without the consent 
18 of said commission.

Sec. 44. To protect and preserve the health, safety, morals, 
2 comfort, welfare and general health of the general public, the 
3 council shall have authority (a) to ordain regulations govern-
4 ing the erection, alteration or repair of buildings and other 
5 structures in said city and to prohibit the erection, alteration 
6 or repair thereof unless and until permit has been issued there-
7 for after the approval of the plans and specifications therefor 
8 by an officer or commission designated by ordinance for that 
9 purpose and under such regulations as the council may ordain; 
10 (b) to divide the area of the city from time to time by ordi-
11 nance into one or more districts or zones, of such space, area 
12 and shape as may be deemed best suited for the carrying out of 
13 the purposes of this section, and within any such districts or 
14 zones to establish set-back building lines, to regulate and re-
15 strict the location of buildings and other structures, their 
16 height, area and bulk, the percentage of the lot to be occupied 
17 by buildings or other structures, the size of courts and other 
18 open spaces and the trade, industry, residence and other spe-
19 cific uses of the premises in any such districts, or zones, and 
20 generally to ordain such rules and regulations as may, in their 
21 judgment, be proper and expedient for the carrying out of 
22 the purposes of this section, concerning the character of the 
23 buildings and the uses to which the same may be put and the 
24 nature of the business to be carried on in or on the premises, 
25 within any or all of the districts or zones so established by 
26 ordinance; (c) to refuse, and to prohibit the issuing of any 
27 building permit for any building or structure, the plans and 
28 specifications for which do not conform to the regulations or-
29 dained: (d) to prohibit the use of any building, structure or 
30 premises for any prohibited or unauthorized purpose within 
31 any district or zone specified by ordinance, or the carrying on 
32 of a prohibited business within any such district or zone; (e) 
33 to provide for the punishment, by suitable fines and penalties, 
34 for the violation of any ordinance passed pursuant to this 
35 section.
36 Provided, that nothing herein shall be construed to, or as intended to, authorize the council, in the establishment of such district or zone or in any subsequent changes therein, to prohibit the use of any building then existing therein, for any purpose, or in any manner, authorized and lawful therein at the time such district or zone is established or changed, save that this proviso shall not apply to any regulation applicable to the whole city; and save that permit shall not be given to alter or remodel a building used for a purpose forbidden in the zone in which it is situated though such use may have been authorized when the zone was created, unless the purpose of the alteration or remodeling is to change the use to an authorized one.

49 The council shall provide by ordinance for a commissioner or commission to supervise the carrying out of the provisions of this section and of any ordinance passed pursuant thereto. An appeal shall lie from any decision of such commissioner to the commission or to the council as may be provided by ordinance, and an appeal from the commission shall lie to the council:— all under such rules and regulations as may be provided by ordinance.

57 Proceedings by the council on appeals hereunder shall be subject to review, upon certiorari, by the circuit court of Wood county.

60 If and when the State of West Virginia shall adopt a general enabling act or acts for city zoning and planning, either or both, the city of Parkersburg shall be invested with any and all powers therein conferred upon municipalities in West Virginia in addition to the powers conferred by this section, and council shall have the authority to adopt for the city of Parkersburg the procedure in whole or in part of such enabling act or acts in lieu of, or in lieu of any part of, the procedure set forth in this section.

Sec. 45. The council shall have authority to construct storm and sanitary sewers in said city, and to require all owners, tenants and occupants of improved property located or abutting upon any street or alley along which may extend any sanitary sewer which the city may construct, own or control, to connect with such sewer all privies, water closets, cesspools, drains and sinks located upon their respective premises, so that drainage therethrough and therefrom may be made to empty into such
9 sewer; and, anticipating the paving or permanent improvement
10 of any such street or alley, to require the owners of vacant lots
11 abutting thereon to lay down, at such intervals as may be pre-
12 scribed, lateral lines from sanitary sewers to the curb line, and
13 to make similar requirements of any gas or water companies
14 furnishing gas or water to said city, in order that the necessity
15 of digging up such street may be avoided as long as possible
16 after the making of such improvements; and, also to regulate
17 or prohibit the discharge or draining of storm or surface water
18 into sanitary sewers, and of sewage into storm sewers.

Sec. 46. The council shall have authority: (a) to provide for
2 shade and ornamental trees and for the protection thereof; to
3 require the owner or occupier of any premises fronting upon
4 any street, alley, walk-way or public place in said city to keep
5 trimmed in accordance with such regulations as may be ordained,
6 any and all trees on said premises which overhang said street,
7 alley, walk-way or public place, or which grow on or along the
8 street or walk-way abutting the same, and to remove any such
9 tree when its condition is such as to make it liable to endanger
10 persons or vehicles using any part of such street, alley, walk-
11 way or public place; (b) to require the owners of any lot or
12 premises within the city to keep the grass and weeds cut thereon
13 and on the unpaved portion of the sidewalks abutting such
14 property, at such reasonable intervals of time as may be or-
15 dained; (c) to regulate the construction and operation of down-
16 spouts and drains discharging water into any street, alley or
17 public place in the city or upon any private property from
18 which it is liable to flow upon any public property or upon any
19 property of any person other than the owner of the premises
20 upon which said discharge is flowing, or is liable to cause a
21 nuisance, by remaining stagnant upon the property upon which
22 it is discharged or otherwise; (d) to provide for and regulate
23 the construction of division fences; to regulate and control the
24 kind and manner of plumbing and electric wiring for the pro-
25 tection of the health and safety of said city and its inhabitants;
26 to regulate the placing of signs, bill boards, posters and adver-
27 tisements in, on or over the streets, alleys, sidewalks and public
28 places in said city; to protect places of divine worship; to
29 ordain and enforce regulations for the purpose of protecting
30 the property, health, lives, decency, morality and good order
31 of the city and its inhabitants, and of preventing and prohibit-
 ing lewd, lascivious and immoral acts and conduct and other acts deleterious to such property, health, lives, decency, morality and good order, and the assembling of persons for the commission of any such acts; to regulate or prohibit the possession within the city of Parkersburg by any person of burglars' tools, or nitro glycerine or other explosives, or fuses, such as are commonly used in the commission of burglary, save that the possession of such explosives or fuses for legitimate purposes under suitable regulations such as are authorized for combustibles and dangerous articles by section thirty-nine hereof shall not be prohibited; and to promote the general welfare of said city and its inhabitants; (e) to open, vacate, widen, change, grade and pave streets, alleys, sidewalks and gutters in said city and to alter, improve, embellish and light the same; and (f) to require sidewalks to be kept free from obstruction, ice and snow, at the expense of the owners or occupiers of the property abutting thereon.

Sec. 47 (a). The council shall have authority to acquire, erect, maintain and operate water works, street railways, ferries, bridges, telephone lines, air ports, electric light and power and gas works for the furnishing of electric light and gas for lighting the streets, alleys and public places in said city; and for adequate compensation to sell electric current, gas and water to the residents of said city and vicinage, and to charge such reasonable rates for transportation on such railways, and for the use of such telephones, ferries, and bridges, as may be provided by ordinance, all rates to be subject to supervision and regulation, if any, as is or may be by law vested in the state public service commission, relating to water and other rates charged by municipal corporations.

(b). All receipts from water rents shall be deposited and kept in a separate fund, and shall not be used for general purposes of the city but solely for the expense of repairing, improving, maintaining, operating and extending such water works plant or system, the payment of interest on water works bonds and the discharge of such bonds; and this provision shall likewise apply to and as to each and any of the other utility activities respectively, herein authorized, if and when the city shall embark upon such activities.

Sec. 48 (a). The council of the city may cause any street, alley or public place, or any part thereof, to be paved, re-
3 paved, or resurfaced with cobble stone, brick, concrete or
4 other suitable material, curbing and suitable sidewalks laid,
5 and a sewer or sewers to be constructed therein, or to have
6 such paving and or sidewalks thereon constructed without the
7 construction of such sewer or sewers, or such sewer or sewers
8 constructed without such paving, under such regulations, not
9 inconsistent with the provisions of this section, as shall be
10 fixed by council, upon the lowest and best terms to be obtained
11 by the council by advertising for bids or proposals therefor,
12 and the whole cost thereof, subject to the provisos hereinafter
13 contained (which cost shall include the cost and expense of
14 preliminary and other survey, of printing and publishing of
15 ordinances and notices required to be published in relation
16 thereto, and the cost of construction and inspection) shall be
17 assessed to and paid by the owners of the lots, or fractional
18 part of lots abutting or abounding on that part of the street,
19 alley or public place so improved, paved or sewered and
20 against the said lots or fractional parts of lots in proportion
21 to the number of feet frontage of each. *Provided,* that when
22 it is deemed necessary or expedient to construct a sewer of a
23 greater diameter than twelve inches for use as a trunk line
24 sewer for the serving of territory other than that contiguous
25 thereto, the abutting property owners shall only be assessed
26 with, and shall only be required to pay, such proportion of the
27 cost as would, according to the estimates of the city engineer,
28 equal the cost of a twelve inch sewer, and that proportion of
29 the cost which represents the difference between the cost of a
30 twelve inch sewer, and that of the sewer actually constructed,
31 shall be assessed to and paid by the city; and, *further pro-
32 vided,* that the cost of paving and sewering intersections of
33 streets, public alleys or public places, and the proportion for
34 lots or parts of lots or property against which no assessment
35 can be legally made, shall be assessed to and paid by the city;
36 *provided, further,* that in case of a street or public alley or
37 place occupied by street car tracks or other railway, such part
38 or proportion of the expense, if any, of paving the space be-
39 tween the rails of tracks shall be assessed to and paid by the
40 street car or other railway company, as may be provided in
41 the franchise of such company; and, *provided, further,* that
42 unless otherwise specifically provided in its franchise, granted
43 previous to the time this act goes into effect, any such street
car or railway company shall be required, at its own expense, to prepare and construct a base or bed of concrete or other suitable material, for the support of its tracks, upon such plans and specifications as may be approved by the city engineer and by the council. Should the owner or operator of such street car or other railway company fail or refuse to perform such work after reasonable notice from the city so to do, the city may do or cause said work to be done and assess the cost thereof against such owner or operator, and such assessment shall be in all respects like, and shall be treated in all respects as are, assessments for street paving as hereinafter provided.

The owner or operator of a street car or other railway in case he or it injures any paving in or through construction, maintenance or operation of its tracks or cars shall repair or restore the same to its former condition so far as is practicable; and in case of failure or refusal so to do, after reasonable notice from the city, the city may make or cause such repairs or restoration to be made, and may recover the cost thereof from the said street car or other railway company, or from the owner or operator thereof, by action at law before any court or justice of the peace having jurisdiction thereof. The amount so assessed against such abutting lots or fractional parts of lots to the said abutting property owners, the city and street car or other railway company, if any, as aforesaid, respectively, shall be paid in ten payments as follows; that is to say, one-tenth of said amount, together with the interest at the rate of six per centum per annum from the acceptance of the work by the city on the whole assessment, shall be paid to the city on or before the first day of May next after the work is accepted, and a like one-tenth, together with interest for one year upon the whole amount remaining unpaid, on or before the first day of May in each succeeding year thereafter until all has been paid, and each installment shall bear interest at the rate of six per centum per annum from the date of its maturity, and, moreover, to each installment remaining unpaid on the days herein specified for the payment thereof a penalty of ten per centum of said installments shall be added and collected by the city; provided, however, that any abutting property owner, the city (the street car or other railway company) against whom or against whose property
said assessments have been made, shall have the right at any
time after such assessments shall have been certified to the
superintendent of the department of accounts and finance for
\(^\text{18}\) collection, as hereinafter provided, to anticipate any or all of
such assessments and shall be allowed to pay the face of said
assessments with interest only to the time of payment.

\((b)\). The sum or sums of money so assessed, together with
the interest and penalty aforesaid, for paving or sewering, or
other said improvements, shall be a lien upon the lots or frac-
tional parts of lots (and in case of a street car or other rail-
way company, upon its tracks for the distance of said im-
provement), from the date of acceptance of said work by the
city, and said lien shall have priority over all other liens ex-
cept those for taxes due to the state and shall be on a parity
with the taxes and assessments due the city; provided, how-
ever, such assessments shall after six months from the date
of the acceptance of said work cease to constitute liens against
said property as against creditors of the owners thereof or pur-
chasers thereof for value without actual notice of such liens,
unless within said six months a statement of said liens, certi-
\(\text{fied as hereinafter provided, shall be filed for record in the
office of the clerk of the county court of Wood county.}

\((c)\). Immediately upon the acceptance of the work by the
city the clerk shall make out bills for the sums of money
assessed as aforesaid against the property owners aforesaid,
and shall at the same time make and certify a statement of the
assessments aforesaid in which shall be given the location of
the real estate affected, the name of the owner, the date of the
acceptance of said work by the city, and the amount of the
assessment, and it shall be sufficient description of the loca-
tion of said real estate to describe it as abounding or abutting
upon said improvement included between the termini of said
improvement, or by the description by which it is described
on the land books of Wood county, and shall cause said state-
ment to be immediately recorded in the office of the clerk of
the county court of Wood county, and it shall be ,and it is
hereby made the duty of said county clerk, to record said
statement in the trust deed books in the name of the city and
also in the name of each person against whose property said
assessments appear therein, and said clerk shall be paid for
recording said statement a fee of ten cents for each item of
126 assessment appearing thereon. And said bills for said assessments shall be charged to the superintendent of the department of accounts and finance and immediately certified and delivered to him for collection.

130 (d). Upon default being made in the payment of any installment of the assessments aforesaid, the same shall be immediately reported to the council by the superintendent of the department of accounts and finance, and the council shall forthwith refer the same to such officer as it may deem expedient, for collection; and payment of said delinquent installments, with the interest and penalty aforesaid, may be enforced in all respects as provided for the collection of city taxes, or the lien aforesaid may be enforced by a suit in equity in the name of the city in any court having jurisdiction thereof, and the said delinquent assessments, or any installment thereof may be collected from the person against whom the same were assessed by action at law before any court or justice of the peace having jurisdiction thereof.

144 (e). Immediately upon the completion and acceptance of the work aforesaid, constructed by virtue of this section, the council shall direct the clerk to cause to be prepared a notice which shall name and describe the location of the street or alley upon which said work shall have been constructed; give the names of the known owners of each lot or fractional part of lot abutting or abounding upon said street or alley (and also the name of any street car or other railway company having tracks upon said street or alley, where assessed for paving), and if the name or names of the owner or owners of any lot or fractional part of lot (or of such street car or other railway company), are unknown, such lot or fractional part of lot (and the location of the paving assessed to such street car or other railway company), shall be described with reasonable certainty so that the same may be identified. The number of feet that each lot or fractional part of lots abuts upon said street or alley, the street or alley intersections and all abutting city property, and property not liable to assessments (and the number of square feet or yards, if any, to be paid for by said street car or other railway company), also the amount assessed against each lot or fractional part of lot, and also the amount assessed against the city (as well as the amount assessed against any street car or other railway company),
167 shall be stated. Said notice shall cite all owners of lots or 168 fractional parts of lots abutting upon the streets or alleys 169 aforesaid (and also said street car or other railway company) 170 to appear before the council at a regular meeting thereof 171 within thirty days from the first publication thereof and show 172 cause, if any they can, why the assessments aforesaid should 173 not become final, which notice shall be published once a week 174 for two successive weeks in one or more newspapers of gen- 175 eral circulation published in said city, and affidavits of the 176 publishers of such notices showing the publishing thereof as 177 herein provided, shall be recorded in the minutes of the coun- 178 cil at their next regular meeting. The council shall, upon the 179 request of any one or more of the owners of said lots or frac- 180 tional parts of lots (or of said street car or other railway 181 company) appoint a day for hearing the grievances of said 182 owner or owners (street car or other railway company), and 183 may correct or amend any assessment made against them, or 184 any one of them, for good cause shown. The clerk shall give 185 notice to all persons claiming to be injured by said assess- 186 ment of the time and place of hearing said matters, which 187 meeting shall be held within ten days after the expiration of 188 the thirty days mentioned in said notice. The council may 189 adjourn the hearing from time to time. In case any owner or 190 owners of abutting property (or street car or other railway 191 company) fail to complain of any damages or injury they 192 may have, or may suffer, by reason of the assessments afore- 193 said and shall fail to appear for the purpose of having the 194 same corrected, the assessments as to them as laid shall be 195 final, and the said assessments shall then be recorded in the 196 book in which the plans, specifications, profiles and estimates 197 are recorded under the provisions hereof and next following 198 the same therein. The findings of said council shall be con- 199 clusive.

200 (f). The rights conferred by this section are cumulative 201 and shall not be exhausted as to any particular street or alley 202 by reason of having once been exercised.

203 (g). Whenever it is deemed expedient by the council to 204 provide for paving, sidewalks, curbing, or sanitary sewers in 205 or upon any of the streets or alleys of the city by the issue 206 and sale of bonds of the city, it shall, by resolution entered 207 of record on the minutes of its proceedings, so declare and
thereupon the city shall be and is hereby empowered and
authorized to issue its bonds for the purpose of providing for
paving, laying sidewalks, curbing the streets and alleys of the
city, and of constructing sanitary sewers for the proper drain-
age of said city, in anticipation of special assessments to be
made upon the property abutting upon the streets and alleys
so improved (and upon street car and other railway companies
occupying the said streets or alleys with tracks), and such
bonds may be in such amount as shall be sufficient to pay the
entire cost and expenses of said improvements for which such
special assessments are levied; and said city is also authorized
to sell said bonds, \textit{provided}, that the price for which they are
sold shall not be below the par value of said bonds; said bonds
shall be payable in not to exceed fifteen years from the date
of the issue thereof and shall bear interest at not to exceed six
per centum per annum, payable semi-annually, and in the
issuance and sale of said bonds the city shall be governed by
all the restrictions and limitations of the constitution of this
state, and, so far as not in conflict with the provisions of this
section, by the restrictions and limitations of other laws of this
state with respect to the issuance and sale of other bonds:
And said bonds may be either straight sinking fund bonds,
all of which shall bear the same date of maturity not to ex-
cede fifteen years from the date of their issuance, or serial
bonds any number of which may be made to mature at such
times, not to exceed fifteen years from the date of their issu-
ance, as may be provided in the ordinance authorizing the
issue and sale of said bonds; and in the event that said bonds
so issued and sold are straight sinking fund bonds, the assess-
ments provided for in this section, as the same are paid, shall
be applied to a fund for the liquidation of said bonds and the
interest thereon, and to that end shall be paid to the state
sinking fund commission, or to the trustees of the sinking fund
of the city as per section fifty-one of this act, to be by them
invested for the best advantage of the city; and in the event
that said bonds so issued and sold are serial bonds, the assess-
ments provided for in this section shall, when paid, be de-
posited in one of the banks, designated by the council as city
treasury, in a special fund identified as fund for the redemp-
tion of the principal and interest of the particular bonds so
issued and sold, which fund shall be covered by depository
249 bond given by said bank, as provided elsewhere in this act for
250 other city funds, and from which fund the council shall cause
251 the interest and principal of said bonds to be paid as the same
252 severally mature and become due, and said fund shall be used
253 for no other purpose; and if by reason of penalties collected
254 with the delinquent installments or other means, there may be
255 any balance after the payments of said bonds and all accrued
256 interest and costs, the said balance shall be turned into the
257 city treasury to the credit of a fund for street improvements
258 for said city to be known as the "permanent improvement
259 fund" and used for no other purpose, and assessments for
260 improvements made from said fund shall be paid into said
261 fund; provided, that the city shall not by the sale or issue of
262 such bonds cause the aggregate of its debts of every kind
263 whatsoever to exceed five per centum of the value of the tax-
264 able property therein; nor shall the city make such issue and
265 sale without at the same time providing for the collection of
266 a direct annual tax sufficient to pay annually the interest on
267 such debt and principal thereof within and not exceeding
268 fifteen years.

269 Provided, further, that nothing herein contained shall be
270 construed to prohibit said city from becoming otherwise in-
271 debted; but said city is hereby authorized to become indebted,
272 in any lawful manner and for any lawful purpose, in addi-
273 tion to the purposes mentioned in this section, to an amount
274 including existing indebtedness (and in determining the
275 amount of "existing indebtedness" bonds issued for the pur-
276 poses provided for in this section, shall not be included) in
277 the aggregate of not exceeding two and one-half per cent. of
278 the value of the taxable property therein as ascertained by
279 the last assessment for state and county taxes previous to the
280 incurring of said indebtedness.

281 All of the assessments, interest and penalties thereon, col-
282 lected from the abutting property owners on account of the
283 grading, paving, sewering or otherwise improving the streets
284 and alleys of the city, under the provisions of this section,
285 shall annually be applied to the annual tax required to pay
286 the interest on such debt and such principal within and not
287 exceeding fifteen years; and in the event that the assessments,
288 interest and penalties so collected should not amount to a sum
289 sufficient to pay annually the interest on such debt and the
principal thereof within and not exceeding fifteen years, then
the council shall collect so much of said levy as will pay an-
ually the interest on such debt and the principal thereof
within and not exceeding fifteen years.

(h). No bonds shall be issued under the provisions of this
section, unless and until the question of issuing said bonds
shall have been first submitted at an election, to a vote of the
people of the city and shall have received three-fifths of all
votes cast at said election for and against the same. The
council may from time to time provide by ordinance for elec-
tions, at which the question shall be submitted to the people
as to whether the city shall be authorized to issue bonds for
the purpose and under the provisions of this section, to an
amount not to exceed the amount recommended by said ordi-
nance; but the ordinance providing for any such election need
not specify in detail the location of the improvements contem-
plated to be paid for out of the aggregate issue author-
ized, and notwithstanding the provisions of section two, three
and six of chapter forty-seven-a of the code, it shall be suffi-
cient description of the purpose for which said election is held
if the ordinance calling the same shall cite that it authorizes
the council to issue bonds for the purpose of paving, curbing,
laying sidewalks or sewer ing the streets and alleys of said city,
at such times as to the council shall seem fit to contract there-
for; and the council may provide in said ordinance that said
bonds may be either serial or sinking fund bonds and bids
may be received for either or both kinds of said bonds and
at different rates of interest, not to exceed six per centum per
annum, and upon receipt of said bids council shall by resolu-
tion entered upon its minutes, and without further ordinance,
determine the kind of said bonds and the rate of interest that
they shall bear.

When the council shall have been once authorized by a vote
of the people to issue bonds for the said purpose and to a sum
not to exceed the amount set forth in the ordinance calling the
said election, no further election shall be necessary for the
issuing of bonds up to the amount stipulated in said ordinance
calling said election, but the council shall from time to time
authorize the issue of said bonds, in such sums, and for the
improvement of such streets and alleys as to it may seem best;
providing, the requirements of this section are complied with.
Bond elections hereunder shall be conducted in accordance with the provisions of section five of this act; otherwise the provisions of chapter forty-seven-a of the code, concerning bonds elections shall, so far as they are not in conflict with the provisions hereof, apply to the bond elections herein provided for.

(i). Whenever it is deemed expedient by the council to provide for paving, curbing, sidewalks or sewers, or any other improvements on any of the streets or alleys of the city, in whole or in part, whether by the issue of bonds theretofore authorized as herein provided, or by the appropriation of funds in the city treasury not otherwise appropriated, it shall first, having on file in the city clerk's office plans, specifications, profiles and estimates of the proposed improvements, showing the proposed grade of the street or alley after completion with reference to the abutting property, declare by resolution the expediency of the work; and said plans, specifications, profiles and estimates shall be open to public inspection.

Said resolution shall determine the general nature of the work, the method of paying for the same, whether by an appropriation from the funds in the treasury not otherwise appropriated or whether or not the bonds therefor as in this section provided should be issued and sold; said resolution shall be complete in the form in which it is finally passed and remain on file with the city clerk for public inspection one week before the final passage or adoption thereof. Immediately upon the filing of said resolution with the clerk, a copy thereof shall be published once in two newspapers of general circulation and of opposite politics, in the city, and affidavits of the publishers of said newspapers, showing the publication, with a copy of the notice attached, shall be spread upon the minutes of the meeting of the council at which said resolution is passed or adopted. In case two such newspapers will not publish said resolution, or in case only one will so publish it, it shall be published in the one and posted at the front door of the building where the council holds its meetings on the day it is filed as aforesaid, and affidavit thereof shall be recorded in the minutes of the council at the next regular meeting.

Until such resolution is finally passed, the council shall hear all persons interested in relation thereto at any regular
meeting and if it decided to proceed with the improvement, it shall pass said resolution. And then said council may by resolution correct or amend said plans, specifications, profiles and estimates and approve and adopt them as so corrected, or as they were in their original form, as to it may seem proper; and said plans, specifications, profiles and estimates shall be forthwith filed with the city clerk and by him recorded and attested in a well bound and permanent record book to be kept in his office. Both resolutions shall be in effect when finally passed.

The council may then adopt and pass ordinances for said purposes which shall provide generally the character of the work, make appropriation for the payment thereof, fix the time of payment of assessments therefor and the manner of giving notice of said assessments and correcting the same and providing for advertisements for bids for said work; shall also set forth the streets and alleys upon which the property is to be assessed for said improvements, the general character of materials which may be bid upon therefor, the mode of payment and a reference to the resolution theretofore passed for said improvements, giving the date of passage, and a statement of the intention of council to proceed therewith in accordance with said resolution and in accordance with the plans, specifications, estimates and profiles providing for such improvements.

In any case where the council has determined to pay for any of such improvements out of the funds in the city treasury not otherwise appropriated, and not by the issuance and sale of bonds, said ordinance shall be passed and become and be effective as provided for other ordinances in this act; but in the event it has been determined to issue and sell bonds for the payment thereof, the said ordinance shall not be effective so as to permit any contract to be made or work to be done thereunder until, in addition to the compliance with the provisions hereof, the fact that the proceeds of the sale of said bonds have been received by the city shall be certified by the superintendent of the department of accounts and finance and such certificate entered upon the minutes of the council.

(j). When the whole or any portion of any improvement authorized by this section passes through or by a public wharf, market place or house, park, cemetery, structure for a fire
company, water works, school building, infirmary, workhouse, hospital, bridge, gas works, public prison, court house, church or any other public, religious, fraternal or eleemosynary institution or ground within said city, and belonging to the county, state, board of education or any church, religious association or eleemosynary or charitable institution, the assessment thereon for the proper proportion for the cost of such improvement shall be laid as and under the same procedure as hereinbefore provided and the council shall direct the proper proportion of the cost and expense of such improvement to be certified to the clerk of the county court of Wood county, and the same shall thereupon be recorded as other assessments hereunder are recorded and shall thereupon become a lien against said property and collected as other assessments are collected against individuals under this section, and it shall be the duty of those persons having charge of the fiscal affairs of any such property or institution to make arrangements for the meeting of such assessments as and when the same become due and payable.

Sec. 49. In addition to the provisions for laying sidewalks as contained in section forty-eight of this act, the council shall have the authority to cause the footways and sidewalks of the streets and alleys of said city to be paved with such material and of such width as the council may prescribe, or to have existing paving repaired by and at the expense of the owner or occupier of the lots or parts of lots abutting upon said streets or alleys and in case any such owner or occupant refuses to pave, or repair, the same when so required, the council may have the same paved or the paving repaired and the city may recover the expense thereof, from said owner or occupier. The sum or sums of money thus expended by the city for paving or repairing shall be a lien upon the lots or fractional parts of lots abutting upon the street or alley upon which said sidewalk or walkway is so paved or repaired, which lien may be enforced by suit in equity in the name of the city in any court having jurisdiction thereof, or the said sum may be recovered by the city in an action at law before any court or justice of the peace having jurisdiction thereof; provided, that before the city shall do, or have such work done, ten days notice in writing shall be given to the owner or occupier or his agent, requiring him to pave such footway or sidewalk, or to repair such
Sec. 50. When it becomes necessary or expedient in the opinion of the council in the prosecution of any work being done under contract with the city, to make alterations or modifications in the specifications or the plans therefor, or to omit therefrom any portion, such alterations, modifications or omissions may be made by order of the council, provided, that such order shall be of no effect until the price to be paid for the work under such altered or modified contract has been agreed upon in writing, signed by the contractor and the surety upon his bond and the mayor.

In no case shall allowance be made for work or material in excess of the total amount appropriated for the original con-
tract; nor shall allowance be made or paid for extra work in excess of an aggregate of twenty-five dollars in any one contract, unless such allowances are provided for by separate ordinances or resolutions.

Sec. 51. Sinking funds in connection with any bond issues of the city shall be handled by and through the state sinking fund commission, in accordance with chapter one hundred and fifty-seven of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one, contained in chapter forty-seven-a of the code, beginning with section twenty. And the council may provide from time to time by ordinance or resolution for the handling, by such state sinking fund commission, of interest and principal payments, or either, upon the city's serial bonds.

Provided, that the city sinking fund trustees heretofore established by law shall continue to administer sinking funds heretofore committed to their charge until the bond issues concerned have been paid off and discharged, and, provided further, that if the state sinking fund commission should be hereafter abolished, the council shall have authority to provide by ordinance for a sinking fund commission for the city of Parkersburg to perform for the city the duties now devolved upon the said state sinking fund commission so far as the same may be applicable to said city.

Sec. 52. In addition to the bonds provided for in section forty-eight hereof, it shall be lawful for the said city of Parkersburg to issue and sell its bonds, serial or sinking fund, to mature not less than three nor more than thirty years after date and, save as to such maturities, as is provided in said section forty-eight for the issuing of bonds thereunder; such bonds or the proceeds thereof to be used to pay for the construction of storm or sanitary sewers; for permanent improvements of streets and alleys; for the leasing, purchase, erecting, maintaining, extending and operating a water works system or systems; for the acquisition of ground for and/or for building or rebuilding city hall or city building, hospital, stations for fire department, or infirmary or work house and for equipping the same; for the acquisition of ground for, and erection of, gas works, electric light and power plants and water power rights and sites; for the acquisition of ground for public parks, for the acquisition and construction of bridges and ferries; for the acquisition of ground
for and/or the construction of an air port; for the acquisition
and/or construction of wharves, docks and landings. And the
council of said city shall have authority to levy taxes in ad-
dition to all other taxes authorized by law to pay the principal
of bonds issued hereunder and the interest thereon; provided,
that the total indebtedness of the city for all purposes shall not
exceed two and one-half per centum of the total value of all the
taxable property therein as assessed for taxation, subject to the
proviso in section forty-eight (g) hereof as to bonds authorized
by that section.

No bonds shall be issued under the provisions of this section
until the question of issuing the same shall have been first sub-
mitted to a vote of the people of said city, and shall have re-
ceived three-fifths of all the votes cast at such election for and
against the same. Council may provide by ordinance for sub-
mitting to the people at any regular election, or at a special
election called for that purpose, the question whether or not
said city shall issue bonds for any purpose specified in this
section; said election to be conducted under the provisions of
section five of this act; but the ordinance relating to the issuance
of said bonds and the submission of same to vote need not
specify in detail the location of the improvements contemplated
to be paid for, or the work to be constructed, from the proceeds
of said bonds, but shall state the general purpose thereof, and
it shall be a sufficient description of such purpose if the ordi-
nance recites that it is to authorize the council to issue bonds
for improving streets, erecting or extending water works or
whatever the general purpose may be.

When the council shall be once authorized by said vote of the
people to issue bonds hereunder, the council may from time to
time authorize the issue and sale of such bonds in such sums as
may be necessary not to exceed the amount set forth in said
ordinance, to cover the cost of such improvements to be made
or contracted for.

In the case of bonds in connection with the water works, the
council having provided for an annual tax sufficient to pay the
interest on such bonds and the principal within the time named,
shall provide that the net income from water rents shall be ap-
plied to the discharge of the interest on said bonds and the
principal thereof by maturity, and in the event that said net
income shall not amount to a sum sufficient to pay annually the
interest on said bonds and the principal thereof within the time
named, thence the council shall collect so much of said levy as
will pay such interest and principal as aforesaid.

The provisions of chapter forty-seven-a of the code of West
Virginia concerning bonds and bond elections shall so far as
they are not in conflict with the provisions of this section, apply
to bonds and bond elections provided for in this section.

Sec. 53. The holder of any elective office provided for by
this act, may be removed at any time by the electors qualified
to vote for a successor of such incumbent. The procedure to
effect the removal of an incumbent of an elective office shall
be as follows: A petition signed by electors entitled to vote
for a successor to the incumbent sought to be removed, equal
in number to at least twenty per centum of the entire vote for
all candidates for the office of mayor cast at the last preceding
general municipal election, demanding an election of a suc-
cessor of the person sought to be removed, shall be filed with
the city clerk, which petition shall contain a general statement
of the grounds for which the removal is sought, which grounds
shall relate either to the fitness of such officer to hold the office
or to his official conduct therein. The signatures to the peti-
tion need not all be made to or on one paper, but to the sig-
nature of each signer shall be added his place of residence,
giving street and number, his age and length of residence in
the city.

One of the signers of each such paper shall make oath before
an officer competent to administer oaths that all statements
made are true, as he believes, and that each signature to the
paper appended is the genuine signature of the person whose
name it purports to be, and shall state the number of signatures
to such paper at the time the affidavit is made.

Within ten days from the date of filing such petition, the
city clerk shall examine the same, together with the voters'
list or register, and from information derived from said reg-
ister, and from other sources, shall ascertain whether or not
said petition is signed by the requisite number of qualified
electors, and if necessary, the council shall allow him extra
help for that purpose, and he shall attach to said petition his
certificate showing the result of such examination. In the
case of an elector who has signed such petition and whose name
34 does not appear on the said voters' list or register, the qualifi-
35 cation of such elector shall, if not otherwise satisfactorily
36 shown, be conclusively established by an affidavit such as is
37 provided for in paragraph (x) of section five of this act, in
38 the case of a voter offering to vote whose name is not on such
39 register. If, by the clerk's certificate, the petition is shown
40 to be insufficient, the clerk shall at once notify the party filing
41 the same, and the petition may be amended within ten days
42 from the date of said certificate. The clerk shall within ten
43 days after such amendment, make like examination of the
44 amended petition, and if his certificate shall show the same to
45 be insufficient, it shall be returned to the person filing the
46 same; without prejudice, however, to the filing of a new peti-
47 tion to the same effect.
48 If the clerk shall find the petition to be signed by a sufficient
49 number of qualified electors, he shall submit the same to the
50 city council without delay. If the petition shall be found by
51 it to be sufficient, the council shall order, and fix a day for
52 holding such election not less than forty nor more than fifty
53 days from the date of the clerk's said certificate. And council
54 shall thereupon select a member of the election board as pro-
55 vided in section five of this act, and shall at once notify the
56 president of the county court and the judge of the circuit court
57 of Wood county of the calling of said special election and ask
58 for the appointment by the county court and the circuit court,
59 respectively, of members of the election board, as provided by
60 said section five. The question of the removal of more than
61 one elected officer may be determined at such election.
62 The city council shall cause a notice of such election showing
63 the name or names of the officer or officers sought to be removed
64 to be published once a week for four weeks before the day fixed
65 for such election, in two daily newspapers, if such there be,
66 published, and of general circulation, in the said city of Par-
67 kersburg. The election board shall make all arrangements for
68 holding such election, and the same shall be conducted and the
69 result thereof declared in all respects as provided for other
70 city elections, except as may be otherwise herein provided.
71 Any officer sought to be removed may be a candidate to suc-
72 ceed himself, and unless he requests otherwise in writing, the
73 election board shall place his name on the official ballot with-
74 out nomination. Other nominations hereunder shall be made
without the intervention of a primary election by filing at least ten days prior to the date fixed for such special election, a statement of candidacy accompanied by a petition signed by electors entitled to vote at said special election equal in number to at least ten per centum of the entire vote for all candidates for the office of mayor at the last preceding general municipal election, which said statement of candidacy and petition shall be substantially in the form set out in section five of this act, so far as the same is applicable, substituting the word "special" for the word "primary," in said statement or petition, and stating therein that such person is a candidate for election instead of nomination. On the tenth day prior to the day fixed for said special election the city clerk shall file with the election board all such statements and petitions which shall have been filed with him.

The ballot for said special election shall be substantially in the following form:

OFFICIAL BALLOT

Special election for the balance of the unexpired term (or terms) of

For Mayor
(Vote for one)
(Names of Candidates)

For Councilmen
(Vote for...........)
(Names of Candidates)

Official ballot - attest:

Election Board.

In any such special removal election the candidates receiving the highest number of votes for any office shall be declared elected. If the incumbent receives the highest number of votes he shall continue in office; if some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon the qualification of his successor. In case a candidate other than the incumbent, who receives the highest number of votes shall fail
to qualify within ten days after receiving notification of his
117 election, the office shall be deemed vacant and the vacancy
118 shall be filled as otherwise provided by law.
119 The successor of any officer so removed shall hold office dur-
120 ing the unexpired term of his predecessor.
121 The purpose of this section is to give the electors of the city
122 the right to cut short the official term of any elected city
123 officer whose conduct in office is for any cause unsatisfactory
124 to the electors, or who is not in their judgment, fit to hold the
125 office from which it is sought to remove him. The method of
126 removal herein provided for shall be cumulative and additional
127 to and supplemental to any other methods provided by this act
128 or by any other law.

Sec. 54 (a) The firemen's pension fund and the policemen's
2 pension fund heretofore established by ordinances of the city
3 of Parkersburg under the authority of chapter forty-five of
4 the acts of the legislature of West Virginia of one thousand
5 nine hundred and seventeen, as amended by chapter forty-four
6 of the acts of one thousand nine hundred and twenty-three, and
7 of chapters forty-four and forty-five of the acts of one thou-
8 sand nine hundred and twenty-seven, shall be governed by,
9 and administered through, their respective boards of trustees,
10 in accordance with the provisions of such acts, or of any
11 amendments thereto, save that where any provisions of any
12 such acts, or of any future amendments thereto, or of any
13 other general law relating to such pension fund is, in conflict
14 with, or repugnant to, any provisions of this section and act,
15 then the provisions of this section and act shall prevail, any-
16 thing in any other special or general act or law to the contrary
17 notwithstanding; the purpose being that as such pension funds
18 have already been established in the city of Parkersburg, and
19 in some instances, liabilities have already been incurred and
20 assumed by the trustees of such pension funds, the operation
21 thereof shall not be affected or disturbed as to any of the
22 matters covered by this section and act, save by specific amend-
23 ment thereof.
24 (b) The council of the city of Parkersburg shall have the
25 authority to establish a pension fund for civil service employees
26 of the water works department, which shall be governed as is
27 herein prescribed for firemen's and policemen's pension funds,
28 and which fund shall be administered by a board of trustees
(c) The mayor shall be chairman of the board of trustees of the policemen's pension fund; the superintendent of the department of public safety shall be chairman of the board of trustees of the firemen's pension fund; and the superintendent of the department of water works and sewers shall be chairman of the board of trustees of the water works department pension fund, if and when such fund is established.

(d) From and after the passage of this act,—No one shall be eligible to participate in the benefits of any such pension fund:

(1) Who does not possess all the qualifications, and who has not complied with all conditions, prescribed by general law; or

(2) Who was over thirty-five years of age at the time of his original appointment to the department in the benefits of whose pension fund he seeks to participate; or

(3) Who has not been regularly and permanently appointed to such department after examination and recommendation by the civil service board provided for in section twenty-eight of this act; or

(4) Who has not passed physical examination prescribed by the trustees of such pension funds, respectively.

(e) Retirement for age, which may be at fifty years in police and fire departments, and at sixty years in water works department, and length of service, which may be after twenty-three years, shall be upon a monthly allowance or pension equal to one-half of the monthly salary received by the retiring participant at the time of retirement, but in no case to exceed seventy-five dollars per month.

(f) In case any participant shall be retired or be discharged from the service, by reason of physical or mental disability, which renders him unfit or unable to discharge the duties incident to his employment, which disability shall have been certified to by a physician designated by the board of trustees of the pension fund involved, the board shall authorize the payment to such disabled participant of a monthly allowance or pension to be fixed according to the following rules:

(1) If such participant shall have served over one year and the disability be certified to by a physician designated by the board, the board shall pay to such disabled participant a monthly allowance equal to one-half of the monthly
salary being received by the participant at the time of
retirement, provided, that if such disabled participant
shall, at the time of retirement, have served over ten years,
such allowance shall be eleven-sixteenths of such monthly
salary, and, provided, further, that if such disability arose
from injuries received in the performance of duty, the
participant shall be entitled to an allowance equal to one-
half of his monthly salary, even though he shall have
served less than one year.

(2) Any allowance made for disability shall be subject
to review by the appropriate board of trustees from time
to time; and the recipient of any such disability allowance
may be required at any time to undergo a physical exam-
ination by a physician designated by the board, and to
furnish additional evidence as to the continuance and
extent of such disability; and in case such disability is
removed and the man restored to the service, all allow-
ances hereunder shall cease.

(g) The board of trustees of any such pension fund may of
its own volition retire any participant eligible for retirement
hereunder and who fails to make application therefor; save
that this provision shall not apply to the chief of the depart-
ment. Provided, that no such retirement shall become effective
until it has been approved by the city council.

(h) In case any participant is temporarily disabled and is
laid off by the city without any pay or upon part pay, the
board may make to him such monthly allowance as may in
their judgment be proper, provided that the amount so allowed
shall be subject to review and change from time to time and
shall in no case be such as would in addition to any sum re-
ceived from the city, make the total amount from these two
sources exceed the participant’s regular salary.

(i) In case any participant who has been in service for one
year or over shall die, the appropriate board shall pay an allow-
ance to the dependent wife or dependent minor children or
dependent father or mother or brothers or sisters, if there be
any such, of such participant, the following sums, viz: (1) to
the widow, not less than twenty-five nor more than thirty-five
dollars per month, as under the circumstances of the case may,
in the judgment of the board, seem proper; such allowance
may, in the judgment of the board, be altered from time to
time, within the limits prescribed, as may seem proper; and all such allowance shall cease upon the remarriage of such widow; (2) for each dependent child the sum of five dollars per month until such child shall have attained the age of sixteen years, provided, that the total amount paid for the dependent children of any one participant shall not exceed fifteen dollars per month; (3) to a dependent father or mother the sum of ten dollars per month to each; (4) for each dependent brother or sister the sum of five dollars per month until such dependent shall have reached the age of sixteen years, provided, that the total amount paid for the dependent brothers and sisters of any one participant shall not exceed ten dollars per month. Provided, that the total amount paid for all dependents of any one participant shall not exceed the sum of fifty dollars per month.

The board shall determine, upon investigation, the facts as to any dependency claimed. Provided, further: That in case the death of participant occurred as a result of injuries received in the performance of duty the allowance provided for herein shall be paid regardless of the length of service of the participant. (j) Any participant who shall be discharged from the service without receiving any allowance or pension hereunder shall be entitled to receive back from the appropriate pension fund, without interest, the aggregate of the several monthly amounts paid to him into, or deducted from his salary for, said fund. If a participant resigns from the service, he shall not be entitled to receive back any part of such amounts so paid or deducted.

(k) The board of trustees of the said several pension funds are authorized to receive funds by gift or bequest and from any source in addition to the tax levies provided for by law, for the benefit of said pension funds, respectively. Funds received by said boards shall be invested in interest bearing bonds of the United States, of the state of West Virginia, of the county of Wood, of the independent school district of Parkersburg, or of the city of Parkersburg or in notes secured by deeds of trust upon real estate situated within said city of Parkersburg to the amount of not more than fifty per cent. of the value placed thereon by appraisers designated by said board; and pending more permanent investment, such funds
may be placed in interest-bearing certificates of deposit of any bank in Parkersburg, provided, that not more than five thousand dollars shall be carried in the certificates of deposit of any one bank at one time.

(l) The regular annual levies for each of said pension funds shall not exceed seven and one-half mills on each one hundred dollars of real and personal property listed for taxation in said city, provided, that any of said boards may recommend to the council the laying of a further levy for the pension fund under its charge of not to exceed seven and one-half mills, which further levy, or any part thereof, the council may levy in its discretion. All or any part of any such levies may be laid by the council in addition to the regular city levy authorized by law.

(m) Each of said board of trustees shall adopt rules and regulations for their governance, provided, that such rules and regulations shall not be inconsistent with any provision of this act, or with any provision of the general pension fund law which is not superseded by the special provisions of this act, and, provided, that such rules and regulations, before becoming effective, shall be approved by the city council.

(n) Nothing herein shall affect any pension or allowance heretofore granted or any claim therefor heretofore made and now pending.

Sec. 55. In case it should be desired hereafter to enlarge the corporate boundaries of the city of Parkersburg by means other than the amendment of this act, such enlargement may be accomplished by the procedure authorized in this section:

Any two hundred or more freeholders residing in said city may file their petition in writing with the city council, setting forth the changes proposed in said boundaries, and which petition shall be accompanied by a plat of a survey showing the proposed new boundaries, and asking that a vote be taken thereupon; and if and when a petition to the same effect is so filed, signed by twenty-five or more freeholders residing in the territory proposed to be taken in (or by such number less than twenty-five as may be equal to one-fourth of the freeholders residing in said proposed new territory), the council shall within thirty days after the filing of the second of these petitions, act thereupon, and may order and call a special election to be held within not less than sixty days nor more than one hundred and
twenty days from the date of such call, at which special elec-
tion all qualified electors of the city of Parkersburg shall be
titled to vote at their proper voting places in said city, and at
which all qualified electors of the territory proposed to be added,
shall be entitled to vote at such place or places in said territory
as the council shall provide. The call for such special election
shall contain explanation of the purpose thereof and shall be
published once a week for four weeks preceding such election
in two newspapers of opposite politics, if such there be, pub-
lished and of general circulation in said city. Said election
shall be conducted as and in the manner prescribed by section
five hereof, so far as the same may be applicable.

More than one proposed enlargement may be voted upon at
such an election, and the ballot therefore shall be substantially
in the following form:

Official Ballot

Special election for enlargement of city boundaries:

(1). By the inclusion of (here shall follow a brief identifi-
cation of the new territory proposed to be included):

( ) For enlargement of boundary.

( ) Against enlargement of boundary.

(2) By the inclusion of (here shall follow a brief identifi-
cation of the other new territory, if any, proposed to be
included):

( ) For enlargement of boundary.

( ) Against enlargement of boundary.

Official Ballot—Attest:

Election Board.

Ballots voted in any proposed new territory shall have thereon
reference only to the particular territory in which they are
voted: Ballots voted within the then existing city boundaries
shall have thereon reference to each separate extension then
proposed, if there be more than one.

After any election has been held under this section the coun-
cil shall not issue a call for another election hereunder until at
least six months shall have elapsed.

The result of said election as reported to the council by the
election board shall be spread at large upon the minutes of the
council and if a majority of all the votes cast within the city, and a majority of all the votes cast within the territory to be included by any proposed extension of boundaries, shall be in favor of such extension, the corporate boundaries of the city of Parkersburg shall be extended accordingly as of the twenty-eighth day of the then next ensuing month of December or as of the twenty-eighth day of the calendar month following the expiration of ninety days from the recordation of said election board's report upon the minutes of the council, whichever day shall come first; and the council shall direct a certificate thereof to be made, executed and certified by the mayor, which certificate shall bear the seal of the city, attested by the clerk, which shall show the result of said election, and set forth the boundaries of the new territory added to the city, as approved by said election; which certificate shall be at once filed in the office of the clerk of the county court of Wood county, which officer shall record the same in the deed books of said county, and shall be paid by the city for his services for so doing at the same rate at which he is paid for recording deeds and thereupon from and after the time hereinbefore named in this section, the territory embraced within the extension of said corporate limits as shown on said certificate, and the inhabitants thereof, shall become a part of the city of Parkersburg and be subject to all the provisions and regulations of the charter of said city as embraced in this act, or any amendment thereof, and to all the ordinances and laws of said city.

Sec. 56. All previous acts incorporating the said city of Parkersburg, and all acts amending such acts of incorporation, are hereby repealed; and all other acts or parts of acts in conflict with, or inconsistent with this act, so far as they are applicable to the city of Parkersburg, and so far as, and only so far as, they are so, inconsistent or in conflict with this act, are hereby repealed.

Provided, that nothing in section sixteen or elsewhere in this act shall be construed to derogate from the powers and rights conferred by law upon the public service commission of this state in the matter of regulating the rates of public service corporations; and provided, further, that nothing herein contained shall be construed as authorizing or empowering the said city or its council, to impose any license or other tax upon motor vehicles, except the regular property tax.
CHAPTER 2

(Senate Bill No. 23—By Mr. Roberts)

AN ACT to amend and re-enact section sixteen of chapter eighty-two of the acts of the legislature of West Virginia, for the year one thousand nine hundred and eleven, conferring certain powers on the city of Moundsville.

[Passed February 5, 1929; in effect ninety days from passage. Approved by the Governor.]


Be it enacted by the Legislature of West Virginia:

That section sixteen of chapter eighty-two of the acts of the legislature of West Virginia, for the year one thousand nine hundred and eleven, be amended and re-enacted so as to read as follows:

Sec. 16. The council of said city shall have power to lay off, vacate, close, open, alter, grade and keep in good repair the roads, streets, alleys, pavements, sidewalks, cross-walks, drains and gutters therein for the use of the citizens or of the public, and to improve and light the same, and to keep the same free from obstructions of every kind; to regulate the width of pavements and sidewalks on the streets and alleys, and to order the pavements, sidewalks, footways, drains and gutters to be kept in good order, free and clean, by the owners or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the times of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling or regrating of such markets; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter-houses and soap factories within the city limits; or the exercise of any unhealthy or offensive business, trade or employment; to abate all nuisances within the city limits, or to require and compel the abatement or removal thereof, by or at the expense of the person causing the same, or at the expense of the owner or occupant of the ground on which they are placed or found; to cause to be filled up, raised or drained by or at the expense of the owner, any city lot or tract of land covered or subjected to be covered
25 by stagnant water; to prevent horses, hogs, dogs, cattle, sheep,
26 or other animals and fowls of all kinds from going or being at
27 large in such city, and as one means of prevention, to provide
28 for impounding and confining such animals and fowls, and
29 upon failure to reclaim, for the sale thereof; to protect places
30 of divine worship and to preserve order in and about the
31 premises where and when such worship is held; to regulate the
32 keeping of gunpowder and other inflammable or dangerous
33 substances; to provide and regulate the building of houses or
34 other structures, and for the making and maintaining of divi-
35 sion fences by the owners of adjoining premises, and for the
36 proper drainage of city lots or other parcels of land, by or at
37 the expense of the owner or occupant thereof; to provide
38 against damage or danger by fire; to punish for assaults and
39 batteries; to arrest, convict and punish any person for
40 gambling or keeping gaming tables, commonly called a, b, c,
41 or e, o, table or faro bank or keno table, or table of like kind,
42 under any denomination, whether the game or table be played
43 with cards, dice or otherwise, or shall be a partner, or con-
44 cerned in interest, in the keeping or exhibiting such table or
45 bank, or keeping or maintaining any gaming house or place,
46 or betting or gambling for money or anything of value; to
47 suppress houses of ill-fame and to arrest and punish persons
48 loitering in, or visiting them, or loitering in saloons, or upon
49 the streets; to prevent lewd and lascivious conduct; the sale or
50 exhibition of indecent pictures or other representations; the
51 desecration of the Sabbath day; profane swearing; to prohibit
52 the manufacture, sale, keeping or storing for sale, or offering
53 or exposing for sale, or transportation of liquors or absinthe,
54 or any drink compounded with absinthe, or the possession of
55 "moonshine liquor"; to protect the persons of those residing
56 or being within said city; to appoint when necessary or ad-
57 visable a police force, permanent or temporary, to assist the
58 chief of police in the discharge of his duties; to build or pur-
59 chase, or lease and to use, a suitable place within or near said
60 city for the safe keeping or punishment of persons charged
61 with or convicted of the violation of ordinances; to provide
62 for the employment of persons convicted of the violation of
63 ordinances or who may be committed in default of the pay-
64 ment of fines, penalties or costs, and who are otherwise unable
65 to discharge the same, by putting them to work for the benefit
of the city, and to use such means to prevent their escape while at work, as they may deem expedient; to erect, or authorize or prohibit the erection of gas works, electric light works or water works within the city limits; to prevent injury to such works, or the pollution of any gas or water used or intended to be used by the public or by individuals, and to do all things necessary to adequately supply said city and the inhabitants thereof with pure, healthful and wholesome water; to use, generate, distribute, sell and control electricity and gas for heat, light and power and to furnish light for the streets, houses, buildings, stores, and other places in and about said city; to provide a sewerage system for said city; to provide for and regulate the weighing and measuring of hay, coal, lumber and other articles sold or kept or offered for sale, within said city; to establish and construct wharves and docks, and to repair, alter or remove any landing, wharf or dock which has been or shall be so constructed and to establish and collect rates and charges for the use thereof; to regulate the running and speed of engines and cars within the said city, except that the council of said city shall not interfere with the speed of trains and engines beyond the corporation lines of the city of Moundsville as heretofore existing, until the said new territory shall be laid out in lots, streets and alleys, and opened and used by the public; to organize one or more fire companies and provide necessary apparatus, tools, implements, engines or any of them for their use, and in their discretion to organize a paid fire department; to make regulations with respect to the erection and location of all pipes, conduits, and telephone, telegraph, electric light or other poles within said city, and the extension of any wires, lines and poles by any individuals or corporation; to create by ordinances such committees or boards, and delegate such authority thereto as may be deemed necessary or advisable; to provide for the annual assessment of the taxable property therein, including dogs kept in said city, and to provide a revenue for the city for municipal purposes, and to appropriate such revenue to its expenses, and generally to take such measures as may be deemed necessary or advisable to protect the property, public and private, within the city; to preserve and promote the health, safety, comfort and well being of the inhabitants thereof.
108 The council of said city shall have power and authority to control and regulate the construction and repairs of all houses and other buildings within the said city; to provide for the granting of building permits; to cause the removal of unsafe walls or buildings; and may prohibit the erection on any such street, or in any such square, of any building, or of any addition to any building unless the outer walls thereof be made of brick and mortar or other fireproof material; and to provide for the removal of any building or addition which shall have been erected contrary to such prohibition, at the expense of the owner or owners thereof.

119 The said council of said city shall have any and all additional power and authority granted to cities, towns and villages by section twenty-eight of chapter forty-seven of the code as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and twenty.

124 All acts or parts of acts inconsistent herewith are hereby repealed.

CHAPTER 3

(Senate Bill No. 07—By Mr. Wood)

AN ACT creating the municipal corporation of the City of Welch, in the county of McDowell, and state of West Virginia, and annulling the charter granted to said City of Welch by act of the legislature of West Virginia, chapter six, (House Bill one hundred and seventy-two) of the acts of one thousand nine hundred and nineteen, passed on the twenty-first day of February, nineteen hundred and nineteen, and all the acts amendatory thereto.

[Passed February 19, 1929; in effect from passage. Approved by the Governor.]
Be it enacted by the Legislature of West Virginia:

The City of Welch

Section 1. That the inhabitants of so much of the county of McDowell in the state of West Virginia, included within the boundaries described in section two of this act shall be and remain, and they are hereby made a body politic and corporate by the name of the “City of Welch” and as such, and by that name, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, take, receive, hold and use goods and chattels, lands and tenements, choses in action, or any interest, right or estate therein, either for the proper use of said city or in trust for the benefit of any person, association or corporation therein, and may grant, sell, convey and assign, let, pledge, mortgage, charge and encumber in any case and in any manner in which it would be lawful for a private individual so to do, except where such power may be limited by law, and may have and use a common seal and alter and renew the same at pleasure,
17 and generally shall have the rights, franchises, capacities and
18 powers conferred herein, and by the laws of this state, upon
19 municipal corporations, not inconsistent with the provisions of
20 this act.

Corporate Limits

Sec. 2. The corporate limits of the City of Welch shall be
2 as follows:
3 Beginning at a set iron near the mouth of Big Branch of
4 Elkhorn Fork of Tug river; thence south twenty-eight degrees
5 nineteen minutes east one thousand one hundred and seventy
6 feet to a set iron on the east side of Big Branch; thence south
7 fifty degrees forty minutes west six thousand nine hundred
8 fifty-five feet to a stake; thence south forty-eight degrees forty-
9 four minutes east two hundred thirty-six feet to a set rail;
10 thence south sixty-seven degrees twenty-two minutes east one
11 thousand seven hundred and twenty-one feet to a set rail;
12 thence south forty-eight degrees twenty minutes west
13 three hundred forty-seven feet to a stake; thence south
14 twenty-nine degrees twenty-six minutes west five hundred and
15 seventy-three feet to a tack in the root of a large beech tree
16 on the north bank of Tug river; thence down Tug river the
17 following courses and distances: north seventy degrees forty-
18 seven minutes west five hundred and eight and five-tenths feet;
19 north eighty-four degrees sixteen minutes west four hundred
20 and eighty-two and five-tenths feet; north fifty-four degrees
21 forty minutes west two hundred and ninety and five-tenths
22 feet; north forty-nine degrees thirty-eight minutes west three
23 hundred and twenty-two feet; north sixty-six degrees thirty-
24 one minutes west two hundred and forty-six feet; north
25 seventy degrees two minutes west four hundred and four-
26 teen and five-tenths feet; thence leaving Tug river south thirty
27 degrees west seven hundred and twenty-five feet to a stake on
28 a spur; thence north fifty-four degrees thirty minutes west
29 two thousand four hundred and fifty feet to a stake near Lit-
30 tle Indian creek; thence north four degrees thirty minutes
31 seven thousand nine hundred and fifty feet to a stake in a
32 line of the present corporation limits; thence with same south
33 seventy-seven degrees west eight hundred feet to a poplar,
34 spruce pine and double beech on the bank of Cub branch;
35 thence north sixty-four degrees thirty minutes west six hun-
36 dred feet to the top of a spur where a white oak is called for;
thence north twenty-two degrees east seven hundred feet to a
stake on the north bank of Tug river; thence north eighty-
three degrees thirty-six minutes west three hundred and
seventy-three feet to a point in Tug river; thence continu-
down Tug river north one degree forty minutes west four
hundred and ninety feet to a point in Tug river; thence still
continuing down Tug river north seventy degrees forty-four
minutes east nine hundred and twenty-eight feet to a point in
the line of the Central Pocahontas Coal Company’s property;
then with said line of the Central Pocahontas Coal Com-
pany, south thirty-two degrees twenty-three minutes east four
hundred and eighty feet to a hickory corner, on the top of the
spur; thence continuing with said line of the Central Poca-
hontas Coal Company south twenty-two degrees three minutes
west four hundred fifty-three and fourteen-one-hundredths
feet to a corner designated by two spruce pines and two red
oak stumps; thence continuing with said line of the Central
Pocahontas Coal Company south sixty-four degrees ten min-
utes one hundred feet to a point in the center of Tug river;
then leaving said line of the Central Pocahontas Coal Com-
pany due south one hundred and seventy-eight feet, more or
less to the southern right of way line of the Oregon siding of
the Norfolk and Western Railway Company; thence with the
southern right of way line of said Norfolk and Western Rail-
way Company in an easterly direction a distance of approx-
imately one thousand one hundred and fifty feet to the inter-
section of said southern right of way line with the western
right of way line of the main line of the Norfolk and Western
Railway Company; thence with said western right of way line
of the Norfolk and Western Railway Company’s main line in a
north-westerly direction to the intersection of said western
right of way line with the southern edge of the county road
from Welch to Davy; thence with the southern edge of said
county road in a westerly direction to the intersection of said
county road with the southern edge of the new concrete road
leading to the bridge across Tug river at Hemphill; thence with
the southern edge of said road in a southwesterly direction
to its intersection with the above mentioned south twenty-two
degrees three minutes west line; thence with the reverse call
of this line north twenty-two degrees three minutes east a
distance of three hundred and ninety-five feet, more or less,
78 to the above mentioned hickory corner; thence south eighty-
79 four degrees thirty minutes east eighty-one feet; thence north
80 seventy-three degrees six minutes east one hundred and seven-
81 ty-eight and six-tenths feet; north seventy-eight degrees east
82 three hundred and thirty-three and seven-tenths feet; north
83 forty-seven degrees thirty minutes east ninety-two feet; north
84 forty-nine degrees east ninety-seven feet; north sixty-two de-
85 gree three hundred and thirty-three and seven-tenths feet; north
86 thirty degrees east three thousand four hundred and
87 twenty-four and six-tenths feet; north thirty-seven degrees east
88 seventy-two and twenty-four and six-tenths feet; north eighty-
89 eight degrees thirty minutes east two hundred and ninety-eight
90 feet to a stake on top of the ridge between Tug river and
91 Browns creek; thence leaving the top of said spur and ridge,
92 south seventy-four degrees thirteen minutes east two thousand
93 five hundred and thirty-three and six-tenths feet to a stake
94 near the mouth of Grave Yard hollow of Browns creek and
95 about twenty feet north of the county road; thence south fifty-
96 three degrees forty-three minutes east three thousand four
97 hundred and forty-nine feet, crossing Browns creek and the
98 ridge between Browns creek and Elkhorn to a point of in-
99 tersection between this line and the Pollard line; thence south
100 two degrees thirty-four minutes west one thousand three hun-
101 dred and fifteen feet, crossing the main line of the Norfolk
102 and Western Railway Company and Elkhorn fork of Tug
103 river, to the beginning, containing one thousand four hun-
104 dred seventy-one and two-tenths acres.

Boundaries of Wards

Sec. 3. The City of Welch shall be divided into three wards,
2 the boundaries of which shall be as follows:
3 First Ward
4 All the following described boundary shall constitute the first
5 ward of the said city, to-wit:
6 Beginning at a tack in the root of a large beech on the east
7 bank of Tug river, same being a corner of the corporate limits
8 of the City of Welch, also being the southwest corner of the
Southwood addition to said city; thence with the corporate lines of the said city in a northeasterly and northwesterly direction to the center of Elkhorn creek about two thousand feet below the mouth of Fish Trap branch; thence down Elkhorn creek with its center line in a northwesterly and southwesterly direction to its mouth or junction with Tug river; thence crossing Tug river due west to the corporate lines of said city; thence with the corporate lines of said city in a southerly, southeasterly and northeasterly direction to the place of beginning.

Second Ward

All the following described boundary shall constitute the second ward of said city, to-wit:

Beginning at a point, the junction of Elkhorn creek and Tug river, said point being the beginning of Tug fork, also a corner of the first ward; thence down Tug fork to a point south from the west end of Central avenue of the Westwood addition to the City of Welch; thence due north to the corporate lines of said city; thence with the corporate lines in an easterly, southeasterly and southwesterly direction to the center of Elkhorn creek, a corner of the first ward; thence down Elkhorn creek with its center line to the place of beginning.

Third Ward

All the following described boundary shall constitute the third ward of said city, to-wit:

Beginning at the junction of Elkhorn creek and Tug river, a corner of the first and second wards; thence due west crossing Tug river to the corporate line; thence with the corporate lines of said city in a northerly, westerly and easterly direction to a point due north from the western end of Central avenue of the Westwood addition to the City of Welch; thence due south to the center of Tug fork; thence up Tug fork to its junction with Elkhorn creek, the place of beginning.

Power to Change Corporate Limits and Wards

Sec. 4. The council of the City of Welch shall have the power and authority to change the corporate limits of the City of Welch, and shall have the power and authority to change the number of wards in said city, and to change the lines of the respective wards from time to time.

No changes shall be made in the corporate limits of the City of Welch, the number of wards or the lines of said wards until at least three weeks notice of the proposed change shall have
been given by the council, by publication of notice thereof in
a newspaper of general circulation in said City of Welch, twice
each week for three successive weeks. Said notice shall give the
date on which the council will pass on the proposed changes
and a brief statement of the changes proposed.
Any changes made under the provisions of this section shall
be by ordinance passed and adopted in the manner hereinafter
set forth in this charter.

Establishment of Voting Precincts
The council shall provide places for voting in each ward in
all municipal elections of the city, and shall have the right to
establish such voting precincts in the respective wards from
time to time as it may deem necessary, and may increase or
diminish the number of voting precincts in the respective wards,
and may consolidate the voting places of two or more wards
if in its opinion no inconvenience is placed upon the voters in
the respective wards.

Govern ing Body
Sec. 5. The municipal authorities of the city shall consist of
a mayor and five councilmen, who shall constitute and be
known as "the council of the City of Welch." One councilman
shall be elected by the voters of each of the respective wards
and two councilmen shall be elected by the voters at large.
Sec. 6. No person shall be eligible to the office of mayor or
councilman who is not at the time of his election entitled to vote
in the city election and who was not, for the preceding year,
assessed with taxes upon personal or real property, or both,
within the city, of an assessed valuation of five hundred dollars
and did not actually pay the taxes so assessed.
Sec. 7. In addition to the municipal authorities mentioned in
section five, the city may have a police judge, city manager,
city clerk, city auditor, city physician, health commissioner,
building inspector, city attorney, city engineer, city collector
and treasurer, jail keeper, humane officer or officers and such
number of policemen and firemen as the council, by ordinance or
resolution may direct.
The officers heretofore named in this section shall be ap-
pointed by the mayor, with the consent of the council, but none
of such officers shall be appointed and take office until the
council shall, by a majority of the full membership thereof,
authorize the filling of such office and confirm said appoint-
ment. All of the officers named in this section shall be paid such salaries as are fixed by the council, except as herein otherwise provided, and such salaries shall be within the limits provided for by this act.

Sec. 8. All the corporate powers and functions pertaining to said city shall be exercised by its council, or under its authority and the corporate name of said city, unless otherwise provided by state law or municipal ordinance.

Mayor—Duties

Sec. 9. The mayor shall be the chief executive officer of the city and shall preside at all meetings of the council, and shall have a vote in case of a tie. He shall have charge and control of the police, except as herein otherwise provided; he shall see that the laws and ordinances of the city are enforced and shall keep and preserve a docket of all his proceedings in the trial of criminal cases in like manner and with like effect as provided by law in the case of a justice of the peace; he shall see that the peace and good order of the city are preserved and that persons or property therein are protected and to this end he may cause the arrest and detention of rioters and disorderly persons, and shall perform such other duties and services as the council may ordain in addition to the duties prescribed by this act and not inconsistent herewith. The city clerk, except as herein otherwise provided, shall perform the duties of the mayor whenever and so long as the mayor is, from any cause, unable to perform his official duties, and he shall, in the absence of the mayor, perform any and all the duties of the mayor, except he shall not preside over the council. In the absence of the mayor at a meeting of the council, the council shall select one of its own members to preside over its meeting, who shall have a vote as a councilman. If the mayor and clerk are both absent from the city or otherwise disabled from performing the duties of the mayor, the council may elect a mayor pro tempore. The mayor shall have the power at any time to appoint special policemen, who shall be sworn in, without confirmation of the council. The mayor shall have the power to appoint all non-elective officials of the city, but said appointments so made by the mayor shall not become effective until confirmed by a majority of the membership of the council. The mayor shall be the official head of the city for all ceremonial
purposes, upon whom service may be had in civil process and
by the governor for military purposes.

City Clerk—Duties

Sec. 10. The city clerk shall be ex-officio clerk of the city
council. He shall keep a complete record of all ordinances,
resolutions and acts of the city council. He shall enter in a
separate volume all ordinances of a general nature, any viola-
tion of which shall subject any person to any penalty, and care-
fully index the same. All ordinances providing for the issu-
ance of bonds, or creation of a debt, or construction of any pub-
lic improvement of any local or temporary nature, shall be en-
tered in a separate volume of the city clerk and carefully in-
dexed. He shall keep complete books of account showing all
official transactions of the city, and of each department. All
receipts, expenditures by the city, the source of all income and
the purpose of all expenditures. He shall make out all vouchers
and pay rolls of the city and shall do and perform all other
duties which may be required of him by the council by any
ordinance or resolution.

He shall attend all meetings of the council and keep in a
proper minute book a record of its proceedings and sign his
record of each said proceeding.

He shall prepare and cause to be served all notices required
to be given to any person, firm or corporation and after proper
service and return thereof of any notice, he shall file and pre-
serve the same.

He shall file in convenient form, so as to be readily accessible,
all correspondence carried on by the city or by any department
thereof, and as custodian of all the books, records and proceed-
ings of the council, he shall make and certify copies thereof
whenever required and affix the corporate seal of the city to any
paper required to be sealed and to any certified copy of any
paper, order or proceeding which he may make. The minutes
of every meeting, after being corrected, shall be signed by the
mayor and city clerk and the copy of any record, paper, entry,
order, ordinance, resolution or proceeding made by the council,
or by the police court judge, when properly certified under the
seal of the city shall be admissible as evidence in any court of
the state in any proceeding in which the original paper or rec-
ord, if presented, would be admissible.

The city clerk shall be ex-officio city treasurer and as such
shall be custodian of all monies of the municipality and shall keep and preserve the same in such manner and in such place or places as shall be designated by the city council. He shall pay out money only on warrants issued and signed by him and countersigned by the mayor.

**Police Judge, Duties**

Sec. 11. This section shall cover the duties of the police judge when he is appointed and his appointment confirmed by the council, and until his appointment the powers and duties herein conferred shall be exercised and performed by the mayor.

The judicial power of the city shall be vested in a municipal court. Said court shall have exclusive jurisdiction of all criminal proceedings for the violation of any city ordinance, and any act committed inside the corporate limits of the City of Welch and made a misdemeanor under the laws of the state of West Virginia shall be an offense against the laws of said city, and the police judge, or the mayor until said police judge is appointed, in addition to the other powers herein granted, may try, convict and punish therefor, and in the absence of any specific ordinance relating thereto, may inflict the same penalties and collect the same fines for the benefit of said city as are prescribed by the state laws for the same offense.

The police judge shall be *ex-officio* a justice of the peace and a conservator of the peace, with authority to issue process for all offenses committed within the jurisdiction of the City of Welch, of which a justice of the peace has jurisdiction under the state statutes, and shall perform all the duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases or causes of action arising outside of the corporate limits of the city. He may commit persons charged with felony or misdemeanor to jail or take bond for their appearance before the grand jury or the criminal court of McDowell county. He shall have authority to sentence an offender to labor upon the streets or at other public work of the city, until such time as their fines shall have been worked out, or until the sentence imposed has been performed. Offenders sentenced to work on the streets shall be allowed credit on their fines in the amount of one dollar for each day of labor, and during good behavior each prisoner shall be allowed five days good time for every thirty days sentence, that is, labor on the streets for twenty-five days shall be equivalent to service of thirty days.
The police judge shall keep a well bound book marked "POLICE COURT DOCKET" in which there shall be kept a record showing the style of each case and the disposition thereof, which record shall be indexed and numbered.

Before trying any person charged with any violation of any ordinance he shall issue a warrant, specifying the offense or violation charged; he shall render judgment in any case as the law of the state or the ordinance of the city applying thereto may require; he shall also have power to issue executions for all fines, penalties and costs imposed by him and he may require immediate payment of the same, and in default of such payment commit the person in default to jail.

In the trial of cases and the procedure thereof where none of the provisions herein apply, the police judge shall be governed by the laws of the state of West Virginia pertaining to justices of the peace.

In the trial of civil and criminal cases the police judge shall tax such costs as justices of the peace are entitled to under the laws of West Virginia, but said police judge shall not be entitled to any portion of the costs so taxed.

The police judge shall receive for his services a fair and reasonable annual salary, in such amount as the council may determine is fair and just, and the amount of salary so fixed shall be payable out of the general fund through the city treasury.

**City Attorney, Duties**

Sec. 12. The city attorney shall be a member of the bar of McDowell county in good standing and shall perform and discharge all duties and exercise all powers which shall be conferred upon him by any ordinance or resolution of the city council, and, in addition, he shall exercise the following powers:

(a) Be the legal adviser of and attorney and counsel for the city and for all administrative offices thereof, in respect to their official duties.

(b) Prosecute and defend all suits for or against the city and prepare all contracts, bonds and other writings in which the city is concerned, and endorse on each his approval of the form and correctness thereof.

(c) Be prosecuting attorney of the police court and prosecute all cases brought before such court, and perform the same duties so far as they are applicable thereto as are required of
the prosecuting attorney of the county, provided, however, that it shall be necessary for said city attorney to appear in criminal cases only when so requested by the mayor, police judge or other proper authority.

(d) The city council and all administrative officers of the city may require the opinion of the city attorney upon any question of law involving their respective powers and duties, and he shall furnish the same in writing when so requested.

(e) Be present at all regular meetings and special meetings of the city council to advise the mayor and council on legal questions arising and to advise the city clerk in the preparation of resolutions and ordinances, and perform such other services relating to his profession as may be required by the council.

(f) The city attorney shall receive for his services an annual retainer fee not to exceed three hundred dollars, said fee to be fixed by the council payable out of the city treasury; and he shall be entitled to reasonable fees, in addition to the annual retainer, for the preparation of contracts, bonds, other writings and special services rendered, for which said attorney shall submit a monthly statement for the approval of the council.

City Manager, Duties

Sec. 13. Whenever in the opinion of the council it is deemed expedient and necessary for the welfare of the city to employ the services of a city manager, he may be appointed in the manner herein provided, and shall receive such salary as the council by ordinance may prescribe; and he shall have the right to employ such other help as the council may from time to time allow.

The city manager, when appointed, shall devote his entire time and attention to the duties of his office, unless otherwise provided by the council, and shall have supervision and control of the executive work and management of the heads of all departments under his control as directed by the mayor and council. He shall make all contracts for labor and supplies, and generally perform all the administrative work of the city, and such other duties as the council may require of him, and shall possess such other powers and perform such other duties as the council may prescribe.

Upon the appointment of a city manager the council shall pass a proper ordinance setting forth the specific and general
duties of the city manager, prescribing the limits of his author-
ity, and fixing his salary.

City Engineer, Duties

Sec. 14. The city engineer shall be a competent mechanical
engineer and shall discharge all duties and exercise all powers
which shall be conferred upon him by any ordinance or reso-
lution of the city council, and in addition, he shall exercise the
following powers:
(a) Make surveys and fix grades when required by the city
council or city manager; prepare plats, plans and specifications
of all improvements which may be undertaken when required;
and inspect all work done by any contractor for the city while
the work is being performed.
(b) Supervise the construction of all buildings, bridges and
other structures, the erection of which is controlled or regulated
by the city.
(c) Furnish to any resident, street and sewer grades and
building lines whenever required on such terms as the council
may prescribe.
(d) Examine all applications for permits to erect buildings
and other structures, and approve the same in writing before
they are passed upon by the city council.
(e) Make complete maps of all streets, alleys, lanes, parks
and public property owned by the city and keep the same on
file in his office, and furnish a copy thereof to the city clerk or
city manager.
(f) Have general supervision of the streets and alleys in the
city and see that the pavements, sidewalks, gutters and sewers
are kept clean and repaired.
(g) General supervision of the work of repairing and keeping
in repair all pavements, sidewalks, curbs and sewers in the city.
(h) Attend all regular and special meetings of the council
and recommend improvements required or suitable for any
street, alley, land or locality in the city.
The city engineer shall receive a reasonable compensation
for his services, and may, in the discretion of the council, be
paid an annual retainer fee, not to exceed one hundred dollars,
payable out of the city treasury.

City Health Officer, Duties

Sec. 15. The city health officer shall be a member of the
medical profession in good standing and shall discharge all
duties and exercise all powers which shall be conferred upon
him by any ordinance or resolution of the city council; he shall
report all unsightly, unsanitary and obnoxious conditions exist-
ing within the corporate limits of the city; he shall examine all
restaurants, hot dog stands, refreshment places and lunch stands
within the city and report the sanitary condition thereof; he
shall have the right to close any places found to be in an un-
healthy and unsanitary condition, dangerous to the health of
the inhabitants of the city; supervise the sanitary inspection
of the production, transportation, storage and sale of food and
food stuffs; he shall provide rules for the collection and dis-
posal of garbage; in the time of epidemic or threatened epi-
demic he shall enforce such quarantine and isolation rules and
regulations as are appropriate for the emergency, and shall at
all times have supervision over all contagious and infectious
diseases; and perform any and all other duties necessary and
essential to promote a healthy and sanitary condition within
the city.

Board of Health
Sec. 16. The mayor, health officer and city attorney are
hereby constituted and shall be a city board of health, of which
the city health officer shall be chairman, with authority to call
meetings of such board of health at such times as he may deem
necessary. The board of health shall do and perform all such
duties and exercise such powers as may be required of or con-
ferred upon it by legal ordinances or resolutions of the city
council. The board of health shall have supervision of the
sanitary conditions of the city, and shall have power to sum-
mon witnesses, hear testimony and to do any and all other
things necessary and proper in the performance of its duties
under this act and shall have such other and further powers
as are vested in county health officers and county boards of
health under the general laws of the state in such case made
and provided.

Policemen, Duties
Sec. 17. The mayor, with the approval of the council, shall
appoint a sufficient number of police officers to properly police
the city, and shall fix the salaries of said officers in such an
amount as they may deem proper.
One of the policemen, so appointed, shall be designated by
the mayor as chief of police, and he shall discharge such duties
7 as may be required of him by any ordinance or resolution of the
8 council and he shall act under the orders of the judge of the
9 police court or mayor in administering the police department.
10 He shall have immediate supervision of the other members of
11 the police force and be responsible for the performance by them
12 of their respective duties.
13 The chief of police and any other police officers appointed by
14 the council shall have all power, rights and privileges within
15 the corporate limits of said city in regard to the arrest of per-
16 sons, the collection of claims and the execution and return of
17 process as may be legally exercised by a constable of a district
18 within this state; and said chief of police and all police officers
19 so appointed may, without having any warrant or other process
20 therefor, arrest any person who commits a felony, misdemeanor
21 or infraction of the ordinances of the city (although the offense
22 does not amount to a breach of the peace) in his presence.
23 It shall be the duty of the chief of police to collect the city
24 taxes, licenses, levies, assessments, and other such city claims as
25 are placed in his hands for collection by the council, and he may
26 distress and sell therefor in like manner as a sheriff may dis-
27 train and sell for state and county taxes; and he shall, in all
28 other respects have the same powers as a sheriff to enforce the
29 payment and collection thereof, and all monies collected by him
30 shall be promptly turned over to the city clerk.

**Officers May Perform Other Duties**

Sec. 18. The mayor, city attorney, city engineer, chief of
2 police, city health officer and any member of the council, or
3 any other elective or appointive officer shall, during the time
4 for which he was elected or appointed, be eligible for appoint-
5 ment to any office under the city; provided such employment
6 is authorized by the council, by resolution for such appoint-
7 ment, but in no case shall the time of service be for a longer
8 period than said council is selected to serve under this act.

**Terms of Office**

Sec. 19. The mayor and five members of the council shall be
2 elected for the term of two years and their successors shall be
3 elected every two years thereafter, and their terms of office shall
4 begin on the first day of July of the year in which they shall
5 be elected. All appointed officers shall hold office for a term of
6 two years and until their successors are appointed and qualified,
7 unless they are removed in the way and manner herein pro-
8 vided.

Oath of Office

Sec. 20. The mayor and councilmen, and all other officers
2 provided for in this act, shall each, before entering upon the
3 duties of their respective offices, and within fifteen days after
4 receiving their certificates of election or appointment, take the
5 oath or affirmation of office prescribed by law for all officers of
6 this state, and make oath or affirmation that they will truly,
7 faithfully and impartially, to the best of their ability, discharge
8 the duties of their respective offices so long as they continue
9 therein. Said oath or affirmation may be taken before any per-
10 son authorized to administer oaths under the laws in force at
11 the time the same is taken, or before the mayor or city clerk
12 of said city after the oath of office has been administered to
13 them. A copy of the oath of each officer, duly signed by him,
14 shall be filed with the city clerk.

Bonds of Officers and Employees

Sec. 21. The council may require bond from any officer or
2 employee in whatever sum they may fix. All bonds of officers
3 or employees shall, before their acceptance, be approved by the
4 council. The minutes of the meeting of council shall show all
5 matters touching the consideration or approval of all bonds,
6 and when said bonds are approved and accepted, they shall be
7 recorded by the city clerk in a well bound book kept by him at
8 his office for that purpose, which book shall be open to public
9 inspection; and the recordation of such bonds, as aforesaid,
10 shall be *prima facie* proof of their correctness, and they, as so
11 recorded, as well as copies thereof duly attested by the city clerk
12 under the seal of the city, shall be admitted as evidence in all
13 courts of this state. The city clerk shall be the custodian of all
14 bonds. All bonds, obligations or other writings taken in pur-
15 suance of any provision of this act, shall be made payable to
16 “The City of Welch,” and the respective persons, and their
17 heirs, executors, administrators and assigns bound thereby,
18 shall be subject to the same proceedings on said bonds, obliga-
19 tions and other writings for the purpose of enforcing the con-
20 ditions of the terms thereof, by motion or otherwise, before any
21 court of record held in and for the county of McDowell, that
22 collectors of county levies and their sureties are or shall be
subject to on their bonds for enforcing the payment of the county levies.

Salaries

Sec. 22. The salary of the mayor shall be fixed by the council in an amount not to exceed six hundred dollars annually, payable out of the city treasury. The salary of each councilman shall be two hundred dollars annually, payable out of the city treasury. The police judge, city manager, city clerk, city physician, city attorney, city engineer, policemen, firemen and other appoinive officers shall receive such compensation as the council may prescribe by ordinance or order, unless said compensation be fixed by this act, and the same shall not be increased or diminished during the term for which the appointment was made.

Removal of Officer, Cause

Sec. 23. Any member of the council and any city official either elected or appointed may be removed from his office by the council for the following causes: Official misconduct, incompetence, misappropriation of public funds, habitual drunkenness, neglect of duty or gross immorality. Such removal shall not be made except upon charges regularly filed and acted upon as follows: The charges against any officer shall be reduced to writing and entered of record by the council, and a summons shall thereupon be issued by the city clerk containing a copy of the charges and requiring the officer named therein to appear and answer the same on the day named therein, which summons may be served in the same manner as a summons commencing an action may be served, and the service must be made at least five days before the return day thereof, and it shall require the affirmative vote of a majority of all the members elected to the council to remove any such officer. An officer proceeded against under the provisions of this section shall be tried before the council and shall have the right to be represented by counsel, and the circuit court of McDowell county shall have concurrent jurisdiction with the council for any of the causes herein mentioned.

The mayor, or any other official having the power of appointment, shall have the right to remove any of his appointees and appoint another qualified person in his place, but such removal shall be made by means of a writing served upon such official so removed; and all the rights and powers of such official shall
cease and end from the time of such removal by said appointing officer; provided, that the person so removed shall have the right to appeal to the council, which shall hear the charges, and may overrule the action of the mayor and re-instate such officer, or sustain the ruling of the mayor and affirm the removal and discharge.

Vacancies

Sec. 24. Whenever a vacancy for any cause whatever shall occur in the office of mayor or councilman, the council shall elect some qualified person to fill said vacancy until the next city election, and until his successor shall have been elected and qualified, and when such vacancy shall occur in the office of an appointive officer, his successor shall be appointed by the person making the original appointment, or his successor in office.

Whenever any person elected as a member of the governing body of the city is ineligible under this act, to hold said office, or fails to qualify for said office as herein provided, said office shall be declared vacant and some person shall be elected to fill said vacancy as herein provided.

In event of the death of the mayor, the city council shall elect a person qualified to act as mayor, as herein provided, to fill the unexpired term of the deceased mayor, and in the event of the absence or inability of the mayor to perform the duties of his office for a period of ninety days, then the office of mayor shall be declared vacant and a successor elected to fill said vacancy in the manner aforesaid, and complete the term of office of the original mayor. In the absence or inability of any appointive city officials to perform the duties of their respective offices, the person or body making the original appointment shall designate some one to fill such office temporarily; or if such absence or inability extends over a period of sixty days, he or it may appoint some one to fill such office permanently.

Nomination of Officers

Sec. 25. Between the first and fifteenth day of May preceding a municipal election for the purpose of electing city officials, each political party shall at some convenient place, to be designated by the chairman of the city committee thereof, hold a convention for the purpose of nominating a mayor, councilman from each ward and two councilmen at large. Each of the political parties having the right to make nominations for city
8 officials under the election laws of the City of Welch and state
9 of West Virginia, shall give notice of the time and manner of
10 such nominations by publication thereof in some daily news-
11 paper printed in the City of Welch for ten days prior to the
12 date of such convention.
13 The chairman and secretary of any convention so held shall
14 certify to the council of the City of Welch the names of the
15 candidates named for the respective offices.

Qualification of Voters

Sec. 26. Every person who has been a bona fide resident of
2 the city for six months next preceding a city election therein,
3 and who is a qualified voter under the constitution and laws
4 of this state shall be entitled to vote at said city election in the
5 election precinct in which he actually resides, provided, how-
6 ever, any person desiring to vote at such election must present
7 to the commissioners of election of said election, upon request,
8 a receipt showing that all taxes assessed against him for the
9 preceding year have been paid.

Registration of Voters

Sec. 27. All persons who have been bona fide residents of
2 the City of Welch for six months next preceding the city elec-
3 tion therein and who are qualified under the constitution and
4 laws of the state of West Virginia, and who have paid all taxes,
5 assessed against them for the preceding year, shall be regis-
6 tered in each year in which a president of the United States is
7 to be elected, in like manner and at the same time as are the
8 qualified voters in the state and county elections, as now pro-
9 vided by chapter three of Barnes West Virginia code annotated,
10 one thousand nine hundred and twenty-three, or as may be
11 provided by the state laws of the state of West Virginia in
12 effect at the time of such registration.
13 The council shall, on the first Monday in May preceding the
14 city election for the selection of a mayor and five councilmen,
15 appoint such registration officers as it deems necessary to sit at
16 the city hall in the City of Welch for the purpose of amending,
17 correcting and adding the names of any persons qualified to
18 vote omitted from the registration taken as aforesaid. Said
19 registrars shall sit for two days at the city hall from nine
20 o'clock A. M. until nine o'clock P. M. for the purposes aforesaid,
21 after having given at least five days' notice of the time, place
and purpose of said meeting by publication in some newspaper
of general circulation in said city.

The council may, and in the case of a special election shall,
at a meeting to be held for that purpose at least fifteen days
prior to the date of said election, register any legal voter or
voters whose names have been omitted by said registrars, and
said council shall give at least five days' notice of said meeting
by publication in some newspaper of general circulation in said
city, which notice shall state the time and place of said meeting
and its intention to correct the registration of voters of said
city, however, it shall not be necessary to have a special regis-
tration of voters for any special election, but the preceding
registration of voters for the last general election, with such
additions as are hereinbefore provided for, shall be the proper
registration for such special election.

Compensation of Registrars

Each of said registrars appointed under the provisions of
this act, shall receive as compensation for their services the sum
of ten cents for each name so registered by them, which said
amount shall also be allowed for each name thereafter added to
said list, provided said registrars, when sitting for the purpose
of amending, correcting and adding names to said registration
list, as hereinbefore provided, shall be paid a minimum fee of
five dollars for their services. Compensation of the registrars
shall be allowed by the council payable out of the city treasury.

Elections

Sec. 28. The first election for the mayor and councilmen
under this charter shall be held on the first Tuesday in June,
one thousand nine hundred and thirty, and every two years
thereafter on the first Tuesday in June there shall be elected
by the qualified voters of said city a mayor and two councilmen
at large, and by the qualified voters of each of the three wards
one councilman.

The city clerk, immediately upon receiving certificate of
nominations of candidates for city offices made by conventions
held in the city, herein provided for, shall cause ballots to be
printed with the names of candidates duly named placed
thereon.

In all elections by the people, the mode of voting shall be by
ballot, but the voters shall be left free to vote open, sealed or
secret ballots, as they may elect. The election in said city shall
be held and conducted, and the result thereof certified, returned
and officially determined under the laws in force in this state
relative to general elections, except that the persons conducting
said election shall, on the day after the election is held, deliver
the ballots, tally sheets and poll books to the city clerk, and
thereafter the council of said city shall within five days (Sun-
days excepted) after said election, canvass the returns of said
election and declare the results thereof, issuing certificates of
election to the persons elected, as shown by said canvass of the
returns thereof, and in all respects comply with the require-
ments of the laws of the state relating to elections in force at
that time. The corporate authorities of said city shall perform
all duties in relation to said elections required by general law
of the county court. And the provisions of the election laws
of the state of West Virginia in effect on the date of said elec-
tion, concerning elections by the people shall govern such elec-
tions and be applicable thereto, and the penalties therein pre-
scribed for offenses relating to elections shall be enforced against
the offenders of such corporate elections; and the said act shall
have the same force and effect as if it were specially applicable
in such corporate elections and was by this act re-enacted in.
extenso; except as above modified as to the time in which the
returns of the election and canvass thereto shall be made.
Whenever two or more persons receive an equal number of
votes for mayor or councilman, the council in office at the time
the election is held shall choose by lot which of the two or more
persons receiving the same number of votes shall be entitled to
the office for which he received the votes.
In the event of a demand by any candidate for a recount of
the votes cast at said election or in event of the institution of a
proceeding to contest said election, the council in office at the
time of said election shall hold over and remain in office for the
purpose of passing upon and deciding such recount or contest of
election and for any other purpose; and nothing herein pro-
vided shall be construed to interfere with the duties, affairs and
authority of the new and incoming council. The re-count or
contest of election shall be made and conducted in the manner
provided for as in contests for county and district officers, and
the council by their proceedings in such cases shall, as nearly
as practicable, conform with like proceedings of the county
court in such cases.
The unsuccessful party in a recount or contested election shall have the right to appeal from the decision of the city council to the circuit court of McDowell county and upon an appeal being taken as aforesaid, it shall be the duty of the council to certify to the circuit court of said county, under the seal of the city, all the proceedings had in said recount or contested election.

**Corporate Powers**

Sec. 29. The council of said city shall have, and is hereby granted power to have said city surveyed, to lay out, open, vacate, straighten, broaden, change grade of, grade, re-grade, curb, widen, narrow, repair, pave and re-pave streets, alleys, roads, squares, plots, sidewalks and gutters for public use, and to alter, improve, embellish and ornament and light the same, and to construct and maintain public sewers and laterals, and shall, in all cases, have power and authority to assess upon and collect from, the property benefited thereby, such part of the expense thereof as shall be fixed by ordinance, except as hereinafter provided; to have control of all streets, avenues, roads, alleys and grounds for public use in said city, and to regulate the use thereof and driving thereon, and to have the same kept free from obstruction, pollution or litter on or over them; to have the right to control all bridges within said city, and the traffic thereover; to change the name of any street, avenue or road within said city, and regulate and cause the numbering and re-numbering of houses on any street, avenue or road therein; to regulate the naming of streets, avenues and public places; to regulate and determine the width of streets, sidewalks, roads and alleys; to order and direct the curbing, re-curbing, paving, re-paving and repairing of sidewalks and footways for public use in said city to be done and kept clean and in good order by the owners of adjacent property; to prohibit and punish the abuse of animals; to restrain and punish vagrants, medicants, beggars, tramps, prostitutes, drunken or disorderly persons within the city, and to provide for their arrest and manner of punishment; to prohibit and punish by fine the bringing into the city by railroads or other carriers, persons known to be paupers, dangerous or objectionable characters or afflicted with contagious diseases; to control and suppress disorderly houses of prostitution or ill-fame, houses of assignation and gaming houses or any part thereof,
to punish those engaged in gaming and to suppress all gaming
or gambling houses, and all places where gambling or betting
is in any way connected therewith; to prohibit within the city
or within one mile thereof, slaughter houses, soap or glue fac-
tories and houses and places of like kind, and any other thing
or business dangerous, unwholesome, unhealthy, offensive, in-
decent or dangerous to life, health, peace or property; to
provide for the entry into the examination of all dwellings,
lots, yards, enclosures, buildings and structures, cars, and
vehicles of every description, and to ascertain their condition
for health, cleanliness or safety; to regulate the building and
maintenance of party walls, partition fences or lines, fire walls,
fire places, chimneys, boilers, smoke stacks and stove pipes; to
provide for and regulate the safe construction, inspection and
repairs of all public and private buildings, bridges, basements,
culverts, sewers, or other buildings or structures of any de-
scription; to take down and remove or make safe and secure,
any and all buildings, walls, structures or super-structures at
the expense of the owners thereof, that are or may become
dangerous, or to require the owners or their agents to take
down and remove them or put them in a safe and sound con-
dition at their own expense; to regulate, restrain or prohibit
the erection of wooden or other buildings within the city; to
regulate the height, construction and inspection of all new
buildings hereafter erected, and the alteration and repair of
any buildings already erected or hereafter erected in said
city, and to require permits to be obtained for such buildings
and structures, and plans and specifications thereof to be first
submitted to the city engineer; to regulate the limit within
which it shall be lawful to erect any steps, porticoes, bay win-
dows, bow windows, show windows, awnings, signs, columns,
piers or other projection or structural ornaments of any kind
for the houses or buildings fronting on any street of said city;
to establish fire limits and to provide the kind of buildings and
structures that may be erected therein, and to enforce all
needful rules and regulations to guard against fire and danger
therefrom; to require, regulate and control the construction
of fire escapes for any building or other structures in said
city, to control the opening and construction of ditches, drains,
sewers, cess-pools, and gutters, and to deepen, widen and clear
the same of stagnant water or filth, and to prevent obstruction
therein, and to fill, close or abolish the same and to determine at whose expense the same shall be done; and to build and maintain fire station houses, crematories, jails, lockups, and other buildings, police stations and police courts, and to regulate the management thereof; to acquire, establish, lay off, appropriate, regulate maintain and control public grounds, squares and parks, hospitals, market houses, city buildings, libraries and other educational or charitable institutions, either within or without the city limits, and when the council determines that any real estate rights therein, or materials in or out of the city is necessary to be acquired by said city for any such city purpose, or for any public purpose, or is necessary in the exercise of its powers herein granted, the power of eminent domain is hereby conferred upon said city, and it shall have the right to institute condemnation proceedings against the owner thereof, whether said property be in or out of said city, in the same manner, to the same extent, and upon the same conditions as such power is conferred upon public service corporations by chapter forty-two of the code of West Virginia of the edition of one thousand nine hundred and six, and is now or may be hereafter amended; to purchase, lease or contract for and take care of all public buildings and structures and real estate deemed proper for the use of such city; and for the protection of the public to cause the removal of unsafe walls, structures or buildings, and the filling of excavations; to prevent injury or annoyance to the business of individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated all nuisances and to that end and thereabout to summon witnesses and hear testimony; to regulate or prohibit the keeping of gunpowder and other combustible or dangerous articles and to regulate the transportation of same through the streets, alleys and public places; to regulate, restrain or prohibit the use of firecrackers or other explosives or fireworks, and all noises or performances which may be dangerous, indecent or annoying to persons or tend to frighten horses or other animals; to provide and maintain proper places for the burial of the dead, in or out of the city, and to regulate interments therein upon such terms and conditions as to price and otherwise, as may be determined; to provide for shade and ornamental trees, shrubbery, grass, flowers and other ornamentation, and the protection of the
116 same; to provide for the poor of the city; to make suitable and
117 proper regulations in regard to the use of the streets, public
118 places, sidewalks and alleys by foot passengers, animals,
119 vehicles, motors, automobiles, traction engines, railroad en-
120 gines and cars, and to regulate the running and operation of
121 the same so as to prevent obstruction thereon, encroachment
122 thereto, injury, inconvenience or annoyance to the public;
123 and to regulate fares and operation of motor vehicles used in
124 the public transportation of passengers or property; to pur-
125 chase or otherwise secure life, health and accident policies on
126 the group or other convenient plan upon the members of the
127 city police force and fire department, and as an element of
128 compensation of such members may appropriate the money
129 necessary to defray the cost thereof. Whenever in its opinion
130 the safety of the public so requires, the council may authorize
131 or require by ordinance any railroad company operating rail-
132 road tracks upon or across any public street or streets of the
133 city, to construct and maintain overhead or undergrade cross-
134 ings wherever the tracks of said company are laid upon or
135 across the public streets of such city; to apportion the cost of
136 the construction and maintenance of such crossings between
137 any such railroad company and city in accordance with
137-a the state law; to prohibit prize fighting and cock and
138 dog fighting; to license, tax, regulate or prohibit theaters,
139 moving pictures, circuses and exhibition of showmen and
140 shows of any kind, and the exhibition of natural or
141 artificial curiosities, carnivals, menageries and musical exhi-
142 bitions and performances, and other things or business on
143 which the state does or may exact a license tax; to organize
144 and maintain fire companies and departments, and to provide
145 necessary apparatus, engines and implements for the same and
146 to regulate all matters pertaining to the prevention and ex-
147 tinguishing of fires; to make proper regulations for guarding
148 against danger and damage from fires, water or other ele-
149 ments; to regulate and control the kind and manner of plumb-
150 ing and electric wiring, air-ships, balloons, wireless stations,
151 radio stations and other appliances for the protection of the
152 health and safety of said city; to levy taxes on persons, prop-
153 erty and licenses; to license and tax dogs and other animals
154 and regulate, restrain and prohibit them and all other animals
155 and fowls running at large; to provide revenue for the city
156 and appropriate the same to its expenses; to adopt rules for
157 the transaction of business of its own regulation and govern-
158 ment; to promote the general welfare of the city, and to pro-
159 tect the persons and property of citizens therein; to regulate
160 and provide for the weighing of produce and other articles
161 sold in said city and to regulate the transportation thereof
162 and other things, through the streets, alleys and public places;
163 to have the right to grant, refuse or revoke any and all licenses
164 for the carrying on of any business within said city on which
165 the state exacts a license tax; to establish and regulate markets
166 and to prescribe the time for holding the same, and what shall
167 be sold in such market, and to let stalls or apartments and
168 regulate the same; to acquire and hold property for market
169 purposes; to regulate the placing of signs, billboards, posters
170 and advertising on or over the streets, alleys, sidewalks and
171 public grounds of said city; to preserve and protect the peace,
172 order and safety and health of the city and its inhabitants,
173 including the right to regulate the sale and use of cocaine,
174 morphine, opium and poisonous or dangerous drugs; to appoint
175 and fix the place of holding city elections; to erect, own, lease,
176 authorize or prohibit the erection of gas works, electric light
177 works or water works in or near the city, and to operate the
178 same, and to sell the product or services thereon and to do
179 any and all things necessary and incidental to the conduct of
180 such business; to provide for the purity of water, milk, meats
181 and provisions offered for sale in said city, and to that end
182 provide for a system of inspecting the same and making and
183 enforcing rules for the regulation of their sale, and to prohibit
184 the sale of any unwholesome or tainted milk, meats, fish, fruit,
185 vegetables, or the sale of milk, containing water or other
186 things not constituting a part of pure milk; to provide for
187 inspecting dairies and slaughter houses, whether in or outside
188 of the city, where the milk and meat therefrom are offered for
189 sale within said city, and to prohibit the sale of any article
190 deemed unwholesome, and to condemn the same or destroy or
191 abate it as a nuisance; to provide for the regulation of public
192 processions so as to prevent interference with public traffic, or
193 prohibit any parade or demonstration wherein the participants
194 are masked, and to promote the good order of the city; to pre-
195 scribe and enforce ordinances and rules for the purpose of
196 protecting the health, property, lives, decency, morality,
cleanliness and good order of the city and its inhabitants, and to protect places of divine worship in and about the premises where held and to punish violations of all ordinances, if the offense under and against the same shall also constitute offenses under the laws of the state of West Virginia or the common law; to provide for the employment and safe keeping of persons who may be committed in default of payment of fines, penalties or costs under this act, who are otherwise unable to discharge the same, by putting them to work for the benefit of the city upon the streets or other places in or out of the city provided by said city, and to use such means to prevent their escape while at work as the council may deem expedient; and the council may fix a reasonable rate per day as wages to be allowed such persons until the fine and costs against him are thereby discharged; to compel the attendance at public meetings of the members of the council; to have and exercise such additional rights, privileges and powers as are granted to municipalities by chapter forty-seven of the code of West Virginia as amended.

For all such purposes, except that of taxation and for purposes otherwise limited by this act, the council shall have jurisdiction, when necessary, for one mile beyond the corporation within said one mile limit.

And the council shall have the right to establish, construct and maintain public markets and parking places on any ground which does or shall belong to said city, or which it shall acquire, by purchase or otherwise, and to sell, release, repair, alter or remove any public markets or buildings which have been or shall be so constructed; to maintain on property owned by the City of Welch, or on certain designated streets, stalls for taxi cars and busses and to levy and collect a reasonable monthly rental for said stalls and parking places.

To carry into effect these enumerated powers and all other powers conferred upon said city expressly or by implication in this and other acts of the legislature, the council of said city shall have the power in the manner herein prescribed, to adopt and enforce all needful orders, rules and ordinances not contrary to the laws and constitution of this state; and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment in the city lock-up, jail or station-house, and to work prisoners found guilty, as the council may
238 prescribe, and market the products of such labor, and with
239 the consent of the county court of McDowell county entered
240 of record, shall have the right to use the jail of said county
241 for any purpose necessary to the administration of its affairs.

Eminent Domain

Sec. 30. The City of Welch as herein created or continued
2 shall have the right under the power of eminent domain to
3 condemn, acquire and appropriate any property and acquire
4 the fee simple title or any lesser estate or easement therein for
5 any public use, whether said property be located within or out-
6 side of the corporate limits of said city, including the right to
7 acquire property for opening and widening streets, alleys and
8 public places, and for the construction and maintenance of
9 sewer lines, sewerage disposal plants, water lines and mains,
10 pump stations, reservoirs or reservoir sites, dams for storing
11 water, and the right to create storage reservoirs by flooding
12 adjacent properties. and for every other purpose required in
13 the construction, maintenance, and operation of water systems
14 and plants for the purpose of supplying water to the public.
15 The proceedings to acquire such lands, estates, or easements
16 shall be the same as provided by general laws of the state of
17 West Virginia for condemning and appropriating private prop-
18 erty for public use.

Nuisances

Sec. 31. The council of the city upon its own motion, or upon
2 the recommendation of the city health officer, board of health,
3 chief of police or mayor, shall have authority to abate and re-
4 move all nuisances in said city. It may compel the owners,
5 agents, assignees, occupants or tenants of any lot, premises,
6 property, building, or structure upon, or in which any nuisance
7 may be, to abate and remove the same by orders therefor, and
8 by ordinance provide a penalty for the violation of such orders.
9 Said council may also by its own officers, appointees, and
10 employees abate and remove nuisances, including all obstruc-
11 tions on the streets and alleys of said city. It may by ordinance
12 regulate the location, construction, repair, use, emptying, and
13 cleaning of all water closets, privies, cess-pools, sinks, plumbing,
14 drains, yards, lots, air ways, pens, stables, and other places
15 where offensive and dangerous substances or liquids are, or may
16 accumulate, and provide suitable penalties for violations of such
17 regulations, which may be enforced against the owner, agent,
assignee, occupant, or tenant of any premises or structure where such violation may occur.

It shall be unlawful for any filling station, garage, auto shop, store, person or corporation to maintain and operate gas or oil tanks or any other fixtures within the streets or upon the side walks in the city, and the maintenance of gas tanks, oil tanks and other fixtures upon the streets and sidewalks of the city shall be deemed a nuisance, and the city shall have the right to abate and remove the same as herein provided.

The owner, agent, tenant, assignee, or occupant of any such premises, lot, property, building or structure, as is mentioned herein, or the owner or operator of any gas tanks, oil tanks and other fixtures in and upon the streets and sidewalks as mentioned herein, shall be notified in writing to abate and remove said nuisance, which said notice shall be served by a police officer in the same manner provided for the service of process to commence suits, at least fifteen days before any further action is taken. Said notice shall require the person or corporation to abate and remove said nuisance or forthwith appear before the council and show cause why the same should not be abated and removed.

After the notice aforesaid, and the hearing, if required, is had, and upon the failure of the party responsible to abate and remove said nuisance, then the council, by a proper order passed and entered in the minutes of the meeting, shall abate and remove said nuisance, and collect the expenses thereof from the owner, occupant, tenant, agent, or assignee, by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are herein authorized to be collected.

In the case of non-resident owners of real estate, the notice herein provided may be served upon any tenant, occupant, assignee, or rental agent of the owner, or by publication thereof once a week for two successive weeks in some newspaper of general circulation in said city. The abatement or removal of any such nuisance herein provided, shall be prima facie proof that the said notice to the owner, occupant, tenant, agent or assignee was given as herein prescribed.

The council may require all owners, tenants or occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage, which the said city may construct, own or control,
to connect with such sewer or system of sewerage, all privies, ponds, water closets, cess-pools, drains, or sinks located upon their respective properties or premises so that their contents may be made to empty into such sewer or system of sewerage, and shall have the right to charge a reasonable amount for the right to connect to such sewer.

Establishment of Jails

Sec. 32. The City of Welch shall have the right to establish 2 jails and places for the detention of prisoners of said city at any place within McDowell county, and all prisoners arrested and imprisoned when awaiting trial or after conviction shall be imprisoned in the jail so established and designated by the council as the city jail, or such prisoners may be imprisoned in the county jail of McDowell county, West Virginia, and the jailer of said McDowell county is hereby required to receive and safely keep any prisoners of said city who shall be sentenced to the county jail under the provisions hereof. Provided, however, that the said city shall reimburse the county for all expenses sustained in keeping such prisoners.

In the event the city council establishes a jail under the provisions of this act, then said council shall have the right to employ a jailor therefor at a reasonable salary, and to employ such other servants as may be necessary to properly maintain said jail.

The establishment and maintenance of said jail shall be paid for out of the general fund.

Franchises

Sec. 33. Franchises shall be granted by the council, allowing to persons or corporations, for a limited time, such occupancy of portions of the street as may be necessary for works of public utility and service, such as steam railway tracks, street railway tracks, poles and trolley wires, telephone and telegraph poles and subways, electric light and other electric poles, wires and subways, and gas and steam pipe lines, water, water lines and pipes. But no such franchise shall hereafter be granted except under the following restrictions:

(1) No ordinance, granting any franchise for the use of the streets, alleys or public grounds of the city for any of the purposes of public utility above named, or for any other purpose of like nature, shall be passed unless it shall have been first proposed to the council, and notice of the object, nature and
extent of the franchise shall have been published for at least thirty days by the applicant in some newspaper of general circulation in the City of Welch, before being acted upon, and shall have received a vote of the majority of the members of the council at a regular meeting after said publication. The votes thereon shall be taken by ayes and noes, and the same entered upon the minute book.

(2) Every grant of any such franchise shall be for a limited period of time. If no limit be expressly provided for in the grant, the franchise shall be valid for one year only. In no case shall the franchise extend for a period exceeding fifty years.

(3) No grant of any such franchise shall be made without, at the time of making it, providing that the grantee shall indemnify the city against all damages caused by the construction of such work. All reasonable additional provisions and conditions may be made for the protection of the public from unnecessary damage or inconvenience by reason of such works and the operation thereof. The franchise, when granted and reduced to writing, shall first be approved by the city attorney, before being executed by the mayor and city clerk.

(4) No grant of a franchise or the extension of, or an addition to, any line of such work, over any additional street or territory of the city, shall be made for a period extending beyond the time limited for the expiration of the franchise of the principal work of which it is an extension; and if the franchise of the principal company or work is one which was granted before this act goes into effect, and is not limited as to time, the franchise granted for the extension or addition shall nevertheless be made subject to the conditions hereof, including a time limit of not exceeding fifty years. If a franchise be secured from the city by an individual or by an independent or new company, and the work constructed thereunder afterwards becomes a part of it, or be operated as a part of a larger work of the same kind whose franchise was previously obtained and is limited to expire earlier, such later franchise shall, by reason of such annexation, merger, or single operation, expire simultaneously with such earlier franchise.

Ordinances

Sec. 34. The style or ordinances of the city shall be, "Be it enacted and ordained by the council of the City of Welch".
All ordinances shall be presented in writing and no ordinance shall be so amended in its passage as to change the general purpose. No ordinance shall be considered for final passage at the meeting at which it was introduced, but when said ordinance is introduced it shall be laid over for a period of not less than two weeks to be passed on at a special meeting to be called for that particular purpose or at the next regular meeting, during which time copies of the proposed ordinance shall be posted in at least five conspicuous places in the City of Welch, giving the date on which the council intends to finally pass upon said ordinance or notice thereof may be given by publication in some newspaper of general circulation in the City of Welch once a week for two successive weeks prior to the date on which the council will consider said ordinance. No ordinance shall contain more than one subject which shall be clearly expressed in its title, nor shall an ordinance be passed by a council unless all members of said council shall concur therein by ayes and nays when the question is put up for its passage. All ordinances passed by the council shall be kept in a well bound book, which ordinances so kept therein shall be compared with the originals by the mayor and city clerk and signed by them. Such books shall be indexed so as to show in brief form the substance of the ordinance. It shall not be necessary to spread upon the minutes of the meeting the ordinances, but the minutes shall show the passage or rejection of an ordinance and the title thereof and refer to the number of the ordinance book and the page wherein said ordinance is recorded.

All ordinances, by-laws, resolutions and rules of the City of Welch in force on the day preceding the passage of this act, which are not inconsistent therewith, shall be and remain in full force over the whole boundary of said City of Welch, as established by this act, until the same are amended or repealed by the council of said city, and the officers elected on the first Tuesday in June, one thousand nine hundred and twenty-eight, in the City of Welch, shall remain in office until their successors under this act are elected and qualified as hereinbefore provided; and after this act takes effect, shall have jurisdiction over all the territory embraced in the boundary specified in this act, and shall perform all the duties of such respective officers under this act; but nothing in this act shall be construed or held to in any way, affect or impair any of the bonds, obligations or
indebtedness of the City of Welch issued or contracted prior to
the passage of this act; but, on the contrary, the said City of
Welch shall be liable for all the bonds, obligations and indebted-
ness of the City of Welch as though the same had been created
under this charter.

Meetings of Council

Sec. 35. The regular meetings of the council shall be publicly
held at the city hall on the first Monday in each calendar month,
the hour of such meetings to be fixed by the council in the rules
adopted by it.

Special meetings of the council shall be held when called by
the mayor or three members of the council. In the latter case
the call therefor shall be in writing and signed by the members
issuing it and shall state the time and place of meeting and the
purpose thereof; and a copy thereof shall be served upon each
member of the governing body then in the city. No business
other than that stated in such call shall be considered at such
meeting.

The mayor shall be the presiding officer of all regular or
special meetings of the council, and whenever for any reason he
shall be absent from the city, or unable to attend the duties of
his office temporarily, a member of the council shall be selected
as president pro tem of the council and as such perform the
duties of the mayor, and preside over said council meeting.

Unless otherwise herein provided, the vote upon any question
or motion before the council may be viva voce when unanimous;
but if the question or motion does not receive the unanimous
vote of the members present, the vote shall be taken by roll call
of the members and made a part of the minutes of the meeting,
and when the vote is unanimous the minutes shall so state.

The mayor shall have a vote as a member of the council, and
in the event his vote upon any motion, question, resolution or
ordinance, shall cause a tie vote of the members of the council
present then said motion, question, resolution or ordinance shall
be declared lost and not carried. In no case shall the presiding
officer vote twice on the same proposition.

At each meeting of the council the proceedings of the last
meeting shall be read and corrected, if erroneous, and shall be
signed by the presiding officer for the time being.

Quorum

Sec. 36. A majority of the whole number of members elected
to the council shall be necessary for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of absent members, in such manner and under such penalties as it may by rules provide. If a majority of the whole number of members elected to the council be present at a regular meeting they may proceed to business although the mayor be not present. In the absence of the mayor the councilmen present shall select one of their number as presiding officer pro tem of the council.

Record Books

Sec. 37. The council shall cause to be kept by the city clerk in a well bound book to be called the "Minute Book" an accurate record of all its proceedings, ordinances, acts, orders and resolutions, and in another to be called "Ordinance Book", accurate copies of all general ordinances adopted by the council; both of which shall be accurately indexed and open to the inspection of anyone required to pay taxes in the city, or who may be otherwise interested therein.

All oaths and bonds of officers in the city, and all papers of the council shall be endorsed, filed and securely kept by the city clerk. The bonds of officers shall be recorded in a well bound book to be called "Record of Bonds."

The council shall from time to time cause such additional books to be kept by the city clerk as are necessary to properly record the proceedings of the council and keep in an orderly condition records of the financial and other affairs of the city.

Auditing Books

Sec. 38. The council shall by proper ordinance provide for the auditing of all the books and accounts of the city, at least once each year, and shall appoint or employ a reputable person for such purpose, and such audit shall show the complete financial condition of the city at the time thereof, and the receipts and disbursements of all monies during such year. The council shall also provide by ordinance for the publication of such audit of the financial condition of the city at least once each year, and such audit shall be spread upon the records of the council and be a public record for all purposes.

City Funds—Receipt and Disbursement

Sec. 39. All monies belonging to the city shall be paid over to the city clerk who shall be ex officio treasurer of the city, and no money shall be paid out by the city clerk, except as the same
4 shall have been appropriated by the council and upon an order
5 signed by the mayor, and not otherwise. All warrants for the
6 disbursement of funds for the city shall be signed by the city
7 clerk and countersigned by the mayor.

**Estimate of Expenses**

Sec. 40. A financial committee shall be appointed from the
2 council members, by the mayor, which, together with the mayor
3 shall constitute a finance committee which shall on or before
4 the first day of August in each year, prepare and submit to the
5 council a budget or estimate of the amount of money necessary
6 and advisable to be expended by the city for the current year
7 next ensuing and to be provided for by the tax levy as herein
8 provided for such current year, in which estimate the finance
9 committee shall ascertain and present a detailed and itemized
10 account or estimate of the money necessary to pay interest on
11 the bonded indebtedness of the city, the amount required for the
12 several sinking funds, for the reduction of the principals thereof,
13 the amount to be expended severally for the streets, alleys, curbing,
14 water works, police department, fire department, street
15 paving, sewers, salaries, parks, real and personal property, con-
16 tingent expenses and other proper municipal expenditures and
17 expenses, together with an itemized statement of the estimated
18 receipts, other than that to be derived from the annual levy,
19 and after receiving such estimates, and before making the levy
20 the council shall apportion the rate thereof (including estimated
21 receipts for licenses and all other sources), among the several
22 funds to ascertain and provide for, which said apportionment
23 when adopted, shall be spread upon the records of the council.

**Taxation**

Sec. 41. The council shall be governed in all respects in
2 laying the annual levy or any additional or special levy by
3 chapter nine of the acts of the extraordinary session of the
4 legislature of West Virginia of one thousand nine hundred and
5 eight and by chapter eighty-five of the acts of the session of the
6 legislature of one thousand nine hundred and fifteen as the
7 same is amendatory of certain sections of the said chapter nine
8 of the said acts of one thousand nine hundred and eight, except
9 that they may include a poll tax of not exceeding one dollar
930

**SENATE BILLS**

10 each year upon each able-bodied man therein, who is above the
11 age of twenty-one years and not over fifty years of age, which
poll tax shall be used exclusively for opening, improving and maintaining roads, streets and alleys of the city, and shall designate the same as the "street taxes"; and the said council may also impose such license tax upon dogs and other animals as they may deem proper, and collect the same from the owners of such animals as other taxes are collected, and prescribe such rules, regulations and penalties governing the payment of such tax on animals as they may deem reasonable. And the general annual levy upon the taxable property within the corporate limits of said city shall not exceed the sum of eighty cents upon each one hundred dollars valuation. But in addition to said levies above mentioned, and in addition to any levies provided by the general law, with which these are not meant to conflict, the council of said city is empowered to and shall lay a special annual levy not to exceed ten cents on each one hundred dollars valuation of the property in said city for the purpose of creating a sinking fund with which to pay off the principal of the present outstanding bonded indebtedness of said city when the same becomes due and for the purpose of paying annually, when due, the interest coupons of the said present outstanding bonded indebtedness of the said city, which said special levy shall be continued annually by the council for as many years as may be necessary to pay off said present outstanding bonded indebtedness and the interest coupons that may become due thereon, but no longer. Also, in addition to the above, the said council, beginning with the year one thousand nine hundred and twenty-five, is empowered to and shall lay a special annual levy not to exceed five cents on each one hundred dollars valuation of the property in the said city for the purpose of paying off any outstanding orders issued against the treasury of said city prior to July the first, one thousand nine hundred and twenty-four, and for the purpose of paying off any debts contracted prior to said date, or any judgment taken against the said city prior to said date. And both of the aforesaid special levies, when collected, shall be used for no other purpose than for the aforesaid purposes for which they shall be laid as aforesaid.

Assessment and Collection of Taxes

Sec. 42. For the purpose of taxation the assessed valuation of real and personal property within the city, subject to taxation, shall be the same as the assessed valuation placed thereon by the assessor of McDowell county for real and personal prop-
5 erty lying within the corporate limits of the city. The city
6 clerk shall list all real and personal property subject to taxa-
7 tion within the city, together with the names of the owners
8 thereof and return the same to the council on or before the
9 first day of October of each year. He shall ascertain the
10 assessed valuation of all real and personal property fixed by
11 the county assessor and place said valuation opposite the names
12 of the owners of said real and personal property.
13 He shall make out proper tax tickets in the following manner,
14 to-wit: There shall be a single ticket for the whole amount
15 charged to any person, firm or corporation, and after the tickets
16 have been examined, compared and found to be correct by the
17 council, they shall be turned over to the chief of police by the
18 first day of November following the levy. The chief of police
19 shall receipt for the gross amount and then give notice by publi-
20 cation in a newspaper of general circulation in the city and
21 posting thereof in conspicuous places in said city for at least
22 ten days, stating that the tax tickets are in his hands for col-
23 lection, the penalty for non-payment thereof, and where the
24 same may be paid; provided, however, that the chief of police
25 may first mail to the taxpayers tax tickets for tax on their
26 property and in the event of non-payment proceed to collect
27 the same in the manner herein provided. Immediately upon
28 the payment of said taxes or any part thereof, any amount so
29 collected shall be turned over to the city clerk who shall re-
30 ceipt therefor. All taxes shall be due and payable within thirty
31 days after expiration of the notice posted and published or
32 mailed as aforesaid, and in case the same are not paid within
33 that time, the chief of police may distraint and sell therefor in
34 like manner as the officer collecting state taxes may distraint
35 therefor, and he shall have in all other respects the same power
36 to enforce the payment and collection thereof. On all tickets
37 remaining uncollected in the hands of the chief of police on the
38 first day of January following notice and publication of taxes
39 aforesaid, a penalty of five per cent shall be added and col-
40 lected, together with six per cent interest until paid.
41 A discount of two and one-half per cent may be allowed on
42 all taxes paid on or before November thirtieth.
43 There shall be a lien upon all real estate within said city for
44 the city taxes assessed thereon, including such penalties and
45 interest added thereto for nonpayment thereof as are prescribed
by this act, from the first day of January following the date when said taxes are due and payable as herein provided. Said lien may be enforced in any court of record in McDowell county by proper suit, provided such suit be entered within five years after said liens attach as herein provided, such suit may either be by or in the name of the City of Welch as plain-tiff or said city may intervene by petition in any suit to sell or enforce the lien against real estate which is subject to such liens for said taxes. The liens herein created shall have priority over all other liens except those for taxes due the state and county. It shall be the duty of the city clerk at the expiration of the tax collection period to return to the auditor of the state of West Virginia, real estate delinquent for the nonpayment of taxes in the same manner as the sheriff of McDowell county is authorized, empowered and directed to make return of real estate delinquent for the nonpayment of taxes. And the laws of the state of West Virginia in relation to delinquent taxes and the sale of property therefor are hereby in all respects adopted as to all proceedings in relation to taxes for city purposes delinquent in said city. And the powers and duties conferred by the laws of said state upon county courts and their clerks and sheriffs in regard to delinquent taxes and their collection, are hereby in all things conferred upon said city council, its city clerk and other city officials whose duties are of a similar nature as those of said county officials, in so far as the same may be directly or by implication applicable in the collection of delinquent taxes due said city.

Licenses

Sec. 43. Whenever anything for which state license is required is to be done within the city, the city council may require a city license to be had for doing the same and may in any case require from any person licensed a bond with surety in such penalty and with such conditions as may be proper for the protection of the public health, safety or morals. The council shall prescribe by ordinance the time and manner in which licenses of all kinds shall be applied for and granted and shall require the payment of the taxes thereon to the city clerk before the delivery thereof to the person applying therefor, which tax shall include the same fees for the issuance of such license as are charged for similar services of state and county officers, which fee shall be paid into the city treasury.
14 The council may refuse to grant license to any person or corporation for good cause shown and shall have the right to revoke any such license granted for a breach of any of the conditions or for other good cause shown, but the person or corporation holding such license shall first be given reasonable notice of the time and place of hearing and adjudicating the matter of the revocation of said license, as well as the cause alleged for said revocation, and shall be entitled to be heard in person, or by counsel, in opposition to such revocation. The term for which license provided for in this chapter is granted shall be governed by the general laws of the state relative to state licenses.

**Bond Issues**

Sec. 44. The council of the said city shall have the right to bond the said city for the purpose of paving the said streets, or for other permanent improvements, or for the purpose of taking up paying off or refunding any already outstanding city bonds or items of indebtedness, whenever the council thereof may deem the same necessary; but the aggregate indebtedness of the said city for all purposes shall never at any time exceed five per centum of the assessed valuation of the taxable property therein according to the last assessment next preceding said date. The said council shall provide a fund for the payment of the interest annually on the said indebtedness so created, and to pay the principal thereof within and not exceeding thirty-four years; provided, that no debt shall be contracted hereunder, unless all questions connected with the same be first submitted to a vote of the qualified voters of said city, and have received three-fifths of all the votes cast for and against the same.

**Indebtedness Prohibited**

Sec. 45. The council of the said city shall not, at any time, or for any purpose, create any indebtedness against the said city except as provided in the next preceding section, exceeding the available assets of the said city for the current year; and if the said council shall create such indebtedness or issue orders on the city for an amount exceeding the amount of money collected for that year for said city from all sources, and the amount of money then in the treasury appropriated, the members of said council shall be severally and jointly liable for the payment of the excess of such indebtedness or orders over the
amount of money applicable thereto, and the same may be re-
covered in any court having jurisdiction thereof. Any coun-
cilman violating the provisions of this section shall be deemed
guilty of malfeasance in office, and may be removed as such
councilman in pursuance of section twenty-three of this act.
Provided, however, this shall not be applicable to such members
who have voted against said excess; and, provided. further.
that the vote of each member of council shall be recorded.

Street Paving and Improvements

Sec. 46. (a) The council of the City of Welch may order
and cause any avenue, street, road or alley therein to be
graded, or curbed or recurbed with stone, concrete or other
suitable material, or paved, or repaved, between curbs, with
brick, wooden blocks, asphalt or other suitable materials, or to
be graded and curbed or recurbed and paved or repaved as
aforesaid or to be macadamized or to be otherwise permanently
improved or repaired, under such supervision as may be
directed by ordinance or resolution, upon the best bid to be
obtained by advertising for proposals therefor, except the city
may do the work without letting it to contract as hereinafter
provided in (d) of this section; and may purchase or con-
demn land for opening or widening avenues, streets, roads and
alleys. The entire cost, or any part thereof, designated by the
council, of such grading, curbing and paving or macadamizing,
or other permanent improvements, of any of the avenues,
streets, roads and alleys as aforesaid, from and including the
curb of either side thereof to the middle thereof and the cost,
or any part thereof, of purchasing or condemning land as
aforesaid for street purposes, may be assessed to and required
to be paid by the owners of the land, lots or fractional parts
of the lots, fronting or bounding on such avenue, street, road
or alley so improved, except as otherwise provided in (c) and
(g) of this section.

(b) Payment is to be made by all land owners on either side of
such portion of any avenue, street, road or alley so paved,
opened, widened, or improved in such proportion to the total
cost (less the portion, if any, chargeable to the street or oth-
lar railway company) as the frontage in feet of his abutting land
bears to the total frontage of all the land so abutting on said
avenue, street, road or alley or portion thereof opened,
widened, paved or improved as aforesaid; but the cost of such
paving or improvement on said avenue, street, road or alley (not including opening or widening), shall not include any portion or amount paid for the paving or improvement of intersections of avenues, streets, roads or alley, unless the work be done, and the payment made therefor, as especially provided in (c) and (g) of this section.

(c) Provided, the council of the City of Welch may order and cause any work to be done, and improvements made, set out in (a) of this section and in addition to the assessment provided for in (a) of this section, may assess proportionately the property abutting or abounding on such avenue, street, road or alley so improved with the total cost of the paving, grading and curbing or macadamizing or other permanent improvements of the intersections of the avenue, streets, roads or alleys so paved or otherwise permanently improved.

Provided, further, that if the said council propose, order and cause such improvements to be made under this clause of this section they shall first enact an ordinance or resolution setting forth the work and improvements to be done, the extent of said improvement and manner of paying for the same, which ordinance or resolution shall be published once a week for two consecutive weeks in two newspapers of opposite politics, published and of general circulation in said city. In such publication the council shall set a time of at least ten days from the date of the first publication in which objection and protest may be made against the proposed improvement as aforesaid by the owners of the property against which said assessment is proposed to be made, and if, at or before such time so set by the directors, the bona fide owners of more than three-fifths in lineal feet of the property abutting upon the avenue, street, road or alley proposed to be improved as aforesaid, shall file separately or jointly their written protest setting forth the fact, under oath, that they are the bona fide owners of said property, with the council, objecting to and protesting against the work to be done and the improvement to be made under this clause in this section, the council shall proceed no further hereunder and shall make note of the discontinuance of such proposed work and improvement under this clause of this section in their minute book. If the owners of more than three-fifths of said property do not file objection or protest as herein provided, the council may immediately
74 by ordinance or resolution, order and direct such work to be
75 done, improvement made and the assessments levied against
76 said property in manner set out in this section, and the other
77 sections of this act. The publication of the ordinance herein
78 provided for shall be sufficient if the title to the same is pub-
79 lished, with a statement of the purpose of the ordinance set-
80 ting out between what points the improvement is proposed
81 to be made, and the method under which payment for the
82 same is to be made, and stating the time at which objections
83 may be heard.
84 (d) The city itself, after any work or improvement is
85 finally ordered to be done or made in manner and form pro-
86 vided in this act, may, at its election, do such work and make
87 such improvement, and collect the cost thereof, in the manner
88 set out in this act. The decision of the city to do such work,
89 or make such improvement, may be without notice or after
90 the publication of the notice to contractors mentioned in this
91 section, or after the rejection of all bids for doing the same.
92 (e) The cost of grading, curbing and paving, or otherwise
93 improving the intersections, or parts of intersections, of
94 avenues, streets, roads or alleys, on the plans adopted by the
95 council for such work, shall be paid by the city, except as
96 otherwise provided in (c) and (g) of this section.
97 (f) And if any such avenue, street, road, or alley be occu-
98 pied by street car track, or tracks of other railroads, the cost of
99 said improvements of the space between the rails and two ad-
100 ditional feet outside of each rail shall be assessed to and borne
101 and paid entirely by the person or company owning or oper-
102 ating such street car or other railway line, unless other-
103 wise provided by the franchise of such street car or other
104 railway company granted previous to the passage of this
105 act.
106 (g) Provided, the council, if they so elect, may order and
107 cause any avenue, street, road or alley, including intersections,
108 public park or public place, to be widened, graded or changed
109 in grade, and curbed or recurbed, and paved or repaved, with
110 brick, concrete, asphalt or any other suitable materials, or
111 macadamized or otherwise permanently improved, including
112 the construction or retaining walls, sewers, drains, water
113 pipes, water dams and water courses in connection therewith
114 and may purchase land, or condemn land for any public ave-
115 nue, street, road or alley, or part thereof, or park or other 116 public purpose, and the council may assess all or any part of 117 the entire cost of such improvements (or taking of land or 118 both) upon the abutting, adjacent, contiguous and other lots or 119 land especially benefited by such improvement in the propor- 120 tion in which such lot or land is especially benefited by the 121 improvement. The council, when they decide to order the im- 122 provements under this plan, shall, by ordinance or resolution, 123 before doing the same, fix the approximate total amount of the 124 special benefits to be derived from such improvements to the 125 abutting, adjacent, contiguous and other specially benefited 126 land or lots assessed and setting out the names of the owners, 127 the approximate amount of the special benefits to the lot or 128 land of each owner and the approximate amount of the total 129 cost of the proposed improvements, the council may in fixing 130 such assessments take into consideration the assessed value of 131 the lots or land as fixed for the last assessment year for state 132 and county purposes.

133 Provided, further, that if the said council proposes to order 134 and cause such improvements to be made under this clause of 135 this section, it shall first enact an ordinance or resolution 136 setting forth the work and improvements proposed to be done, 137 the extent of said improvements and manner of paying for the 138 same, which ordinance or resolution shall be published once a 139 week for two consecutive weeks in two newspapers of opposite 140 politics published and of general circulation in said city, in 141 which publication the council shall set a time of at least ten 142 days from the date of the first publication in which objection 143 may be made against the proposed improvement as aforesaid 144 by the owners of the property against which said assessment 145 is proposed to be made.

146 The publication of the ordinance herein provided for shall 147 be sufficient if the title to the same is published with a state- 148 ment of the purposes of the ordinance setting out at what place 149 the improvement is proposed to be made, and the method under 150 which payment for the same is to be made, the lots and land 151 with the names of the owners of record thereof and the ap- 152 proximate amounts to be assessed against each lot, and the 153 owner thereof, and stating the time at which objections may be 154 filed.
When the council shall deem it expedient and proper to cause any avenue, street, road or alley, or any portion thereof, in such city, to be graded, or graded and paved, curbed, or macadamized, or otherwise permanently improved, or land to be acquired or taken for street purposes, as provided in (a) of this section, or shall deem it expedient and proper to cause the construction of any public sewer in or under such avenue, street, road or alley or land or easement therein to be acquired or taken therefor, or elsewhere, or cause any other permanent improvements to be undertaken, contemplated by this or any other section, or sections, they shall, by ordinance or resolution, order the work done, stating the method of payment thereof, and, if it be let to contract, notice shall be in the following manner, to-wit:

The notice for the bids or proposals for doing such work and making such improvements, shall be published for at least fifteen days in two newspapers of opposite politics, or in one newspaper, if two such newspapers be not published in the city. If the publication of the notice cannot be procured in any newspaper in said city at reasonable rates, then said notice may be given in the manner directed by the council. Said notice shall state, when, where and how the bids or proposals shall be made; and whether so stated in the notice or not, the city may reject any and all bids for such proposed work. Before advertising for bids on the work, the city shall approve and adopt plans and specifications therefor, and the advertisement for bids, and the contract awarded thereon, shall refer to such plans and specifications. The fact that such contract shall be let for said work shall be prima facie proof that the notice mentioned above was given as required herein.

The cost of said paving, macadamizing or otherwise permanent improvement may be paid in either one of the two ways provided for in this act (to be specified by ordinance by the council).

If the abutting land on any such avenue, street, road or alley sought to be improved as aforesaid, or in which a sewer is ordered laid, is not laid off into lots by a map of record, the council may, for the purpose of making the assessments provided for in this section and other sections herein, lay off said land into lots of such sizes as the council deems advisable for the purpose of laying the proper assessment against such land.
Sec. 47. Said city of Welch is hereby authorized to issue its bonds for the purpose of providing for the costs of grading, paving and curbing, or macadamizing, or otherwise permanently improving the avenues, streets, roads and alleys of said city, or acquiring ground for opening public avenues, streets, roads; alleys or parks, or constructing main and lateral sewers, or both in anticipation of special assessments to be made upon the property abutting upon the avenues, streets, roads and alleys so improved or benefited. Said bonds may be in such an amount as shall be sufficient to pay the entire costs and expenses of said improvements for which such special assessment are to be levied; and said city is authorized to sell said bonds, but not below the par value thereof. The amount for which said bonds are to be issued may be made of five bonds, payable in two, four, six, eight and ten years, respectively, from the date of their issue, and shall bear interest not to exceed six per cent per annum, payable annually; or may be of four bonds, payable in one, two, three and four years, respectively from the date of their issue, and shall bear interest not to exceed six per cent per annum, payable annually, and the date of said four year bonds, when issued, shall conform, as near as can be, to the date of assessment laid against real estate for the purpose of procuring revenue to retire said bonds; provided, the city shall have the right to redeem and pay off, at any interest paying period, all or any number of said undue bonds of the said four year issue of bonds provided for in this section. In the issuance and sale of said bonds the said city shall be governed by the restriction and limitations of the constitution of this state and the restriction and limitations of the state laws of this state relating to the issuance and sales of bonds, so far as such state laws are not in conflict with the provisions of this act; and the assessments as provided for and required to be paid herein shall be applied to the liquidation of said bonds and interest thereon, and if, by reason of the penalties collected with the delinquent assessments there be any balance after the payment of the bonds and all accrued interest and costs, it shall be turned into the city treasury to the credit of the interest and sinking fund of the city. (b) And it shall be the duty of the council to immediately certify such assessments to the treasurer for collection, as here-
in provided; and for the purpose of facilitating the collection of such assessments against the properties herein, the council may issue assessment certificates, with the interest coupons attached thereto, to be delivered to and charged against the city treasurer who shall collect the same and as such certificates and coupons are paid he shall deliver the cancelled certificates to the party paying the same. A copy of the said order shall be certified by the city clerk to the clerk of the county court of the county, who is hereby required to record and index the same in the proper trust deed book in the name of each person against whose property assessments appear therein.

(c) The amounts so assessed against said lots and owners thereof, respectively, if assessed for the liquidation of the five bonds payable in two, four, six, eight and ten years, respectively, after date, shall be paid in ten payments as follows: that is to say, one-tenth of said amount, together with the interest on the whole assessment for one year, shall be paid into the treasury of the city before the first day of the following January; and a like one-tenth part, together with the interest for one year on the whole amount remaining unpaid, shall be paid before the first day of January of each succeeding year thereafter, until all shall have been paid; and the amount so assessed against said lots and owners thereof, respectively, if for the liquidation of the four bonds payable in one, two, three and four years, respectively, after date, shall be paid in five payments, as follows: that is to say, one-fifth of said amount, with interest, shall be paid in thirty days from date of assessment; and one-fifth of said amount, together with interest on the whole unpaid assessment, shall be paid into the treasury of the city before one year from date of such assessment; and a like one-fifth part together with the interest on the whole amount remaining unpaid, before two years from the date of such assessment, and a like amount in each succeeding year thereafter, until all shall have been paid. All of said installments shall bear interest at six per centum per annum, payable annually from the date of assessment. Provided, however, that the owner of any land, so assessed for the cost of any of the permanent improvements herein mentioned, shall have the right at any time to anticipate and pay the whole of such undue assessment and interest thereon until the day on which
the next undue assessment shall become due, and have the lien
against the property so assessed released as hereinafter pro-
vided.

(d) If any assessment shall not be paid when due, then a
penalty of four per cent per annum shall be added and col-
clected on the amount of such assessment after it is due until
its payment, and such four per cent penalty shall be in ad-
dition to the six per cent interest which the assessment carries,
and shall be a lien the same as the assessment, and the council
shall cause to be enforced the payment of said assessment and
interest and penalty in all respects as herein provided for the
collection of taxes due the city; and said assessment shall be
a lien upon the property liable therefor the same as for taxes,
which lien may be enforced in the same manner as provided
for the sale of property for the payment of taxes and tax
liens; and the liens herein provided for shall have priority
over all other liens except those for taxes due the state and
county, and shall be on a parity with taxes and assessments
due the city.

(e) When all of said assessments shall be paid in full to the
treasurer, he shall deliver to the owner of said property a re-
lease of the lien therefor, which may be recorded in the office
of the clerk of the county court as other releases of liens are
recorded.

Under this plan for the payment of the costs of such per-
manent improvements of avenues, streets, roads and alleys, and
the construction of sewers, the contractor (if the work is let
to contract) shall look only to the city for the payment of the
work, and in no sense to the abutting land owners.

(f) If the abutting land on any such avenue, street, road or
alley sought to be improved as aforesaid, or in which a sewer
is ordered laid, is not laid off into lots by a map of record, the
council may, for the purpose of making the assessments pro-
vided for in this section and other sections herein, lay off said
land into lots of such size as the council deems advisable for
the purpose of laying the proper assessment against such land.

Sec. 48. The council may contract for such paving (in-
eluding grading and curbing), or other said improvements, to
be done as aforesaid, and may acquire or take land for street
and park purposes, as aforesaid, and may, if the council so
elect stipulate that the cost thereof, in whole or in part, shall
be paid in installments by the abutting property owners, as provided in (a) and (c) of section forty-six, or specially benefited property owners, as provided in (g) of said section, in five equal or nearly equal installments (making four in terms of dollars only and when practicable in multiples of ten, the cents and odd amounts to be covered by the first installment), except as hereinafter provided in this section, to be evidenced by a certificate issued therefor against each separate lot or tract of land, setting out the total amount of such assessment against the same, payable in five installments except as hereinafter provided, as follows: The first in thirty days after date of certificate, the second on the first day of May of the year following the year in which the certificate is issued, and the remaining three on the first day of May of the three following years respectively. The date of certificate in case of permanent improvement of streets or other roadways shall be the day on which the city received said work from the contractor, and it shall bear interest at the rate not to exceed six per cent per annum, payable on the due date of each principal installment, which certificates are to be signed in person by the mayor and clerk, or other person or persons designated of record by the council. Said certificates shall bear coupons designated "principal installment coupons," representing the respective amounts of the installments to be paid under the same, and which coupons shall be due and payable on the dates provided for the payment of the installments in this section, and said certificate shall also bear interest coupons representing the interest to be paid on said assessment and which said interest coupons shall be due and payable at the same time the principal installment coupons are due and payable. Upon the due date of any principal installment coupons excepting the first, the accrued interest on so much of said assessment as remains unpaid shall be due and payable and shall be represented by interest coupons as hereinabove set out. The interest on the first principal installment coupon shall be paid when the said principal installment coupon is paid, both the principal installment and interest coupons shall be signed by the mayor and clerk, or other person or persons designated, of record by the council, either in person or by stamp bearing a fac simile of the written name of person signing or lithographed in fac simile on said principal installments and interest coupons.
The certificates herein provided for may be sold either to the contractor doing the paving or other improvements, or to any other person, and which shall cover the entire cost of such work provided for in the ordinance or resolution, including the cost of acquiring or taking land for street or park purposes, the cost of surveys, notices and other things pertaining thereto; provided, when the entire amount to be assessed against any lot or piece of ground under the provisions of this section does not exceed fifty dollars, then such amount shall be covered by only one set of said coupons, payable in thirty days after date of its issue; if only fifty and not more than one hundred dollars, then such amount shall be covered by only two principal installment and interest coupons, payable in thirty days after date of certificate and on the first day of May of the year succeeding the year in which the certificate was issued, respectively; if over one hundred and not more than one hundred and fifty dollars, then such amount shall be covered by only three principal installment and interest coupons, payable in thirty days from date of certificate and on the first day of May of the year succeeding the year in which the certificate was issued and on the first day of May in one year thereafter, respectively; if over one hundred and fifty dollars and not more than two hundred dollars, then such amount shall be covered by only four principal installment and interest coupons payable in thirty days after date of certificate and on the first day of May of the year succeeding the year in which the certificate was issued and on the first day of May in one and two years thereafter, respectively; if more than two hundred dollars, then such amount shall be covered by five principal installment and interest coupons payable in thirty days after date of certificate and on the first day of May of the year succeeding the year in which the certificate was issued and on the first day of May in one, two and three years thereafter, respectively; provided, further, the city in negotiating and selling such certificates, shall not be held as guarantor or in any way liable for payment thereof, except upon the direct action of the council as expressed by resolution of record. And the certificate and coupons covering the amount of the assessment and interest shall be paid by the owner of the land, lot or fractional part thereof, so assessed
for the cost of said improvement on such avenue, street, road
or alley so paved or improved, or land acquired or taken as
aforesaid. The amount specified in said assessment certificates
shall be a lien in the hands of the holder thereof upon the
lands, lots or parts thereof so assessed, and shall also be a debt
against the owner of such real estate, and said amount shall
draw interest from the date of said certificates, payable on
the due date of each principal installment coupon; and the
payment of any debt may be enforced as provided by law for
the collection of other debts or such lien may be enforced in
the name of the holder of such certificate in the manner pro-
vided by law for the enforcement of other liens against real
estate, and accrued interest shall be a lien the same as amount
set out in assessment certificate.

After a contract has been made by the council to pave or
otherwise permanently improve any public road, avenue, street
or alley in said city under this act, and the paving or other
permanent improvement, or stipulated part thereof, has been
completed, or the cost of acquiring or taking land as aforesaid,
has been ascertained, the council shall assess the amount each
lot shall bear and shall make a written report, stating the
number of lots and the blocks or tracts of land, when not laid
off into lots, the names of the owners of such lots or land when
known, and the amount assessed thereon; and when the said
council approves said report, or modifies it and then approves
it, a copy of said report, so adopted by the council, when certi-
fied to by the city clerk of said city, shall be recorded in the
clerk's office of the county court of McDowell county, in a
trust deed book and shall be a continuing tax lien upon the
lot or ground against which the assessment is made until the
certificates as aforesaid are paid, except as otherwise provided
in this act, and the clerk shall index the same in the name of
each lot or land owner mentioned therein. Provided, any
property owner shall have the right to pay the whole amount
of any such assessment against his property as soon as the
same shall have been ascertained, but before the day on which
the city enters such assessments of record after the two weeks'
otice provided in section forty-six; and such payment shall
be made to the city clerk, who shall give the proper receipt
therefor, and such assessment, so paid, shall not be included
in the report to be recorded in the office of the county clerk
as set out in this section; and the amount so paid to the clerk
shall forthwith be paid to the contractor or other person en-
titled thereto, which shall operate as full discharge of the
amount of such indebtedness of such property owner. The
certificates and principal installment and interest coupons
herein provided for may be made in the following form or to
the same effect:

No.............. STATE OF WEST VIRGINIA $..............

(Paving Assessment Certificate):

This certifies that...................................................... as the owner
of a lot, piece or parcel of real estate, situate in the City of
Welch, known and designated as Lot No................... in Block
No......................, has been duly assessed the sum of..............
dollars, with interest from this date at
the rate of six per centum per annum, payable on the due
date of each principal installment coupon as hereinafter set
out, which assessment has been made to pay the cost of the
public improvement hereinafter recited.

This certificate is one of a series issued pursuant to the pro-
visions of the charter of the City of Welch, West Virginia,
and the laws of the state of West Virginia, to pay the cost of
grading, curbing and paving....................................................
from............................................ to.................................in the
City of Welch, West Virginia.

The charter of the City of Welch, West Virginia, requires
assessments for such improvements to be made payable in in-
stallments as follows:

(a) If not more than fifty dollars in one installment, due
in thirty days after date of certificate.

(b) If more than fifty dollars and not more than one hun-
dred dollars, in two installments, due in thirty days and on
the first day of May of the year succeeding the year in which
the certificate was issued.

(c) If more than one hundred dollars and not more than
one hundred and fifty dollars, in three installments, due in
thirty days, and on the first day of May of the year succeeding
the year in which the certificate was issued, and on the first
day of May, one year thereafter.

(d) If more than one hundred and fifty dollars and not
more than two hundred dollars, in four installments, due in
thirty days, and on the first day of May of the year succeeding the year in which the certificate was issued, and on the first day of May in one and two years thereafter, respectively.

If more than two hundred dollars, in five installments, due in thirty days, and on the first day of May of the year succeeding the year in which the certificate was issued, and on the first day of May in one, two and three years thereafter, respectively.

Said assessments to draw interest at the rate of six per centum per annum, payable on the due date of each principal installment.

Installments of this certificate, therefore, are evidenced by principal installment coupons hereunto attached, which show the amounts of such installments, the due date thereof, and are signed by the mayor and the clerk of the City of Welch, West Virginia.

The interest on this certificate and the installments thereof are evidenced by interest coupons hereunto attached, which show the amount of such interest, the due date thereof, and are signed by the mayor and clerk of the City of Welch, West Virginia.

Upon the due date of any principal installment coupon, excepting the first, the accrued interest on so much of said assessments as remains unpaid, shall be due and payable in accordance with, and as evidenced by interest coupons hereunto attached. The interest on the first principal installment coupon shall be paid when the said principal installment coupon is paid.

The said several principal installment and interest coupons respectively, are payable at the office of the treasurer of the City of Welch.

The amount of the assessment represented by this certificate and principal installment coupons attached has been duly levied, equalized and confirmed, and along with accrued interest is a lien upon the real estate herein mentioned, and is also a debt against the owner of said real estate and the holder or bearer of this certificate may enforce the debt evidenced thereby, as provided by law.

It is hereby certified and recited that all the acts, conditions and things required to be done precedent to and in the letting of the contract for said improvement, the equalization and
making of said assessment, and the issuing of this certificate, 
have been done and performed in regular and due manner and 
form, as required by the charter of the City of Welch, West 
Virginia, and the constitution and laws of the state of West 
Virginia.

In testimony whereof, the City of Welch, a municipal cor-
poration created and existing under the laws of the state of 
West Virginia, has caused this certificate to be signed by its 
mayor and clerk, and the principal installment and interest 
coupons, respectively hereunto attached, to be signed by its 
mayor and clerk this ......... day of ........................................ , 19 .......

Clerk. Mayor.

PRINCIPAL INSTALLMENT COUPON

On the ............. day of ........................................ , 19 .......
there will be due and payable to the bearer hereof, from 
the sum of ........................................ .

dollars, being the ...................... installment on certificate 
No ...................... , of the City of Welch, West Virginia, for 
the curbing, grading and paving of ...........................................
from ........................................ to ............................................ .

Clerk. Mayor.

INTEREST COUPON

On the ............. day of ........................................ , 19 .......
there will be due and payable to the bearer hereof, from 
the sum of ........................................ .
dollars, representing interest at six per centum from .................
to ........................................ of certificate No ...................... on installment No ...................... of the 
City of Welch, West Virginia, for curbing, grading and paving 
of ........................................ from ...........................................

to ........................................ .

Clerk. Mayor.

Sec. 49. The council of said city is authorized and empow-
ered to order and cause to be constructed, in said city, or part 
within and part outside of the limits of said city, a public 
sewer or sewers, either main or lateral, or both, by contract or 
direct by the city, for the benefit of said city or any part
6 thereof, and to purchase land or easement therein or to con-
7 demn land or easement therein, for such sewer; and when the 
8 council shall order and complete the construction of any such 
9 sewer or any part thereof in said city, the owners of the prop-
10 erty abutting thereon or abutting upon an avenue, street, road, 
11 or alley in which such sewer shall be constructed, or abutting 
12 on any land or easement therein specially procured for the 
13 purpose of the construction of a sewer therein, may be charged 
14 with all or any part of the cost thereof, including the cost of 
15 such sewer at and across intersections of avenues, streets, roads 
16 and alleys adjacent thereto. If said work is let to contract 
17 the provisions of (i) of section forty-six shall apply. 
18 When said sewer is completed in any one block, or between 
19 two designated points, the council shall cause a report to be 
20 made in writing setting forth the total cost of such sewer and 
21 a description of the lots or lands as to location, frontage and 
22 ownership liable therefor, including the cost of acquiring or 
23 taking land or easement therein for such purpose and cost of 
24 surveys, notices, etc., therefor, together with the amount 
25 chargeable against each lot or piece of land and the owner 
26 thereof. If any lot fronts on two streets, or on a street (or 
27 road) and alley, in which a sewer is constructed, it may be 
28 assessed on both said streets, or street and road, or street (or 
29 road) and alley. Said council shall enter an order upon its 
30 records setting forth the location and owner of each lot or 
31 piece of land, and the amounts of said sewer assessments there 
32 against, calculated in the same way as provided for street pav- 
33 ing in (c) of section forty-six herein. The city clerk shall file 
34 a certified copy of said order with the clerk of the county court 
35 of McDowell county, who shall record the same in the proper 
36 trust deed book, and index the same in the name of each 
37 owner, and any lot or land thus charged with said assessment. 
38 The entry of such order shall constitute and be an assessment 
39 for such proportionate amounts so fixed therein against re- 
40 spective lots and land and the owners thereof; and said council 
41 shall thereupon certify the same to the treasurer for collect- 
42 ion; and for the purpose of facilitating the collection of such 
43 assessments against the properties as hereinbefore set out, 
44 the council may issue assessment certificates, with prin- 
45 cipal installment and interest coupons attached thereto, in 
46 form and manner provided for street improvement certificates
and coupons in section forty-eight to be delivered to and
charged against the city treasurer, who shall collect the same,
and as such coupons and certificates are paid he shall deliver
the cancelled coupons and certificates to the party paying the
same:

Provided, the council, if they so elect, may, after passage
and publication of ordinance or resolution, as provided in (g)
of section forty-six, order and cause the construction of any
such sewer, and may acquire or take land or easement therein,
either in or outside said city, or both, for said sewer purposes,
and assess all or any part of the cost thereof upon and against
the abutting, adjacent, contiguous and other lots of land
specially benefitted by the construction of such sewer, as pro-
vided in (g) of section forty-six and said assessments along
with accrued interest thereon shall be a lien upon such lots
or land, and a debt against the owners thereof for the amount
so charged against them respectively, which debt may be col-
lected as provided by law for the collection of other debts of
like kind, and which lien may be enforced in the same manner
as provided for the enforcement of paving liens in this act;
and the city shall have exclusive ownership and control of that
part of any such sewer constructed outside of said city, unless
otherwise provided by some ordinance of the city.
The amounts so assessed against said abutting lots or land,
or lots or lands specially benefitted, and which shall be a lien
there against, shall be collected in the manner provided in this
act for the collection of paving liens.

Said assessments shall be divided into five installments each
for one-fifth of the amount thereof, as near as practicable
(making four in terms of dollars only, and when practicable,
in multiples of ten, the cents and odd amounts to be covered
by the first installment), the first due and payable in thirty
days, the second on the first day of May of the year succeeding
the year in which said certificates were issued and a like
amount on the first day of May for each succeeding year there-
after from the time of receiving said sewer (except as herein-
after provided in this section), all bearing interest at six per
centum per annum from such date, interest payable on the due
date of each principal installment; and the council may issue
sewer certificates, and principal installment and interest cou-
pons thereon as of such date, as provided in section forty-
eight of this act for street improvement assessments, as further evidence of said indebtedness and lien therefor, and said certificates may be sold or negotiated, at not less than par and without any kind of discount to the contractors doing such work, or other person, if the council deem it expedient; provided, the city, in negotiating and selling such certificates, shall not be held as guarantor or in any way liable for payment thereof, except upon the direct action of the council as expressed by resolution of record. But the owner of the land or lot so assessed may, at any time, anticipate and pay such assessment or certificates with interest thereon until the day on which the next undue assessment shall become due. And if such assessment shall not exceed fifty dollars, then such amount shall be covered by only one set of said coupons, payable thirty days after date of its issue of certificate. If over fifty dollars and not more than one hundred dollars, then such amount shall be covered by only two principal installments and interest coupons, each, payable in thirty days and on the first day of May of the year succeeding the year in which the certificate was issued, respectively; if over one hundred dollars and not more than one hundred and fifty dollars, then such amount shall be covered by only three principal installments and interest coupons, each, payable in thirty days and on the first day of May of the year succeeding the year in which the certificate was issued, and on the first day of May one year thereafter respectively; if over one hundred and fifty dollars and not more than two hundred dollars then such amount shall be covered by only four principal installments and interest coupons, each, payable in thirty days and on the first day of May of the year succeeding the year in which the certificate was issued, and on the first day of May in one and two years thereafter, respectively; and if more than two hundred dollars, then such amount shall be covered by five principal installment and interest coupons payable in thirty days and on the first day of May of the year succeeding the year in which the certificate was issued, and on the first day of May in one, two and three years thereafter, respectively; and the term equal amounts herein shall mean as nearly equal as practicable, that is, four installments being expressed in terms of dollars only, and, when practicable, in multiples of ten, the cents and odd amounts being covered by the first installment.
All assessments along with accrued interest thereon, made under this section shall constitute and be a lien upon said lots or lands, respectively, which shall have priority over all other liens except for state, county and municipal taxes.

The certificates and principal installment and interest coupons provided for in this section may be made and issued in form or to the same effect as provided for certificates and principal and interest coupons for street improvements in section forty-eight.

If two newspapers of opposite politics are not published in the city at the time of the passage of any of the ordinances provided in this act to be published, then the same may be published in one newspaper of general circulation in the city, as provided by this act, and if the publication of the ordinance cannot be procured in any newspaper in said city at reasonable rates or for any other cause, then the same may be posted for the period provided in this act for publication, at the front door of the city hall, and such posting shall be equivalent to publication as herein provided.

All certificates, principal installment and interest coupons provided for in this act shall be made payable at the office of the treasurer of the City of Welch.

Sec. 50. In addition to the provisions for the release of said assessment liens, either for street paving or other permanent street improvements, or construction of sewers, or elsewhere set out in this act, on the presentation by the land or lot owner of any of the certificates issued as aforesaid against him or his predecessor in the title to such lot or land, the clerk of the county court shall mark upon the margin of the trust deed book at which said certified report is recorded, that the lien is released as to the land or lot mentioned in such certificate to the extent of the amount of the certificates thus exhibited; and the county clerk shall thereupon write across the face of said certificates the date of their production to him for the release of lien, and shall sign his name thereto in his official capacity, for which he shall receive in advance a fee of twenty-five cents for each certificate so marked, from the person demanding the release of the lien aforesaid; but if more than one of the serial certificates against the land or lot or lots shall be produced at the same time, the fee to the county clerk shall not exceed twenty-five cents for the release of the liens as to all of the
20 certificates thus produced and relating to the same real estate.  
21 Provided, that the owner of any lot or land against which  
22 any paving or sewer certificate is an unreleased lien of record  
23 shall make and produce to the county clerk, or some person for  
24 such owner shall make and produce an affidavit setting out  
25 therein such certificate (or certificates) has been paid in full,  
26 and after diligent search, cannot be found, said county clerk  
27 shall upon the payment of a fee of twenty-five cents, file and  
28 preserve said affidavit as a public document and shall forthwith  
29 note the release of said lien to the extent of said lost certificate  
30 (or certificates) and the lots or land against which it is a lien  
31 upon the margin of the trust deed book as aforesaid, and not-  
32 ing therewith the filing of said affidavit, which shall operate as  
33 a release of such lien to the extent of such marginal notation.  
34 If the affidavit so filed be false, the person making oath and  
35 subscribing thereto shall be guilty of a felony and upon convic-  
36 tion thereof shall be fined not to exceed one thousand dollars,  
37 or sentenced to be confined in the penitentiary for a term of  
38 not more than two years, or both, in the discretion of the court  
39 passing sentence.  
40 Provided, further, that any paving or sewer lien, which may  
41 be created in consequence of the provisions of this act, the last  
42 payment of which is not yet due, shall not, under any circum-  
43 stances, be a lien against the lot or land or fractional part of a  
44 lot or land, against which it may have been assessed and made  
45 a lien for a longer period than two years after the last assess-  
46 ment or certificate of the same date and group, representing  
47 such lien, shall have become due and payable, unless some suit  
48 or action, at the termination of said two years period, shall be  
49 pending for the enforcement of the lien, or unless the amount of  
50 the lien or some part thereof is in some way involved in a suit  
51 or action pending at the end of said two year period.  
52 All of the assessment certificates, which may be issued under  
53 the provisions of this act, shall be made payable at the office  
54 of the treasurer, who shall receive payments thereon when due,  
55 if tendered to him, and interest thereon from the date of such  
56 payments shall cease. The treasurer shall keep a separate and  
57 special account of all said sums of money received by him, and  
58 he shall hold said money in trust for the person who there-  
59 after delivers to the treasurer for cancellation any and all cer-  
60 tificates on which the treasurer has received full payment as
Ch. 3] WELCH CHARTER 139

61 aforesaid; but the owner of said certificate shall not be entitled
62 to interest on said sum after the date of payment thereof to
63 the treasurer. When the whole amount of any such assessment
64 lien shall have been paid to the treasurer as aforesaid, or the
65 treasurer shall be convinced that all of the paving or sewer
66 certificates against any land, lot or fractional part of lot, shall
67 have been paid in full, he shall when demanded, execute a re-
68 lease of said lien in the manner hereinbefore provided for the
69 release of paving liens. If the city shall have no person for
70 treasurer, the clerk, unless some other person is designated by
71 ordinance or resolution, which the council is hereby authorized
72 to enact, shall perform the duties herein required to be per-
73 formed by the treasurer.

Sec. 51. It shall be lawful for said City of Welch to issue
2 and sell its bonds, as provided in this act for the sale of other
3 paving and sewer bonds, to pay the city’s part of the cost of
4 construction of said sewers and for the paving or other per-
5 manent improvements of streets and alleys, as required by this
6 act; and said city may levy taxes, in addition to all other taxes,
7 authorized by law, to pay such bonds and interest thereon;
8 provided, that the total indebtedness of the city for all pur-
9 poses shall not exceed five per centum of the total value of all
10 taxable property therein.

11 It is expressly provided that no bonds shall be issued under
12 the provisions of this act, unless and until the question of issu-
13 ing said bonds shall have first been submitted to a vote of the
14 people of said city and shall have received three-fifths of all
15 votes cast at said election for and against the same. The coun-
16 cil of said city may provide by ordinance for submitting to the
17 people at any regular election, or special election called for that
18 purpose, the question whether or not said city shall be author-
19 ized to issue bonds for the purpose specified in this act; but the
20 ordinance relating to the issuance of said bonds, and the sub-
21 mission of the same to the vote of the people, need not specify
22 in detail the location of the improvements contemplated to be
23 paid for out of, and works to be constructed with, the proceeds
24 of sale of said aggregated issue authorized thereby; and if at
25 such election the people by their vote thereon shall authorize
26 the issuance of said bonds, said council may order
27 the sale of same, as needed for said improvements, and works,
28 dealing with all the requirements set forth in this act; and not-
withstanding any other provisions of law it shall be sufficient
description of the purpose for which said election is held for
the ordinance calling the same or submitting said question to a
vote at any general election, if it shall recite that it authorized
the council to issue bonds for the purpose of grading, paving,
curbing, sewer ing or otherwise permanently improving the
streets, roads and alleys of said city.

The provisions of state law concerning bond elections shall,
so far as they are not in conflict with the provisions of this act,
apply to the bond election herein provided for.

Sec. 52. In setting forth the lots and land abutting upon the
improvement it shall be sufficient to describe them as the lots
and lands abounding and abutting upon said improvements,
between and including the termini of said improvements, or by
the description by which they are described on the land books
of the county, and this rule of description shall apply in all
proceedings in which lots or lands are to be charged with special
assessments.

Sec. 53. When work shall have been completed on any ave-
nue, street, road or alley or part thereof as provided in sec-
tion forty-six or forty-eight or the construction of any sewer
or other work shall have been completed on any avenue, street,
road or alley, or part thereof, or elsewhere, as provided in sec-
tion forty-nine and said assessments there against shall have
been calculated as provided in this act, the council shall give
notice, by publication at least once a week for two successive
weeks in two newspapers of opposite politics published in said
city, or in one newspaper if two such papers be not published
therein, that an assessment under this act is about to be made
against the property so assessed and the owners thereof, men-
tioning the kind of work and the location thereof; and the
owners of said property shall have a right to appear before
said council, either in person or by attorney or agent, at any
regular or special meeting called for that purpose within two
weeks of the first publication thereof, and move the council to
correct any apportionment of the assessment excessive or im-
properly made; and the council shall have the power to make
any such corrections before it enters the same, as corrected,
upon its records.

If the publication in the newspapers aforesaid cannot be had
at reasonable rates, or for any other cause, the notice may be
given in some other manner designated of record by the council. The fact that said assessments shall have been entered of record, as provided by this act, shall be prima facie proof that the notice mentioned herein was given as prescribed in this section.

Additional Method of Street Improvement

Sec. 54. In addition to the methods herein provided for the construction and improvement of streets and sewers, the city council shall have the power, upon the petition in writing of the owners, of the greater amount of frontage of the lots abutting on any street or alley or between any two cross streets, or alleys, to provide for the construction, reconstruction, repair and maintenance of all local improvements including the grading, paving, sewering and otherwise permanently improving of streets and alleys of the city, and to provide for the assessment of the cost thereof, including all incidental expenses and the cost of intersections of streets, with interest payable annually, against the abutting or other specially benefitted properties, according to their frontages, on each side of such streets or alleys, and against the owners thereof, upon the following conditions:

(a) Plan and resolution. The city council, when deemed expedient by it, shall cause plans, specifications, profiles and estimates of the proposed improvements by grading, paving, curbing, sewering or otherwise locally improving any streets or alleys, to be made and filed in the office of the mayor, and shall by ordinance and resolution prescribe generally the location and character of the proposed improvement and refer to such plans, specifications, profiles and estimates.

(b) Notice and hearing. The city council shall then cause notice thereof to be published once in some newspaper published in said city, fixing the date for a hearing thereon not less than one week after the adoption of such resolution. At the date stated in such resolution and notice, or at any adjourned meeting, the city council shall hear objections to the proposed improvement and may correct, amend or modify such plans, specifications, profiles and estimates, not extending such improvement to any other street or part of street, and may pass or adopt a resolution or ordinance providing for such improvement, by direct employment of labor or by contract with the lowest responsible bidder, and for the assessment of the cost thereof.
against the abutting or specially benefitted properties on each side of such street or alley.

(c) Assessment, docketing and payment. The assessment and docketing of liens and other matters pertaining to certain improvements when the method provided in this section is used by the city council shall be the same in all manner and respects as provided in sections forty-six to fifty-three of this charter.

Sidewalks

Sec. 55. The council may cause any sidewalk to be constructed, laid, relaid or otherwise permanently improved in the City of Welch in the following manner and upon the following terms: Notice shall first be given to the abutting property owners by publication in one newspaper by giving location, estimated frontage and depth, but no error in said publication shall in any way affect the validity of the certificate hereinafter provided for, or any of them. The contract for same shall, after due advertisement in which the council shall reserve the right to reject any and all bids, be let to the lowest bidder and upon completion and acceptance of the work the council shall order the mayor and city clerk to issue to the contractor doing the work a certificate for the amount of the assessment to be paid by the owner of any lot or fractional part thereof fronting on such sidewalk, and the amount specified in said assessment certificate shall be a lien in the hands of the holder thereof upon the lot or part of a lot fronting on such sidewalk, and such certificate shall draw interest from the date of said assessment, and the payment may be enforced in the name of the holder of such certificate by a proper suit in equity in any court having proper jurisdiction to enforce such liens and the council shall fix the amount of such assessment and do all things in connection therewith necessary as is provided for paving and improving streets and alleys and such certificate shall be issued for each abutting lot or portion thereof payable six months from the date of the completion and acceptance of the work and shall be a lien in the hands of the holder thereof upon the particular lot against which they are assessed in the same way and manner as assessments for street paving liens. Nothing herein shall be construed to prevent any abutting lot owners from having his own sidewalk put in if done before the advertising hereinbefore mentioned and provided same is done according to the lines, grades and specifications of the city engineer, for which no charge
34 shall be made. The total cost of constructing, laying, relaying
35 or otherwise permanently improving any sidewalk or walks shall
36 be borne by the owners of the land abutting upon said side-
37 walk or sidewalks according to the following plan, that is to
38 say, payment is to be made according to the proportion of
39 square feet in front of any lot or portion thereof bears to the
40 whole assessments or cost of improvements.

*Inconsistent Ordinances and Acts Repealed*

Sec. 56. All ordinances of the City of Welch, as they exist
2 at the time of the passage of this act, which are inconsistent
3 herewith, are hereby abrogated and repealed, and all acts and
4 parts of acts inconsistent with any of the provisions of this act
5 are hereby repealed.

**CHAPTER 4**

*(Senate Bill No. 138—By Mr. Hallanan)*

**AN ACT** to incorporate the City of Charleston, in the county of
Kanawha, to fix its corporate limits, to divide the same into
wards and to prescribe and define the powers, rights and
duties of said City of Charleston, and of the officers and citi-
zens of the same; to repeal all prior acts incorporating said
city, and all acts amendatory thereof; and to repeal all other
acts or parts of acts inconsistent or in conflict herewith, said
bill to be known as the "Charter of the City of Charleston."

[Passed March 6, 1929; in effect from passage. Approved by the Governor.]
<table>
<thead>
<tr>
<th>Sec.</th>
<th>Auditing of books and accounts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.</td>
<td>Removal of elective or appointive officer for cause; removal of appointee upon notice.</td>
</tr>
<tr>
<td>19.</td>
<td>Rules and regulations to govern council.</td>
</tr>
<tr>
<td>20.</td>
<td>Regular meetings of council.</td>
</tr>
<tr>
<td>21.</td>
<td>Special meetings of council.</td>
</tr>
<tr>
<td>22.</td>
<td>Contested elections.</td>
</tr>
<tr>
<td>23.</td>
<td>Oath of officers.</td>
</tr>
<tr>
<td>24.</td>
<td>Bond of officers or employees.</td>
</tr>
<tr>
<td>25.</td>
<td>Quorum of council.</td>
</tr>
<tr>
<td>27.</td>
<td>Minutes of council meetings.</td>
</tr>
<tr>
<td>28.</td>
<td>Consent of council necessary for officer to hold two offices at the same time.</td>
</tr>
<tr>
<td>29.</td>
<td>When office of mayor or other officer having power of appointment may be declared vacant.</td>
</tr>
<tr>
<td>30.</td>
<td>Filling vacancy in office of mayor, treasurer or appointive office.</td>
</tr>
<tr>
<td>31.</td>
<td>Penalty for corruption in office.</td>
</tr>
<tr>
<td>32.</td>
<td>Powers of council to enforce attendance of witnesses, etc.</td>
</tr>
<tr>
<td>33.</td>
<td>President pro tempore to act as mayor in mayor's absence; temporary filling of appointive office.</td>
</tr>
<tr>
<td>34.</td>
<td>Election, when held; mayor's salary; term of municipal judge; appointments by mayor; council to appoint city clerk; duties of mayor and city solicitor.</td>
</tr>
<tr>
<td>35.</td>
<td>Appointment, salary and duties of manager.</td>
</tr>
<tr>
<td>36.</td>
<td>Granting of franchises; provisions concerning.</td>
</tr>
<tr>
<td>37.</td>
<td>Publication of application for franchise.</td>
</tr>
<tr>
<td>38.</td>
<td>Council may appoint committees of its own body.</td>
</tr>
<tr>
<td>39.</td>
<td>Style of ordinances.</td>
</tr>
<tr>
<td>40.</td>
<td>Provisions as to passage of ordinances; publication of caution or title.</td>
</tr>
<tr>
<td>41.</td>
<td>Ordinance record.</td>
</tr>
<tr>
<td>42.</td>
<td>Officers as conservators of the peace.</td>
</tr>
<tr>
<td>43.</td>
<td>Duties and powers of municipal judge.</td>
</tr>
<tr>
<td>44.</td>
<td>Qualifications of municipal judge.</td>
</tr>
<tr>
<td>45.</td>
<td>Bond for appearance at police court.</td>
</tr>
<tr>
<td>46.</td>
<td>Authority of manager as to nuisances.</td>
</tr>
<tr>
<td>47.</td>
<td>Authority to require connection with sewer, etc.</td>
</tr>
<tr>
<td>48.</td>
<td>Authority of council as to sidewalks, curbs, gutters, etc.; collection of costs from owner.</td>
</tr>
<tr>
<td>49.</td>
<td>Estimate for levy by council.</td>
</tr>
<tr>
<td>50.</td>
<td>Authority of council to levy and collect taxes.</td>
</tr>
<tr>
<td>51.</td>
<td>Collection of taxes.</td>
</tr>
<tr>
<td>52.</td>
<td>Power of city collector to collect taxes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Distain of collection of taxes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>54.</td>
<td>Lien of taxes upon real estate.</td>
</tr>
<tr>
<td>55.</td>
<td>How lien for taxes enforced.</td>
</tr>
<tr>
<td>56.</td>
<td>When taxes not to be assessed.</td>
</tr>
<tr>
<td>57.</td>
<td>Roads, school houses, etc., under exclusive jurisdiction of city; except as to independent school district of Charleston; may be joint owner with county in bridge or bridges across Kanawha river.</td>
</tr>
<tr>
<td>58.</td>
<td>City depository.</td>
</tr>
<tr>
<td>60.</td>
<td>Bond issues for streets and sewers; improvement certificates for cost.</td>
</tr>
<tr>
<td>61.</td>
<td>Bond issues for street and sewer improvements in anticipation of special assessment; limitation on aggregate indebtedness.</td>
</tr>
<tr>
<td>62.</td>
<td>Contract for paving; how paid by land owners; assessment for.</td>
</tr>
<tr>
<td>63.</td>
<td>Construction of sewers, how paid by abutting property owners.</td>
</tr>
<tr>
<td>64.</td>
<td>Sewer system; assessment against abutting property owners; definition of sewers; notice of assessments; notice to connect the sewer.</td>
</tr>
<tr>
<td>65.</td>
<td>Resolution declaring necessity of improvements; publication of resolution.</td>
</tr>
<tr>
<td>66.</td>
<td>Service of copy of resolution upon owner of property to be assessed.</td>
</tr>
<tr>
<td>67.</td>
<td>City Executive committees.</td>
</tr>
<tr>
<td>68.</td>
<td>City may issue bonds to pay city's part of improvements.</td>
</tr>
<tr>
<td>69.</td>
<td>Hearing with reference to proposed improvements; what ordinance concerning improvement to show.</td>
</tr>
<tr>
<td>70.</td>
<td>Special assessments binding on property assessed.</td>
</tr>
<tr>
<td>71.</td>
<td>When cost of public improvement is to be assessed against abutting property, two-thirds vote of council required.</td>
</tr>
<tr>
<td>72.</td>
<td>Procedure when improvement passes through public wharf, hospital, etc.</td>
</tr>
<tr>
<td>73.</td>
<td>Cost of improvement to include surveys and cost of notices.</td>
</tr>
<tr>
<td>74.</td>
<td>Limitation on action for damages arising out of improvements.</td>
</tr>
<tr>
<td>75.</td>
<td>Proceedings with respect to improvements to be liberally construed.</td>
</tr>
<tr>
<td>76.</td>
<td>Vote of people on bond issues required.</td>
</tr>
<tr>
<td>77.</td>
<td>Levy for trunk and branch line sewers; payment for cost of ramp; levy for municipal cemetery; designa-</td>
</tr>
</tbody>
</table>
Be it enacted by the Legislature of West Virginia:

Section 1. The inhabitants of all that part of the county of Kanawha included and centered within the limits hereafter prescribed in section two are hereby made a city corporate and body politic by the name of "The City of Charleston," and as such city it shall have perpetual succession and a common seal, and by that name it may sue and be sued, plead and be impleaded, and may purchase, hold, lease or sell real estate and personal property necessary to the discharge of its corporate duties, or needful or convenient for the good order, government and welfare of said corporation.

Sec. 2. The corporate territorial limits of the City of Charleston shall comprise all that part of the magisterial district of Charleston and all that part of the territory of the magis-
4 terial district of Loudon in the county of Kanawha and state
5 of West Virginia, which is bounded and described as follows,
6 to-wit:

7 Beginning at the upper or east property line of Patrick
8 street at its intersection of the Kanawha river at low water
9 mark in Charleston district; thence following the property
10 lines on the east side of Patrick street north thirty-two de-
11 grees forty-one minutes east to a point one hundred forty-
12 seven and five-tenths feet northeast of the north property
13 line of Second avenue; thence north fifty-seven degrees nine-
14 teen minutes west six hundred feet to an iron pipe; thence
15 north thirty-two degrees forty-one minutes east five hundred
16 and eighteen feet to the north right of way line of the New
17 York Central rail road company; thence following the north
18 right of way line of said railroad westerly to Two Mile
19 creek; thence following the center of Kanawha Two Mile
20 creek in a northeasterly direction to a point in the northeast
21 line extended of lot five, block thirty-eight of West Charles-
22 ton; thence in a northeast direction in a straight line to the
23 southwest corner of the Littlepage hill addition at the inter-
24 section of Charleston street and the Sissonville road; thence
25 north seventy degrees thirty-five minutes east three hundred
26 feet; thence north sixty-six degrees fifteen minutes east two
27 hundred and one feet; thence north fifty-six degrees east
28 ninety-nine feet; thence north forty-two degrees east one
29 hundred and ninety-one feet; thence north seventy-eight de-
30 grees thirty minutes east one hundred ninety feet; thence
31 south fifty-four degrees east sixty-two feet to the northeast
32 corner of the Sunset view addition; thence in a northeast
33 corner of the Littlepage hill addition; thence south fifty-six
34 degrees east one hundred and seventy feet to the northeast
35 direction following the north line of the Bellevue addition
36 to the west line of the Parsons-Poling addition; thence in a
37 northeast direction following the west line of the Parsons-
38 Poling addition to the northwest corner of said addition;
39 thence east following the northeast line to the northeast cor-
40 ner of said addition; thence east following the north line of
41 the Valley View addition to the west line of the Fairview
42 addition; thence south twenty-eight degrees west to the
43 north line extended of lot two hundred and sixty-one of the
44 second resubdivision of Fairview; thence south sixty-two de-
grees east with the south line of an alley extended to the
east side of Chandler road; thence south forty-four degrees
forty-five minutes west eighty feet more or less to a point
marked three hundred and ninety-six on said Fairview map;
thence south sixty-two degrees fifteen minutes west eighty
feet; thence south seventy-one degrees twenty-five minutes
west seven and twenty-one one-hundredths feet; thence
south sixty-two degrees east two hundred and thirty and
seventy-four one hundredths feet to the west line of lot
one hundred and fourteen; thence north twenty-eight degrees
east one hundred and seventy-seven and five-one hundredths
feet to the northwest corner of lot one hundred and
seventeen; thence by a straight line to the northeast corner
of lot 208; thence north twenty-eight degrees east one hun-
dred and twenty feet to the northwest corner of lot two
hundred and eight; thence south sixty-two degrees east one
hundred and forty-two and six one-hundredths feet with the
north lines of lots two hundred and eight and two hundred
and seven to the northeast corner of lot two hundred and
seven; thence by a straight line to the northwest corner of
lot two hundred and four; thence south sixty-two degrees
east one hundred and twenty feet to the northeast corner of
lot two hundred and four; thence by a straight line to the
north corner of lot two hundred and fifty-three of Fairview;
thence north twenty-eight degrees east with the east side of
Wilton avenue three hundred and eighty-nine and eighty-
four one-hundredths feet to a point; thence by a line curving
to the right with a radius of two hundred and twenty-nine
and two one-hundredths feet to the northeast corner of lot
six hundred and sixty-five Fairview; thence with the south
side of Wood road in Edgewood park to the northeast cor-
er of lot three of Edgewood park; thence with the east line
of lot three south thirteen degrees ten minutes east one
hundred and seventy-one and eight one-hundredths feet to
the southeast corner of lot three; thence with the south line
of lot two south forty-four degrees one minute east twenty-
two and four one-hundredths feet; thence south twenty-
nine degrees twenty-eight minutes east twenty feet; thence
south forty-one degrees forty-two and six one-hundredths east nine and
seven one-hundredths feet; thence south sixty-four degrees
87 forty minutes east twenty-five feet; thence south thirty de-
88 grees west crossing Edgewood drive to a point one hundred
89 and twenty feet south of the south line of Edgewood drive;
90 thence in a westerly and southerly direction one hundred
91 and twenty feet from and parallel to the east line of Edge-
92 wood drive to a point three hundred and ten feet from the
93 north line of lot seventy-four, block G Edgewood; thence
94 with a straight line in an easterly direction to a stake at the
95 extreme northern end of Carr street; thence with a straight
96 line to the northwest corner of lot sixteen of block D of the
97 Sunkist Heights addition; thence with the north line of the
98 Sunkist Heights addition to Magazine road; thence with
99 Rockway road to a point two hundred feet from Maga-
100 zine road; thence with a line parallel to and two hun-
101 dred feet from Magazine road to the south line of the Hope
102 property; thence with a straight line to the west corner of
103 lot thirty-one, block F of the Allen addition; thence follow-
104 ing the back line of the Allen addition to the Hillsdale ad-
105 dition; thence with the north line of the Hillsdale addition
106 to the northeast corner of lot eighty of the Hillsdale addi-
107 tion; thence east by a straight line to the center of the
108 branch in Gill Hollow; thence with the center of the branch
109 in Gill Hollow extended to the low water mark on the south
110 side of Elk river; thence down said Elk river at low water
111 mark to a point in the center of Coal branch; thence in a
112 straight line to the northeast corner of lot one, block one of
113 the Capitol Hill property, as shown on the map of same and
114 recorded in the office of the clerk of the county court of
115 Kanawha county; thence in a straight line to the southwest
116 corner of lot thirteen of the Jeffries Hill land; thence with
117 a straight line to the southeast corner of lot two of the
118 Jeffries Hill land; thence in a straight line to the northwest
119 corner of the East Woodland addition; thence with the north
120 line of the East Woodland addition to the northeast corner
121 thereof; thence east crossing Ruffner Hollow drive to a point
122 two hundred feet east of Ruffner Hollow drive; thence in a
123 southerly direction two hundred feet east of and parallel
124 to Ruffner Hollow drive to a point two hundred feet from
125 Piedmont road; thence in an easterly direction parallel with
126 the Piedmont road and two hundred feet northeast of same
127 to a point in the west line extended of lot forty-four of the
Ch. 4]  CHARLESTON CHARTER  149

128 Floyd addition to the City of Charleston; thence in a north-
129 easterly direction to the southwest corner of lot two of the
130 Floyd addition; thence in a northerly direction following the
131 back line of lots two to thirty-six inclusive of the Floyd addi-
132 tion to the northwest corner of lot thirty-six of the Floyd
133 addition; thence in a southeasterly direction following the
134 northeast line of Floyd’s addition to the northwest corner
135 of lot thirty-seven of the Floyd’s addition, also corner to a
136 lot owned by L. E. McWhorter; thence in a northeast direc-
137 tion to a pine tree at the north corner of the said L. E.
138 McWhorter lot; thence in a southeast direction to the north-
139 east corner of lot three hundred and ninety-four of the
140 Riverview addition; thence following the westerly line of
141 Lower way to Wilson way; thence following the westerly line
142 of Wilson way to the southeast corner of lot fifty of the
143 Riverview addition; thence in a southeasterly direction to
144 the northwest corner of lot sixty-five of the Riverview addi-
145 tion; thence following the south line of Midway easterly, to
146 the northeast corner of lot seventy; thence following the east
147 line of lot seventy extended to low water mark of the Ka-
148 nawha river; thence with low water mark of Kanawha river
149 to a point opposite the east line of Twenty-seventh street,
150 Kanawha City; thence across said river to the east
151 side of Twenty-seventh street, Kanawha City in Loudon dis-
152 trict; thence with the east side of Twenty-seventh street ex-
153 tended to a point in the south line of the county road; thence
154 easterly with the south line of the county road to the east
155 line of the school lot; thence with the east line of the school
156 lot extended to a point five hundred feet south of the Ches-
157 peake and Ohio railroad right of way; thence westerly five
158 hundred feet from and parallel to the Chesapeake and Ohio
159 right of way to a point in the west line of the Loudon
160 Heights addition; thence in a southerly direction with the
161 west line of the Loudon Heights addition to the south corner
162 of lot twenty of said Loudon Heights addition; thence with
163 a straight line to the east corner of block one in the sub-
164 division of South Charleston; thence in a southwesterly di-
165 rection with the southerly lines of blocks one, two, three and
166 four of the subdivision of South Charleston to the southeast
167 corner of block four of the said subdivision; thence with the
168 southwesterly lines of blocks four, five and eight of the sub-
179 division of South Charleston to Bridge avenue; thence south-
180 westerly to the intersection of the west side of Bridge avenue
181 and the north side of Ravinia drive; thence westerly with
182 the north side of Ravinia drive to Ferry Branch; thence
183 northerly with the center of Ferry Branch to a point in the
184 old corporation line where same intersects Ferry Branch;
185 thence down Ferry Branch to the Chesapeake and Ohio right
186 of way as follows: north eight degrees fifteen minutes east
187 six hundred and sixty feet; north seven degrees west two
188 hundred and sixty-four and two-fifths feet; north one degree
189 thirty minutes west two hundred and fifteen feet; north
190 fifteen degrees west one hundred and forty feet; north seven
191 degrees thirty minutes east one hundred and ninety-four and
192 one-tenth feet; north twenty-nine degrees east three hundred
193 and seventy feet; north thirty-one degrees east three hundred
194 and forty-nine and seven-tenths feet; north eighteen degrees
195 west three hundred and ninety feet; north thirty-seven de-
196 grees thirty minutes west two hundred and eighty feet;
197 north forty degrees thirty minutes west two hundred feet;
198 north thirty degrees thirty minutes east three hundred and
199 fifteen feet; north one degree thirty minutes east two hun-
200 dred and ninety-four feet; north fifty degrees thirty-four
201 minutes east two hundred feet; north forty-one degrees east
202 seven hundred and eighty-one feet; north seventy-nine de-
203 grees east four hundred feet; north one degree thirty minutes
204 west eight hundred ten feet to low water mark of the
205 Kanawha river at the mouth of Ferry branch; thence down
206 the Kanawha river at low water mark on the south side of
207 said river to a point opposite the upper or east line of Pat-
208 rick street; thence across the Kanawha river to the place of
209 beginning.

Sec. 3. The said city shall be divided into wards, the
2 boundaries of which shall be as follows:

First Ward

The First Ward shall include the following territory: Be-
5 ginning at the upper or east property line of Patrick street
6 at its intersection of the Kanawha river at low water mark,
7 in Charleston district; thence following the property lines
8 on the east side of Patrick street north thirty-two degrees
9 forty-one minutes east to a point one hundred forty-seven
10 and five-tenths feet northeast of the north property line of
11 second avenue; thence north fifty-seven degrees nineteen
12 minutes west six hundred feet to an iron pipe; thence north
13 thirty-two degrees forty-one minutes east five hundred and
14 eighteen feet to the north right of way line of the New
15 York Central railroad company; thence following the north
16 right of way line of said railroad westerly to Two Mile
17 creek; thence following the center of Kanawha Two Mile
17-a creek; in a northeasterly direction to a point in the north-
18 east line extended of lot five, block thirty-eight of West
19 Charleston; thence in a northeast direction in a straight
20 line to the Southwest corner of the Littlepage Hill addition
21 at the intersection of Charleston street and the Sissonville
22 road; thence north seventy degrees thirty-five minutes east
23 three hundred feet; thence north sixty-six degrees fifteen
24 minutes east two hundred and one feet; thence north fifty-
25 six degrees east ninety-nine feet; thence north forty-two
26 degrees east one hundred and ninety-one feet; thence north
27 seventy-eight degrees thirty minutes east one hundred and
28 ninety feet; thence south fifty-four degrees east sixty-two
29 feet to the northeast corner of the Littlepage Hill addition;
30 thence South fifty-six degrees east one hundred and seventy
31 feet to the northeast corner of the Sunset View addition;
32 thence in a northeast direction following the north line of
33 the Bellevue addition to the west line of the Parson-Poling
34 addition; thence in a southwest direction following the west
35 line of the Parsons-Poling addition and the west line of the
36 Holly Hunt addition to Charleston street; thence with
37 Florida street to low water mark on the south side of Kanawha
38 river; thence following low water mark on Kanawha
39 river to a point opposite Patrick street; thence by a straight
40 line across Kanawha river to the place of beginning.
41
42 Second Ward
43 The Second ward shall include the following territory:
44 Beginning at the low water mark on the South side of
45 Kanawha river at the end of Florida street extended; thence
46 with Florida street to Charleston street; thence in a north-
47 eastern direction following the west line of the Holly Hunt
48 addition and the west line of the Parsons-Poling addition to
49 the northwest corner of Parsons-Poling addition; thence east
50 following the northeast line to the northeast corner of said
51 addition; thence east following the north line of the Valley
51 View addition to the west line of the Fairview addition; thence south 28 degrees 00' west to the North line extended of lot two hundred and sixty-one of the second subdivision of Fairview addition; thence south sixty-two degrees east with the south line of an alley extended to the east side of Chandler road; thence by a straight line to a point where West avenue is intersected by the line of Park avenue; thence following the line of Park avenue extended to low water mark on the south side of the Kanawha river; thence with the low water mark to the place of beginning.

Third Ward

62 The third ward shall include the following territory; Beginning at low water mark on the South side of Kanawha river on the line of Park avenue extended; thence with the line of Park avenue to its intersection with West avenue; thence by a straight line to the corporation line on the north where an alley extended intersects with the east side of Chandler road; thence south 44 degrees forty-five minutes west eighty feet more or less to a point marked three hundred and ninety-six on said Fairview map; thence south sixty-two degrees fifteen minutes west eighty feet; thence south seventy-one degrees twenty-five minutes west seven and twenty-one feet; thence south sixty-two degrees east two hundred and thirty and seventy-four one-hundredths feet to the west line of lot one hundred and fourteen; thence north twenty-eight degrees east one hundred and seventy-seven and five one-hundredths feet to the northwest corner of lot one hundred and seventeen; thence south sixty-two degrees east one hundred and forty-two and six feet with the north line of lots two hundred and five and two hundred and seven to the northeast corner of lot two hundred and seven; thence by a straight line to the northwest corner of lot two hundred and four; thence south sixty-two degrees east one hundred and twenty feet to the northeast corner of lot two hundred and one; thence by a straight line to the northwest corner of lot two hundred and four; thence south sixty-two degrees east one hundred and forty-two and six feet to the northwest corner of lot two hundred and four; thence south sixty-two degrees east one hundred and forty-two and six
91-a one-hundredth feet with the north line of lots two hundred and eight and two hundred and seven to the north corner of lot two hundred and seven; thence by a straight line to the north corner of lot two hundred and ninety-three of Fairview; thence north twenty-eight degrees east with the east side of Wilton avenue three hundred and eighty-nine and eighty-four one hundredth feet to a point; thence by a line curving to the right with a radius of two hundred and twenty-nine and two one-hundredth feet to the northeast corner of lot six hundred and sixty-five Fairview; thence with the south side of Wood road in Edgewood park to the northeast corner of lot three of Edgewood park; thence with the east line of lot three south thirteen degrees ten minutes east one hundred and seventy-one and eight one-hundredth feet to the southeast corner of lot three; thence with the south line of lot two south forty-four degrees and twenty-two and four one hundredth feet; thence south twenty-nine degrees twenty-eight minutes east twenty feet thence south forty-one degrees forty minutes east nine seven feet, thence south sixty-four degrees forty minutes east twenty-five feet; thence, south thirty degrees west crossing Edgewood drive to a point one hundred and twenty feet south of the south line of Edgewood drive; thence in a westerly and southerly direction one hundred and twenty feet from and parallel to the East line of Edgewood drive to a point three hundred and ten feet from the north line of lot seventy-four, block G Edgewood; thence with a straight line in an easterly direction to a stake at the extreme northern end of Carr street; thence with Carr street to Charleston street; thence with Charleston street to the Kanawha and Michigan railroad; thence with the Kanawha and Michigan railroad to Delaware avenue; thence with Delaware avenue to low water mark on the south side of the Kanawha river; thence with low water mark in the Kanawha river to the place of beginning.

Fourth Ward

The Fourth Ward shall include the following territory:

Beginning at the low water mark on the South side of Kanawha river at the end of Delaware avenue extended; thence with low water mark of Kanawha river to the mouth
of Ferry branch; thence across Kanawha river to the mouth of Elk river; thence up Elk River to Lovell street bridge and Charleston street; thence with Charleston street to Pennsylvania avenue; thence with Pennsylvania avenue to Roane street; thence with Roane street to Delaware avenue; thence with Delaware avenue extended to the low water mark on the south side of Kanawha river, the place of beginning.

Fifth Ward
The Fifth Ward shall include the following territory; Beginning at low water mark in Elk river at the Lovell street bridge; thence with Charleston street to Pennsylvania avenue; thence with Pennsylvania avenue to Roane street; thence with Roane street to Delaware avenue; thence with Delaware avenue to the Kanawha and Michigan Railway; thence with the Kanawha and Michigan Railway to Charleston street; thence with Charleston street to Carr street; thence with Carr street to a stake at the extreme northern end of Carr street; thence with a straight line to the northwest corner of lot sixteen of block D of the Sunkist Heights addition; thence with the north line of the Sunkist Heights addition to Magazine road; thence with the east line of the Sunkist Heights addition to Pine street; thence with Pine street to the Kanawha and Michigan railway; thence with the Kanawha and Michigan railway to low water mark of Elk river thence with low water mark of Elk river to the place of beginning.

Sixth Ward
The Sixth Ward shall include the following territory; Beginning at the low water mark in Elk river at the Kanawha and Michigan bridge; thence with the Kanawha and Michigan railway to Pine street; thence with Pine street to the East side of the Sunkist Heights addition; thence with the east side of the Sunkist Heights addition to Magazine road; thence with Rockway road to a point two hundred feet from Magazine Road, thence with the line parallel to and two hundred feet from Magazine road to the south line of Hope property; thence with a straight line to the west corner of lot thirty-one block F, of the Allen addition; thence following the back line of the Allen addition to the Hillsdale addition; thence with the north line of the Hillsdale addition to the northeast corner of lot eight of the Hillsdale addition; thence
167 east by a straight line to the center of the branch in Gill
168 hollow; thence with the center of the branch in Gill hollow
169 extended to the low water mark on the north side of Elk
170 river; thence down said Elk river at low water mark to the
171 Kanawha and Michigan bridge, the place of beginning.

Seventh Ward
172 The Seventh Ward shall include the following territory:
173 Beginning at the low water mark in Elk river at Lovell
174 street bridge; thence with Lovell street to Truslow street;
175 thence with Truslow street to Margaret street; thence with
176 Margaret street to Donnally street and the intersection of
177 Young street; thence with Young street to Slack street;
178 thence with Slack street to a point in a straight line be-
179 tween the mouth of Coal branch and the northeast corner of
180 lot one, block one Capitol Hill property; thence by a straight
181 line to low water mark at the mouth of Coal branch; thence
182 with Elk river to the low water mark at Lovell street bridge,
183 the place of beginning.

Eighth Ward
184 The Eighth Ward shall include the following territory:
185 Beginning at the intersection of Lovell and Truslow streets;
186 thence with Washington street to Capitol street; thence with
187 Capitol street to Slack street, and continuing in a straight
188 line to Upper Sunset drive in the Capitol Hill addition;
189 thence easterly with upper Sunset drive to the east line of
190 the Capitol Hill properties; thence northeasterly to the
191 northeast corner of lot one, block one of the Capitol Hill
192 properties; thence in a straight line to a point in Slack
193 street, the northeast corner of Ward Seven; thence with
194 Slack street to Young street; thence with Young street to
195 Donnally street at its intersection with Margaret street; thence
196 with Margaret street to Truslow street; thence with Truslow
197 street to Lovell street, the place of beginning.

Ninth Ward
198 The Ninth Ward shall include the following territory: Be-
199 beginning at the low water mark in Elk river at the Lovell
200 street bridge; thence with Elk river to the Kanawha river;
201 thence with Kanawha river to low water mark at the end of
202 Capitol street; thence with Capitol street to Washington
203 street; thence with Washington street to Lovell street; thence
with Lovell street to the low water mark in Elk river, at
Lovell street bridge, the place of beginning.

*Tenth Ward*

The Tenth Ward shall include the following territory:
Beginning at the low water mark in Kanawha river at the
end of Capitol street; thence with Kanawha river to the low
water mark at the end of Ruffner avenue; thence with
Ruffner avenue to its intersection with Lee street; thence
with Lee street to its intersection with Capitol street; thence
with Capitol street to the low water mark in Kanawha river,
the place of beginning.

*Eleventh Ward*

The Eleventh Ward shall include the following territory:
Beginning at the intersection of Lee street and Capitol
street; thence with Capitol street to its intersection with
Slack street and Piedmont road, and in a continuous straight
line to Upper Sunset drive in the Capitol Hill properties;
then thence with Upper Sunset drive in an easterly direction, to a
point in the east line of the Capitol Hill property near the
Southeast corner of lot one, block one Capitol Hill; thence
Southerly with the east line of the Capitol Hill property to
Piedmont road; thence with Piedmont road to Brooks street;
then thence with Brooks street to the intersection of Brooks and
Lee streets; thence with Lee street to Capitol street, the
place of beginning.

*Twelfth Ward*

The Twelfth Ward shall include the following territory:
Beginning at the intersection of Lee and Brooke streets;
then thence with Brooks street to Piedmont road; thence with
Piedmont road to the east line of the Capitol Hill property;
then thence with the east line of the Capitol Hill property to the
northeast corner of lot one, block one Capitol Hill; thence
in a straight line to the southwest corner of lot thirteen of
the Jeffries Hill land; thence by a straight line to the inter-
section of Piedmont road and Richard street; thence with
Piedmont road to the east line of the Richard addition;
then thence with the east line of the Richard addition and an
alley to Hansford street; thence with Hansford street to
Beauregard street extended; thence with Beauregard street
to Lee street; thence with Lee street to Brooks street, the
place of beginning.
Thirteenth Ward

The Thirteenth Ward shall include the following territory:

Beginning at the intersection of Beauregard and Lee streets; thence with Beauregard street extended to Hansford street; thence westerly with Hansford street to an alley; thence with an alley and the east side of the Richard addition to Piedmont road; thence with Piedmont road to Richard street; thence in a straight line to the southwest corner of lot thirteen of the Jeffries Hill land; thence with a straight line to the southeast corner of lot two of the Jeffries Hill land; thence in a straight line to the northwest corner of the East Woodland addition; thence with the north line of the East Woodland addition to East Woodland drive; thence with East Woodland drive to a point in the line between lots twenty-four and twenty-five, of the Bowen addition, extended; thence with the line between lots twenty-four and twenty-five and between lots six and seven of the Bowen addition to Piedmont road and Elizabeth street; thence with Elizabeth street to Lee street; thence with Lee street to Beauregard street, the place of beginning.

Fourteenth Ward

The Fourteenth Ward shall include the following territory:

Beginning at the intersection of Ruffner avenue and Lee street; thence following Lee street to Elizabeth street; thence with Elizabeth street to Piedmont road; thence with the line, between lots six and seven and twenty-four and twenty-five of the Bowen addition, extended to East Woodland drive; thence with East Woodland drive to the north line of the East Woodland addition; thence with the north line of the East Woodland addition to the northeast corner thereof; thence east crossing Ruffner hollow drive to a point two hundred feet east of Ruffner hollow drive; thence in a southerly direction two hundred feet east of and parallel to Ruffner hollow drive to a point two hundred feet from Piedmont road; thence in an easterly direction parallel with the Piedmont road and two hundred feet northeast of same to a point in the west line extended of lot forty-four of the Floyd addition to the City of Charleston; thence in a northerly direction following the back line of lots two to thirty-six inclusive of the Floyd addition;
289 addition to the northwest corner of lot thirty-six of the
290 Floyd addition; thence in a southeasterly direction following
291 the northeast line of Floyd's addition to the northwest
292 corner of lot thirty-seven of the Floyd's addition, also cor-
293 ner to a lot owned by L. E. McWhorter; thence in a north-
294 east direction to a pine tree at the north corner of the said
295 L. E. McWhorter lot; thence in a southeast direction to the
296 northeast corner of lot three hundred and ninety-four of
297 the Riverview addition; thence following the westerly line
298 of Lower Way to Wilson Way; thence following the westerly
299 line of Wilson Way to the southeast corner of lot fifty to
300 the Riverview addition; thence in a southeasterly direction
301 to the northwest corner of lot sixty-five of the Riverview
302 addition; thence following the south line of Midway easter-
303 ly, to the northeast corner of lot seventy; thence following
304 the east line of lot seventy extended to low water mark of
305 the Kanawha river; thence with low water mark of Kanawha
306 river to the end of Ruffner avenue; thence with Ruffner
307 avenue to place of beginning.

Fifteenth Ward
308 The Fifteenth Ward shall include the following territory:
309 Beginning at low water mark of Kanawha river at Porter's
310 hollow; thence up Porter's hollow in a southwesterly direc-
311 tion to the south side of the Chesapeake and Ohio right of
312 way; thence easterly with the Chesapeake and Ohio right
313 of way to the west side of the Loudon Heights subdivision;
314 thence southerly with the west side of the Loudon Heights
315 addition to the corporation line; thence southerly and wester-
316 ly with the corporation line to low water mark of the
317 Kanawha river at the mouth of Ferry branch; thence with
318 low water mark on the south side of Kanawha river to the
319 mouth of Porter's hollow, the place of beginning.

Sixteenth Ward
320 The Sixteenth Ward shall include the following territory:
321 Beginning at low water mark of Kanawha river at the mouth
322 of Porter's hollow; thence up Kanawha river at low water
323 mark on the south side thereof to Ninth street in Kanawha
324 City; thence with Ninth street extended to a point five-
325 hundred feet south of the Chesapeake and Ohio right of
326 way; thence westerly five hundred feet from and parallel to
327 the Chesapeake and Ohio railroad to a point in the west line
of the Loudon Heights addition; thence northerly with the west line of the Loudon Heights addition to the south side of the Chesapeake and Ohio right of way; thence westerly with the Chesapeake and Ohio right of way to Porter’s hollow; thence northerly with the branch in Porter’s hollow to low water mark of Kanawha river at the mouth of Porter’s hollow, the place of beginning.

Seventeenth Ward

The Seventeenth Ward shall include the following territory: Beginning at low water mark of the Kanawha river in the east line of Twenty-Seventh street Kanawha City; thence with the east line of Twenty-Seventh street extended to a point in the south line of the county road; thence easterly with the south line of the county road to the east line of the school lot; thence with the east line of the school lot extended to a point five hundred feet south of the Chesapeake and Ohio railroad right of way; thence westerly five hundred feet from and parallel to the Chesapeake and Ohio right of way to a point in the line of Ninth street extended; thence with the line of Ninth street to low water mark on the south side of Kanawha river; thence up Kanawha river at low water mark to the place of beginning.

Sec. 4. The municipal authorities of the city of Charleston shall consist of a mayor, city treasurer, municipal judge, and a member of the city council from each ward of the city, and five councilmen at large, who shall be elected by the qualified voters of such city, and such officers shall for the assessment year preceding their respective elections as hereinafter provided, have been assessed with and paid taxes in the City of Charleston upon a valuation of at least one hundred dollars worth of real estate or personal property therein, and any person elected to any one of such offices who has not been assessed with and paid taxes on such amount of property shall not qualify or enter upon the performance of the duties thereof, but such office shall thereby become vacant and shall be filled by a qualified person as provided herein for other vacancies.

Sec. 5. In addition to the municipal authorities mentioned in section four of this act, the city shall have a manager, city clerk, municipal court clerk, city auditor, collector, chief of police, city solicitor, assistant city solicitor, chief of fire department, engineer, health commissioner, building inspector,
6 lockup keeper, humane officer or officers and such number of
7 policemen as council by ordinance may direct. All the officers
8 named in this and the preceding sections shall be paid proper
9 salaries which shall be fixed by the council, except as herein
10 otherwise provided, and such salaries shall be within the limits
11 provided for by this act.

Sec. 6. All the corporate power of said city shall be vested
2 in and exercised by council or under its authority, except as
3 otherwise provided in this act.

Sec. 7. The council of said city shall have, and is hereby
2 granted power to have said city surveyed, to lay out, open,
3 vacate, straighten, broaden, change grade of, grade, re-grade,
4 curb, widen, narrow, repair, pave and re-pave streets, alleys,
5 roads, squares, plots, sidewalks and gutters for public use, and
6 to alter, improve, embellish and ornament and light the same,
7 and to construct and maintain public sewers and letterals, and
8 shall, in all cases, have power and authority to assess upon and
9 collect from, the property benefitted thereby, such part of the
10 expense thereof as shall be fixed by ordinance, except as here-
11 inafter provided, to have control of all streets, avenues, roads,
12 alleys and grounds for public use in said city, and to regulate
13 the use thereof and driving thereon, and to have the same kept
13-a free from obstruction, pollution or litter on or over them; to
14 have the right to control all bridges within said city, and the
15 traffic thereover; to change the name of any street, avenue or
16 road within said city, and regulate and cause the numbering
17 and re-numbering of houses on any street, avenue or road
18 therein; to regulate the naming of streets, avenues and public
19 places; to regulate and determine the width of streets, side-
20 walks, roads and alleys; to order and direct the curbing, re-
21 curbing, paving, re-paving, and repairing of sidewalks and
22 footways for public use in said city to be done and kept clean
23 and in good order by the owners of adjacent property; to
24 enter into a contract with the county of Kanawha, or any
25 internal improvement company for the joint ownership of any
26 bridge by the city and such county or company, upon such
27 terms as may be prescribed in the contract, but any such bridge
28 shall be a public highway and the interest of the company,
29 county and city shall be only such proportionate part thereof
30 as it may pay for or that may be named in the contract; to
31 prohibit and punish the abuse of animals; to restrain and
punish vagrants, medicants, beggars, tramps, prostitutes, fortune tellers, palmists, drunken or disorderly persons within the city, and to provide for their arrest and manner of punishment; to prohibit and punish by fine the bringing into the city by steamboats, railroads or other carriers of persons known to be paupers, dangerous or objectionable characters or afflicted with contagious diseases; to control and suppress disorderly houses of prostitution or ill-fame, houses of assignation and gaming houses or any part thereof, to punish those guilty of possessing, transporting or selling intoxicating liquors and to confiscate all automobiles, cars, wagons, boats, water and aircraft, beasts of burden and vehicles of any kind in connection with which intoxicating liquors are had, kept or possessed for the purpose of transportation or carrying in any way within the city, to punish those engaged in gaming and to suppress all gaming or gambling houses, and all places where gambling or betting is in any way carried on or permitted, and to punish all persons in any way connected therewith; to prohibit within the city or within two miles thereof, slaughter houses, soap or glue factories and houses and places of like kind, and any other thing or business dangerous, unwholesome, unhealthy, offensive, indecent or dangerous to life, health, peace or property; to provide for the entry into and the examination of all dwellings, lots, yards, enclosures, buildings and structures, cars, boats and vehicles of every description, and to ascertain their condition for health, cleanliness or safety; to regulate the building and maintenance of party walls, partition fences or lines, fire-walls, fire places, chimneys, boilers, smoke stacks and stove pipes; to provide for and regulate the safe construction, inspection and repairs of all public and private buildings, bridges, basements, culverts, sewers, or other buildings or structures of any description; to take down and remove, or make safe and secure, any and all buildings, walls, structures or super-structures at the expense of the owners thereof, that are or may become dangerous, or to require the owners or their agents to take down and remove them or put them in a safe and sound condition at their own expense; to regulate, restrict or prohibit the erection of wooden or other buildings within the city; to regulate the height, construction and inspection of all new buildings hereafter erected, and the alteration and repair of any buildings already erected or hereafter
erected in said city, and to require permits to be obtained for such buildings and structures, and plans and specifications thereof to be first submitted to the building inspector; to regulate the limit within which it shall be lawful to erect any steps, porticos, bay windows, bow windows, show windows, awnings, signs, columns, piers or other projection or structural ornaments of any kind for the houses or buildings fronting on any street of said city; to establish fire limits and to provide the kind of buildings and structures that may be erected therein, and to enforce all needful rules and regulations to guard against fire and danger therefrom; to require, regulate and control the construction of fire escapes for any building or other structures in said city, to control the opening and construction of ditches, drains, sewers, cess-pools and gutters, and to deepen, widen and clear the same of stagnant water or filth, and to prevent obstruction therein, and to fill, close or abolish the same and to determine at whose expense the same shall be done; and to build and maintain fire station houses, crematories, jails, lockups, and other buildings, police stations and police courts, and to regulate the management thereof; to acquire, establish, lay off, appropriate, regulate, maintain and control public grounds, squares and parks, hospitals, market houses, city buildings, airports, libraries and other educational or charitable institutions, either within or without the city limits, and when the council determines that any real estate rights, or materials in or out of the city is necessary to be acquired by said city for any such city purpose, or for any public purpose, or is necessary in the exercise of its powers herein granted, the power of eminent domain is hereby conferred upon said city, and it shall have the right to institute condemnation proceedings against the owner thereof, whether said property be in or out of said city, in the same manner, to the same extent, and upon the same conditions as such power is conferred upon public service corporations by chapter forty-two of the code of West Virginia of the edition of one thousand nine hundred and twenty-three, and is now or may be hereafter amended; to purchase, sell, lease or contract for and take care of all public buildings and structures and real estate deemed proper for the use of such city; and for the protection of the public to cause the removal of unsafe walls, structures or buildings, and the filling of excavations; to acquire or assist in
acquiring land to be donated, dedicated or conveyed to, or
otherwise vested in, the state of West Virginia as a site for a
state capitol or other public buildings, and to donate, dedicate
and convey the same to said state or otherwise procure the
title to the same to be vested in said state; to prevent injury or
annoyance to the business of individuals from anything danger-
ous, offensive or unwholesome; to abate or cause to be abated
all nuisances and to that end and thereabout to summon wit-
nesses and hear testimony; to regulate or prohibit the keeping
of gunpowder and other combustible or dangerous articles, and
to regulate the transportation of same through the streets,
alleys and public places; to regulate, restrain or prohibit the
use of fire-crackers or other explosives or fireworks, and all
noises or performances which may be dangerous, indecent or
annoying to persons or tend to frighten horses or other animals;
to provide and maintain proper places for the burial of the
dead, in or out of the city, and to regulate interments therein
upon such terms and conditions as to price and otherwise as
may be determined; to provide for shade and ornamental
trees, shrubbery, grass, flowers and other ornamentation, and
the protection of the same; to provide for the poor of the city;
to make suitable and proper regulations in regard to the use
of the streets, public places, sidewalks and alleys by street
cars, foot passengers, animals, vehicles, motors, automobiles,
traction engines, railroad engines and cars, and to regulate the
running and operation of the same so as to prevent obstruc-
tion thereon, encroachment thereto, injury, inconvenience or
annoyance to the public; and to regulate fares and operation
of motor vehicles other than motor vehicles operating on a fixed
route used in the public transportation of passengers or prop-
erty; to purchase or otherwise secure life, health or accident
policies on the group or other convenient plan upon the mem-
ers of the city police force and fire department, and as an ele-
ment of compensation of such members may appropriate the
money necessary to defray the cost thereof; whenever in its
opinion the safety of the public so requires to authorize or re-
quire by ordinance any railroad company operating railroad
tracks upon or across any public street or streets of the city, to
construct and maintain overhead or undergrade crossings where-
ever the tracks of said company are laid upon or across the
public streets of such city, and to apportion according to gen-
eral law between any such railroad company and city the cost of such construction and maintenance and the cost of the acquisition of the necessary property and rights of way and the damages to abutting properties between any such railroad company and city; to prohibit prize fighting and cock and dog fighting; to license, tax, regulate or prohibit theaters, moving pictures, circuses, and exhibition of showmen and shows of any kind, and the exhibition of natural or artificial curiosities, carnivals, menageries and music exhibitions and performances, and other things or business on which the state does or may exact a license tax; to organize and maintain fire companies and departments, and to provide necessary apparatus, engines and implements for the same and to regulate all matters pertaining to the prevention and extinguishing of fires; to make proper regulations for guarding against danger and damage from fires, water or other elements; to regulate and control the kind and manner of plumbing and electric wiring, the operation and height of flying of aeroplanes, airships and balloons; to regulate wireless stations, radio stations and other appliances for the protection of the health and safety of said city; to levy taxes on property, property and licenses, to license and tax dogs and other animals and regulate, restrain and prohibit them and all other animals and fowls running at large; to provide revenue for the city and appropriate the same to its expenses; to adopt rules for the transaction of business of its own regulation and government; to promote the general welfare of the city, and to protect the persons and property of citizens therein; to regulate and provide for the weighing of produce and other articles sold in said city and to regulate the transportation thereof and other things, through the streets, alleys and public places; to have the right to grant, refuse or revoke any and all licenses for the carrying on of any business within said city on which the state exacts a license tax; to establish and regulate markets and to prescribe the time for holding the same, and what shall be sold in such market, and to let stalls or apartments and regulate the same; to acquire and hold property for market purposes; to regulate the placing of signs, billboards, posters and advertising on or over the streets, alleys, sidewalks and public grounds of said city; to preserve and protect the peace, order and safety and health of the city and its inhabitants, including the right to regulate the
195 sale and use of cocaine, morphine, opium and poisonous or 196 dangerous drugs; to appoint and fix the place of holding city 197 elections; to erect, own, lease, authorize or prohibit the erec- 198 tion of gas works, electric light works or water works, ferry 199 boats, in or near the city, and to operate the same, and to sell 200 the product of services therefrom and to do any and all things 201 necessary and incidental to the conduct of such business; to 202 build, hold, purchase, own and operate toll bridges; to enter 203 into an agreement with the county of Kanawha, whereby the 204 council and the county court of Kanawha county shall have 205 the power and authority to provide for a full time health 206 officer in charge of all the general health and sanitation activi- 207 ties and of the enforcement of all laws and regulations relating 208 to public health, in the City of Charleston, the county of 209 Kanawha, and to provide for necessary assistants, nurses, 210 clerks, and other employees, and the expenses of the admin- 211 istration thereof, and to provide for a proper division of all 212 such expenses between the city and county, and make all need- 213 ful rules and regulations to fully carry into effect the said 214 joint undertaking between the City of Charleston and the 215 county of Kanawha; to provide for the purity of water, milk, 216 meats and provisions offered for sale in said city, and to that 217 end provide for a system of inspecting the same and making 218 and enforcing rules for the regulation of their sale; and to 219 prohibit the sale of any unwholesome or tainted milk, meats, 220 fish, fruit, vegetables, or the sale of milk, containing water or 221 other things not constituting a part of pure milk; to provide 222 for inspecting dairies and slaughter houses, whether in or out- 223 side of the city, where the milk and meat therefrom are offered 224 for sale within said city, and to prohibit the sale of any articles 225 deemed unwholesome, and to condemn the same or destroy or 226 abate it as a nuisance; to provide for the regulation of public 227 processions so as to prevent interference with public traffic, 228 and to promote the good order of the city; to prescribe and 229 enforce ordinances and rules for the purpose of protecting the 230 health, property, lives, decency, morality, cleanliness and good 231 order of the city and its inhabitants and to protect places of 232 divine worship in and about the premises where held, and to 233 punish violations of all ordinances, although the offense under 234 and against the same shall also constitute an offense under the 235 laws of the state of West Virginia or the common law; to pro-
vide for the employment and safe keeping of persons who may
be committed in default of payment of fines, penalties or costs
under this act, who are otherwise unable to discharge the
same, by putting them to work for the benefit of the city upon
the streets or other places in or out of the city provided by
said city, and to use such means to prevent their escape while
at work as the council may deem expedient; and the council
may fix a reasonable rate per day as wages to be allowed such
persons until the fine and costs against him are thereby dis-
charged; to compel the attendance at public meetings of the
members of the council; to have and exercise such additional
rights, privileges and powers as are granted to municipalities
by chapter forty-seven of the code of West Virginia as
amended.
For all such purposes, except that of taxation and for pur-
poses otherwise limited by this act, the council shall have juris-
diction for one mile beyond the corporate limits.
And the council shall have the right to establish, construct
and maintain public markets, landing ferries, wharves, park-
ing places and docks on any ground which does or shall belong
to said city, or which it shall acquire, by purchase or other-
wise, and to sell, release, repair, alter or remove any public
markets, landings, ferries, wharves, dikes, buildings or docks
which have been or shall be so constructed, and to levy and
collect reasonable duty on vessels and other craft coming to or
using said landings, ferries, wharves, dikes, docks, parking
places and buildings, and to preserve and protect the peace
and good order at the same, and regulate the manner in which
they shall be used; and to have the sole right, under state laws
and in the same manner as now control county courts, to
establish, construct, maintain, regulate and control all such
wharves, docks, ferries and landings within the corporate
limits of said city.
To carry into effect these enumerated powers and all other
powers conferred upon said city expressly or by implication in
this and other acts of the legislature, the council of said city
shall have the power in the manner herein prescribed, to adopt
and enforce all needful orders, rules and ordinances not con-
trary to the laws and constitution of this state; and to
prescribe, impose and enforce reasonable fines and penalties,
including imprisonment in the city lock-up, jail or station-
house, and to work prisoners found guilty, as the council may
prescribe, and market the products of such labor, and with
the consent of the county court of Kanawha county, entered of
record, shall have the right to use the jail of said county for
any purpose necessary to the administration of its affairs.

Sec. 7-a. The council of the City of Charleston shall have full
discretion in the matter of granting, refusing and revoking licenses for keeping hotels, eating houses and restaurants, garages, taxi-cab stands, bowling alleys, pool and billiard tables and like tables, and for selling soft drinks, as in the case of other licenses, and shall supervise, regulate and control all places licensed for said purposes, and the municipal judge shall have jurisdiction when such city license and regulation is sought to be evaded and may prevent such evasion, provided, that no such license, regulation or control shall apply to any fraternal beneficiary society permitted under the state laws. The council shall make no provision for the licensing of automobiles or other motor vehicles, except that in the case of motor vehicles used in the transportation of passengers or property for hire the council may require from the owner or operator of any such vehicle a bond, with sureties, and in such penalty, and with such conditions as it may deem proper. The council shall have power to enact and enforce proper ordinances for the purpose of carrying into effect the powers hereby granted.

If any person fails or refuses to secure a license or to pay any license tax due the city, or fails to obtain a permit to do any thing for which a permit is required by ordinance, in addition to all other penalties and remedies provided by the ordinances of the city, the circuit court of Kanawha county and the court of common pleas of Kanawha county, or the respective judge thereof, in vacation, upon application in the name of the city or of any officer of the city, shall grant an injunction, inhibiting such person from continuing the business until the full amount of the license tax and penalty prescribed by the ordinance and due the city is paid, or until the person has obtained the license or permit as required by any ordinance.

Sec. 7-b. The council of the City of Charleston is hereby granted power, in addition to the powers heretofore granted it, to regulate by ordinance the operation of motor vehicles and other vehicles in said city, and the speed at which the same may be driven, and to provide for the punishment of violations of
6 such ordinances; and said council is given specific authority to
7 punish the violation of ordinances relating to the speed of such
8 vehicles, or the operation thereof, by impounding or taking
9 possession of such vehicles and retaining the same for such time
10 as may be prescribed by ordinance not to exceed thirty days.

Sec. 8. Every person qualified by law to vote for members
2 of the legislature of this state (and who shall have been a resi-
3 dent of said city for sixty days preceding the day of election,
4 of the ward in which he offers to vote at least ten days preced-
5 ing such day and a bona fide resident of the election precinct in
6 which he offers to vote) shall be entitled to vote at all elections
7 held in said city by or under the authority and control thereof.

Sec. 9. The voting precincts in the several wards for all city
2 elections shall be the same as to boundaries as those fixed by the
3 county court for all state and county elections so long as no
4 precinct as so fixed by the county court embraces territory of
5 more than one ward in said city. So long as the voting pre-
6 cincts in the several wards shall be the same as those so fixed
7 by the county court; then the registration of voters made under
8 the general law concerning registration of voters, shall be the
9 registration of voters, used for all city regular elections, with
10 such corrections as are herein provided for, and it shall not be
11 necessary to have a special registration of voters for any special
12 election, but the registration of voters for the last preceding city
13 regular election, with such corrections as are herein provided
14 for, shall be the proper registration for such special election.
15 The council shall elect two persons, one being a member of each
16 of the two leading political parties in said city, having all the
17 qualifications of commissioners of election under chapter three
18 of the code of West Virginia as city registrars. The executive
19 committee of each of such political parties may present to the
20 council a writing signed by the chairman of the committee of
21 each party requesting the appointment of a qualified voter of
22 his political party as registrar with his city address, and in
23 case such writing is presented the council shall appoint the
24 person so named as such registrar. They shall take the same oath
25 as other officers of the city take and shall be paid such compen-
26 sation as the council may fix by ordinance.

27 They shall sit in the office of the city clerk on five separate
28 days being the last four Saturdays and the last Monday preced-
29 ing any regular election in said city and for three separate days,
being the last two Saturdays and the last Monday preceding any special election, for the purpose of registering voters who shall not have been already registered in the various precincts, and for issuing transfers to any voter who has moved from one precinct to another, and for striking off the name of any voter from the registration books when it shall be shown by the affidavits of two persons that he is no longer a voter in said city, and they shall strike off from such registration books the names of any person known by or proved to them to be dead. It shall be the duty of the city clerk to make or have made copies of the registration books on file in the office of the clerk of the county court of Kanawha county at least sixty days before any regular city election, and such copies, with such additions and changes as may be made by the city registrars, shall be used for all special elections that may be held between said regular elections as well as the regular elections. Notice of the time and place of sittings of said city registrars shall be given by the publication thereof by the city clerk in two newspapers of opposite politics printed and circulated in said city, once a week for six successive weeks before any general election, if there is a sufficient space of time for such purpose and if not, then for such time as there may be before any special or general election. Before the registrars shall register the name of any person as a qualified voter they must be satisfied of his qualifications and shall have the right and power to require of such persons all the things that may be required of him by the registrars under the state law, and such registrars shall, as to the qualifications of persons to vote be governed by the state laws on such subject in existence at the time of such registration.

The county clerk of Kanawha county shall carefully preserve in his office the registration books of each general election for all the precincts of the City of Charleston and shall deliver one copy of each thereof to the city clerk of the City of Charleston for the use of the registrars of said city in the performance of their duties as such.

See. 9-a. In the event that the county court of Kanawha county changes the boundary lines of any voting precincts in the City of Charleston so that any of said voting precincts as changed include any of the territory of two or more wards as fixed by law, or if subsequent to the last preceding general county and state election there is an extension of the corporate
7 boundaries of the City of Charleston, then the council may 8 hold a regular or special session not later than the last Monday 9 in March of each year in which a city regular election is to be 10 held, at which meeting the council may by resolution change 11 the boundaries of any of the voting precincts of the city, or in 12 their discretion may establish new precincts, so that all the 13 territory within the corporate limits of the city shall be divided 14 into voting precincts; provided, that the territory within the 15 boundaries of two or more of the wards shall not be within any 16 one voting precinct. The council shall appoint for each voting 17 precinct so established or changed two competent persons as 18 registrars, one each from the two political parties which at the 19 last regular election cast the highest number of votes in the City 20 of Charleston, but the executive committee of each of such 21 political parties may present to the council a writing signed by 22 the chairman thereof requesting the appointment of a qualified 23 voter of such political party for each precinct so established or 24 changed, and the council shall appoint the person so named in 25 such writing as registrar.

26 No person shall be eligible to appointment as registrar, or in 27 any way act as such, who has been convicted of a felony, or 28 who holds any elective or appointive office or position in said 29 city or is an employee under the laws of the state of West Vir- 30 inia or of the United States or who is not a qualified voter in 31 the precinct for which he is appointed or who can not read and 32 write the English language. If such registrar shall fail or 33 refuse to serve, the vacancy shall be filled either by the council, 34 or the mayor of the city in vacation, in the manner hereinbefore 35 provided for the appointment of registrars, and the city clerk 36 shall notify all such persons of their appointment as registrars. 37 Said registrars shall before entering upon the discharge of 38 their duties take an oath to support the constitution of the 39 United States, the constitution of West Virginia, and to per- 40 form the duties of their office to the best of their ability and 41 that they are legal members of the party for which they are 42 respectively appointed. The said oath shall be filed in the office 43 of the city clerk.

44 The city clerk shall cause to be prepared suitable books and 45 blanks for the registration of the voters and such books shall 46 be so arranged as required by law for the registration of voters 47 for general elections held in the state of West Virginia and all 48 the provisions, duties and obligations of chapter three of the
Chapter 4

Charleston Charter

49 code of West Virginia shall apply to the registration of voters hereunder, except as herein otherwise set out, and the city council shall perform the duties required in said chapter of the county court, and the city clerk shall perform the duties required of the county clerk.

54 In all cases where a new registration of voters is required the said registrars shall meet not later than the Wednesday following the said last Monday in March and proceed to register the names of all qualified voters in their respective precincts in the manner required herein and in all other respects in the manner required herein and in all other respects in the manner provided by said chapter three of the code.

61 Said registrars shall complete said registration on or before the first Wednesday in April of every such election year, and shall deliver the registration books so made out to the two city registrars appointed under section nine of this charter for the purpose of amending, correcting and completing said registration.

67 In case the county court changes the boundary lines of any voting precincts in the manner set out in the first paragraph of this section more than thirty days prior to a general primary election of the city, the council shall select the registrars as provided in this section and shall fix the time and place of registering the voters in the precincts so changed.

Sec. 10. Candidates to be voted for at municipal elections may be nominated by convention, or primary election, as may be decided by the executive committees of any of the parties recognized by law in said city, and candidates may be nominated by petition in the manner provided by chapter three of the code of West Virginia. Each of the political parties having the right to make a nomination under the election laws of West Virginia shall give notice of the manner of such nomination by publication thereof in some daily newspaper printed in the City of Charleston for ten days prior to the date of such convention or primary election.

Sec. 11. Whenever the county court of Kanawha county shall arrange the voting precincts in the City of Charleston for state and county elections, according to the lines of the city wards, then such precincts with the same boundaries and the same voting places as provided for such state and county elections shall be the precincts for all city elections. Except as
7 may be otherwise provided, by this act, all city elections shall
8 be held by the council and the officers therefore appointed in the
9 way and manner prescribed in chapter three of the code of
10 West Virginia, but no double election boards shall be appointed
11 for any city election.

Sec. 12. The preparation of the ballot and the method of
2 voting and all other requirements of chapter three of the code
3 of West Virginia, except as changed or modified by this act,
4 shall govern all city elections held under the provisions hereof.

Sec. 13. The City of Charleston shall have a council, which
2 shall be known and styled as the “Council of the City of
3 Charleston” and shall consist of one resident of each of the
4 wards of the city, and five councilmen to be voted for by all the
5 voters of said city, all of whom shall be nominated, voted for
6 and elected in the manner herein provided.

Sec. 14. Only citizens entitled to vote and residents and
2 voters of their respective wards and having the proper qualifi-
3 cations hereinbefore provided shall be eligible to be elected to
4 the office of councilmen from their respective wards and at
5 large, and each councilman so elected from a ward shall con-
6 tinue to be a resident of the ward from which he is elected
7 during his entire term of office.
8 At the election to be held on the third Monday in April, one
9 thousand nine hundred and thirty-one, there shall be elected
10 one member of the council from each ward and five members of
11 the council from the city at large. If any person elected to
12 council fails to qualify within twenty days after he is declared
13 elected, or resign as a member of the council, or cease to be a
14 resident of the ward from which he is elected, then his office
15 shall thereby be vacated and the council shall fill such vacancy
16 by the election of some qualified person for such unexpired
17 term. No person shall be declared elected by the council unless
18 he receives the votes of at least a majority of the members
19 elected thereto and the minutes of such meeting shall show that
20 fact.

Sec. 15. The mayor shall be the presiding officer of the
2 council and be a member thereof, with the right to vote on all
3 questions the same as any other member of said council, and
4 the city clerk shall be ex-officio clerk of the council, and the
5 mayor and city clerk shall each perform such other duties as
6 the council may require of them. The council shall, at its first
7 meeting after each election, select one of its body as president
8 pro tempore, who shall in the absence of the mayor, preside
9 as chairman of the meeting of the council, and in the absence
10 of both the mayor and president pro tempore at any meeting of
11 the council, some member of the council shall be elected to pre-
12 side over such meeting.

Sec. 16. Whenever by the extension of the corporate boun-
2 draies of the city a new ward is created as part of the city,
3 such new ward shall have representation in the city council and
4 within thirty days after the act creating such new ward takes
5 effect, the council shall proceed to elect one qualified resident
6 thereof, as a member of said council, to hold office until the next
7 general city election.

Sec. 17. The council shall exercise all of the legislative func-
2 tions of the city government and shall have the right to de-
3 mand of any city official, or employee, information, explana-
4 tions, facts, details, correspondence, or other papers affecting
5 the city’s interest; and it shall be misfeasance and neglect of
6 duty for any such official or employee to fail or refuse to comply
7 with such demands.

Sec. 18. The council shall by proper ordinance provide for
2 the auditing of all the books and accounts of the city at least
3 once in each year, and shall employ a reputable certified public
4 accountant for such purpose, and such audit shall show the com-
5 plete financial condition of the city at the time thereof and the
6 receipts and disbursements of all moneys during such year. The
7 council may also provide by ordinance for the publication of
8 the report of the accountant on the financial condition of the
9 city at least once in each year, and such report of the ac-
10 countant shall be spread upon the records of the council and be
11 a public record for all purposes.

Sec. 19. Any member of the council, and any city official,
2 either elected or appointed, may be removed from his office by
3 the council for any of the following causes: Official misconduct,
4 incompetence, habitual drunkenness, neglect of duty, or gross
5 immorality. The charges against any such officer shall be re-
6 duced to writing and entered of record by the council, and a
7 summons shall thereupon be issued by the city clerk containing
8 a copy of the charges and requiring the officer named therein to
9 appear and answer the same on a day to be named therein,
10 which summons may be served in the same manner as a sum-
mons commencing an action may be served, and the service must be made at least five days before the return day thereof, and it shall require the affirmative vote of two-thirds of all the members elected to council to remove any such official. The circuit court of Kanawha county shall have concurrent jurisdiction with the council to try, hear and determine any proceedings for the removal of any city official for any of the causes herein mentioned.

The mayor, or any other city official having the power of appointment, shall have the absolute right in his discretion to remove any of his appointees and appoint another qualified person in his place, but such removal shall be in writing and served upon said official so removed, and all the rights and powers of such official shall cease and end from the time of such service.

Sec. 20. The council shall make proper rules and regulations for its own government and the conduct of its business, which rules shall not be contrary to, or inconsistent with, any of the provisions of this act, and such rules shall be duly entered of record and shall be published by the council in any municipal code or other publication made by the council of this act and the ordinances of said city. The council shall cause a record of its meetings to be kept and recorded by the city clerk in a well bound book provided by the council for that purpose, which book shall remain in the custody and at the office of the city clerk, and all the books containing the proceedings of former councils or other governing bodies of the City of Charleston, shall likewise remain in the custody and be kept at the office of the city clerk, and all such books and all city records shall at reasonable hours and in a reasonable manner be open to the inspection of the public.

Sec. 21. The council shall hold regular meetings on the first and third Mondays of each month, and the hour and place of such meetings shall be fixed by the council in the rules adopted by it.

Sec. 22. Special meetings of the council shall be held when called by the mayor or ten members thereof. In either case, the call therefor shall be in writing and signed by the mayor or members issuing it, and shall state the time, place and business to be considered thereat, and a copy thereof shall be served upon each member of the council then in the city, and also be published on two successive days in two daily newspapers printed
and circulated therein. No business, other than that stated in such call, shall be considered at such meeting.

Sec. 23. All contested elections shall be heard and determined by the council and such contests shall be made and conducted in the same manner as provided for in the case of contests for county and district officers; and the council shall conduct its proceedings in such cases as nearly as practicable in conformity with the proceedings of the county court in such cases, and there shall be the same right of appeal, in the same way, to the circuit court of Kanawha county.

Sec. 24. All officers elected and appointed shall take an oath, before some one authorized to administer oaths, that they will support the constitution of the United States, the constitution of this state, and will faithfully and impartially discharge the duties of their respective offices to the best of their skill and judgment; that they are not then and will not during their term of office, in any way or manner become pecuniarily interested directly or indirectly in any contract with the city, in any franchise granted by it, or in the purchase of supplies therefor. When the officer shall have made such oath in writing and filed the same with the city clerk and shall have given the bond required of him, he shall be considered as having qualified for the office to which he was elected or appointed; provided, that if any person so elected or appointed shall not qualify for said office as herein prescribed, within twenty days after he shall have been officially declared elected or appointed thereto, said office shall ipso facto become vacant, and said vacancy shall be filled in the same manner as other vacancies therein are provided for in this act.

Sec. 25. The mayor, manager, city clerk, municipal court clerk, treasurer, city solicitor, city collector, municipal judge, health commissioner, chief of police and chief of fire department, each shall, before entering upon the discharge of their respective duties, give an official bond, conditioned for the faithful performance of such duties as are prescribed in this act or any ordinance now or hereafter passed, in amounts as follows: The mayor, one thousand dollars; manager, ten thousand dollars; city collector, ten thousand dollars; the treasurer, sixty thousand dollars; the city clerk, municipal court clerk, municipal judge and city solicitor, three thousand dollars, respective-
health commissioner, chief of police and chief of the fire department, one thousand dollars respectively.

The council may require additional bond from any of said appointive officers, and may likewise require bond, in whatever sum they may fix, of any other appointive officer or employee. All bonds of officers or employees shall, before their acceptance, be approved by the council. The minutes of the meeting of council shall show all matters touching the consideration or approval of all bonds, and when said bonds are approved and accepted, they shall be recorded by the city clerk in a well bound book kept by him at his office for that purpose, which book shall be open to public inspection; and the recordation of such bonds as aforesaid shall be *prima facie* proof of their correctness, and they, as so recorded, as well as copies thereof duly attested by the city clerk under the seal of the city, shall be admitted as evidence in all courts of this state. The city clerk shall be the custodian of all bonds, except that given by him, and as to it, the city treasurer shall be custodian. All bonds, obligations or other writings taken in pursuance of any provisions of this act, shall be made payable to "the City of Charleston," and the respective persons, and their heirs, executors, administrators and assigns bound thereby shall be subject to the same proceedings on said bonds, obligations and other writings, for the purpose of enforcing the conditions of the terms thereof, by motion or otherwise, before any court of record held in and for the county of Kanawha, that collectors of county levies and their sureties are or shall be subject to on their bonds for enforcing the payment of the county levies.

Sec. 26. A majority of the whole number of members elected to the council shall be necessary for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of absent members, in such manner and under such penalties as it may by rules provide.

Sec. 27. Unless otherwise herein provided, the vote upon any question or motion before the council may be *viva voce* when unanimous; but if the question or motion does not receive the unanimous vote of the members present, the vote shall be taken by roll call of the members and made a part of the minutes of the meeting, and when the vote is unanimous the minutes shall so state.
Sec. 28. The city clerk shall be \textit{ex-officio} clerk of the council and shall keep detailed minutes of its meetings and proceedings in a well bound book for that purpose, which shall remain in the custody of the city clerk at his office and open to public inspection. The minutes of every meeting after being corrected shall be signed by the mayor and city clerk, and, if thus recorded and signed, they shall be admitted as evidence in any court of record in this state.

Sec. 29. No officer of the city shall hold two offices with the city at the same time, or be employed by the city in any other capacity, without first having the consent of the council.

Sec. 30. Whenever the mayor or other officer shall fail to make any and all appointments under him, or required to be made by him, for a period of thirty days from the time such appointment should have been made, his office may be declared vacant by the council, and his successor appointed, in the manner herein provided.

Sec. 31. Whenever a vacancy for any cause whatever shall occur in the office of mayor or treasurer, the council shall elect some qualified person to fill said vacancy until the next city election, and until his successor shall have been elected and qualified; and when such vacancy shall occur in the office of any appointive officer, his successor shall be appointed by the person making the original appointment, or his successor in office, \textit{as hereinbefore provided}; and all elective and appointive officers of said city shall hold their respective offices until their successors are elected, or appointed, and qualified, unless sooner removed.

Sec. 32. Any member of council or any officer of, or connected with, the city government pursuant to any law of this state or ordinance of the city now or hereafter passed, who shall, in his official capacity or under color of his office, knowingly or willfully, or corruptly vote for, assent to or report in favor of, or allow, or certify for allowance, any claim or demand against the city, which claim or demand shall be on account or under color of any contract or agreement not authorized by or in pursuance of the provisions of this act, or the ordinances of the city, or any claim or demand against the city and which claim or demand or any part thereof shall be for work not performed for and by authority of said city, or for supplies or materials not actually furnished thereto pursuant to law or
ordinance, and every such member or officer as aforesaid who shall knowingly vote for, assent to, assist or otherwise permit, or aid in the disbursement or disposition of any money or property belonging to the city to any other than the specific use or purpose for which such money or property shall be or shall have been received or appropriated or collected or authorized by law to be received, appropriated or collected, shall, upon conviction thereof, be punished by imprisonment in the county jail for a period of not less than sixty days nor more than one year or by fine of not less than five hundred dollars, nor more than two thousand dollars, or by both. But the council shall pay any just obligations made by the city and keep and perform all contracts, agreements and obligations made under the law as it was the day before this act goes into effect, and for which and on which the city is liable or obligated.

Sec. 33. The council in the exercise of its powers and the performance of its duties, as prescribed by this act, and by the laws of the state, shall have the power to enforce the attendance of witnesses, the production of books and papers, and the power to administer oaths in the same manner and with like effect, and under the same penalties, as notaries public, justices of the peace, and other officers of the state authorized to administer oaths under state laws; and said council shall have the power to punish for contempt as is conferred on county courts by section thirteen of chapter thirty-nine of the code. All process necessary to enforce the powers conferred by this act on the council shall be signed by the mayor (or acting mayor), and may be executed by any member of the police force.

Sec. 34. Whenever for any reason the mayor shall be absent from the city, or unable to attend to the duties of his office temporarily, the president pro tempore of the council shall perform them during such absence or inability, and in the absence or inability of the manager to attend to the duties of his office temporarily, the mayor shall designate someone to perform such duties, provided, that such temporary absence or inability shall not exceed thirty days, but if such absence or inability shall exceed thirty days, then such appointment or designation shall be submitted to the council, for confirmation or rejection. In the absence or inability of any other appointive city official to perform the duties of his office, the person or body making the original appointment, or his successor in office, shall designate
14 some one to fill such office temporarily, or if such absence or
15 inability extends over a period of sixty days, he may appoint
16 some one to fill such office permanently.

Sec. 35. The mayor, members of council, municipal judge and
2 treasurer elected on the third Monday in April, one thousand
3 nine hundred and twenty-seven shall hold office until the first
4 Monday in May, one thousand nine hundred and thirty-one, and
5 their successors shall be elected on the third Monday of April,
6 one thousand nine hundred and thirty-one, and at intervals of
7 four years thereafter, and their terms of office shall begin on
8 the first Monday of May after their election. The mayor’s sal-
9 ary shall not be less than three thousand nor more than five
10 thousand dollars per annum. The municipal judge elected on
11 the third Monday in April, one thousand nine hundred and
12 twenty-seven shall continue to hold office as the municipal judge
13 until the first Monday in May, one thousand nine hundred and
14 thirty-one.
15 The mayor shall appoint the city solicitor, an assistant city
16 solicitor, the chief of police, humane officer or officers, building
17 inspector, collector, city auditor, engineer, health commissioner,
18 lockup keeper, municipal court clerk, and the chief of the fire
19 department, and these appointments shall not require any con-
20 firmation by the council, but shall be made at the discretion of
21 the mayor, who shall, with like discretion, have the full and
22 complete power of removal thereof. The mayor shall ap-
23 point the manager, by and with the advice and consent of the
24 council. The council shall, either at a regular or special meet-
25 ing called for that purpose, pass upon such nomination and
26 either confirm or reject the same, and if such nomination is
27 rejected, then the mayor shall submit to the council a further
28 nomination of some other person or persons until the nomina-
29 tion is confirmed by council, for said office of manager, but it
30 shall be the duty of the council to pass upon all nominations
31 without unreasonable delay; and in any event within two weeks
32 after the submission of the same, and the failure of members of
33 the council to pass thereon within such time shall be cause for
34 the removal from office of such members of the council as shall
35 have refused to act thereon.

36 The council shall appoint a city clerk. The manager shall
37 appoint or employ such persons as the ordinances of the city
38 may require or the council may authorize by proper resolution.
All such officers shall be appointed for the term of four years and until their successors are appointed and qualified, unless they are removed in the way and manner in this act provided. It shall be the duty of the mayor to attend all meetings of the council and preside over that body.

It shall be the duty of the mayor to see that all of the laws and ordinances of the city are enforced and he shall have a general oversight over the peace, health and good order of the city.

The duties of the city solicitor or assistant city solicitor shall be to attend the sessions of council to prosecute all suits in behalf of the city and defend all suits against the city, to advise the council and all of the departments of the city and in general to look after the interests of the city when it shall need legal services. The salary of the solicitor shall be not less than three thousand nor more than five thousand dollars per annum.

All fees of every kind collected by any officer or employee, including the municipal judge when acting as a justice, shall be paid to the city treasurer.

Sec. 36. The manager shall be appointed in the way and manner hereinbefore provided and shall receive such salary as council may by ordinance prescribe, provided such amount shall not be less than three thousand nor more than five thousand dollars per annum, and he shall have the right to employ one clerk at such salary as council may fix, and such other help as he may require and as council may from time to time allow.

The manager shall devote his entire time and attention to the duties of his office, and shall have supervision and control of the executive work and management of the heads of all departments under his control as directed by the mayor. He shall make all contracts for labor and supplies, and generally perform all of the administrative work of the city, and such other duties as council may require of him, and shall possess such other powers and perform such other duties as council shall prescribe.

Sec. 37. Franchises or permits granting the right of occupancy of any portion of the streets or alleys for works of public utility or other use, or granting any right or privilege; which the city has the power to grant to individuals, firms or corporations, in order that the latter may serve the public, may be made only upon the following restrictions and conditions: Such
7 franchises, rights and privileges shall be granted only by ordi-
8 dinance duly passed by the council.
9 No grant of any such franchise shall be made without, at the
time of making it, providing that the grantee shall indemnify
the city against all damages caused by construction, mainte-
ance or operation of such works. Additional provisions and
conditions shall be made for the protection of the public against
damage or inconvenience by reason of the construction, main-
tenance or operation thereof.
16 No grant of a franchise for the extension of or an addition to
any line or work of public service through, over or under any
additional street or territory of the city, shall be made for a
period extending beyond the time limit for the expiration of
franchise of the principal work of which it is an extension and
if the franchise of the principal work is one granted before this
act goes into effect and not limited as to time, any franchise
granted for an extension or addition thereto shall nevertheless
be made subject to the conditions thereof, including a time
limit for a period not exceeding twenty-five years. All fran-
chises hereafter granted shall embody therein a plainly ex-
pressed condition, where the franchise is for work to be useful
chiefly to the citizens of the city, that at the expiration of such
franchise or certain periods therein mentioned, the grantee
shall, if required by the governing body of the city, sell to the
city the plant at its actual value, exclusive of any value
for the franchise granted by the city or its earning capacity or
productive worth, and no exclusive franchise shall be granted.
34 If the city and the owner of the plant cannot agree upon its
worth, then the value shall be ascertained by an impartial arbi-
tration, one arbitrator to be selected by the city, one by such
owner of the plant, these two to select a third and the decision
of any two to be binding upon both parties, and if they shall
fail for a period of thirty days to select such third arbitrator,
then either party may apply to the judge of the circuit court
of Kanawha county who shall then appoint such third ar-
bitrator.
43 No franchise shall be granted without the affirmative vote of
two-thirds of all the members elected to said council.
Sec. 38. When any franchise, permit or license granting the
right to use the streets, alleys, or public grounds, shall be ap-
plied for, the application or petition shall be advertised in two
4 newspapers, published in said city, thirty days before the same
5 shall be heard and determined by the council; and any ordinance
6 granting such rights and franchises shall, on the petition of
7 ten per cent of the votes cast for all candidates for the office
8 of mayor at the last preceding election, be submitted to the
9 voters at a special election, for adoption or rejection, which shall
10 be by a majority of the votes cast; said election to be held and
11 conducted as other municipal elections are held; except that all
12 of the expenses of said election shall be borne by the party or
13 corporation desiring said rights and franchise.
14 All such ordinances shall protect the interests of the city, as
15 provided in section thirty-seven, as well as such additional con-
16 ditions, compensations or limitations as council may prescribe.

Sec. 39. Council shall have the right to appoint such com-
2 mittees of its own body as it may deem proper, and may give
3 such committees power and authority to perform any duties and
4 make any reports to council concerning the duties of council,
5 and council may adjourn its meetings from time to time, pend-
6 ing the consideration of any matter, franchise or ordinance,
7 and may postpone the announcement of any vote to an ad-
8 journed meeting or to a future meeting.

Sec. 40. The style of all ordinances enacted by the council
2 shall be "be it ordained by the council of the City of Charles-
3 ton."

Sec. 41. No ordinance shall be passed, except by bill, and
2 no bill shall be so amended in its passage as to change its orig-
3 inal purpose. All bills must be in writing and read in full when
4 presented at a regular or special meeting of council, and except
5 in case of emergency and when so authorized by a vote of four-
6 fifths of the members elected, taken by yeas and nays, no bill
7 shall be considered for final passage at the meeting at which it
8 is introduced; but at any subsequent regular or special meeting
9 bills may be taken up for consideration and final action. No
10 bill except in case of emergency evidenced by a vote of four-
11 fifths of the members of council elected shall be considered for
12 final passage unless the same has been referred to a committee
13 for report. All amendments made by a committee to a bill shall
14 be reported to council and incorporated in said bill, and before
15 final action on said bill, the bill with any amendments shall be
16 fully and distinctly read, after which reading, whether at the
meeting at which the bill is reported or a subsequent meeting, the bill may be considered for final action. No bill shall become an ordinance unless on its final passage the vote be taken, the names of the members voting for and against the same be entered of record in the minutes of council, and a majority of all members elected recorded thereon as voting in its favor. Bills referred to a committee may be withdrawn therefrom at any subsequent meeting for present consideration by an affirmative vote of a majority of the members of council present. No bill except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated, and bills fixing the annual salaries of officers and employees of the city, and bills, providing for the paving or improving of streets, or construction of sewers, shall contain more than one object and that shall be expressed in the title, but if any object shall be embraced in an ordinance which is not so expressed the ordinance shall be void only as to so much thereof as shall not be so expressed. No ordinance shall be revised or re-enacted by mere reference to the title thereof, but the same shall be set forth at length as if it were an original ordinance, nor shall any ordinance be amended by providing that designated words thereof be stricken out and others inserted in lieu thereof, but the ordinance or sections amended shall be set forth in full as amended. All ordinances in force at the time this act goes into effect, not inconsistent herewith, shall remain in full force until altered or repealed as herein provided, and all rights, actions, prescriptions and contracts of the city not inconsistent therewith shall continue to be valid as if this act had not been passed.

Any ordinance heretofore passed which may be void on account of failure of council to properly observe any provisions of the charter of the City of Charleston or ordinances in force at the time said ordinance was passed shall so far as it may affect the validity of any paving or sewer assessments heretofore laid, be in full force and effect until repealed or amended, the same as if legally passed. No ordinance of the council shall take effect until the expiration of five days after its final passage, unless the council shall by a vote of three-fifths of its members elected, taken by yeas and nays, otherwise direct. It shall be the duty of the city clerk to make publication of the caption or title of every ordinance in a newspaper of general circulation
58 in the City of Charleston within five days after its passage, but
59 failure so to do shall not affect the validity of any such
60 ordinance.
61 Resolutions and orders of council other than ordinances may
62 be considered for final passage at the meeting at which they are
63 proposed, and shall, unless otherwise provided therein, be in
64 force and effect from and after their passage.

Sec. 42. All ordinances passed, shall be spread in *extenso*
2 upon the records of the council when adopted. The council
3 shall also provide a well-bound book designated as "Ordinance
4 Record," in which shall be copied by the city clerk all ordi-
5 nances, in the order in which they are passed, which ordinances,
6 when so copied, shall be compared with the originals by the
7 mayor and shall be signed by him when found correct. Such
8 books shall be indexed so as to show in brief form the substance
9 of the ordinance, and shall be received by all courts and justices
10 in this state as evidence, but the council may adopt by ordinance
11 properly designating and describing it, a code of laws and ordi-
12 nances, which when adopted shall be printed in book form, or
13 said council may designate any committee, or attorney, or the
14 city solicitor to prepare a code of ordinances for the government
15 of the City of Charleston, and said council may by ordinance
16 adopt the code so prepared as a whole, and when said ordinance
17 adopting said code shall have been passed by the council, the
18 said code shall be and become the law and ordinances of said
19 city, and may be printed by order of the council, and the same
20 shall be so received as evidence of what is printed therein, until
21 errors or omissions be affirmatively shown therein.

Sec. 43. All persons elected or appointed to the offices named
2 in this act shall be conservators of the peace within said city,
3 and they, and any other officer provided for under this act,
4 may be given authority of police officers by the council.

Sec. 44. The municipal judge shall be *ex-officio* a justice and
2 a conservator of the peace, and with authority to issue process
3 for all offenses committed within the police jurisdiction of the
4 City of Charleston, of which a justice of the peace has jurisdic-
5 tion under state statutes, and for all violations of any city
6 ordinances, and shall have charge of and preside over the
7 municipal court of such city; and may commit persons charged
8 with felony or misdemeanor to jail or take bond for their ap-
9 pearance before the grand jury of the circuit, intermediate or
other courts of Kanawha county; he shall keep an accurate
record of all his judicial proceedings in said court, showing the
style of each case, which record shall be indexed and numbered.
It shall be his duty to hold daily sessions of his said court,
Sunday excepted. Before trying any person charged with any
violation of any state law or ordinance a warrant specifying
the offense or violation charged shall be issued as herein pro-
vided and the municipal judge shall render judgment in any
case as the law of the state or the ordinance of the city applying
thereto may require; he shall also have the power to issue exe-
cutions for all fines, penalties and costs imposed by him and he
may require immediate payment thereof, and in default of such
payment, may commit the party so in default to the jail of the
City of Charleston or of the county of Kanawha, or other place
of imprisonment in said city, until the fine and penalty and
costs shall be paid or satisfied, to be employed during the term
of imprisonment as hereafter provided, but for the violation of
city ordinance the term of imprisonment in any such case shall
not exceed thirty days, and in all cases where a person is sen-
tenced to imprisonment or to the payment of a fine of ten dollars
or more, such person shall be allowed an appeal from such
decision to the intermediate court of said Kanawha county upon
the execution of an appeal bond, with surety deemed approved
by the said municipal judge or municipal court clerk in a
penalty double the amount of the fine and costs imposed by said
judge, conditioned that the person proposing to appeal will
appear before the intermediate court of Kanawha county on the
first day of the next term thereof to answer for the offense
wherewith he is charged and not depart thence without leave
of the court and to satisfy all costs and fines imposed against
him; and in no case shall judgment for a fine of less than ten
dollars be given by the municipal judge if the defendant, his
agent or attorney object thereto. When the judgment on appeal
is against the appellant for any sum of money, judgment shall
be rendered by the intermediate court against the appellant and
those who signed the appeal bond as surety thereon. Before
said municipal judge or clerk shall accept any natural person
as surety upon any bond or recognizance under the provisions
of this section, such surety shall furnish a certified statement
of the clerk of the county court of any county in this state in
which such surety owns real estate, and shall also file an affi-
davit, the form of which may be prescribed by the municipal
judge, showing the bonds and recognizances upon which he is
then surety and the amount of each bond or recognizance. If
the amount of such bond or recognizances, together with other
bonds and recognizances as shown by the affidavit aforesaid,
exceeds in amount the assessed value of the surety's property
as shown by the certificate of the clerk of the county court, or
if any such bond or recognizance theretofore given, by such
surety be forfeited and unsatisfied, then such surety shall be
disqualified; and if any bond or recognizance be accepted and
it subsequently appears that the surety thereon is disqualified
then such bond shall be declared void by the municipal judge
and the person whose appearance in the intermediate court of
Kanawha county and whose payment of fine and costs are
thereby secured may be forthwith apprehended and held in the
city jail until a proper bond of recognizance is given; provided,
however, that whenever any surety is offered less than one hour
before the county clerk's office is closed or after it is closed,
surety shall make an affidavit that he owns real estate in Kan-
awha county to an assessed value above encumbrances thereon,
of at least double the amount of bond required. Any person
making or procuring to be made a false statement in any such
affidavit, with intent to deceive said municipal judge, shall be
guilty of perjury. If such appeal be taken, the warrant of
arrest, the transcript of the judgment, the appeal bond and
other papers of the case shall be forthwith delivered by the said
judge to the clerk of the intermediate court and the court shall
proceed to try the case as upon indictment or presentment and
render such judgment, including that of costs, as the law and
the evidence may require.

On appeals from said municipal court the intermediate court
of Kanawha county shall be governed by the same principles
with respect to the forfeiture of bonds and recognizances, and
the issuance and execution of capias and writs of fierei facias
as prevail in cases in which the state is a party.

The expense of maintaining persons committed to the jail of
the county by such municipal judge shall be paid by the city.
The municipal judge shall account for and pay over the amount
of all fines collected by him weekly to the treasurer of the city
and shall make monthly reports thereof, and of all other matters,
pertaining to his office to the council of said city.
Sec. 45. The municipal judge shall be an attorney-at-law and shall have attained the age of twenty-eight years at the date of the beginning of his term of service and shall have been a resident of this state for the period of five years and of the City of Charleston previous to the beginning of his term of service for the period of five years. He shall not appear as counsel in any criminal case in any court during his term of service. In the absence of, or in case of the inability of the municipal judge to perform his duties, the municipal court clerk shall act as municipal judge in his stead, and in the event that neither the municipal judge nor the municipal court clerk can for any cause perform such duties, then the mayor shall act as municipal judge. The official bond of a justice of the peace shall not be required of the municipal judge.

Sec. 46. In all cases of arrest by the police of the city, except in cases of murder and rape, the person arrested shall have the absolute right to give a reasonable and proper bond for his appearance at police court for a trial of his case, and the municipal judge, city clerk, municipal court clerk, mayor, chief of police and the desk sergeant or person in charge of police headquarters shall have the power, and it shall be their duty, to accept such bond from such person so arrested, and upon the giving of such bond he shall be released, and it shall be their further duty to permit such person arrested to communicate in any reasonable way with any person or persons with whom he may desire to have communication in reference to his giving bail in order to obtain his release, and each of said officers and all policemen shall render reasonable aid in assisting such person arrested to communicate with any person that he may desire for the purpose of securing such bail. In case one so arrested fail to give bond as aforesaid, the municipal judge, or if said judge be not then sitting, either of the officers named above may order such person committed to the city jail for safe keeping until the trial of his case.

Sec. 47. The manager of said city shall have authority to abate and remove all nuisances in said city. He may compel the owners, agents, assignees, occupants or tenants of any lot, premises, property, building or structure, upon or in which any nuisance may be, to abate and remove the same by orders therefor, and the council shall by ordinance provide a penalty for the violation of such orders. Council may by ordinance
8 regulate the location, construction, repair, use, emptying and
9 cleaning of all water closets, privies, cesspools, sinks, plumbing
10 drains, yards, lots, areaways, pens, stables and other places,
11 where offensive, unsightly, unwholesome, objectionable or dan-
12 gerous substances or liquids are, or may accumulate, and pro-
13 vide suitable penalties for the violation of such regulations,
14 which may be enforced against the owner, agents, assignee,
15 occupant or tenant of any premises, or structure where such
16 violation may occur. It shall be the duty of all police officers
17 to report to the manager the facts as to the existence of any
18 nuisance known to them.
19 If the owner, agent, tenant, assignee or occupant of any such
20 premises, lot, property, building or structure, as is mentioned
21 herein, shall fail or refuse to abate or remove any such nuisance,
22 as mentioned herein, or to comply with the provisions of any
23 such ordinance and the regulations herein contained, the man-
24 ager may have said nuisance abated or the provisions of said
25 ordinance or ordinances carried out, after reasonable notice to
26 said owner, occupant, tenant, agent or assignee of his intention
27 so to do, and collect the expenses thereof, with one per centum
28 per month interest added from the date of said notice, from the
29 said owner, occupant, tenant, agent or assignee, by distress or
30 sale, in the same manner in which taxes levied upon real estate
31 for the benefit of said city are herein authorized to be collected,
32 and the expense shall remain a lien upon said lot, or part of
33 lot, the same as taxes levied upon real estate in said city; which
34 lien may be enforced by a suit in equity before any court having
35 jurisdiction, as other liens against real estate are enforced.
36 In case of non-resident owners of real estate such notice may
37 be served upon any tenant, occupant, assignee or rental agent,
38 or by publication thereof once a week for not less than two
39 consecutive weeks in two newspapers of opposite politics, pub-
40 lished in said city.
41 And in all cases where any tenant, occupant or agent is
42 required to abate and remove any nuisance under the provisions
43 of this section, or comply with the provisions of any such ordi-
44 nance as is mentioned herein, the expense thereof may be de-
45ducted out of the accruing or accrued rent of said property or
46 amount due said owner from said agent, and such tenant, occu-
47 pant or agent may recover the amount so paid from the owner,
48 unless otherwise especially agreed upon.
Any expense incurred by the manager as herein provided, in the manner aforesaid, may be collected in the manner herein provided, notwithstanding the imposition of any other penalty or penalties upon any of the persons named herein, under any of the provisions of this act. The abatement or removal of any such nuisance by the city at the expense of said city, as herein provided, shall be prima facie proof that the said notice to the owner, occupant, agent or assignee was given as herein prescribed.

Sec. 48. The manager may require all owners, tenants or occupants of improved property which may be located upon or near any street or alley along which may be extended any sewer or system of sewerage, which the said city may construct, own or control, to connect with such sewer, or system or sewerage, all privies, ponds, water closets, cesspools, drains or sinks, located upon their respective properties or premises, so that their contents may be made to empty into such sewer or system of sewerage.

Sec. 49. The council shall have the right and authority to establish the width of any sidewalk on any street, alley or public square, or any portion thereof in said city, to cause to be put down a suitable curb of brick, stone or other material along for the footways and sidewalks of the streets, alleys or public squares or portion thereof, and to order the construction, re-laying and repair of sidewalks and gutters of such material and width, and in such manner, as the council may reasonably prescribe by the owners or occupiers of the lots or parts of lots facing upon said streets, alleys and public squares; and in case of a failure or refusal of any such owner or occupiers of the lots or parts of lots to construct, re-lay or repair such sidewalks and gutters, when required, it shall be lawful for the council to have such sidewalks and gutters constructed, re-laid or repaired, and levy and collect the expense thereof, with one per centum per month interest added after a demand of thirty days has been made by the treasurer of the city from the said owner, owners, occupier, occupiers or any of them; and in all cases of such assessment, whether for the construction, re-laying or repairing of sidewalks or gutters, payment thereof shall be made to the treasurer within thirty days after the completion of the work and demand made, and if not so paid the city is hereby authorized to collect or cause to be collected the expense thereof, with one per centum
24 per month interest added after the work has been completed and 25 a demand of thirty days, and they shall have the power to 26 collect, or cause to be collected, the same from said owner, 27 owners, occupier or occupiers or any of them, by distress and 28 sale, in same manner in which taxes levied upon real estate for 29 the benefit of the said city are herein authorized to be collected, 30 and in addition there shall be a lien upon the real estate against 31 which such assessment has been levied for the construction, re- 32 laying and repairing of sidewalks and gutters as herein pro- 33 vided, which lien may be enforced by a suit in equity before any 34 court having jurisdiction, as other liens against real estate are 35 enforced, and it shall be the duty of the city clerk to cause to 36 be certified to the clerk of the county court of Kanawha county 37 the order laying an assessment authorized by this section. The 38 clerk of the county court of Kanawha county is hereby required 39 to record and index such assessments in the proper trust deed 40 book in the name of persons against whose property assessments 41 appear therein; provided, however, that a reasonable notice 42 shall first be given to said owner or occupier or their agent, that 43 they are required to construct, relay or repair such sidewalks or 44 gutters. In case of non-residents who have no known agent in 45 said city, such notice may be given by publication for a period 46 not less than once a week for two consecutive weeks in any 47 newspaper printed in said city; and in all cases where a tenant 48 shall be required to construct, re-lay or repair sidewalks or 49 gutters in front of the property of his or her occupancy, the 50 expense of such construction of re-laying or repairing may be 51 deducted out of the accruing rent of said property, and he may 52 recover the amounts paid from the owner; unless otherwise 53 especially agreed upon. The laying or construction of any such 54 sidewalks by said city shall be prima facie proof that the said 55 notice to the owner (resident or non-resident) or occupier, or 56 their agent, was given as herein required.

Sec. 50. The council shall ascertain the total expense of the 2 city to be provided for by levy for the fiscal year in which said 3 levy is made, and it shall make a detailed itemized estimate of 4 the sum of money necessary to pay interest accruing on the 5 bonded indebtedness of said city, the amount required for the 6 several sinking funds for the reduction of the principal thereof, 7 the amounts necessary for the support of the various depart- 8 ments of the city and for the improvements of its streets, alleys,
9 avenues and public grounds, real and personal property, contingent expenses and other expenses, together with an itemized statement of the estimated receipts other than that to be derived by the annual levy, and after receiving such estimates, and before making the levy, it shall apportion the rate thereof, including the estimated receipts from licenses and all other sources among the several funds so ascertained and provided for, which apportionment shall be spread upon the records of this city, and in making said estimate, providing for the revenue for the fiscal years, etc., it shall be the duty of the council to strictly observe all the provisions of chapter nine of the acts of the legislature, one thousand nine hundred and eight, entitled, "An act to regulate the rate and manner of laying levies for taxation in counties, magisterial and school and independent school districts, and municipal corporations, and to provide penalties for the illegal expenditure of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax levying body, and for the distribution of a portion of the school fund," and all amendments thereto, except where said last named act shall be inconsistent with this act as to limit of taxation.

Sec. 51. The council shall have authority to levy and collect an annual tax on real estate and personal property in said city and to impose a license and assess a tax on all dogs kept within the city and to impose a tax upon all other subjects of taxation under the several laws of the state, which shall be uniform with respect to persons and property within the jurisdiction of said city, and shall only be levied on such property, real, personal and mixed, on which the state imposes a tax; provided, that with the exception of the special levies authorized by law, no greater levy shall be laid by said council on the taxable property of said city than fifty cents upon each hundred dollars of the assessed valuation of the property of the municipality; and, provided, further, that the council shall, in making such levy, be subject to all provisions of chapter nine of the acts of the legislature of one thousand nine hundred and eight and any and all amendments thereto, except as herein provided. There shall be a tax of two dollars annually assessed on each and every male inhabitant of said city over the age of twenty-one years who is subject to a capitation tax under the laws of the state of West
Virginia. The same shall be set out and included in the personal property book against every such inhabitant, and shall be collected under the authority of the city at the time of collecting other levies and taxes.

Sec. 52. The city taxes annually levied by the council shall be collected as follows: Immediately after the annual levy for city taxes is laid the council shall direct the proper officer of the city to extend the same on the property books made out by him, including therein the proper capitation tax; he shall make out therefrom proper tax tickets in the following manner: That is to say, instead of a single ticket for the whole amount charged to any person, firm or corporation there shall be two tickets, each for one-half of said amount; these half tickets shall be severally numbered or designated "first" and "second" and the same, after being examined and compared by the council and found to be correct, shall be turned over to the treasurer of the city on the first day of October following the levy and the treasurer's receipt for the gross amount thereof shall be returned, entered upon its record and the treasurer charged therewith. The treasurer shall give notice by publication for twenty days in two newspapers of opposite politics published in said city, that said tax tickets are in his hands for collection stating the penalty for non-payment thereof and the time and place when the same may be paid; provided, however, that the taxpayers shall have the right to anticipate the payment of the whole or any part of the taxes assessed against them.

The one-half ticket designated "first" may be paid to the treasurer of the city any time before the first day of November next succeeding said levy; the one-half ticket designated "second" may be paid to the treasurer of the city at any time before the first day of May next succeeding said levy. To all the half tickets designated "first" remaining unpaid in the treasurer's hands on the said first day of November succeeding said levy, a penalty of ten per cent shall be added and collected from the taxpayers. To all half tickets designated "second" remaining unpaid in the treasurer's hands on the first day of May succeeding said levy a penalty of ten per cent shall be added as a penalty and shall be collectible from the taxpayers. On said first day of November succeeding said levy all such half tickets designated "first" and on said first day of May succeeding such levy all such half tickets designated "second"
remaining unpaid in the treasurer's hands shall be taken up by the council and settlement had with said treasurer on said days respectively, or on the next succeeding days, respectively, if said days shall fall upon Sunday, and thereupon the council shall place said tickets in the hands of the city collector for collection and shall take his receipt therefor; provided, however, that the council shall have the power any year, by resolution, to extend the time within which the tickets may remain in the treasurer's hands and be paid to him without adding the penalty, for a period named therein not exceeding, however, a total of fifteen days.

The city collector shall have the power to collect said tickets so placed in his hands, together with the penalties thereon hereinafter provided to be added thereto, and the compensation of such city collector for making such collection of the taxes aforesaid shall be fixed by the council.

The city collector shall be charged with the gross amount of said tax tickets so delivered to him for collection, including the penalties accrued thereon so delivered, and no deduction therefrom shall be allowed, unless on or before the first day of August of each year he makes out and returns to the council a delinquent list of taxes uncollected for such year, with his oath attached thereto, stating that such list is correct and just and that he has received no part of the taxes mentioned therein, and that he has used due diligence to find property liable to distress for taxes, has found none, and that he could not collect the same.

Neither the treasurer nor the city collector shall take or collect anything but money for payment of taxes.

Sec. 53. The city collector shall have the power to collect the city taxes placed in his hands except as otherwise provided in this act, and he shall also have power to collect the city claims which may be placed in his hands by the council for collection, except that fines imposed by the municipal judge shall not be collected by him.

Sec. 54. All goods and chattels belonging to a person, firm, corporation or estate, assessed with any city taxes, whether the same be a capitation tax or a tax upon real estate or personal property or an assessment for paving or other improvements, shall be liable for said tax, and may be distrained therefor in whosoever's possession they may be found, and the city collector shall have the same power to collect said tax or assessment from
any person owing a debt to or having in his possession any estate belonging to a person assessed with any tax or assessment of any kind that the sheriff has to collect state taxes in such cases. The city collector may distrain and sell for all city taxes and assessments and in all respect have the same power to enforce the collection thereof as the sheriff has to enforce the collection of state taxes.

Sec. 55. There shall be a lien upon all real estate within said city for the city taxes assessed thereon, including such penalties added thereto for non-payment thereof as are prescribed by this act, from the first day of January of the year in which said taxes are assessed. Said liens may be enforced by appropriate suit in any court of record in Kanawha county; provided, such suit be instituted within five years from the time the said liens attached as herein provided, and such suit may either be instituted by and in the name of the city of Charleston as plaintiff, or said city may intervene by petition in and suit pending to sell or enforce liens against any real estate which is subject to such lien for said taxes. The liens herein created shall have priority over all other liens except those for taxes due the state.

Sec. 56. Said liens for city taxes and attendant penalties may also be enforced by certifying the same to the clerk of the county court of Kanawha county for certification to the state auditor, and the same may be certified down by said auditor, and sold for taxes, interest, penalties and commissions thereon, in the same manner, at the same time, and by the same officer as real estate is sold for taxes, interest, damages, cost and commissions due the state thereon, which officer shall account therefor on settlement with the city and pay over the same to the treasurer of the city.

Sec. 57. No taxes or levies shall be assessed upon or collected from the taxable persons or property within the corporate limits of said city, for the construction, improvement or keeping in repair of roads, or the building, leasing or repairing of school houses, or the purchase of lands for the same, or for the support of schools, or for the support of the poor of Kanawha county, outside of said corporate limits, for any year in which it shall appear that said city shall at its own expense provide for its own poor and keep its own roads, streets, sewers and bridges in good order. And neither the county court of Ka-
nawha county, nor the authorities of the district in which said
city is situated, shall have or exercise jurisdiction within the
corporate limits with relation to the roads, streets, alleys,
bridges, wharves, docks, ferries, schools or school houses, but the
same shall be and remain under the exclusive jurisdiction and
control of the municipal authorities of said city, except that
the board of education in the independent school district of the
city of Charleston shall have jurisdiction, supervision and con-
trol of the schools and school houses in said district; and said
city shall be liable only for the constructive, improvement, re-
pair and good order of the roads, streets, sewers, alleys, wharves
and bridges in its corporate limits, except that the county of
Kanawha may become a joint owner and controller with the
city of Charleston in a bridge or bridges across Kanawha river.

Sec. 58. It shall be the duty of the treasurer of the city to
keep all funds of the city in some bank or banks within said
city, which shall pay interest on such deposits and which shall
pay interest on the average daily balance of such funds in all
accounts of the per cent equal to that paid by state depositors
on all funds of the state of West Virginia and in the same man-
ner and at the same time. If no bank within the city is willing
at any time to receive deposits of the treasurer and to pay such
interest thereon, the treasurer shall report this fact to the coun-
cil, who shall thereupon designate a bank or banks in which he
shall deposit said funds for the time being and until some
bank in said city will receive such deposits on such terms. Be-
fore receiving any such deposits such bank or banks shall give
bond in such penalty as the council shall prescribe, and with se-
curities to be approved by said council, conditioned for the
prompt payment, whenever lawfully required, of all the city
moneys or parts thereof which may be deposited with them,
which bond shall be renewed at such times as the council may
require.

Sec. 59. The City of Charleston is hereby authorized to issue
and sell bonds of said city, for the purposes of buying and
building bridges, electric light plants, water works, gas lines
and fields, and other public utilities; and for the purpose of
acquiring and providing land for public parks, public streets,
avenues and alleys, airports and other public grounds, and ac-
quiring or assisting in acquiring property to be donated, de-
dicated or conveyed to, or otherwise vested in, the state of West
Virginia, as a site for a state capitol and other public buildings, which donation, dedication and conveyance are hereby authorized to be made, and also to provide ground for and erect an incinerator plant or garbage crematory, or other plant or means for the disposal of garbage and refuse; and such bonds shall be sold for not less than par, and payable in a period not to exceed thirty-four years, and shall bear interest, not to exceed six per centum per annum; and in the issuance and sale of said bonds the city shall be governed by all the restrictions of the constitution of this state and the statutes of this state, with respect to the issuance and sale of other bonds; provided, that said city shall not, by the sale or issue of bonds for the purposes above mentioned, cause the aggregate of its indebtedness, of every kind whatever, to exceed five per centum of the value of the taxable property therein, but may for the above purposes issue bonds to the maximum limit of said five per cent; nor shall said city make such issue and sale of bonds without, at the same time, providing for the collection of a direct annual tax sufficient to pay annually the interest on the same, and a sinking fund to pay the principal within the time for which said bonds shall be issued.

Sec. 59-(a). The City of Charleston is hereby authorized to issue and sell bonds of said city, for the purpose of paying the city's part of the cost of grading, curbing, paving, sewering or otherwise improving the avenues, streets, roads and alleys of said city, and for the purpose of providing funds to cover all or any part of the cost of grading, curbing, paving or sewering that may be assessed against abutting property owners in the manner provided for by law; and said city is hereby given full power to employ the proceeds of such bonds in the purchase of paving certificates or other permanent improvement certificates issued under the provisions of the charter and made liens or assessments against real estate in said city, at not to exceed their par value, and may hold and collect or otherwise dispose of the same; provided, that said city shall not by the sale or issuance of bonds for the purposes above mentioned, cause the aggregate of its indebtedness, of every kind whatever, to exceed five per centum of the value of the taxable property therein.

The proceeds of any bond issue, authorized under this section, shall be set aside as a separate fund, and all special assess-
ments covering improvements, the cost whereof has been advanced out of this fund, shall be paid into and become a part of said special fund and be used for the same purpose and in the same manner as the proceeds of said original fund.

This fund shall continue to be used for the purposes mentioned herein, until such time as the city's part of the cost of grading, curbing, paving, sewer improving the avenues, streets, roads or alleys of the city equals the original proceeds of the bond issues authorized for the purposes mentioned herein. The issuance and sale of bonds, authorized by this section, shall be governed by all of the restrictions of the constitution of this state and statutes of this state with respect to the issuance and sale of other bonds of said city. No issuance and sale of bonds, under this section, shall be made, unless at the same time provision is made for the collection of a direct annual tax, sufficient to pay the annual interest on the same and create a sinking fund to pay the principal within the time for which said bonds shall be issued. The direct annual tax provided for in this section, shall be set aside as a separate fund, to be known as an interest and sinking fund. All interest collected on special assessments authorized or referred to in this section shall be placed in and become a part of said special interest and sinking fund, until the principal and interest of said bonds are paid.

Whenever, in the opinion of the council, the special improvement fund created by this section, or any part thereof, is no longer needed the council may order direct that said special assessments, when collected, be applied to retiring such of the bonds provided for herein, as may be outstanding at that time.

Sec. 60. The City of Charleston is hereby authorized to issue and sell the bonds of the said city for the purpose of providing for grading, paving and otherwise improving the streets and alleys of said city or constructing sewers for the proper drainage of same in anticipation of special assessments to be made upon the property abutting upon the streets and alleys so improved, or property so sewer ed or drained, and such bonds may be in such an amount as shall be sufficient to pay the entire estimated cost and expense of said improvements, for which such special assessments are levied; provided, that the price for which said bonds are sold shall not be below par value thereof; said bonds may be payable in groups of one-fifth of the whole
issue payable in two, four, six, eight and ten years respectively, and all payable in not to exceed ten years from the date of issue thereof, and shall bear interest at a rate not exceeding six per centum per annum, payable annually; and in the issuance and sale of said bonds, the city shall be governed by all the restrictions and limitations of the constitution of this state and the restrictions and limitations of the statutes of this state with respect to the issuance and sale of other bonds, and the assessments as paid and provided for in this act shall be applied to the liquidation of said bonds and the interest thereon; and if by reason of the penalties collected with the delinquent assessments, there be any balance after the payment of said bonds and all accrued interest and costs, the said balance shall be turned into the city treasury to the credit of the interest and sinking fund of the city.

Provided, that said city shall not by the sale or issue of such bonds cause the aggregate of its debt of every kind whatsoever to exceed five per centum of the value of the taxable property therein; and, provided, further, that nothing herein contained shall be construed as authorizing said city to become indebted in any other manner or for any other purpose, to an amount including the existing indebtedness in the aggregate exceeding two and one-half per centum on the value of the taxable property therein (as provided in chapter fifty-one of the acts of one thousand nine hundred and five) except for the purpose of grading, paving, sewering and otherwise improving the streets and alleys of said city and as provided for in this act, and except for the purpose of buying or building bridges, electric light plants, water works, gas lines and fields and other public utilities; nor shall they make such issue and sale of bonds for grading, paving, sewering and improving the streets and alleys of said city without, at the same time, providing for the collection of a direct annual tax sufficient to pay annually the interest on such debt and principal thereof within a period not exceeding ten years.

All assessments, interest and penalties thereon, collected from the abutting property owners, on account of grading, paving, sewering or otherwise improving the streets and alleys of such city under the provisions of this act, shall annually be applied to the annual tax required to pay the interest on such debt and such principal within and not exceeding said period of ten
years and in the event that the assessments, interest and pen-
alties so called do not amount to a sum sufficient to pay annually
the interest on such debt, said city shall collect so much of said
levy as will pay annually the interest on such debt, and the
principal thereof within and not exceeding ten years.

Sec. 61. Whenever the council of said city shall deem it
expedient to cause any street or alley in said city or portion
thereof to be paved, curbed or macadamized, or otherwise im-
proved in a permanent manner, it shall order the work done in
the following manner and upon the following terms: The
contract for such paving or other improvements shall, after
due advertisement in which the council shall reserve the right
to reject any and all bids, be let to the lowest responsible bid-
ner. The contractor shall look only to the city for the pay-
ment of the work, and in no sense to the abutting land owners,
except as hereinafter provided. The total cost of grading and
paving or otherwise improving any such street or alley (with
the exception that where a street is occupied by the street
car tracks or other railways, such cost of opening or other-
wise improving the distance between the rails and two addi-
tional feet outside of each rail, shall be borne and paid en-
tirely by the street car or other railway company operating
such street or other railway, (unless otherwise provided by the
franchise of such street car or other railway company granted
previous to the passage of this act), shall be borne by the
owners of the land abutting upon said street, alley or portion
thereof, according to the following plan, that is to say: Pay-
ment is to be made by all land owners on either side of such
portion of a street or block so paved or improved in such
portion of the total cost, less the portion, if any, chargeable
to such street or other railway company, as the frontage in
feet of his land so abutting bears to the total frontage of all
lands so abutting on such street, alley or portion thereof so
paved or improved as aforesaid.

When the paving of any street, or alley, or portion thereof
shall have been let to contract and the work done as herein-
before provided, it shall be the duty of the engineer of said
city to cause the several frontages abutting thereon to be
measured, and to calculate the assessment upon each and every
land owner so abutting and to certify the same to the council,
showing the proper amount to be determined, as provided in the
foregoing plan. It shall be the duty of the council to examine and compare such assessment, amounts and names so certified to it, and thereupon give notice by publication once a week for two successive weeks in a newspaper of general circulation published in said city, that an assessment under this act is about to be laid against the abutting property for paving or improvements done on said streets, or alleys, describing the location of such paving or improvements, and any owner or owners thereof shall have the right to appear before said council, within two weeks from the first publication thereof, and move to correct an apportionment or assessment excessive or improperly made as charged, which correction said council shall have the power to make according to the intent of this act, and if found to be correct or when corrected by the council aforesaid, it shall enter the same, together with a description of the lots of land as to location, frontage, depth and ownership, so far as the same may be ascertained, upon its records and to enter in its records that such owners and lots be assessed and chargeable with the amount so ascertained to be borne by them respectively; and when so approved, certified and entered on record, the same shall be and constitute an assessment against said owners and lots for such respective amounts. And it shall be the duty of the council to immediately certify such assessment to the treasurer for collection as herein provided, and a copy of said order shall be certified by the city clerk to the clerk of the county court of Kanawha county, who shall record and index the same in the proper trust deed book in the name of each person against whose property assessments appear therein. The amount so assessed against said abutting land owners shall be paid in ten payments, as follows: That is to say, one-tenth of said amount, together with interest on the whole assessment, shall be paid into the city treasury, before the first day of May next after said work is completed and said assessments have been certified to the county clerk. And a like one-tenth, together with interest for one year upon the whole amount remaining unpaid on or before the first day of May in each succeeding year thereafter until all has been paid, and each of said installments of one-tenth beginning with the first, shall bear interest on the amount of said installments at six per centum per annum from the date of record of same in the county clerk's office.
82 until paid; *provided, however,* that any abutting owner so
83 liable for any portion of the cost of such paving shall have
84 the right at any time after the same is certified as aforesaid
85 to the treasurer for collection to anticipate the payment of any
86 or all of said assessments and shall be allowed to pay the face
87 of said assessments with interest at six *per cent per annum*
88 only from the time of recordation to the time of payment.
89 To each of such installments of assessments remaining unpaid
90 in the treasurer’s hands on the day herein specified for the
91 payment thereof, a penalty of ten *per centum* on the prin-
92 cipal sum shall be added and any assessment so remaining
93 unpaid in the treasurer’s hands on such date, shall be taken up
94 on such settlements had with the treasurer on such dates, and
95 thereupon place such assessments with the penalty added
96 thereto, in the hands of the city collector to be treated and
97 considered, and payment thereof enforced in all respects as
98 hereinbefore provided for the collection of taxes due the city,
99 and they shall be a lien upon the property liable therefor the
100 same as for taxes, which lien may be enforced in the same
101 manner as provided for taxes. The lien hereinbefore provided
102 for shall have priority over all other liens except those for
103 taxes due the state and shall be on a parity with taxes and
104 assessments due the city, and shall be effective as of the date
105 that the assessment is laid by the council. Whenever all such
106 assessments, for paving, sewerage, macadamizing or other im-
107 provements shall be paid in full to the treasurer, he shall de-
108 liver to the party paying the same a release of the lien therefor
109 which may be recorded in the office of the clerk of the county
110 court of Kanawha county as other releases of liens, and when-
111 ever any such assessments shall not be in the hands of the
112 treasurer for collection, but the same shall be shown to the
113 satisfaction of the city auditor or other official performing
114 the duties of auditor, to have been paid in full or any officer
115 entitled to receive the same, such auditor or the mayor may
116 in like manner execute such release.

Sec. 62. Whenever the council shall order the construction
2 of any public sewer in said city, the owners of the property
3 abutting upon any street in which such sewer shall be con-
4 structed, shall be charged with and liable for sewerage assess-
5 ments as follows: When said sewer is completed the engineer
6 of said city shall report to the council in writing the total cost
7 of such sewer, and a description of the lots and lands as to the
8 location, frontage, depth and ownership liable for such sewer
9 assessment, so far as the same may be ascertained, together with
10 the amount chargeable against each lot and owner, calculated
11 in the following manner: The total cost of constructing and
12 laying the sewer shall be borne by the owners of the land abut-
13 ting upon the streets, alleys, rights of way or easements or
14 portions thereof, in which the sewer is laid, according to the
15 following plan: Payment is to be made by each land owner on
16 either side of such portion of a street, alley, right of way or
17 easement in which such sewer is laid, in such proportion as such
18 frontage of his land upon said street, alley, right of way or
19 easement bears to the total frontage of all lands so abutting
20 on such street, alley, right of way or easement; provided, that
21 the charge laid against any owner or property shall not exceed
22 three dollars per linear foot of frontage on each side of the
23 portion of such street, alley, right of way or easement in which
24 any such sewer is laid. In case of a corner lot, frontage is to
25 be measured along the longest dimension thereof abutting on
26 such street, alley, right of way or easement in which such sewer
27 is laid. Any lot having a depth of two hundred feet or more
28 and fronting on two streets, alleys, rights of way or easements,
29 one in the front and one in the rear of said lot shall be assessed
30 on both of said streets, alleys, rights of way or easements, if a
31 sewer is constructed in both such streets, alleys, rights of way
32 or easements. Where a corner lot has been assessed on the end
33 it shall not be assessed on the side, and where it has been as-
34 sessed on the side, it shall not be assessed on the end. There-
35 upon said council shall give like notice by publication as is re-
36 quired in case of street paving assessments, and the same rights
37 shall exist as to the persons and property affected and the same
38 duty as to corrections by said council as are prescribed with
39 reference to paving, which report shall in like manner be ex-
40 amined by the council, and if found to be correct, or corrected
41 as aforesaid, and such estimated assessments to be a fair and
42 equitable apportionment of the cost of such sewer upon the
43 basis hereinbefore described, it shall enter an order upon its
44 records, setting forth such location, depth, ownership and said
45 amount of such sewer assessments, against each, respectively,
46 calculated as aforesaid, and the entry of such order shall con-
47 stitute and be an assessment for such proportion and amount
so fixed therein against such respective owners and lots, and if
after such advertisements, notice and hearing, said council shall
find that such apportionment at such rate is unjust or inequit-
able, and contrary to the intent of this act, it shall ascertain,
fix and assess the cost thereof among and upon the abutting
owners respectively, justly and equitably and according to the
intent hereof, and in like manner, assess and enter the amount
so fixed respectively upon its records, and the council shall, in
either event, thereupon certify the same to the treasurer for col-
lection, and certify a copy of such order to the clerk of the
county court of Kanawha county, who shall record the same in
the proper trust deed book, and index the same in the name of
each owner of any such lot so charged with such assessment, and
such assessment so made shall constitute and be a lien upon
said lots respectively, which shall have priority over all other
liens, except those for taxes due the state, and shall be on a
parity with other taxes and assessments due the city. Said
amounts so assessed against the said several land owners shall
be paid by the parties liable therefor to the said treasurer at
all times, in the manner and with the attendant penalties for
failure to pay promptly at the time prescribed in all respects as
hereinbefore provided in the case of assessments for paving
streets and alleys in a permanent manner, and the parties liable
therefor shall, in the same manner, and to the same extent, have
the right and be entitled to anticipate any or all of such install-
ments thereon as in such case provided. The owners of, or the
tenants, occupants or agents in control of any lot abutting on or
near or adjacent to any street, avenue, alley, right of way or
 easement in said city, in which a public sewer is or may here-
after be laid and constructed, upon which lot any business or
residence building is or may hereafter be erected, or upon which
any water stands not connected with a public sewer, may be re-
quired and compelled to connect any such building or lot with
such sewer. Notice to so connect may be given to the owner,
lessee, or occupant of such building. Each day’s failure to com-
ply with such notice and connect with such sewer by such owner
or owners, ten days after such notice is given, shall be a mis-
demeanor and a separate and new offense under this section, and
every such offense shall be punishable by fine of not less than
five nor more than twenty-five dollars. The expense incurred by
any tenant, occupant, or agent in complying with the order of
89 said council to make such sewer connection may be deducted
90 out of the accruing rents as provided for in section forty-seven
91 relating to the abatement of nuisances. Jurisdiction to hear,
92 try, determine and sentence for violation of this section is vested
93 in the municipal court of such city.
94 In the paving, curbing, macadamizing or otherwise improving
95 streets and alleys and providing for the assessment of the cost
96 thereof under section sixty-one or section eighty-eight of the
97 charter of the City of Charleston there may be included in any
98 such assessment the cost of constructing the necessary drains
99 for the disposal of surface water.

Sec. 62 (a). The council is authorized and empowered to
2 order and cause to be constructed, in said city, or part within
3 and part outside of the limits of said city, public, common, lat-
4 eral, branch, trunk and combined sewers or public sewer sys-
5 tems, or both, by contract or direct by the city, for the benefit
6 of said city or any part thereof, and to purchase lands or ease-
7 ments therein or to condemn lands or easements therein in the
8 manner provided by law, for such sewers or sewer systems, and
9 when the council shall order and complete the construction of
10 any such sewer or sewer system or any part thereof in said
11 city, the owners of the property abutting on such sewer or
12 abutting upon an avenue, street, alley, right of way or ease-
13 ment in which such sewer shall be constructed, or abutting on
14 any avenue, street, alley, right of way, easement in which
15 any common sewer, part of a sewer system, is constructed and
16 laid, may be charged with all or any part of the cost thereof,
17 including the cost of such sewer or sewer system at and across
18 intersections at avenues, streets, roads and alleys adjacent
19 thereto. If said work is let to contract, the provisions of the
20 charter of the City of Charleston relating to street paving con-
21 tracts shall apply.
22 A sewer system shall be deemed to include all the common
23 sewers, whether they be lateral, branch, trunk or combined
24 sewers, which serve to drain a definite drainage area as speci-
25 fied in the order of the council directing the work to be done.
26 A common sewer shall be deemed to be a sewer in which all
27 abutters have equal rights of entrance and use.
28 A lateral sewer shall be deemed to be a sewer which does
29 not receive the sewage from any other common sewer.
30 A branch sewer shall be deemed to be a sewer into which
the sewage from two or more lateral sewers is discharged, in-
cluding storm and surface water sewers.
A trunk sewer shall be deemed to be a sewer into which the
sewage from two or more branch sewers is discharged.
A combined sewer shall be deemed to be a sewer intended to
receive domestic sewage and industrial wastes.
When said sewer or sewer system is completed the engineer
of said city shall report to the council in writing the total cost
of such sewer or sewer system, and a description of the lots
and lands as to the location, frontage, depth and ownership
liable for such sewer assessment, so far as the same may be
ascertained, together with the amount chargeable against each
lot and owner, calculated in the following manner: the total
cost of constructing and laying the sewer or sewer system, in-
cluding the portions thereof laid in the intersections of streets
and alleys, shall be borne by the owners of the land abutting
upon the streets, avenues, alleys, rights of way or easements or
portions thereof in which the sewer or some part of the sewer
system, is constructed and laid; payment is to be made by each
land owner on either side of such portion of a street, alley,
right of way or easement in which a common sewer is laid, in
the proportion that the frontage of his land upon such portion
of said street, alley, right of way or easement in which such
sewer or sewer system is laid bears to the total frontage of all
lands so abutting on such street, alley, right of way or eas-
ment; in which the sewer or some part of the sewer system is
laid; provided, that the charge laid against any owner of
property shall not exceed three dollars per linear foot of front-
age on each side of such street, alley, right of way or easement
in which any such sewer or part of a sewer system is laid.
In case of a corner lot, frontage is to be measured along the
longest dimension thereof abutting on such street, alley, right
of way or easement in which such sewer is laid, but if sewered
on both sides then such a corner lot is to be charged only with
the side first sewered. Any lot having a depth of two hundred
feet or more and fronting on two streets, alleys, rights of way
or easements, one in the front and one in the rear of said lot
shall be assessed on both of said streets, alleys, rights of way
or easements, if a sewer is constructed on both such streets,
allevys, rights of way, or easements. Where a corner lot has
been assessed on either or both ends, it shall not be assessed
on the side, and where it has been assessed on the side, it shall not be assessed on the end.

In the case of corner lots where the cost of sewering along one dimension is not assessed against the owner thereof, and in case of lots less than two hundred feet deep abutting at both ends on a street, alley, right of way or easement in which a sewer is laid, the cost of sewering along the dimension or end not assessed against the property owner shall in every case be borne by the City of Charleston.

Thereupon said council shall give like notice by publication as is required in case of street paving assessments, and the same rights shall exist as to the persons and property affected and the same duty as to corrections by said council as are prescribed with reference to paving. The report of the city engineer shall in like manner be examined by the council, and if found to be correct or corrected as aforesaid, and such estimated assessments to be a fair and equitable apportionment of the cost of such sewer or sewer system upon the basis hereinbefore described, it shall enter an order upon its records, setting forth such location, depth, ownership and said amount of such sewer assessments, against each respectively, calculated as aforesaid, and the entry of such order shall constitute and be an assessment for such proportion and amount so fixed therein against such respective owners and lots; and, if after such advertisement, notice and hearing, said council shall find that such apportionment at such rate is unjust or inequitable, and contrary to the intent of this act, it shall ascertain, fix and assess the cost thereof among and upon the abutting owners respectively, justly and equitably and according to the intent hereof, and in like manner assess and enter the amount so fixed respectively upon its records; and, the council shall, in either event, thereupon certify the same to the treasurer for collection and certify a copy of such order to the clerk of the county court of Kanawha county, who shall record the same in the proper trust deed book, and index the same in the name of each owner of any such lot so charged with such assessment, and such assessment so made shall constitute and be a lien upon said lots respectively, which shall have priority over all other liens, except those for taxes due the state, and shall be on a parity with other taxes and assessments due the city. Said amounts so assessed against the said several land owners shall
113 be paid by the parties liable therefor to the said treasurer at all
114 times, in the manner and with the attendant penalties for fail-
115 ure to pay promptly at the time prescribed in all respects as
116 hereinbefore provided in the case of assessments for paving
117 streets and alleys in a permanent manner, and the parties
118 liable therefor shall, in the same manner, and to the same
119 extent, have the right and be entitled to anticipate any or all
120 of such installments thereon as in such case provided. The
121 owners of, or the tenants, occupants or agents in control of
122 any lot abutting on or near or adjacent to any street, avenue,
123 alley, right of way or easement in said city, in which a public
124 sewer is or may hereafter be laid and constructed, upon which
125 lot any business or resident building is or may hereafter be
126 erected, or upon which any water stands not connected with
127 any public sewer, may be required and compelled to connect
128 any such building or lot with such sewer. Notice to so con-
129 nect may be given to the owner, lessee, or occupant of such
130 building. Each day's failure to comply with such notice and
131 connect with such sewer by such owner or owners, ten days
132 after such notice is given, shall be a misdemeanor and a sepa-
133 rate and new offense under this section, and every such offense
134 shall be punishable by fine of not less than five nor more than
135 twenty-five dollars. The expense incurred by any tenant, occu-
136 pant, or agent in complying with the order of said council to
137 make such sewer connection may be deducted out of the accru-
138 ing rents as provided for in section forty-seven relating to the
139 abatement of nuisance.

Sec. 63. Whenever it is deemed expedient by the council of
2 said city to provide for the grading, paving, sewering, macad-
3 amizing or otherwise improving any street or alley therein to
4 be paid for in whole or in part by special assessment, said
5 council shall declare by resolution, by aye and no vote, the
6 necessity of such improvement. At the time of the passage of
7 said resolution the said council shall have on file in the office of
8 the city engineer, plans, specifications, estimates and profiles of
9 the proposed improvements, showing the proposed grade of the
10 street and improvement, after completion, with reference to the
11 property abutting thereon, which plans, specifications, estimate
12 and profiles shall be open for the inspection of all persons in-
13 terested. Said resolution shall determine the general nature
14 of the improvement, what shall be the grade of the street, alley
or other public place to be improved, as well as the grade or
elevation of the curb, and said council shall approve the plans,
specifications, estimates and profiles for the proposed improve-
ment. The council shall also determine in said resolution the
method of paying for the work contemplated in said plans and
specifications whether by an appropriation from funds in the
treasury unappropriated, or whether or not bonds shall be issued
in anticipation of the collection of special assessments, to be
made against the abutting property owners as provided for in
section sixty-one of this act. Said resolution shall further show
the approximate estimated cost of said proposed improvement
per front foot of the property abutting thereon, and shall fix a
date, at some regular or special meeting of the council, on
which the owners of property to be assessed for such improve-
ment may appear before council and protest against the same
or be otherwise heard in reference thereto. Assessments shall
be payable in ten installments as provided for in said sixty-
first section. The resolution herein provided for, declaring the
necessity for said improvement, shall be published at least once
a week for two successive weeks after its adoption, in a news-
paper of general circulation published in the city, and
an affidavit of the publisher showing publication for such time,
together with a copy of said notice attached, shall be filed with
the city clerk of the said city and spread upon the record of the
minutes of the next meeting of the council. Said resolution
shall be in effect from and after the first publication thereof as
herein provided for.

Sec. 64. A notice of the passage of the resolution required
in the last preceding section, embodying a copy of said resolu-
tion, shall be served upon the owner of each piece of property
to be assessed, said service to be made in the manner provided
by this act for serving notices herein required or in other lawful
manner; provided, that if any of the owners or persons be not
residents of the City of Charleston, or if it appears by the
return in any case, that the owner can not be found, then a
notice of the passage of said resolution shall be published in
some newspaper of general circulation in said city once a week
for two successive weeks, which notice shall be deemed completed
on the day of the second publication thereof, and such notice
whether by service or publication, shall be completed at least
three days before the date fixed for hearing thereon, as afore-
said, and before the introduction of any ordinance providing
for said improvement, as hereinafter provided for; and the re-
turn of the officer, or sworn return of any other person, serving
such notice or a certified copy of said return, or when pub-
lished, the certificate of the publisher of said newspaper, shall:
be prima facie evidence of the service of the notice as herein
required. Notice upon infants may be served on their guar-
dian, and upon insane persons by service upon their committee.
It shall be the duty of the city manager to cause such notice
to be served upon said property owners as aforesaid.

Sec. 65. The city executive committees of the two political
parties casting the highest vote at the last preceding general
election, shall each consist of one person from each of the wards
of the city to be selected in the same manner and at the same
time that candidates for municipal offices are selected. Va-
cancies in a committee shall be filled and members to represent
newly created wards shall be elected by the committee to serve
until the next general city election.

Sec. 66. It shall be lawful for said City of Charleston to
issue and sell its bonds as provided in this act for the sale of
other bonds, to pay the city's part of the cost of said improve-
ments as required by this act, and it may levy taxes in addition
to all other taxes authorized by law, to pay such bonds and
interest thereon, provided that the total indebtedness of the city
for all purposes shall not exceed five per centum of the total
value of all taxable property therein.

Sec. 67. After the expiration of not less than ten days from
the time of the giving and publication of the notices as provided
for in section sixty-four, the council shall sit at the time and
place fixed for the purpose of hearing all property owners to be
affected, with reference to such proposed improvements, and
shall hear and consider any protests or objections thereto; and
the council shall thereupon, or as soon as may be, determine
whether it will proceed with the proposed improvement or not,
and if it decides to proceed therewith, an ordinance for the
purpose shall be passed. Said ordinance shall set forth the
streets and alleys upon which the abutting property is to be
assessed for the improvement, and shall contain a statement of
the general nature of the improvement, and the character of
the materials which may be bid upon therefor, of the mode of
payments therefor; a reference to the resolution therefor passed
210  CHARLESTON CHARTER  [Ch. 4

for said improvement, giving the date of its passage and a statement of the intention of the council to proceed therewith in accordance with said resolution and in accordance with the plans, specifications, estimates and profiles provided for said improvement. In setting forth the lots and lands abutting upon the improvement it shall be sufficient to describe them as the lots and lands abutting upon the improvement it shall be sufficient to describe them as the lots and lands bounding and abutting upon said improvements between and including the termini of said improvements, or by the description by which they are described on the land books of the county of Kanawha, and this rule of description shall apply in all proceedings in which lots or lands are to be charged with a special assessment.

Sec. 68. In any case in which special assessments have been made, or shall hereafter be made, upon property for the construction of any improvement authorized by this act or previous statutes and several kinds of materials have been named in the ordinance or ordinances providing for the same, and on which bids have been received for the construction of said improvements with any, either or all of said material, said assessments shall be valid and binding assessment on the property so assessed. In the case of the construction of sewers required under the provisions of this act, notice of the passage of said resolution therefor, as provided for in section sixty-four of this act, shall be given in the manner provided for in said section of this act.

Sec. 69. No pavement, sewer or sewer system, or other public improvement the cost of all or a part of which is to be especially assessed against abutting property, or against the owners thereof, shall be made without the concurrence of two-thirds of all the members elected to council, unless the owners of a majority of the foot frontage of property to be so assessed, petition in writing therefor, in which event the said council shall have power upon the affirmative vote of a majority of all the members elected thereto to proceed with such improvement in the manner provided by law.

Sec. 70. When the whole or any portion of the improvement authorized by this act passes through or by a public wharf, market space, park, cemetery, structure for the fire department, water works, school building, infirmary, market house, work house, hospital, house of refuge, bridge, gas works, public pris-
ons, court house, church or any other public structure or public
grounds within said corporation, and belonging to said corpora-
tion, or to the county, state, or any church, association, eleemosy-
nary institution, the council may authorize the proper propor-
tion of the estimated cost and expense of the improvement to be
certified to the clerk of the county court of Kanawha, and it
shall be the duty of those persons having charge of the fiscal
affairs of any such property or institution to make proper
arrangements for the payment of such assessments when due
and payable.

Sec. 71. The cost of any improvement contemplated in this
act and for which assessments may be made, shall include the
cost and expense of the preliminary and other surveys, and of
printing and publishing all notices required to be published.
and serving the notices upon the property owners and the cost
of constructing and inspection.

Sec. 72. No person shall bring any action whatever in any
court in this state for damages arising out of improvements or
change of grade unless he shall have filed with the council at
some time after the publication of the notice provided for in
section sixty-four, and before the time of the introduction of
the ordinance providing for said improvement a statement of
the damage which, in his opinion, he will sustain by reason of
said improvement or the change of grade therefor, which state-
ment shall be duly sworn to and be spread upon the minutes of
said council.

Sec. 73. Proceedings with respect to improvements shall be
liberally construed by the courts to secure a speedy completion
of the work at reasonable cost, and a speedy collection of the
assessments after the time has elapsed for their payments and
merely formal objection in such cases shall be disregarded.

Sec. 74. It is especially provided that no bonds shall be
issued under the provisions of this act unless and until the
question of issuing said bonds shall have first been submitted
to a vote of the people of the city and shall have received three-
fifths of all votes cast at said election for or against the same.
The council may provide by ordinance for an election every
year, at which the question shall be submitted to the people,
as to whether the city shall be authorized to issue bonds for
the purpose and under the provisions of this act, to an amount
not to exceed in the ensuing year the amount recommended by
said ordinance for said ensuing year; but the ordinance providing for said election need not specify in detail the location of the improvements contemplated to be paid for during the ensuing year out of said aggregate issue authorized for said year, but before issuing any bonds the council shall pass separate ordinances for such street or alley to be improved, dealing with all the requirements set forth in section sixty-seven of this act, and notwithstanding the provisions of section two, three and six of chapter forty-seven of the code, it shall be sufficient description for the purpose for which said election is held if the ordinance providing for said election shall recite that it authorized the council of said city to issue bonds for the purpose of grading, paving, sewering or otherwise improving the streets and alleys of said city, at such time as to the council shall seem fit during the ensuing year ending on the ............. day of ........................................, 19 ....... , to an amount not exceeding in the aggregate during the said year the sum of ........................................ ; and when the council shall have been once authorized by a vote of the people to issue bonds for the purpose and in a sum not to exceed the amount set forth in the ordinance providing for the said election, no further election shall be necessary for the issuing of bonds during said ensuing year up to the amount stipulated in said ordinance providing for said election, but the council shall from time to time during said ensuing year, by ordinance authorize the issue of said bonds, in such sums and for the improvement of such streets or alleys as to it may seem best, providing the requirements of this act are complied with. The aggregate amount of bonds authorized by said annual election shall not be exceeded during said ensuing year, unless and except the same be authorized by special election held at a subsequent time in said year and duly called as provided for the calling of the annual bond election.

The provisions of chapter forty-seven of the code concerning bond elections shall, so far as they are not in conflict with the provisions of this act, apply to the annual bond elections and special bond elections herein provided for.

Sec. 75. The council may provide for the building of trunk and branch line sewers within the city, and for that purpose may, if necessary, lay a levy of not to exceed two and one-half cents for the year one thousand nine hundred and twenty-nine
and not to exceed two and one-half cents for the year one thousand nine hundred and thirty, in addition to all other levies for each year authorized by law.

The council may further provide for the payment of the cost of construction, purchase or acquisition in any manner deemed advisable by it of a ramp at the Chesapeake and Ohio Railway company passenger station on the south side of the Kanawha river, and for that purpose may, if necessary, lay a levy of not to exceed two and one-half cents for the year one thousand nine hundred and twenty-nine and not to exceed two and one-half cents for the year one thousand nine hundred and thirty. Said levy shall be in addition to all other levies for each year authorized by law.

The council may also provide for the maintenance and care of a municipal cemetery within the city, and for that purpose may, if necessary, lay a levy of not to exceed one cent for the year one thousand nine hundred and twenty-nine and not to exceed one cent for the year one thousand nine hundred and thirty, in addition to all other levies for each year authorized by law.

The levy for said sewers shall be called a "special sewer levy," and the levy for said ramp shall be called a "special ramp levy," and the levy for said cemetery shall be called a "special cemetery levy," and the funds derived from each shall be used for the purposes herein specified respectively and no other, and a separate account shall be kept of all receipts and disbursements of said funds, and in case the council provides for such sewers, ramp, cemetery maintenance, or either of them, it is authorized to let the contracts according to law.

Sec. 76. The council shall have the authority to erect, buy, sell and lease all buildings necessary for the use of the city government and to provide for and regulate the same, and to establish and maintain public hospitals, libraries and reading rooms, and to purchase books, papers and manuscripts therefor, and to receive donations, gifts or bequests for same in trust or otherwise.

Sec. 77. For the purpose of making examinations of persons applying for offices or positions in the fire department, and prescribing rules for their conduct, the council may appoint three discreet persons, who need not be members of council, who
shall act and be known as a civil service board, and the city clerk shall be ex-officio clerk of said board.

The civil service board shall adopt rules for its own government and cause the minutes of its meetings to be recorded in a book especially provided for that purpose, which shall be kept by the city clerk at his office, and open to public inspection.

The civil service board, at least every six months in each year and oftener if it deem it necessary, after ten days notice published in two daily newspapers of opposite politics, giving the time and place of meeting, shall hold examinations for the purpose of determining the fitness and qualifications of applicants for offices and positions in the fire department, which examinations shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the position to which they seek appointment and such examinations shall be made with the aim to secure and maintain an honest and efficient fire department. Said board shall at once, after each of said examinations, place on record in the journal of the civil service board the results of said examination, giving the name of applicants and the position sought by them and their respective percentages. In making such examination the seize, weight, intelligence, health, physical appearance, habits and moral standing and surroundings shall be taken into consideration.

All persons examined by said service board receiving a general average of seventy per cent, shall be placed upon an eligible list; and hereafter all appointments, whether original or to fill vacancies therein from time to time, shall be filled by the appointment of the applicant who has the highest standing on the eligible list; provided, if at the time any appointment is to be made from the eligible list, the civil service board, in its discretion, may make another examination of such person before his appointment and may for good cause on such examination change the grade of such applicant.

Sec. 78. The members of the fire department under and by virtue of the ordinances and regulations adopted in pursuance of the provisions of the charter of the City of Charleston as it was on January first, one thousand nine hundred and twenty-five, now in office in the City of Charleston shall remain in office during good behavior and shall not be removed from their said offices or positions except for misconduct, or failure, inability or incapacity to perform their duties or for the good of
9 of the service, or when it shall be necessary to reduce the num-
10 ber in the department; provided, that the mayor may remove
11 any member of the fire department if he shall be of opinion
12 that it will be for the good of the service to remove such person
13 from his position. Any member of said department so removed,
14 may within ten days thereafter, appeal to council from the
15 action of the mayor. Such appeal shall be taken only by such
16 removed member filing with the city clerk his verified petition
17 setting forth good cause for reinstatement, and alleging reasons
18 why such removal order was unjust. The removed member so
19 appealing shall carry the burden of proof of such appeal, and
20 shall not be reinstated except upon the affirmative vote of a
21 majority of all members elected to council reversing such order
22 of removal as unjustified.

Sec. 79. After hearing the charges against any such member
2 of the fire department the council may, by a majority vote of
3 its members sustain the same, and by like vote may reprimand,
4 fine or suspend, dismiss or reinstate said accused person. If
5 such member be found guilty on the charges preferred, and
6 by reason thereof dismissed, or suspended, he shall draw no
7 salary during the period of his suspension.

Sec. 80. No member of the fire department or police de-
2 partment shall actively engage in any primary election, con-
3 vention or election in which any officer in the city, county or
3 state is to be nominated or elected, nor shall such member, di-
4 rectly or indirectly, give or offer to give, contribute or offer to
5 contribute any money or thing of value or profit to any political
6 committee or party organization to be expended in behalf of
7 any political party, nor to any candidate or candidates for
8 nomination for or election to any office in the city, county or
9 state. The violation of any of the provisions of this section
10 by any member of the fire department or police department
11 shall be deemed misconduct in office. Any member of the fire
12 department or police department guilty of misconduct, shall be
13 dismissed from the service of the city by the head of his de-
14 partment or by council, upon charges preferred and proven by
15 any citizen of said city.

Sec. 81. When any notice is required to be given, or any
2 summons, warrant or other process is required to be served or
3 otherwise executed, under the provisions of this act, it shall be
4 sufficient if such notice, summons, warrant, or other process be
executed by an officer of the police department or other employee of said city in the same way or manner in which the laws of the state prescribe for executing summonses and subpoenas by state officers, unless otherwise provided by this act.

Sec. 82. Whenever one or more members of the council shall be a candidate for re-election, it shall be the duty of the council to meet and appoint some person or persons, qualified to act in hearing contested election matters and cases. The place and stead of such disqualified member or members shall be filled in each case by a member or members of the same political party as the person or persons respectively, in whose place or places he or they are so appointed. Every person so appointed shall take an oath of office to faithfully and impartially perform the duties of said office. In all matters concerning such contests, such person or persons so appointed shall act in the place and stead of such member or members, so being candidates, and it shall be unlawful for any member of the council to act as such in hearing any contest in relation thereto, when such member is a candidate at such election; and any one violating this section shall be deemed ineligible to the office for which he is a candidate.

Sec. 83. The city clerk, acting under the state laws in so far as they are not in conflict with this act, shall perform such duties relating to all municipal elections held under the municipal authorities of said city as the clerks of the county and circuit courts of Kanawha county perform, under state laws in relation to state, county and district elections in said county; and he shall likewise be the custodian of all ballots, tally sheets, etc., pertaining to all municipal elections.

Sec. 84. All valid ordinances and regulations passed and adopted by the council, or by the board of affairs and council on or before the first day of May, one thousand nine hundred and fifteen, and not inconsistent with this act, shall be and remain in force unless and until repealed, and the council now in office shall continue to exercise its powers as such until the officers elected in one thousand nine hundred and thirty-one shall have been qualified.

Sec. 85. The mayor shall appoint such number of policemen as are or may be hereafter prescribed by the city council by ordinance, and the mayor shall have at his discretion, the absolute right and power to dismiss any policeman and appoint
another in his stead. The policemen shall be under command of the mayor and the chief of police, to be appointed as in this act provided for, and shall perform any and all duties incident to the office of policeman under the instructions and command of the mayor and the chief of police, and, in addition to the usual and customary duties prescribed by the laws of this state and under the provisions of this charter required of them, it shall specially be the duty of each police officer to report to the chief of police, or some one designated by said chief of police to receive such report, daily and oftener if occasion demands, the condition of all streets, sidewalks, alleys, basements, backyards, buildings, unimproved lots and all other things and matters within the limits of said city that may come under the notice of such policemen which may relate to the health of the citizens thereof, the sanitary conditions, the necessity of the removal of any obstructions upon any of the streets, alleys or sidewalks, and it shall be the duty of the policemen under their instructions to perform all the duties and exercise all the powers ordinarily imposed upon or given to the officers now known as health officers. It shall also be the duty of each police officer to perform all the duties of humane officer and to exercise all the functions, power and authority relating thereto which are or may be prescribed by any law of this state or ordinance of the city. A police officer in making arrests shall have all of the power and authority of a constable under the laws of the state of West Virginia.

Sec. 86. Each member of the city council shall be paid during his term of office the sum of two dollars and fifty cents for each meeting of the council that he shall attend, provided, that the aggregate amount to be paid to each member of the council shall not exceed the sum of one hundred dollars per annum. The roll of the members of the council shall be called at the beginning and at the end of each meeting thereof, and those members only who answer in person at each roll call shall be entitled to receive their pay for such meeting. The names of those members present at each roll call shall be entered upon the record. If there should not be a quorum present at the first roll call and the meeting be adjourned for that reason, then it shall not be a meeting that will entitle those present to the payment of the sum of two dollars and fifty cents as provided in this section. It shall be the duty of all councilmen to attend
all of its meetings, and if any councilman shall be absent from
the meetings of council as shown by its records for three con-
secutive meetings, then his office shall *ipso facto* become vacant,
unless the council shall authorize or excuse such absence. If
the office of any councilman shall become vacant under the
provisions of this section, then the council shall proceed to fill
the same as it is authorized to do in the case of vacancies.

Sec. 87. It shall be the duty of the manager, not later than
the tenth day of any month after his appointment, to make a
detailed report to the council for the preceding month. Such
report shall show under distinct heads, first, the names and
salaries of all employees under the control and supervision of
manager; second, all expenditures or disbursements in the
several departments under the supervision of the manager;
third, an itemized statement of all purchases, together with the
cost thereof, for each and every such department; fourth, all
such other matters and things as the council may by proper
ordinance or resolution require of said manager. Such report
shall be entered of record in the minutes of the council and be
a public record, open to the inspection of all persons. All
officers or employees in any of the departments under the super-
vision of the manager shall, whenever required by said manager,
make full and complete reports of all things done by them as
such officers or employees in connection with the business of
the city.

Sec. 88. In addition to the method provided for paving
streets, by section sixty-one of the charter of the City of Charles-
ton, the council may order any street, avenue, public alley, or
portion thereof, to be graded and paved, re-paved, or otherwise
permanently improved, and the council may order the mayor
and city clerk to issue a certificate for each installment of the
amount of the assessment to be paid by the owner of any lot or
fractional part thereof fronting on such street, avenue, or alley.
The amount specified in said assessment certificate shall be a
lien as aforesaid in the hands of the holder thereof upon the lot
or part of a lot fronting on such street, avenue, or alley, and
such certificate shall draw interest from the date of said assess-
ment and the payment may be enforced in the name of the
holder of said certificate by proper suit in equity in any court
having proper jurisdiction to enforce such lien; the council shall
fix the amount of such assessment, advertise for bids and do all
17 other things in connection therewith as is provided for paving or
18 permanently improving any street or alley or any portion
19 thereof in section sixty-one, except that such assessment laid
20 under this section shall include the whole cost of such improve-
21 ment, including the cost of grading and paving squares at inter-
22 sections of streets and curbing, the costs of which intersections
23 shall be apportioned against the several properties fronting upon
24 the street or portion thereof so improved; and such certificates
25 shall be issued in the same number of installments and payable
26 at the same time as other paving or permanent improvements
27 are provided to be paid for, and shall be a lien in the hands of
28 the holder thereof upon the particular lot against which they
29 are assessed in the same way and manner that assessments are
30 liens under section sixty-one of said charter. And nothing con-
31 tained in this act, or in the charter of the City of Charleston,
32 shall be construed as imposing a time limit upon the enforce-
33 ment by appropriate suit of any lien for public improvements,
34 heretofore or hereafter created.
35 Certificates authorized by this section may be issued, sold or
36 negotiated to the contractor doing the work, or to any other
37 person if the council deem it expedient; provided, the city in
38 issuing such certificates shall not be held as guarantor or in any
39 way liable for payment thereof.
40 Certificates so issued shall contain a provision to the effect
41 that in the event of default in the payment of any one of said
42 certificates, when due, and said default continuing for a period
43 of sixty days, then all unpaid certificates shall become due and
44 payable and the holder of said certificates may proceed to col-
45 lect all of such unpaid certificates in the manner hereinbefore
46 provided. Certificates issued in pursuance of this section shall
47 be negotiable at any bank in the City of Charleston.
48 The owner of the land or lot of land assessed under this sec-
49 tion may at any time anticipate and pay such assessment or cer-
50 tificate with accrued interest thereon.
51 Provided, that no street, avenue or alley shall be paved or
52 otherwise permanently improved pursuant to this section except
53 and unless two-thirds of all the members elected to the council
54 shall concur in the passage of the ordinance providing there-
55 for, and the vote thereon shall be taken by ayes and noes, and
56 duly entered upon the record.
Sec. 88 (a). In the case of the construction of any pavement, sewer, sidewalk or other permanent improvement under the provisions of this charter where an assessment has heretofore been laid, or may hereafter be laid for the cost thereof, which said assessment is or shall be void or voidable by reason of errors, irregularities or defects in the proceedings under which such improvement was made, or in case such assessment shall have been made against the wrong person or shall have been omitted to be made in a case where the same was proper, it shall be the duty of the council within two years after the completion of such permanent improvement, or after any court shall have declared such assessment invalid, to cause notice to be given to any person against whom the cost of said improvement might properly be or have been assessed under said charter, of its intention to lay such assessment against him and fixing a time and place at which he may appear and show cause against the same. Said notice shall be served as provided in the said charter for the giving of notices in assessment proceedings, or in any other manner provided by law, including by publication where the person is a non-resident of the city or can not be found. At the time and place fixed for hearing under the notice aforesaid, or at any time thereafter, the council shall proceed to lay and levy an assessment for the cost of such permanent improvement in such manner as would have been lawful under proper proceedings at the time said improvement was made, unless the person so notified shall show good cause against the same, and no further notice of such assessment shall be necessary. The assessment so laid shall be a lien upon the property liable therefor and may be recorded and enforced in the same manner as provided for other liens for permanent improvements. This section shall apply to assessments made and certificates issued under section eighty-eight of this charter, as well as to other assessments and liens for public improvements.

Sec. 88 (b). In addition to the method for the payment of the cost of construction of sewers and sewer systems provided by section sixty-two and sixty-two-a of the charter of the City of Charleston, the council may order any sewer or sewer system constructed and laid, in any block, street, avenue, alley or in any right of way or easement, or portion thereof, and the council may order the mayor and city clerk to issue a certificate for each installment of the amount of the assessment to be paid by
9 the owner of any lot or fractional part thereof fronting on such
10 street, avenue, alley, right of way or easement in which such
11 sewer system is constructed and laid, and the amount specified
12 in said assessment certificate shall be a lien as aforesaid in the
13 hands of the holder thereof upon the lot or part of lot fronting
14 on such street, avenue or alley, right of way or easement, and
15 such certificate shall draw interest from the date of said assess-
16 ment and the payment may be enforced in the name of the
17 holder of said certificate by proper suit in equity in any court
18 having proper jurisdiction to enforce such lien; the council shall
19 fix the amount of such assessment, advertise for bids and do all
20 other things in connection therewith as is provided in section
21 sixty-one of said charter for paving or permanently improving
22 any street or alley or any portion thereof, the costs of which
23 shall be apportioned against the several properties fronting upon
24 the street, avenue, alley, right of way or easement or portion
25 thereof in which the sewer or sewer system is laid according to
26 the provisions of section sixty-two or section sixty-two-a, as the
27 case may be. Such certificates shall be issued in the following
28 number of installments.
29. Where the assessment shall not exceed fifty dollars, the as-
30 sessment and certificate issued thereon shall be in one amount,
31 due and payable in ninety days from the completion and accept-
32 ance of the work; if over fifty dollars and not more than one
33 hundred dollars, then such amount shall be covered by only
34 two certificates of equal amounts, payable in ninety days and
35 one year, respectively; if over one hundred dollars and not more
36 than one hundred and fifty dollars, then such amount shall be
37 covered by only three certificates of equal amounts payable in
38 ninety days, one year and two years, respectively; if over one
39 hundred and fifty dollars, and not more than two hundred dol-
40 lars, then such amount shall be covered by only four certifi-
41 cates of equal amounts, payable in ninety days, one year, two
42 years and three years, respectively; and if more than two hun-
43 dred dollars, then in five certificates of equal amounts, payable
44 in ninety days, one year, two years, three years and four years,
45 respectively; and the term "equal amounts" herein shall mean
46 as nearly equal as practicable, that is, four certificates being
47 expressed in terms of blank dollars each, and, when practical,
48 in multiples of five, the cents and odd amounts being covered by
49 the first certificate.
Every such certificate shall be a lien in the hands of the holder thereof upon the particular lot against which it is assessed in the same way and manner that assessments are liens under sections sixty-two and sixty-two-a of this act. And nothing in this act, or in the charter of the City of Charleston shall be construed as imposing a time limit upon the enforcement by appropriate suit of any lien for public improvements heretofore or hereafter created.

Certificates authorized by this section may be issued, sold or negotiated to the contractor doing the work, or to any other person if the council deem it expedient; and shall be negotiable at any bank in the City of Charleston; provided, the city in issuing such certificates shall not be held as guarantor or in any way liable for the payment thereof. Certificates so issued shall contain a provision to the effect that in the event of default in the payment of any one of said certificates when due, said default continuing for a period of sixty days, unpaid certificates shall become due and payable and the holder of said certificates may proceed to collect all of such unpaid certificates in the manner hereinbefore provided.

Provided, that no sewer or sewer system shall be constructed or laid pursuant to this section except and unless two-thirds of the members elected to the council shall concur in the passage of the ordinance providing therefor, and the vote thereon shall be taken by ayes and noes, and duly entered upon the record.

Sec. 88 (c). If the abutting land on any avenue, street, road or alley sought to be graded, paved, repaved or otherwise improved, or on any avenue, street, road, alley, right of way or easement in which a sewer or sewer system is ordered laid, under any of the provisions of the charter of the City of Charleston, is not sub-divided or laid off in lots by a map or deed of record, the council may, for the purpose of making the assessments provided for in this section and other sections herein, sub-divide said land into lots of such size as the council deems advisable for the purpose of laying the proper assessment against such land.

Sec. 89. Any proposed ordinance, or amendment to any ordinance already in effect, may be submitted to the city council by the petition of qualified voters in said city, but such petition must be signed by such number of voters as shall amount to at least ten per cent of the number of votes cast for the office of
6 mayor at the last preceding municipal election. Such proposed
7 ordinance, or amendment to an ordinance, shall be passed with-
8 out alteration or change by the city council within thirty days
9 after such petition is filed, or the city council shall, in lieu of
10 passing such ordinance or amendment to an ordinance, submit
11 such proposed ordinance, or amendment to an ordinance, in the
12 manner hereinafter prescribed for ratification or rejection to
13 the qualified voters of the city at the next regular municipal
14 election which is to be held not less than sixty days after such
15 petition is filed. If such petition contains a request for a special
16 election and is signed by sufficient qualified voters to equal in
17 number at least fifteen per cent of the votes so cast for the office
18 of mayor at the last preceding regular municipal election, the
19 ordinance or amendment thereby proposed shall be passed by
20 the city council without amendment or change, within thirty
21 days after such petition is filed, or the city council shall submit
22 such proposed ordinance or amendment for ratification or re-
23 jection to the qualified voters at a special election which shall
24 be called within thirty days and held not less than sixty nor
25 more than ninety days after such petition is filed, unless a
26 general or special election is fixed by law to be held within said
27 period of time. In the latter event, said proposed ordinance or
28 amendment shall be submitted for ratification or rejection at
29 such election. The city council shall cause such proposed ordi-
30 nance or amendment to be printed and published in some news-
31 paper of general circulation in the city once each week from
32 the time the council decides to submit the same to the voters
33 until such election is held. No ordinance or amendment to an
34 ordinance adopted by the voters at any such election shall be
35 repealed or amended by the city council.
36 The ballot used for any such election shall have printed on it
37 the title of each ordinance, or amendment to an ordinance, sub-
38 mitted for ratification or rejection and on separate lines under
39 said title the words "for said ordinance" and "against said
40 ordinance" (or the amended part thereof, as the case may be).
41 If a majority of the qualified voters of the city voting on any
42 proposed ordinance, shall vote in favor thereof, the same shall
43 thereupon become a valid ordinance and be in full force and
44 effect at the expiration of the period of ten days from and after
45 said election. If two or more ordinances, or amendments to
46 ordinances, adopted at the same election are inconsistent, then
the respective ordinance, or amendment to an ordinance, receiv-
ing the largest affirmative vote at such election shall prevail,
and the form of submission of inconsistent ordinances, or parts
thereof, or amendments to ordinances, shall be in such form that
the voters may clearly express their choice.

Sec. 90. If within the period of five days after the passage of
2 any ordinance a petition signed by sufficient qualified voters of
3 said city, being in number at least fifteen per cent of the votes
4 cast for all the candidates for the office of mayor at the last
5 preceding regular municipal election, shall be filed protesting
6 against such ordinance, or any part thereof, taking effect, such
7 ordinance, or such part thereof so protested against, shall there-
8 upon and thereby be suspended from taking effect, and the city
council shall immediately again consider the same, and if it be
10 not repealed or so amended as to meet the requirements of the
11 said protest, the city council shall submit the same for ratifica-
tion or rejection to the qualified voters of the city at the next
13 regular municipal election which shall be held not more than
14 thirty days after such petition is filed, or at a special election to
15 be called thereafter by the city council for that purpose to be
16 held in not less than sixty days nor more than ninety days after
17 such petition is filed, and such ordinance, or part thereof so
18 protested, shall not take effect unless a majority of the votes
19 cast at such election thereon shall be for the ratification thereof.
20 If such petition shall only be signed by sufficient qualified voters
21 to equal in number at least five per cent but not sufficient to
22 equal in number at least fifteen per cent of the votes cast for
23 the candidate for said office of mayor at the last preceding
24 municipal election, the city council shall submit such ordinance,
25 or such part thereof so protested, for ratification or rejection
26 at the next ensuing regular municipal election which is to be
27 held more than thirty days after such petition is filed. The city
council may, on its own motion, without any petition being re-
quired therefor, submit at a regular or special municipal election
any ordinance passed by it in the same manner and with the
same force and effect as hereinbefore provided. No ordinance,
or part of an ordinance, rejected at any election shall be enacted
or passed by the city council within the period of twelve months
thereafter.

Sec. 91. Any officer of the City of Charleston elected by
2 the voters under the provisions of this act, may be recalled and
the office declared vacant as provided in this act. Such officer may be removed from office by a recall election held thereunder, but no such officer shall be removed from office within the period of four months after he enters upon the discharge of his duties as such. Before any such recall election shall be held a petition, stating the name or names and the office or the officer or officers sought to be recalled, and signed by sufficient qualified voters of the said city as shall equal in number the quantity of twenty-five per cent of the votes in the whole city or in the ward, as the case may be, for all the candidates for the office of mayor at the last preceding regular municipal election, and containing a sworn statement of the grounds upon which it is sought to remove the said officer or officers, shall be filed with the city clerk. No such petition shall be filed within the period of six months before the end of the term of such officer. The city council shall immediately, upon the filing of said petition, call a special election in the manner in this act provided for calling special elections and submit to the voters the question of recalling such officer or officers. The ballot at such election, with respect to each person whose recall is sought, shall be substantially as follows: "Shall (name of person) be removed from the office (name of office) by recall." Immediately following such question there shall be on the printed ballot the two propositions in the order set forth:

"For the recall of (name of person)."

"Against the recall of (name of person)."

Immediately to the left of said proposition shall be printed a square in which the voters, by making a cross mark (X), or in some other way declaring their intention, may vote for either of such propositions. If sixty per cent of the voters registered voting on said propositions vote in favor of the recall of such officer or officers, then he or they shall thereby be forthwith removed from such office and such vacancy or vacancies shall be filled as provided in this act; provided, however, that within fifteen days after the returns of such recall election shall have been canvassed by the city council, a petition signed by sufficient qualified voters to equal in number at least thirty per cent of the votes cast in the city, or ward, as the case may be, for the candidates for the office of mayor at the last preceding regular municipal election, and praying that such vacancy or vacancies be filled by a special election to be held not less than thirty days
nor more than forty-five days thereafter, the city council shall order a special election to be held in the same manner as other special elections are provided for in this act for the purpose of filling such vacancy or vacancies.

Sec. 92. The signatures to petitions filed under the provisions of the last three sections need not be all on one paper or one sheet of paper, but separate petitions may be circulated and signed and the aggregate number of names on all of such petitions, if equal to the number required in this act, shall be sufficient. The circulator of each such paper shall make and append thereto an affidavit that each signature thereon is the signature of the person whose name it purports to be. The residence address of each signer shall accompany the signature. All such petitions shall be filed with the city clerk and shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers and such signers shall be deemed and held to be qualified voters, unless a protest in writing, under oath, shall be filed with the city clerk by some qualified voter within fifteen days after such petitions are filed, which protest shall set forth the name of each signer protested against and the ground therefor. It shall be the duty of the city clerk as soon as possible and within twenty-four hours after the filing of such protest to mail a notice to each signer so protested against at his address as given in the petition, requiring him to be and appear before the city registrars at a time fixed in said notice, not less than twenty-four hours nor more than forty-eight hours after the mailing of such notice, for the purpose of defending his right to sign said petition. If it shall be proven by satisfactory evidence that such person is not a qualified signer of such petition, then his name shall be stricken therefrom. All evidence taken shall be under oath, and any signer present at the hearing may be called as a witness by the protestant or testify in his own behalf. All hearings shall be summary and shall be concluded within fifteen days after such petition is filed. The city registrars shall forthwith certify the result of their examination to the city clerk and such city clerk shall serve a copy of such certificate upon the person or persons named in the petition as representing the signers thereof. When the petition contains a sufficient number of qualified signatures the city registrars shall forthwith file the same with the city clerk, and he shall transmit the same to the city council, which
shall call an election as provided for in the three preceding sections of this act. All petitions filed in the city clerk's office shall be public records. When any petition contains a form of submission of the ordinance petitioned for and such form is a reasonably fair description thereof, the same shall be placed on the ballot and no petition filed subsequently shall be permitted to use any form of submission that is so similar to the one previously filed as to tend to confuse the voter, and, in case of such conflict, the person presenting the subsequent petition may file a form of submission which shall be placed upon the ballot, provided, the same shall fairly describe the ordinance, or amendment to an ordinance, petitioned for and shall not be in conflict with any prior forms of submission or tend to confuse the voter. The city council shall so frame all forms of submission that the voter can, by making a cross in a square in front of some appropriate words, vote either for the ratification or the rejection of the proposed measure, but no ballot shall be rejected from which the reasonable intention of the voter however he shall have marked the same, can be ascertained. All city elections, regular or special, shall conform as nearly as possible to the election statutes contained in chapter three of the code of West Virginia.

Sec. 93. In addition to the method of securing the laying of sidewalks set out in section forty-nine of this chapter, the council of said city may cause any sidewalk to be constructed, laid, relaid, or otherwise permanently improved in the City of Charleston in the following manner and upon the following terms: Plans and specifications shall be prepared and filed, resolutions and ordinances shall be adopted and notices shall be prepared and served in the same way and manner as near as may be, as in the case of the paving and improvement of streets and alleys. The contract for same shall, after due advertisement in which council shall reserve the right to reject any and all bids, be let to the lowest responsible bidder and upon completion and acceptance of the work, council shall order the mayor and city clerk to issue to the contractor doing the work a certificate for the amount of the assessment to be paid by the owner of any lot or fractional part thereof fronting on such sidewalk, and the amount specified in said assessment certificate shall be a lien in the hands of the holder thereof upon the lot or part of a lot fronting on such sidewalk as well as a debt against the
owner of said lot, and such certificate shall draw interest from
the date of said assessment, and the payment may be enforced in
the name of the holder of such certificate by a proper suit in
equity in any court having proper jurisdiction to enforce such
liens, and council shall fix the amount of such assessments and
do all things in connection therewith necessary to make them
valid and do all other things in connection therewith as is
provided for paving or improving streets and alleys and such
certificates shall be issued one for each abutting lot or portion
thereof payable six months from the date of the completion and
acceptance of the work and shall be a lien in the hands of the
holder thereof upon the particular lot against which they are
assessed in the same way and manner that assessments for street
paving are liens under the other provisions of the aforesaid act
creating and amending the charter of the City of Charleston;
providing, however, that council shall not order any but con-
crete sidewalks; and, provided, further, that council shall not
advertise for bids for any one letting of less than five thousand
square feet; and, further provided, that council shall not re-
ceive any bids or let any sidewalk contract between the first day
of October and the first day of March of any year. Nothing in
this section shall be so construed as to prevent any abutting
lot owner from having his own sidewalk put in if done before
the advertising hereinbefore mentioned and provided same is
done according to the lines, grades and specifications of the city
engineer, for which no charge shall be made. The total cost of
constructing, laying, relaying, or otherwise permanently impr-
ing any sidewalk or walks shall be borne by the owners of the
land abutting upon said sidewalk or sidewalks according to the
following plan, that is to say, payment is to be made according
to the proportion of square feet in front of any lot or portion
thereof bears to the whole letting. The contract for sidewalks
referred to in this section does not necessarily have to be one
continuous sidewalk, but the five thousand square feet required
for a letting as aforesaid may be made up of or composed of
any number of sidewalks in any parts of the city.

Sec. 93 (a). The county assessor shall furnish transcript or
real and personal property on or about the tenth day of Sep-
tember of each year and his fee for same shall be not less than
four hundred nor more than one thousand dollars for such
work.
Sec. 94. The municipal judge, mayor, city clerk, municipal court clerk, chief of police, or in the absence of the chief of police, the captains of police and lieutenants of police shall each have authority to issue warrants for all offenses committed within the police jurisdiction of the City of Charleston. Any vacancy in the office of municipal judge shall be filled by appointment by the mayor until the next election.

Sec. 95. No action shall be maintained against the City of Charleston for damages for a personal injury alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof, unless a written verified statement of the nature of the claim and of the time and place at which such injury is alleged to have been received shall have been filed with the city clerk within thirty days after the cause of action, shall have accrued. The cause of action shall be deemed to have accrued at the date of the sustaining of the injury, except that where death results therefrom the time for the personal representative to give notice shall run from the date of death. An action at law for damages for personal injuries or death shall not be commenced until the expiration of thirty days after the filing of the notice as provided in this section.

Sec. 96. The health commissioner shall be a physician of good standing in his profession and may devote his time to city work alone. It shall be his duty to administer to all charity cases that he may, in his discretion, deem deserving. He shall, in conjunction with the city manager, have charge of the general health and sanitation of the city and it shall be his duty to carefully investigate all complaints and make a careful detailed report of all his official acts as health commissioner to the city manager and council at least once every month. He shall be appointed in the way and manner provided in the charter of the City of Charleston and shall receive such salary as council may by ordinance prescribe. Nothing herein, however, shall be construed as in any way affecting the police officers of the city relative to their powers and duties in regard to city sanitation contained and set forth elsewhere in said charter.

Sec. 97. It shall be the duty of the mayor to appoint a reputable woman who shall be known as police matron, and such police matron shall have all the qualifications and be subject to all the provisions of chapter eighteen of the acts of the legis-
lature of one thousand nine hundred and eleven. The council of the City of Charleston shall provide a reasonable salary not to exceed twelve hundred dollars therefor and do all of the things required by the council under the provisions of said chapter eighteen of the acts of the legislature of one thousand nine hundred and eleven and any amendments thereto.

Sec. 98. The city council shall cause any contract for the codifying and indexing of all the ordinances of the city to be fully completed, and such ordinances shall include all in force and effect up to the last day possible. Before such work is accepted by the council, it shall be completed in every respect and the council shall then cause it to be properly printed and securely bound in a permanent book. The council may by ordinance adopt the code to be prepared as a whole and when said ordinance adopting said code shall have been passed by the council, the said code shall be and become the law and ordinances of said city up to such time according to the tenor and effect thereof, and when printed in a book, the same shall be received as evidence as the ordinances of said city, unless errors or omissions be affirmatively shown therein, and no other publication thereof shall be made or required under the charter, and the council shall cause all the ordinances of said city, either by printing a supplement thereof, to be brought up to date within a reasonable time after the printing of such ordinances, and in any event such supplement shall be printed, or, if necessary, a new copy of the ordinances shall be printed within every four years, and the council shall cause a sufficient number of said books of the ordinances to be printed and to sell such number thereof as it may do so at such price as may be reasonable, and the number of books printed shall be fixed by the council.

Sec. 99. It shall be the duty of the City of Charleston to provide suitable and proper places for the burial of the dead, which places may be in or out of the corporate limits of the said city. The city shall cause such places to be laid off into cemetery lots in a reasonable and proper way and shall sell said lots for a reasonable price, but it may take into consideration the location of each of such lots in fixing the prices thereof. The city council shall have all the powers and rights of condemnation of any real estate that it may wish for such purpose in the manner provided by law, and it may acquire by means of con-
11. Damnation any real estate which has already been laid out as a cemetery by any person, association or corporation.
12. No burials of the bodies of deceased persons shall hereafter be permitted within the incorporated limits of the City of Charleston or within the space of one mile of such incorporated limits without the permission of said city shall be first had and obtained, and the City of Charleston, through its proper authorities, shall have power to pass all proper ordinances providing suitable penalties to carry out the powers here given said city.
13. No moneys received from the sale of lots in any cemetery so owned, or hereafter owned, by said city shall be used for any other purpose than the proper care and preparation of the ground, upkeep and expenses of said cemetery, the roads and ways to and through the same and for the purchase of additional property for cemetery purposes.

Sec. 100. The building inspector shall be a competent person for the duties of his office and shall devote all his time to city work. He shall not be engaged or interested in the building business in any way or manner. The council shall by ordinance fix a proper salary for him. He shall see that the ordinances of the city and laws of the state concerning buildings are enforced and perform such other duties as the manager or council may direct.

Sec. 101. The council shall have power to buy, sell, or exchange any real estate found necessary or convenient, in the opening, construction, straightening, widening, or otherwise altering of any street, alley or public way within the city, and by resolution and proper deed to convey to any person, firm or corporation any land used, or heretofore or hereafter used, for street or other public purpose, when in the judgment of the council such land shall no longer be needed for such public use.

Sec. 102. For the purpose of promoting health, safety, morals, or the general welfare of the city and community, the council is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residents or other purposes. Provided, however, that any ordinance or by-laws enacted under the authority of this act shall exempt from the operation thereof any building or
Sec. 102-a. For any or all of said purposes the council may divide the city into districts of such number, shape and area as may be deemed best suited to carry out the purpose of this and the four succeeding sections, and within such districts it may regulate and restrict the erection, construction, alteration, repair or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Sec. 102-b. Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; or to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

Sec. 102-c. The council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, when demanded by any party in interest, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in at least two newspapers of general circulation, published in the City of Charleston.

Sec. 102-d. Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against
4 such change signed by the owners of twenty per cent or more
5 either of the area of the lots included in such proposed change,
6 or of those immediately adjacent in the rear thereof, extending
7 one hundred feet therefrom, or of those directly opposite there-
8 to, extending one hundred feet from the street frontage of such
9 opposite lots, such amendment shall not become effective except
10 by the favorable vote of three-fourths of all the members of
11 council. The provisions of the previous section relative to public
12 hearings and official notice shall apply to all changes or amend-
13 ments.

Sec. 102-e. In order to avail itself of the powers conferred
2 by this act, the council shall appoint a commission to be known
3 as the zoning commission to recommend the boundaries of the
4 various original districts and appropriate regulations to be en-
5 forced therein. Such commission shall make a preliminary
6 report and hold public hearings thereon before submitting its
7 final report, and such council shall not hold its public hearings
8 or take action until it has received the final report of such
9 commission.

10 All acts heretofore passed relating to or amandatory of the
11 charter of the City of Charleston, and all other acts or parts of
12 acts, coming within the purview of this act and inconsistent
13 herewith, are hereby repealed.

CHAPTER 5
(Senate Bill No. 143—By Mr. Reitz)

AN ACT to incorporate the Town of Paden City in the counties of
Wetzel and Tyler, state of West Virginia, fixing its corporate
limits and prescribing and defining the powers and duties of
said town and the officers of same.

[Passed February 28, 1929; in effect from Passage. Approved by the Governor.]

Sec.
1. Town a body corporate.
2. Corporate boundaries.
3. Division into wards.
4. Common council; number and
   compensation.
5. Corporate powers invested in
   council.
6. Elective officers, number and
   qualifications.
7. Chief of police; appointment,
   qualifications and term of office.
8. Mayor and recorder; term of
   office.
9. Common council, term of office;
   mayor and recorder, term of office.
Be it enacted by the Legislature of West Virginia:

Section 1. That the inhabitants of so much of the counties of Wetzel and Tyler as are within the bounds prescribed by section two of this act and their successors, shall be and remain, and they are hereby made a body politic, incorporated by the name of the Town of Paden City and as such shall have perpetual succession and a common seal, and by that name may sue and be sued, plead and beimpleaded, purchase, lease and hold real estate and personal property necessary for the use and purpose of said incorporation.

Sec. 2. The corporate limits of said town shall, until otherwise modified or extended be as follows: Beginning at a stake at the low water mark at the Ohio river on the lands owned by the Milton Paden heirs; thence through the lands of said heirs.

Be it enacted by the Legislature of West Virginia:

Section 1. That the inhabitants of so much of the counties of Wetzel and Tyler as are within the bounds prescribed by section two of this act and their successors, shall be and remain, and they are hereby made a body politic, incorporated by the name of the Town of Paden City and as such shall have perpetual succession and a common seal, and by that name may sue and be sued, plead and beimpleaded, purchase, lease and hold real estate and personal property necessary for the use and purpose of said incorporation.

Sec. 2. The corporate limits of said town shall, until otherwise modified or extended be as follows: Beginning at a stake at the low water mark at the Ohio river on the lands owned by the Milton Paden heirs; thence through the lands of said heirs.
5 across the Baltimore and Ohio Railroad Company's right of
6 way south twenty-nine degrees fifty minutes east one thousand
7 one hundred feet to a stake in the Union Traction Company's
8 center line on the northeast side of Harrison alley in the Alex-
9 ander addition to Paden City; thence with the northeast line of
10 said Harrison alley south twenty-nine degrees fifty minutes east
11 one thousand three hundred and seventy-five feet to a stake;
12 thence south sixty-one degrees thirty minutes west one thousand
13 five hundred and forty-two feet to a stake; thence south fifty-
14 eight degrees thirty minutes west six hundred and ninety-one
15 feet to a stake; thence south eighty-two degrees thirty minutes
16 west one hundred and eighty-three feet to a large rock; thence
17 south sixty-six degrees ten minutes west seven hundred and
18 twenty-one feet to a stake below the county road; thence south
19 fifty-one degrees west ninety feet to a stake; thence south forty-eight degrees twenty-
20 five minutes west eight hundred and twenty-four feet to a fence
21 post; thence north sixteen degrees west three hundred feet to a
22 stake; thence south seventy-one degrees thirty minutes west
23 eighty-four feet to a stake; thence south sixty-six degrees thirty
24 minutes west one thousand seven hundred and nineteen feet to
25 a stake; thence south sixty-six degrees ten minutes west five
26 hundred and eighteen feet to a stake; thence south sixty-two
27 degrees fifteen minutes west five hundred and fifty-five
28 feet to a stake; thence south fifty-four degrees fifteen minutes west three
29 hundred and eighty-two feet to a stake; thence south forty-three
30 degrees west ninety feet to a stake; thence south sixty-one degrees
31 fifteen minutes west five hundred and forty-five
32 feet to a stake; thence south thirty-five degrees east six hundred and
33 thirty-six feet; thence south sixty-six degrees east one hundred and
34 ninety-nine feet; thence south thirty-five degrees east six hundred and fifty-
35 three feet; thence sixty-six degrees east one hundred and twenty-five
36 feet to a stake; thence north twenty-seven degrees fifteen minutes
37 west four hundred and fifty-one feet to a stake at low water
38 mark of the Ohio river and thence running with said river
39 to the place of beginning by the following courses and distances,
40 to-wit: north forty-three degrees east one hundred and ninety-
41 nine feet; north thirty-five degrees east six hundred and fifty-
42 three feet; north thirty-six degrees forty-five minutes east seven
43 hundred and sixty-six feet; north thirty-six degrees forty-five
45 minutes east three hundred and six feet; north thirty-nine degrees thirty minutes east two hundred and nine feet; north thirty-two degrees fifteen minutes east five hundred and twenty-nine feet; north thirty-two degrees east three hundred and seventeen feet; north twenty-six degrees east eighty-one feet; north eighteen degrees forty-five minutes east one hundred and thirty-two feet; north thirty-two degrees fifteen minutes east ninety-six feet; north thirty-eight degrees fifteen minutes east one hundred and thirty-five feet; north thirty-six degrees east one hundred and twenty-four feet; north thirty-two degrees thirty minutes east one hundred and forty-seven feet; north forty-five degrees fifteen minutes east one hundred and thirty-six feet; north thirty-eight degrees ten minutes east two hundred and fourteen feet; north forty-eight degrees east two hundred and sixty feet; north forty-three degrees thirty minutes east one thousand and one feet; north forty-four degrees fifteen minutes east one hundred and twenty-five feet; north forty-six degrees fifteen minutes east one hundred and ninety-nine feet; north forty-seven degrees east eight hundred and ninety-one feet; north fifty-three degrees east two hundred and seventy-four feet; north sixty-two degrees east fifty-one minutes east one hundred and sixty-two feet; north sixty-six degrees forty-five minutes east one hundred and eighty-eight feet; north eighty-one degrees east two hundred and eleven feet; north eighty-one degrees east six hundred and sixty-five feet; thence north seventy-three degrees fifteen minutes east three hundred and thirty-six feet; north seventy-seven degrees east one thousand two hundred and sixty-eight feet; north sixty-five degrees forty-five minutes east five hundred and fifty feet to the beginning.

Sec. 3. As soon as convenient after the passage of this act the council in being of said town shall divide the territory of said town into wards, the number of which shall be determined by the council, but there shall not be less than three wards, which said wards shall be as nearly equal in population as possible and each shall consist of compact territory and have a population of not less than five hundred people; the number and limits of which said wards shall remain until otherwise changed by the common council of said town, and a record and map of said wards shall be entered upon the journal of the common council of the said town and preserved. No change shall
be made in the number or the limits of said wards within six months previous to any regular election to be held for the election of town officers.

Sec. 4. The municipal authorities of said town shall consist of a mayor, and two councilmen from each ward, who together shall form a common council, and shall receive such compensation as said common council shall from time to time determine, which shall not be increased nor diminished during their term of office.

Sec. 5. All the corporate powers of said corporation shall be exercised by said common council or under their authority except when herein otherwise provided.

Sec. 6. There shall be elected by the qualified voters of said town, as hereinafter provided, a mayor, six councilmen and a recorder, who at the time of their election shall be freeholders in said town and shall have paid municipal taxes on real estate in said town during the year immediately preceding the year of said election. And they shall otherwise be qualified to vote for the members of the common council of said town as residents and legal voters therein.

Sec. 7. There shall be appointed by the common council of said town a chief of police, who shall also be ex-officio tax collector of said town, and who at the time of his appointment shall also possess the qualifications necessary to vote for the members of the common council. Said chief of police shall hold office for a period of one year from the date of his appointment unless removed for cause.

Sec. 8. The mayor and recorder of said town shall be elected for a period of two years and each shall hold office until his successor is elected and qualified; provided, however, that the present mayor shall hold office until the first day of February, one thousand nine hundred and thirty, and until his successor is elected and qualified, and the present recorder shall hold office until the first day of February, one thousand nine hundred and thirty, and until his successor is elected and qualified.

Sec. 9. The present members of the common council who were elected on the first Thursday after the first Tuesday in January, one thousand nine hundred and twenty-nine, shall hold office for the one year term for which they were elected. On the first Thursday after the first Tuesday in January, in the year one thousand nine hundred and thirty, there shall be
7 elected by the qualified voters of said town, one councilman
8 from each ward, each of whom shall hold office for a term of one
9 year beginning on the first day of February immediately fol-
10 lowing the date of their election and until their successors are
11 elected and are qualified, and on said first Thursday after the
12 first Tuesday in January, one thousand nine hundred and thirty,
13 and on the first Thursday after the first Tuesday of January of
14 each successive year thereafter, there shall be elected by the
15 qualified voters of said town one councilman from each ward,
16 each of whom shall hold office for the term of two years begin-
17 ning on the first day of February immediately following the
18 date of their election and until their successors are elected and
19 qualified. Each of said councilmen shall be a resident and legal
20 voter in his or her respective ward.
21 And on the first Thursday after the first Tuesday, in Janu-
22 ary, in the year one thousand nine hundred and thirty, and on
23 the first Thursday after the first Tuesday in January of each
24 second year thereafter, there shall be elected by the qualified
25 voters of said town a mayor, who shall hold office for the period
26 of two years from the first day of February immediately fol-
27 lowing his or her election and until his or her successor is
28 elected and qualified.
29 And on the first Thursday after the first Tuesday in January,
30 of the year one thousand nine hundred and thirty, there shall
31 be elected by the qualified voters of said town a recorder, who
32 shall hold office for a term of one year and until his or her
33 successor is elected and qualified; and on the first Thursday
34 after the first Tuesday in January, of the year one thousand
35 nine hundred and thirty-one, and on the first Thursday after
36 the first Tuesday of each second year thereafter there shall be
37 elected a recorder, who shall hold office for the term of two
38 years from the first day of February immediately following his
39 or her election and until his or her successor is elected and
40 qualified.
41 And thereafter said officers and councilmen shall be elected
42 in the same manner, it being the meaning and intent of this
43 section that one-half of said common council, or one member
44 from each ward shall be elected at every annual election, and
45 that each councilman so elected shall hold office for the term of
46 two years, and that the mayor and recorder be elected for a
47 term of two years in alternate.
Sec. 10. The respective terms of the mayor, councilmen, and recorder shall begin on the first day of February immediately following the date of their election, except where appointment shall be made, as hereinafter provided, to fill any vacancy, and in that case said appointee shall fill said office for the period provided in section sixteen of this chapter.

Sec. 11. Each ward shall constitute an election precinct and the common council shall establish a voting place in each, and the election of councilmen shall be by wards. No voter shall be entitled to vote at any town election except in the ward in which he resides, and if any voter shall vote for any person for common council who is not a resident of the ward in which he voted, such vote or votes shall not be counted for such person or persons.

Sec. 11-a. The nomination of all candidates for offices to be filled by the electors of the Town of Paden City at the elections herein provided for shall be made by conventions, which conventions shall meet and shall certify to the recorder at least twenty days before the date of such election as herein provided, a list of all such candidates for office so nominated and to be voted for at said election. Each convention so held as aforesaid shall further adopt a name for the ticket so nominated by them and a suitable emblem or device by which the same shall be known and designated, and certify in the aforesaid manner the name and device together with the nominations. The nomination so certified, together with the name and device of the party shall be duly recorded by the recorder and properly printed on the ballots to be used at said election.

Sec. 12. Every male and female person residing in said town shall be entitled to vote for all officers to be elected under this act, but no person who is under twenty-one years of age or of unsound mind or a pauper or who receives aid from the treasury of said town or who is under conviction of treason, felony or bribery in an election, or who has not been a resident of this state for one year and of the said Town of Paden City for sixty days, and is not a bona fide resident of the ward in which he offers to vote, shall be entitled to vote at any election.

Sec. 13. In all municipal elections the mode of voting shall be by ballot, but the voters shall be left free to vote by open, sealed or secret ballot as he may elect. The election in said town shall be held and conducted and the result thereof certi-
ferred, returned and finally determined under the laws in force in this state relating to general elections on the first day of January, one thousand nine hundred and twenty-nine. The corporate authorities of said town shall perform the duties in relation to such election, required by general laws of county courts and officers, in force on the first day of January, one thousand nine hundred and twenty-nine, concerning elections by the people and such laws shall govern such elections and be applicable thereto, and the penalties therein prescribed for offenders at such election and such laws shall have the same force and effect as if they were especially applicable to corporate elections.

Sec. 14. When two or more persons shall receive an equal number of votes for councilman or other city officer, such tie shall be decided by the common council in being.

Sec. 15. All contested elections shall be heard and determined by the common council for the time being, and the contest shall be made and conducted in the same manner as provided for in contests for county and district officers, and the common council shall conduct their proceedings in such case as nearly as practicable in conformity with the proceedings of the county court in such cases.

Sec. 16. Whenever a vacancy shall occur from any cause in the office of mayor, councilman, recorder or chief of police, the common council shall immediately fill such vacancy by vote of the majority of the common council, all elective offices to be filled until the next general election and the appointive offices for the remainder of the term. All such appointees shall qualify within five days immediately following the date of their appointment.

Sec. 16-a. Any member of the council and any city official either elected or appointed for a definite term may be removed from his or her office by the common council for any of the following causes: Official misconduct, incompetence, habitual drunkenness, neglect of duty or gross immorality. Such removal shall not be made except upon charges regularly filed and acted upon as follows: Charges against any such officer shall be reduced to writing and entered of record by the common council and a summons shall thereupon be issued containing a copy of the charges and requiring the officer named therein to appear and answer the same on a day to be named...
therein, which summons may be served in the same manner as
a summons commencing an action may be served, and the serv-
ice must be made at least five days before the return day thereof,
and upon proper hearing it shall require the vote of at least
five members of said common council to remove any such
official.

The officer or body of officers authorized by this chapter to
make appointments for special purposes, or for less than a
definite term shall have the power to remove their respective
appointees at will.

Sec. 17. The chief of police, as ex-officio tax collector, shall
have power to collect all taxes levied and assessed by the com-
mon council of said town and all other assessments and money
due the said town, and for that purpose shall have the power
to distress and sell property for the enforcement of such pay-
ment. The common council shall also have authority to pro-
vide by ordinance for the appointment of such other officers as
shall be necessary and proper to carry into full force any
authority, power or jurisdiction which is or shall be vested in
the said town or in the common council or mayor or any officer
or body of officers thereof, and to grant to such officers so ap-
dpointed the power necessary or proper for the purpose above
mentioned. And said mayor shall have power, also, to appoint
policemen whenever the necessities of public safety of the people
of said town in their judgment shall require it, who shall be
under the direction and supervision of the chief of police and
of the said mayor; the said common council shall by ordinance
define the duties of all officers so elected or appointed as afore-
said and allow them a reasonable compensation; and shall re-
quire and take from all those whose duty it is to receive its
funds, assets or property, or have charge of the same, such
bonds, obligations and other writings, as they shall deem neces-
sary or proper to insure the faithful performance of their said
duties. All officers appointed or elected by the common council,
except the chief of police who shall only be removed for cause,
shall hold their office or appointment during the will and
pleasure of the said common council, but no appointee shall
hold beyond the current year for which he shall have been ap-
pointed without a new election by the said common council.
The said chief of police shall have all powers, rights and privi-
leges within the corporate limits of said town, and within one
32 mile outside of the corporate limits thereof, in regard to the
33 arrest of persons, the execution and return of process, that can
34 be legally exercised by a constable of the district within the
35 same, and he and his sureties shall be liable for all fines, penal-
36 ties and forfeitures for which constable of a district is legally
37 liable, for any failure or dereliction in his said office, to be re-
38 covered in the same manner and in the same courts that the
39 same fines, penalties and forfeitures are now recoverable against
40 such district constable. It shall be the duty of said chief of
41 police as ex-officio tax collector to collect all town taxes, licenses,
42 levies, assessments and such other claims as are placed in his
43 hands for collection by the common council, and he may des-
44 train and sell for taxes and assessments, and he shall have in
45 all other respects the same power as a sheriff of the county to
46 enforce the payment and collection thereof within the limits of
47 his aforesaid jurisdiction. All officers appointed by the com-
48 mon council must be residents of the said town at the time of
49 their appointment, and a removal from town shall vacate their
50 said offices.

Sec. 18. All officers elected and appointed under this chap-
2 ter shall each, before entering upon the duties of their office,
3 and within one week from the date of their election or appoint-
4 ment, give such bond as shall be required by the common coun-
5 cil, except as herein otherwise expressly provided, and shall
6 make oath that they will truly, faithfully and impartially to
7 the best of their ability, discharge the duties of their respective
8 offices so long as they continue therein. Said oath may be
9 taken before any person authorized to administer oaths or be-
10 ore the mayor of said town.

Sec. 19. If any person elected or appointed to office shall
2 be found ineligible to such office, or shall fail to qualify, the
3 said common council shall declare the office vacant and it shall
4 be filled in the manner prescribed in this chapter.

Sec. 20. The mayor shall be the chief executive officer of
2 said town, and shall take care that the ordinances, by-laws and
3 resolutions of the common council thereof are faithfully exe-
4 cuted; he shall be ex-officio a justice and conservator of the
5 peace within the town, and shall within the same, have, possess
6 and exercise all the powers and perform all the duties vested
7 by law in a justice of the peace, except that he shall not have
8 jurisdiction in civil cases or causes of action arising out of the
corporate limits of the said town. Any warrant or other process issued by him may be executed at any place in the counties of Tyler and Wetzel. He shall have control of the police in the town and may suspend any policeman, except the chief of police, for cause, and may appoint special police officers whenever he deems it necessary; and it shall be his duty to especially see that the peace and good order of the town are preserved, and the persons and property therein protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the town before issuing his warrant therefor. He shall have the power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment thereof, he may commit the offending party to the jail of Wetzel or Tyler counties or other place of imprisonment in said corporation until the fine or penalty and costs shall be paid, but the term of imprisonment in such cases shall not exceed sixty days. In all cases where a person is sentenced to prison or to the payment of a fine of ten dollars or more (and in no case shall a judgment for fine less than ten dollars be ordered by the mayor if the defendant or his agent, or attorney object thereto), such person shall be allowed an appeal from such decision to the circuit court of the county in which said offense was committed, and upon the execution of an appeal bond and a surety bond deemed sufficient by the mayor in a penalty of at least double the amount of the fine and costs imposed by the mayor, with condition that the person purporting to appeal will perform and satisfy any judgment which may be rendered against him by the circuit court on such appeal. If such appeal be taken the warrant of arrest, if any, the transcript of the judgment, the appeal bond and other papers of the case, shall be forthwith delivered by the mayor to the clerk of said court, and the court shall proceed to try the case as upon indictment or presentment and render such judgment, including that of costs, as the law and the evidence may require, but no judgment shall be rendered against said town for costs on such appeal. The mayor may from time to time recommend to the common council such measures and ordinances as he may deem needful for the welfare of the town. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment or be under provisions of sections two hundred
50 and twenty-seven and two hundred and twenty-eight of chapter
51 fifty of the code of this state, shall be paid by said town. Said
52 mayor shall pay all moneys received by him for fines or by
53 virtue of his office belonging to the said town, to the recorder
54 of the same within one week after he receives the same.

Sec. 21. The recorder shall keep a journal of the proceed-
2 ings of the common council and have charge of and preserve the
3 records of the town. In the absence of, or in case of sickness
4 or inability, of the mayor, or during any vacancy in the office
5 of mayor, the recorder shall perform the duties of the mayor
6 which pertain to him as the chief executive officer of said town
7 and be vested with all the powers necessary for the perform-
8 ance of such duties.

Sec. 22. The presence of a majority of the common council
2 shall be necessary to make a quorum for the transaction of
3 business.

Sec. 23. The council shall cause to be kept by the recorder
2 in a well bound book, to be called the journal, an accurate
3 record of all the proceedings, ordinances, acts, orders and reso-
4 lutions, and in another book, to be called the book of ordinances,
5 accurate copies of all general ordinances adopted by the coun-
6 cil, both of which shall be fully indexed and open to the inspec-
7 tion of any citizen of the state of West Virginia. All oaths
8 and bonds of officers, and all papers of the council shall be
9 indorsed, filed and securely kept by the recorder. The bonds
10 of officers shall be recorded in a well bound book, to be called
11 the record of bonds. Said recorder shall perform all such other
12 duties as may by ordinance of the council be prescribed. Said
13 council may bind and print in pamphlet form all the general
14 ordinances of the said town and transcripts of such ordinances,
15 acts, orders and resolutions, certified by the recorder under
16 the seal of the town, shall be deemed prima facie correct when
17 sought to be used before any court or before any justice.

Sec. 24. At each meeting of the council the proceedings of
2 the last meeting shall be read and corrected if erroneous, signed
3 by the presiding officer for the time being, and countersigned by
4 the recorder. Upon the call of any member, the ayes and noes
5 upon any question shall be taken and recorded in the journal,
6 and the roll for that purpose shall be called alphabetically.

Sec. 25. The mayor as a member of the common council shall
2 have a vote upon all questions submitted to and voted on by
3 said common council, and in case of tie shall have the deciding
4 vote. He shall also be the presiding officer of said common
5 council.

Sec. 26. The regular meetings of the common council shall
2 be on the first Monday night in each month, and at such times
3 as may be deemed necessary for the transaction of the business
4 of said town, and shall be held at such place in said town as
5 the common council shall from time to time ordain and appoint;
6 and said common council shall meet in special session upon
7 the call of said mayor or upon the call of any two of the coun-
8 cilmens. And common council shall by ordinance prescribe the
9 mode in which notice of special meetings shall be given; and no
10 business shall be transacted at such special meetings, except as
11 prescribed and set forth in said notice, and then only when a
12 majority of all the members of the common council shall be
13 present, except that a less number may compel the attendance
14 of absent members under such reasonable penalties as they may
15 think proper to impose; and all questions put, except in such
16 matters as are hereinafter provided for, shall be decided by a
17 majority of the members present.

Sec. 27. The moneys belonging to the town shall be paid over
2 to the recorder, and no money shall be paid out by him except
3 as the same shall have been appropriated by the common coun-
4 cil, and upon an order signed by the mayor and himself.

Sec. 28. The recorder of said town shall be ex-officio treasurer
2 and assessor of the same, and shall give bond in such penalty
3 and with such sureties as the common council shall prescribe,
4 conditioned for the faithful performance of his duties.

Sec. 29. The common council of said town shall have power
2 to lay off, vacate, close, alter, grade and keep in good repair
3 the roads, streets, alleys, pavements, sidewalks, cross-walks,
4 drains and gutters therein for the use of the citizens and of the
5 public and to improve and light the same and to keep them
6 free from obstruction of every kind; to regulate the width of
7 the pavements, sidewalks, footways, drains and gutters to be
8 kept in good order, free and clean by the owner or occupants of
9 the real property next adjacent thereto; to lay off, open, close,
10 vacate or maintain public grounds, parks, and public places, and
11 name and rename the same, to have control and supervision
12 thereof, to protect the same from damage or other injury by
13 persons or property, to fix fines and punishments for any in-
jury thereto in violation of any of the orders of said common
council, and to maintain good order and prevent violations of
the ordinances of said city therein and thereon; to establish
and regulate markets, prescribe the time of holding the same,
provide suitable and convenient buildings therefor, and pre-
vent the forestalling of such markets; to prevent injury or
annoyance to the public or to individuals from anything dan-
gerous, offensive, or unwholesome; to regulate or prohibit street
carnivals, or street fairs, or street parades, advertising exhibi-
tions or other exhibitions on the streets and highways of said
town or exhibition of wares, merchandise, material, or arti-
cicial curiosities on any street, sidewalk, alley or public place
of said town; to regulate or prohibit the ringing of bells, blow-
ing of steam whistles, or use of hand organs, or other instru-
ments of annoyance, or other music of itinerant performers in
the streets, or public speaking or preaching in the streets, roads,
parks, or public places of the municipality; to license, regulate
or prohibit auctioneering; to license, regulate or prohibit the
sale of goods, wares, merchandise, drugs, or medicine on the
streets or in other public places; to regulate the time and place
and manner of bathing in swimming pools, driving of cattle
through, upon and along the streets and alleys of said town;
to arrest, convict and punish any person for gambling or keep-
ing any gaming table, commonly called "Faro Bank," or table
and chips used in playing such games, crap, crap table, chips
or dice used in playing such games, or roulette or the wheel,
chips or other equipment used in playing such game, or keno
table or table of like kind or device used in playing the same,
or table of like kind under any denomination, whether the game
or games be played with cards, dice or otherwise on which any-
thing is bet or wagered, whether the same be played in any
public or private room or residence, and may convict and pun-
ish any person who shall be a partner or concerned in interest
in the keeping of any such gambling devices heretofore enu-
merated, or in any game played, such as prohibited hereby, or
in keeping or maintaining any gambling house or place of
gambling for money or anything of value, and shall have the
right to destroy such gambling paraphernalia as may be found
on any such premises, and any officer armed with a warrant
for the arrest of any person engaged in such unlawful game or
for the search of any room in which gambling is suspected, or
for the seizure of any gambling paraphernalia, shall have the
right to break into any building, other than a private dwelling
house, without notice or demand, and into a private dwelling or
room, after demand and refusal to open same, provided, always
however, that no search or seizure shall be made except in the
manner provided by general law; to regulate or prohibit the
placing of signs and the use of walls or walks for signs; to
regulate or prevent the distribution or posting of any sign or
bill, either on paper or painted, that, in the opinion of the com-
mon council or mayor, is indecent, immoral or unsightly; to
regulate or prohibit the distribution of hand bills, circulars and
other advertisements of like kind, on the streets, roads, alleys
and public places, or the placing of same in private yards,
buildings or other structures, without having first procured the
consent of the owner or occupier of such property; to prevent
and prohibit the use of indecent or profane language within the
corporate limits, and to provide and fix punishment therefor;
to prevent and prohibit any tumult, riot, quarrel, angry con-
tention, or abusive language, and to prevent the use of insulting
epithets, assaults, assault and battery, and fix fines and
punishments therefor; to arrest, convict and punish any person
for cruelty, unnecessarily or needlessly beating, torturing, muti-
lating, killing, or overloading, or overdriving, or wilfully de-
priving of necessary sustenance, any horse or other domestic
animal; to prohibit or regulate slaughter houses, tan houses,
and factories within the corporate limits; and to prohibit the
exercise of any offensive business, trade or employment; to abate
all nuisances within the corporate limits, and to require or com-
pel the abatement or removal thereof, at the expense of the
person causing the same, or by or at the expense of the owner
of the ground at the place they are found; to cause to be filled
up, raised or drained by or at the expense of the owner, any
city lot or tract of land covered or subject to be covered by
stagnant water; to prevent horses, hogs, cattle, sheep and other
animals and fowls of all kinds from going or being at large in
said town, and as a means of prevention, said common council
may provide for impounding and confining said animals and
fowls, and upon the failure to reclaim, for the sale thereof; to
protect places of divine worship and preserve order in and
about the premises where and when such worship is held; to
protect places of public instruction, schools and high schools,
and to preserve order in and about all school buildings there­in; to regulate the keeping of gun powder and other dangerous explosives and substances; and to regulate or prohibit the use of fire-crackers, sky-rockets, toy pistols, air rifles or guns, within the said municipality; to apprehend and punish any person who, without a state license therefor, is guilty of carrying about his person, within the municipality, any revolver or other pistol, dirk, bowie knife, sling shot, razor, billy, metallic or false knuckle, or any other dangerous or deadly weapons of like kind and character, as provided by chapter fifty-one of the acts of the legislature of one thousand nine hundred and nine, or any amendment thereof, and the punishment therefor, whether for the first or other offenses, shall be that now or hereafter prescribed by said chapter for any such person guilty under the misdemeanor clause provided therein; to regulate the building of houses and other structures; for the maintaining and making of division fences by the owners of adjacent premises; and for the proper drainage of town lots and other parcels of land by or at the expense of the owner or occupant thereof, when such drainage shall be deemed necessary for the protection of the public health; to provide against danger or damage by fire; to prohibit the keeping of or loitering in or visiting houses of illfame, or loitering upon the streets of said town; to prevent lewd or lascivious conduct, the sale or exhibition of indecent pictures or other repre­sentations; the desecration of the Sabbath day; to prevent swearing; the illegal sale of intoxicating liquors, mixtures and preparations, porter, beer, ale, wine or other drinks of like nature; to protect the persons of those residing or being within said town; to prevent the illegal sale of tobacco, cigars, snuff, or cigarettes, within said municipality, and to fix fines and punishments for violations thereof; to re­strain all felons and persons guilty of offenses against this state or the United States, and deliver them over to the author­ities or court having jurisdiction of the offense whereof such persons are accused; to appoint when necessary or advisable a police force, permanent or temporary, to assist the chief of police in the discharge of his duties; to build or purchase or lease and use a suitable place of imprisonment within said town for the safe keeping or punishment of persons charged with or convicted of the violation of ordinances; to erect,
maintain, authorize or prohibit gas or water works within the corporate limits; to prevent injury of such works, or the pollution of any water used or intended to be used by the public or individuals; to provide for and regulate the measuring and weighing of hay, coal, lumber or other articles sold or kept or offered for sale within said town, and to establish rates and charges for said weighing or measuring; to limit the speed, size and weight of vehicles upon the streets, alleys, and other public thoroughfares within its limits as are not designated by the state road commission as connecting parts of the state road system, and to regulate the parking of vehicles upon any designated streets, alleys and other public thoroughfares within its limits, and to regulate the progress of traffic at street intersections, in congested districts thereof; to create by ordinance such committees and boards, and delegate such authority thereto as may be deemed necessary or advisable; to provide for the annual assessment of the taxable property therein, including dogs, kept in said town, and to regulate their running at large; to provide a revenue for the town for municipal purposes and to appropriate such revenue to its expenses and to take such measures as may be deemed necessary or advisable to protect the property, public and private, within said town; to preserve and maintain peace, quiet and good order therein, and to preserve and promote the health, safety and well being of the inhabitants thereof.

The said common council shall have authority to pass all ordinances which shall be necessary or proper to carry into full effect and force, the authority and jurisdiction which is or shall be granted or vested in said town, or in the common council thereof, or in any officer, or body of officers of said town, and to enforce any and all ordinances by reasonable fines and penalties and by imprisonment, and upon failure to pay any such fine or penalty imposed, by compelling defaulting party to labor without compensation on any of the public works or improvements undertaken or to be undertaken by said town, or to labor at any work which the said town may lawfully employ labor upon, at such rate per diem as the common council may fix, but not at a less rate than is fixed by said common council for like labor from other employees of the town, until all fines imposed upon such offenders have been paid and discharged, after deducting the charges of support
176 while in the custody of the officers of said town; provided, 
177 however, that no fines shall be imposed exceeding one hundred 
178 dollars, and no person shall be imprisoned or compelled to 
179 labor as aforesaid more than sixty days for any offense; and 
180 in all cases where a fine is imposed for an amount exceeding 
181 ten dollars or a person be imprisoned or compelled to labor as 
182 aforesaid for a term greater than ten days, an appeal may be 
183 taken from such decision upon the same terms and regulations 
184 that appeals are taken from the judgment of a justice of this 
185 state; such fines and penalties shall be imposed and recovered 
186 and such punishment inflicted and enforced by and under the 
187 judgment of the mayor of said town, or, in case of his absence 
188 or inability to act, by the recorder, or if he be unable to act, 
189 then a member of the common council shall be appointed by 
190 the council for that purpose. In addition to the powers al-
191 ready enumerated, the said council shall have power to am-
192 plify, improve, extend and expand the water works of said 
193 town, to contract by public contract for an adequate supply 
194 of pure, healthful water for said town, and do all things 
195 necessary to secure an adequate supply of pure, wholesome 
196 water, and to provide, contract by public contract for and 
197 construct, an adequate sewerage system for said town. When 
198 anything for which a state license is required is to be done 
199 within the limits of said town, the common council may decide 
200 whether such license may be granted or not, and if granted 
201 it shall be assessed and collected the same as if granted by the 
202 county court of each respective county. Such license shall be 
203 issued in the manner and form prescribed by sections ten and 
204 eleven, chapter thirty-six of the code of West Virginia; and 
205 the sole and exclusive power is vested in said town council to 
206 grant or refuse state licenses within the limits of said town. 
207 When any such license as is hereinbefore mentioned is granted 
208 by said common council, said common council may impose a 
209 tax thereon for the use of said town in conformity with the 
210 state law, and shall also require license bonds payable to the 
211 said town in its corporate name, with good security, such 
212 bonds to be approved by said common council, to be in the same 
213 penalty as required by the state law, and the said common 
214 council may revoke such license at any time the condition of 
215 the bond shall be broken, upon ten days’ previous notice to the 
216 person, persons or corporations holding the same, and suits
217 may be prosecuted and maintained on such bond as is pre-
218 scribed in section twenty-two of chapter thirty-two of the code
219 of West Virginia, by the same person, in the same manner and
220 to the same extent, as upon the bond mentioned in the said
221 section, and all the provisions of said section in relation to
222 the bonds therein mentioned shall be applicable to the bonds
223 required by this section. Provided, that nothing herein con-
223-a tained shall be construed as authorizing or empowering the
223-b said town or its council to impose any license or other tax
223-c upon motor vehicles except the regular property tax.
224 Said common council shall also have power to levy, assess,
225 and collect taxes upon the real and personal property within
226 said town, but such taxes shall be uniform with respect to
227 persons and property within the jurisdiction of said town;
228 and the said common council as soon as convenient after the
229 first day of May, in each year, and after the annual assess-
230 ment, shall cause to be made up and entered upon its journal
231 an account and estimate of all sums which ought to be paid
232 within one year; and it shall order a levy of so much as in its
233 opinion may be necessary to pay the same not exceeding that
234 allowed by law. The levy so ordered shall be upon the male
235 persons, residents of the said town, all real and personal estate
236 within the said town subject to state and county taxes, but in
237 no year shall such levy exceed one dollar on each one hundred
238 dollars of valuation. Such levy shall also include a poll tax
239 of not more than one dollar upon each male resident of said
240 corporation over twenty-one years of age.
241 Said common council shall also have power to contract by
242 public contract, for the paving of its streets and alleys; to
243 establish and regulate the grade thereof, and to provide for
244 the maintenance and repair of the same; to provide for the
245 maintenance, continuance and enjoyment of its water works;
246 to provide for the maintenance, establishment and enjoyment
247 of fire companies, for the purpose of protecting the property
248 of the citizens of said town from destruction or damage by fire.
249 But said town shall not hereafter be allowed to become in-
250 debted in any manner for any purpose to an amount including
251 the existing indebtedness, in the aggregate, exceeding five per
252 centum of the value of the taxable property therein, to be ascer-
253 tained by the last assessment for state and county purposes
254 previous to the incurring of such indebtedness, without at the
same time providing for the collection of a direct annual tax sufficient to pay annually the interest on such debt and the principal thereon within and not exceeding thirty-four years; provided, that no debt shall be contracted under this charter unless all questions connected with the same shall have been first submitted to a vote of the people and have received three-fifths of all the votes cast for and against the same. Said common council shall not grant any franchise to any person, or corporation, within said town limits which shall be either exclusive or perpetual, and no franchise involving the use or occupancy of the same, shall be granted except by an ordinance to that effect; and no such ordinance shall be passed unless the question of the granting of such franchise shall have been first submitted to a vote of the people, and shall have and receive a majority of all the votes cast upon the question; provided, such submission shall have been petitioned for by at least one-tenth of the qualified voters of said town, to be ascertained according to the number of votes cast at the last preceding election.

Sec. 30. It shall be lawful for the common council to establish and construct landings, wharves and docks on any ground, street or alley which does or shall belong to said town, and to repair, alter and remove any building, wharf or dock, and to collect a reasonable tax on vessels coming to or using the same; and shall have power to pass and enforce such ordinances as shall be proper to keep the same in good order and repair; to preserve peace and good order at the same and regulate the manner in which they shall be used; it shall also have power to appoint a wharfmaster if the same shall be deemed necessary, or to confer that duty upon any other officer, and to prescribe the duties of such acting wharfmaster, fix his fees, and make all regulations in respect thereto as it may deem necessary.

Sec. 30-a. The common council shall have the right to acquire, erect, construct, maintain, operate and control any electric light or generating plant within said town, or to provide for, or to purchase electric power and to use, generate, distribute, sell and control electricity for light and power, and to furnish electricity for the streets, dwellings, buildings, stores and other places in and about said town, and for such electricity other than that furnished for the municipality in lighting its streets,
9 or public places, it may charge reasonable rates, but such rates
10 in all cases shall be uniform; and such electric light plant and
11 distribution system shall be under the supervision and control
12 of said common council, and its wires, poles, distributing system
13 and machinery shall be kept in such repair so that as little
14 danger as possible shall arise therefrom, and so that same will
15 furnish an adequate supply of electricity to all persons in said
16 town desiring to use same.

Sec. 31. The common council shall have the right to institute
2 proceedings in the name of the town for the condemnation of
3 real estate for streets, alleys, drains, markets, market ground,
4 town prison or other work or purposes of public utility; such
5 provision shall conform to chapter forty-two of the code of
6 West Virginia. And said common council shall also have power
7 to acquire by purchase, gift or condemnation one or more lots
8 necessary for municipal buildings on which to place such build-
9 ings as they may deem necessary for the meeting of said com-
10 mon council and for the keeping of the office of said common
11 council, and for the keeping of the property of said town; and
12 said common council shall also have the power to organize or
13 authorize the organization of fire companies, hose companies or
14 any other company or aggregation or persons for the purpose
15 of protecting the property of the citizens of said town against
16 destruction by fire, and authorize such companies to create and
17 hold property necessary and ordinarily held and used by such
18 fire companies. Common council shall not have power to re-
19 lease or relieve any taxpayer from payment of taxes levied on
20 or assessed against him or them.

Sec. 31-a. Common council of said town shall have the right
2 to employ such legal counsel as it may deem necessary to pro-
3 tect the interests of said municipality.

Sec. 32. The common council shall have power to require
2 every male resident residing in said town, between the ages of
3 twenty-one and fifty years, to expend two days' labor upon the
4 streets, alleys and public works of said town during each cur-
5 rent year when properly notified so to do by the common coun-
6 cil and the common council shall have power also to permit such
7 persons liable to perform work upon the streets, alleys and
8 public works, of said town, to commute for the same by paying
9 into the treasury of said town not to exceed one dollar and five
10 cents per day for each day that he may fail so to labor when
properly warned so to do; and in case any person liable to per-
form such labor shall fail to do so for ten days after having been
properly and legally notified to that effect, the said recorder of
the said town, upon a return of that fact to him by the chief of
police, shall make out and sign a tax bill, stating the amount for
which such individual is delinquent, and shall place the same in
the hands of said chief of police, who shall have the same power
in relation thereto, to levy, distrain and sell the property for the
collection of such bill as he has under this charter or any by-law
in regard to the collection of taxes of said town.

Sec. 33. The common council shall have full power to pro-
vide for the keeping of its poor or indigent persons within the
limits of the said town, and the citizens of said town shall be
exempt from the payment of all county poor taxes for each and
every year which the said town council shall provide for the
keeping of its own poor.

Sec. 34. The common council shall have power to appoint
and constitute a board of health consisting of one reputable
physician and two of its own members, which said board of
health under the supervision and with the approval of said
council shall have full power to make all needful rules
and regulations for the keeping and maintaining of the said
town in proper healthful condition, and when such board of
health shall have been elected and organized it shall have exclu-
sive control of all matters relating to the public health within
the limits of the said town.

Sec. 35. Upon the petition in writing of the persons own-
ing the greater amount of frontage of the lots or land abutting
on both sides of any street or alley, between any two cross-
streets or between a cross-street and an alley, whether such two
cross-streets or cross-street and alley be adjacent or not, the
common council of said town may order any part of any street
or alley to be graded, paved, repaved, re-surfaced and curbed,
or either thereof, between the side walks in such manner and
with such material as may be determined by the common coun-
cil, from one of such cross-streets or alley to the other, under
such regulations fixed by ordinance passed by the common
council, and the cost of such grading, paving, repaving, or re-
surfacing or curbing shall be levied against and paid as fol-
lows: One-third thereof shall be paid by the city, out of any
funds at disposal of the common council, and the other two-
16 thirds shall be assessed against the abutting property owners in proportion to the frontage of the lots or land abutting on both sides of the street or alley.

19 In making such assessments the basis shall be the cost of grading, paving, re-paving, or re-surfacing that part of the street or alley on which the property lies included between the designated cross-streets or alleys, and the amounts assessed against the owners of each lot or part of a lot of land shall be in the proportion which the frontage of such lot or part of lot or land bears to the whole cost of grading, paving, re-paving, re-surfacing or curbing said street or alley between said cross-streets or alleys as aforesaid; provided, however, that in case such street or alley so graded, paved, re-paved or re-surfaced is occupied by street car tracks or other railway, the cost of grading, paving, re-paving, or re-surfacing between the rails, and for two feet outside each rail shall be assessed to and paid by the street car or other railway company unless otherwise provided by the franchise of such street car or other railway company granted previous to the time this act goes into effect, and the abutting land owners shall be assessed only with the proportionate balance of the cost of such paving after deducting the amount assessed against said street car or other railway company; and, also, provided, that in case the cost of paving or otherwise improving said street or alley shall exceed the true and actual value of the abutting property, the excess cost shall be paid by the town out of the general funds.

42 The town council may issue certificates for the amount of said assessments against abutting property owners which may be sold to the contractor doing the work, or other person, in full of the total cost of said work; provided, the city in negotiating and selling such certificates shall not be held a guarantor or in any manner liable for payment thereof, except upon the direct action of the common council as expressed by resolution of record before such sale. Said certificates shall be payable serially in ten years from date with interest not exceeding six per cent per annum. If the said certificates remain unpaid for more than sixty days after they become due and payable, it shall be the duty of the recorder upon being requested so to do by the owner of said certificates to certify said assessments to the clerk of the county court of the county in which the property involved is located, who shall record and index the
same as other liens of like kind are recorded and indexed, and the same shall be and remain a lien upon the real estate against which said assessments are made; and, said assessments shall, in addition, be the personal obligation or debt of the owner or occupant of said property; and said lien and said debt or obligation may be enforced in the name of the owner of said certificates in like manner as other liens and debts are enforced.

The lien created by such assessments may be released upon presentation to the clerk of the county court of all the bonds or certificates issued thereunder, as to any specific real estate therein described or located, showing that the same have all been paid, and such clerk is hereby empowered to release the lien of such assessment as to any such real estate by noting a release thereof on the record of the lien as to such real estate on the margin of the deed of trust book where the same is recorded and such annotation by such clerk shall have the effect to release such real estate from such lien as effectively as a regularly executed and recorded release thereof. The proceeds from the sale of such bonds or certificates of indebtedness shall be applied to the payment of the indebtedness incurred in making the improvements on account of which such bonds or certificates of indebtedness were issued.

Sec. 36. It shall be the duty of the recorder of said town, as ex-officio assessor, to make an assessment of the property within said town, subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and to return the same to the common council on or before the first day of May of each year, and for this purpose he shall have all power conferred by law on the county assessor. He shall list the number of dogs in town and the names of the persons owning the same, which list shall be returned to the common council. In order to aid said common council in ascertaining the property of persons subject to taxation by said town, the recorder of the same shall have access to all the books and public records of Wetzel and Tyler counties without expense to said town or recorder, and he shall also have the same power, and be subject to the same penalties, in ascertaining and assessing the property and subjects of taxation in said town, as are granted and imposed upon the county assessors by general law; and the common council shall also have authority to prescribe by ordinance, such other rules and
20 regulations as may be deemed necessary to enable and require
21 such recorder to ascertain and properly assess all property and
22 persons liable to be taxed in said town, so that such assessment
23 and taxation shall be uniform; and to enforce such ordinances
24 by reasonable fines and penalties. Upon the return of the re-
25 corder's assessment books to the common council as herein pro-
26 vided, with the list and valuation of the personal and real prop-
27 erty and all other subjects of taxation, the same shall be laid
28 before the common council for its inspection and consideration,
29 and the common council shall have power to revise the action
30 of the recorder as well also as to revise the valuation made by
31 him upon the subjects of taxation, and authority to increase or
32 diminish such valuation. After such inspection by the said
33 common council and such correction, if any, the common coun-
34 cil shall then approve the said assessment, and cause the same
35 to be correctly copied by the recorder into two well bound books
36 provided for the purpose, and the taxes extended in each book,
37 one of which shall be delivered to the chief of police as ex-
38 officio tax collector, taking his receipt therefor, as well as for the
39 taxes therein contained.

Sec. 37. There shall be a lien on real estate within said town
2 for the town taxes assessed thereon, and for all fines and pen-
3 alties assessed to, or imposed, which shall have priority over all
4 other liens except the liens for taxes due the state and county,
5 and which may be enforced by the common council in the same
6 manner provided by the law for the enforcement of liens for
7 county taxes. If any real estate within said town be returned
8 delinquent for the non-payment of taxes due thereon, a copy
9 of such delinquent list may be certified by the common council
10 to the auditor of the state and the same may be sold for said
11 taxes, interest and commission thereon, in the same manner, at
12 the same time and by the same officers as real estate is sold for
13 state taxes.

Sec. 38. It shall be the duty of the chief of police, as tax
2 collector ex-officio, when the extended copies of the recorder's
3 books are completed to receive one copy thereof, receipting to
4 the common council for the same, and for the taxes therein ex-
5 tended, and it shall be his duty to collect from the parties the
6 net amount of taxes with which they are therein severally
7 charged, and such levy and assessment shall be delivered to such
8 collector on or before the first day of June in each year. From
9 and after the first day of June in each year, and until the
10 fifteenth day of July succeeding, any citizen and taxpayer shall
11 have the right to make payment of his taxes to such collector,
12 and if paid by such taxpayer, within that time he shall be en-
13 titled to a discount of two per centum, and the tax receipt
14 delivered up to him. If the taxes so levied, assessed and placed
15 in the hands of said collector for collection shall not be paid on
16 or before the fifteenth day of July in each year, then it shall be
17 the duty of said collector to collect all such taxes remaining
18 unpaid by distraint and sale and otherwise according to law.
19 He shall also receive such other moneys of the town as he is
20 authorized by this charter to receive, and all moneys ordered
21 paid him by the common council, giving receipts therefor to
22 the parties paying, and shall keep an accurate account of the
23 same, and his books shall at all times be open for inspection to
24 any taxpayer of the said town, and he shall produce said book
25 to said common council for inspection at any meeting thereof
26 upon the order of the common council; he shall pay over
27 promptly all moneys which he may receive within ten days into
28 the hands of the said recorder, who shall be ex-officio treasurer
29 of said town. He shall also on or before the first day of January
30 of each year, present to the common council a full, complete and
31 detailed statement of all moneys with which he was chargeable
32 or that have been received by him up to that time; and shall at
33 the same time furnish a statement of all dues, taxes and assess-
34 ments uncollected and a statement of the reason for the same.
35 He shall at any other time upon the order of the common coun-
36 cil submit a statement of the amount of money and dues with
37 which he is chargeable; and shall receive all taxes upon licenses
38 and receipt to the party paying the same by endorsement upon
39 the permit granted by order of the common council, which
40 permit shall be furnished him by the recorder, and charge him-
41 self with the amount so received, and report to the common
42 council at its next regular meeting thereafter the amount so
43 received, and pay the same to the recorder. He shall, upon all
44 moneys coming into his hands and duly turned over by him
45 to the recorder, receive as compensation therefor a sum to be
46 fixed by the common council not exceeding five per centum on
47 amount collected; and shall upon the expiration of his term
48 of office turn over to the common council, all moneys, taxes and
49 other property in his possession belonging to the town. He
Ch. 5] Paden City Charter 259

50 shall on entering upon the duties of his office execute a bond
51 with good security, payable to the Town of Paden City, in the
52 penalty of not less than four thousand dollars, conditioned for
53 the faithful performance of the duties of his office and for the
54 accounting for and paying over, as required by law, all moneys
55 which may come into his hands by virtue of his office; he shall
56 be chargeable with all town taxes, levies, assessments and
57 moneys, of the town that may come into his hands and shall
58 account therefor. He shall pay into the hands of the said
59 recorder as ex-officio treasurer all moneys in his hands taking
60 the said recorder’s receipt therefor.

Sec. 39. Common council shall prescribe by ordinance the
2 manner and form in which licenses of all kinds shall be applied
3 for and granted, and shall require the payment of the tax there-
4 on before delivery to the person applying therefor.

Sec. 40. The provisions of the twenty-ninth section of chap-
2 ter thirty-two of the code of West Virginia, relating to state
3 license shall be deemed applicable to license of a similar char-
4 acter as those therein mentioned, when granted by or under
5 authority of the common council of said town. License for the
6 keeping of dogs shall expire on the thirtieth day of April next
7 from their granting; all other licenses may be for such term as
8 the common council may determine.

Sec. 41. It shall be the duty of the chief of police to preserve
2 order in the town under the supervision of the mayor.

Sec. 42. The mayor as street commissioner ex-officio with the
2 aid and approval of the common council, shall have charge of the
3 opening, maintenance, construction and repair of the streets,
4 alleys, ways and wharves of the town and the control of the
5 laborers thereon.

Sec. 43. The common council in being at the time this act
2 shall take effect shall pass all proper orders, and ordinances,
3 to give to this act full force and effect; and all officers of the
4 town acting as such at the time this act takes effect, shall con-
5 tinue in office until the end of their respective terms, and until
6 their successors are elected and qualified; to exercise the powers
7 and perform the duties and receive the compensation hereto-
8 fore conferred, prescribed and allowed by general law, by-law
9 or ordinance of said town. All general and special laws of the
10 state of West Virginia, governing cities and towns, and now
11 applicable and not inconsistent with the provisions of this act
shall apply to and govern the Town of Paden City. All by-
laws, ordinances and resolutions lawfully passed and in force
in the Town of Paden City under its former organization, and
not inconsistent with this act shall remain in force throughout
the Town of Paden City until altered or repealed by the com-
mon council of the said Town of Paden City. All rights and
property heretofore vested in said Town of Paden City are
continued in its title and no right or liability, either in favor
of or against the said Town of Paden City at the time this act
takes effect, and no suit or prosecution of any kind, shall be
effected by such change, unless otherwise provided for by this
act.

CHAPTER 6

(Senate Bill No. 156—By Mr. Hugus)

AN ACT to amend and re-enact sections three, five, six, eight, nine,
eleven, twelve, thirteen, seventeen, eighteen, nineteen, fifty and
seventy-six of the part entitled 'Greater Wheeling Charter,' an act of the legislature of West Virginia passed on the twen-
tieth day of February, one thousand nine hundred and fifteen,
extitled 'An act to amend, revise and consolidate into one act
an act of the legislature of West Virginia passed February
eleventh, one thousand nine hundred and seven, entitled: 'An
act to amend, revise and consolidate into one act an act of the
general assembly of Virginia passed March eleventh, one thou-
sand eight hundred and thirty-six, entitled: 'An act to incor-
porate the City of Wheeling, in Ohio county, and all subsequent
acts, both of the general assembly of Virginia and of the leg-
islature of West Virginia, which form a part of the charter of
the City of Wheeling:—chapter eleven of the acts of said legis-
lature of West Virginia of one thousand nine hundred and
nine; chapter two of the acts of said legislature of one thou-
sand nine hundred and eight, extra session; and chapter ninety-
one of the acts of said legislature at the regular session in the
year one thousand nine hundred and thirteen; and all other
acts of the said legislature passed since the passage of said act
of February eleventh, one thousand nine hundred and seven,
and which form a part of the charter of the City of Wheeling;
and, providing that the charter of said city shall be one of two forms of charters in this act as set forth, according to the decision of the voters of said city at the general election to be held on the fourth Tuesday in May, one thousand nine hundred and fifteen, as amended and re-enacted by chapter thirty-one of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one; as amended and re-enacted by an act of the legislature of one thousand nine hundred and twenty-three, as amended and re-enacted by an act of the legislature of one thousand nine hundred and twenty-five, initial session, and as amended and re-enacted by an act of the legislature of one thousand nine hundred and twenty-five, regular session, as amended by chapter five of the acts of the legislature of one thousand nine hundred and twenty-seven, and all other acts of the said legislature passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which forms a part of the charter of the City of Wheeling; and to further amend said charter by the addition of section twenty-three-a providing for the creation of a traffic commission, and prescribing its duties and powers with reference to the parking of automobiles and other vehicles, and regulating the same, on the public thoroughfares in the City of Wheeling.

[Passed March 1, 1929; in effect from passage. Approved by the Governor.]

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Number of wards; how changed.</th>
<th>Duties of officers appointed by council; county health officer as city health officer; may contract with sheriff to collect city taxes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Provisions for first election under this act; council to appoint registrars; eligibility and duties of registrar.</td>
<td>Duties and powers of manager-mayor.</td>
</tr>
<tr>
<td>5.</td>
<td>Councilmen, number, term and qualifications; not to be interested in contracts, etc., for city or owner of stock in public utility having city franchise; penalty for continuing to serve when not eligible; election and duties of manager-mayor.</td>
<td>Apportionment of representation in council; filling of vacancies.</td>
</tr>
<tr>
<td>6.</td>
<td>Chairman pro tempore of council; how vacancies in council filled.</td>
<td>Primary election for manager-mayor and councilmen; election officials; certificates of candidates for nomination; form of primary ballots; how city elections conducted and returned; tie vote; recount; duties of city clerk and others as to elections.</td>
</tr>
<tr>
<td>8.</td>
<td>Compensation of councilmen; salary of manager mayor; no extra compensation after services performed.</td>
<td>How manager-mayor, city councilmen and chief of police may be removed from office; form of ballot for recall election; submission of this act to voters of city; form of ballot.</td>
</tr>
<tr>
<td>9.</td>
<td>Council judge of election of own members; power of manager mayor as to ordinances.</td>
<td></td>
</tr>
</tbody>
</table>
Be it enacted by the Legislature of West Virginia:

That sections three, five, six, eight, nine, eleven, twelve, thirteen, seventeen, eighteen, nineteen, fifty and seventy-six of that part entitled "Greater Wheeling Charter," of an act of the legislature of West Virginia passed on the twentieth day of February, one thousand nine hundred and fifteen, entitled "An act to amend, revise and consolidate into one act an act of the legislature of West Virginia passed February eleventh, one thousand nine hundred and seven, entitled: 'An act to amend, revise and consolidate into one act an act of the general assembly of Virginia passed March eleventh, one thousand eight hundred and thirty-six, entitled: 'An act to incorporate the City of Wheeling, in Ohio county, and all subsequent acts, both of the general assembly of Virginia and of the legislature of West Virginia, which form a part of the charter of the City of Wheeling; chapter eleven of the acts of said legislature of West Virginia of one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session; and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which form a part of the charter of the City of Wheeling; and, providing that the charter of said city shall be one of two forms of charters in this act set forth, according to the decision of the voters of said city at the general election to be held on the fourth Tuesday in May, one thousand nine hundred and fifteen, as amended and re-enacted by chapter thirty-one of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one"; as amended and re-enacted by an act of the legislature of one thousand nine hundred and twenty-one; as amended and re-enacted by an act of the legislature of one thousand nine hundred and twenty-three; as amended and re-enacted by an act of the legislature of one thousand nine hundred and twenty-five, initial session, and as amended and re-enacted by an act of the legislature of one thousand nine hundred and twenty-five, regular session, as amended by chapter five of the acts of the legislature of one thousand nine hundred and twenty-seven, and all other acts of the said legislature
passed since the passage of said act of February eleventh, one
thousand nine hundred and seven, and which forms a part of the
charter of the City of Wheeling; be amended and re-enacted, and
that said charter be further amended by the addition of section
twenty-three-a providing for the creation of a traffic commission,
and prescribing its duties and powers with reference to the park-
ing of automobiles and other vehicles, and regulating the same, on
the public thoroughfares in the City of Wheeling:

Section 3. The city shall be divided into not less than twelve
2 nor more than fourteen wards. Until otherwise changed by
3 ordinance, they shall have the names and the boundaries of the
4 twelve ward divisions of the city existing at the time this amend-
5 ment to the charter takes effect. Changes in the number and
6 boundaries of the wards may be made by council, by ordinance,
7 from time to time, but in making any such changes regard must
8 be had to the compactness of territory and to an equalizing of
9 the number of inhabitants of the several wards.

Sec. 5. The first election for manager-mayor and councilmen
2 under this amendment to the charter shall be held on the
3 fourth Thursday in May, one thousand nine hundred and
4 twenty-nine and every regular city election for manager-mayor
5 and councilmen shall be held biennially thereafter on the
6 fourth Thursday in May. All elections for manager-mayor
7 and councilmen shall be conducted and the results ascertained
8 and declared in accordance with the election laws of West Vir-
9 ginia in effect at the time of said election so far as the same
10 may be applicable and not inconsistent with any of the provi-
11 sions of this act, except that all other elections or votes on any
12 question by the qualified voters of said city shall be held or
13 taken at such places under the supervision of such persons and
14 subject to such regulations as are consistent with the said elec-
15 tion laws of West Virginia and ordained by council.

16 The city council at its regular meeting held on the first Tues-
17 day in April next before every election for the offices of man-
18ager-mayor and councilmen shall appoint for each voting pre-
19 ncinct in the city two competent persons as registrars one each
20 from the two political parties which at the last preceding state
21 and county election cast the highest number of votes in the
22 county of Ohio but the city executive committee of such politi-
23 cal parties may present to the council a writing signed by the
24 chairman of the committee of each party requesting the ap-
pointment of a qualified voter of his political party, as registrar, with his city address, for each precinct in the city and the council shall appoint the person named in such writing as such registrar. No person shall be eligible to appointment as a registrar, or in any way act as such, who has been convicted of a felony, or who holds any elective or appointive office or is an employee under the laws of the City of Wheeling, county of Ohio, state of West Virginia or of the United States or who is not a qualified voter in the precinct for which he is appointed, or who can not read and write the English language. If such registrar shall fail or refuse to serve, the vacancy shall be filled either by the city council, or the manager-mayor of the city in vacation, in the manner hereinbefore provided for the appointment of registrars, and the city clerk shall notify all such persons of their appointment as registrars. Said registrars shall before entering upon the discharge of their duties take an oath to support the constitution of the United States, the constitution of West Virginia, and to perform the duties of their office to the best of their ability and that they are legal members of the party for which they are, respectively appointed. The said oath shall be filed in the office of the city clerk. The city clerk shall cause to be prepared suitable books and blanks for the registration of the voters and such books shall be so arranged as required by law for the registration of voters for general elections held in the state of West Virginia and all the provisions, duties and obligations as set forth in the election laws of West Virginia shall apply to the registration of voters hereunder, except as herein otherwise set out and the city clerk shall perform the duties required of the county clerk.

As soon as possible after their appointment the registrars shall proceed to register the names of all the qualified voters in their respective precincts and shall complete said registration on or before the third Thursday in April preceding said election, and, for the purpose of amending, correcting and completing said registration, shall sit together at some convenient place within the voting precinct for two days, commencing the fourth Thursday in April preceding said election from nine o'clock A. M. to one o'clock P. M. and from two o'clock P. M. to nine o'clock P. M., and shall give notice of the time and place of their sitting for such registration and correction by posting written or printed notices of the time and place
of such sitting for five days prior thereto at not less than three
of the most conspicuous places in said voting precinct, one of
which shall be at the place of voting in said precinct. At the
time of said sitting the books of registration shall be open for
public inspection, and the said registrars, in the manner here-
inbefore provided shall register all qualified voters who have
not theretofore been so registered by them and complete and
finish their registration of the voters within their said precinct
and make out two alphabetical lists of the registered voters
within said precinct entitled to vote at the ensuing election
as registered by them and shall sign and return the same to
the city clerk on or before the first Thursday in May preceding
said election; each of the said registrars shall receive the same
compensation as may be provided by the laws of West Virginia
for the performance of similar duties in state and county elec-
tions. The registration books shall be sent to the polling place
along with the ballots and no person who is not duly registered
thereon shall be allowed to vote at said election.

Sec. 6. Said city shall have a city council of not less than
twelve members composed of one member from each ward in
said city. All councilmen shall take office on the first day of
July, following their election, and shall serve for a term of two
years and until their successors are elected and have qualified,
unless sooner removed from office as hereinafter provided. They
shall be residents and qualified voters of their respective wards
in said city. No one elected a member of such city council or
manager-mayor shall be eligible to hold such office who shall be
interested directly or indirectly in the profits or emoluments
of any contract, job, work or service for the city, or in any sale
to it of any property, real or personal; or be, directly or indi-
rectly, a holder or owner of any bond or stock of any public
utility corporation enjoying a franchise privilege or easement
in or from such city; or be an officer, agent, trustee, servant or
employee of such a corporation. If any such person shall serve
or attempt or continue to serve as a member of such city council
or manager-mayor, who is not eligible for such office, he shall be
guilty of a felony, and upon conviction thereof, be confined in
the penitentiary of this state not less than one nor more than
five years. The manager-mayor shall be nominated and elected
from the city at large and shall be the chairman or presiding
officer of council and shall be known officially as the manager-
WHEELING CHARTER

24 mayor of the city and recognized as such for ceremonial pur-
25 poses, and for the purpose of being served with civil processes
26 against the city, and for the performance of all duties imposed
27 upon him by this charter.

Sec. 8. A majority of the councilmen elected shall have au-
2 thority at any meeting of the city council to appoint one of their
3 number to serve pro tempore as chairman of said meeting in the
4 event of the absence from such meeting of the regular manager-
5 mayor. Vacancies in the council shall be filled by a majority of
6 the remaining members for the unexpired term but any vacancy
7 arising from a recall election shall be filled in the manner pro-
8 vided in such case. In the event of the death, resignation, or
9 removal from the city of the regular manager-mayor, the va-
10 cancy in said office, for the unexpired term, shall be filled by
11 council.

Sec. 9. Councilmen shall be paid ten dollars each for every
2 regular meeting they attend but no compensation shall be al-
3 lowed for special meetings, nor for any committee meeting of
4 the council. The manager-mayor shall be paid the same salary
5 as paid the city manager at the time this amendment to the
6 charter takes effect.

7 No extra compensation shall be granted or allowed to any
8 member of council, agent or servant of the city, or contractor
9 therewith after the services shall have been rendered or the con-
10 tract made; nor shall any payment be made of any claim or part
11 thereof, created against the city under any agreement or con-
12 tract made without express authority of law; and all such un-
13 authorized agreements shall be null and void. Nor shall the
14 salary or compensation of any member of council or the man-
15 ager-mayor be increased or diminished during their term of
16 office. No member of the council shall receive any additional
17 emoluments, allowances or perquisite on any account, save the
18 compensation hereinbefore provided in this section.

Sec. 11. The council shall be judge of the election and
2 qualifications of its members, subject to the provisions of section
3 six of this amendment to the charter. A majority of all mem-
4 bers elected shall constitute a quorum to do business and the
5 affirmative votes of a majority of all members elected shall be re-
6 quired for the adoption of any ordinance or resolution.
7 No act or ordinance passed by council shall be effective until
8 the same has been approved and signed by the manager-mayor.
Within ten days after any such act or ordinance has been submitted to him the manager-mayor shall either approve or disapprove the same and should the said mayor-manager refuse to sign such act or ordinance the city council may at the next two regular meetings repass same by a two-thirds vote of the members present. Should the manager-mayor fail to either approve or disapprove said act or ordinance within ten days after it has been submitted to him, the same shall be effective without his approval and signature.

Sec. 12. The council shall appoint the following named officers of the city, to-wit: a clerk, who shall be known as city clerk, who shall keep all records of the meetings of the city council and perform such other duties as may be required by this charter or the council; a city solicitor, who shall perform such duties as are prescribed in this charter or as the city council by ordinance shall prescribe; a judge of police court, a chief of police, a chief of fire department, and such commissioners of municipal loans and bond issues as may be required by law of the state or city ordinances, and a city health officer. All appointees of council shall hold office at the pleasure of the council and receive such compensation therefor as council may determine, excepting that the city health officer shall serve for a term of four years.

Council may, by contract with the board of commissioners of Ohio county, provide that the same person may be appointed to the office of city health officer and act as such city health officer and also be appointed or selected by the board of commissioners of Ohio county as county health officer, during the same period of time, and perform similar duties for the city of Wheeling, and the county of Ohio, and council may contract with said board of commissioners of Ohio county whereby said board and said City of Wheeling shall agree upon the amount of compensation to be paid said joint health officer and the part of the compensation of any such health officer so appointed to fill both offices, to be paid by each the City of Wheeling and the board of commissioners; and council may likewise contract with said board for a division of the expenses of any joint city and county health officer if the same person shall be selected to fill the office of both city health officer and county health officer and a joint health office maintained.

Council shall have authority to contract, by ordinance, with
the sheriff of Ohio county for the collection of city taxes at a
commission not to exceed two per cent of the aggregate col-
lected, and in the event of such contract being made the said
sheriff shall have the same powers and authority in making such
collections of city taxes, as he is by law vested with, in making
collections of state and county taxes and he may act by deputy
in collecting city taxes, his deputies having and exercising all
powers of their principal in so doing.

Sec. 13. The duties and powers of the manager-mayor shall
be:
(a) To see that the laws and ordinances are enforced;
(b) To appoint all officers of the city, except members of the
city council, and the officers that such city council is hereby
authorized to appoint, and to employ, or cause to be employed,
all employees of the city, the officers by him appointed and such
employees he shall appoint or cause to be appointed, to continue
in their offices or employment during his pleasure or that of his
successor as such manager-mayor, but all appointments or em-
ployments shall be upon merit and fitness alone;
(c) To exercise supervision and control over all departments
and divisions created herein or that hereafter may be created
by the council, except the council and other officers by it
appointed;
(d) To attend all meetings of council with the right to take
part in discussions, and also having the right to cast the decid-
ing vote in case of a tie.
(e) To recommend to the council for adoption such measure
as he may deem necessary or expedient;
(f) To keep the council fully advised as to the financial con-
dition and needs of the city;
(g) To supervise the conduct and performance of their duties
by other officers and employees of the city, except the members
of the city council, reporting to such council any failure of
performance of duty by any of the other appointees of such
council and enforcing the proper performance of their duties
by the officers appointed by him and by the city employees, to
the end that the city’s business shall be efficiently and econom-
ically transacted:
(h) To perform such other duties as may be prescribed by
this amendment to the charter or be required of him by ordi-
nance or resolution of the council. The manager-mayor shall
devote his whole working time to the performance of the duties of his office, and while occupying such office he is not to be engaged directly or indirectly or be interested in any other business than the performance of his duties concerning the affairs of the City of Wheeling.

Wherever the term councilman at large, mayor, or city manager is used in any of the sections of the charter of the City of Wheeling in effect at the time of the passage of this amendment, or is used in any of the ordinances of said city in effect at the time of the passage of this amendment, it shall mean the manager-mayor, who shall perform all duties and exercise such rights as have heretofore been delegated to the above named officials.

Sec. 17. The membership of the city council shall be apportioned among the wards of the city to the extent of one member to be elected from each ward or twelve according to the number of ward divisions at the time this amendment to the charter goes into effect, and the manager-mayor to be elected by the voters of the entire city. All councilmen shall be nominated and elected by the voters of their respective wards, and manager-mayor shall be nominated and elected from the city at large.

The filling of any vacancy in council shall take into account the ward of the member whose place has been vacated and his successor must reside in such ward, in case of a vacancy in the office of manager-mayor, his successor may reside in any part of the city. Removal from a ward shall vacate the seat of a councilman residing in such ward at the time of his election, but in all cases the removal from the city of the manager-mayor or of a councilman shall cause the office of the removing member to be vacated at once.

Sec. 18. Candidates to be voted for at all general municipal elections at which a manager-mayor and councilmen are to be elected under the provisions of this charter shall be nominated at a primary election and no other names shall be printed on the ballots used at the general election except those selected in the manner prescribed by this amendment to the charter.

The first primary election for manager-mayor and councilmen under this amendment to the charter, shall be held on the second Thursday in May, 1929, and every primary election for manager-mayor and councilmen shall be held biennially thereafter on the second Thursday in May.
12 At the regular meeting of the city council held on the first Tuesday in May preceding every primary and general election for the offices of manager-mayor and councilmen there shall be appointed three judges and two poll clerks for said primary and general election for each voting precinct in the city in the manner herein provided, one judge and one poll clerk shall be appointed from each of the two political parties which at the last preceding state and county election cast the highest number of votes in Ohio county, and if at any time during the said meeting of council the city executive committee of either political party from which said judges and poll clerks are to be selected or appointed shall present to said council a writing signed by them or by the chairman of said committee in their behalf requesting the appointment of qualified voters of their political party with their city address and who are otherwise qualified to act as such officials under the laws of West Virginia it shall be the duty of the said council to appoint the persons named in such writing as such election officials.

The remaining judge for each election precinct in the city may be a member of either of the above named political parties and shall be appointed by council.

The said city executive committees or the chairman thereof may appoint a challenger for each election precinct in the city subject to the same provisions governing the appointment, qualifications and duties of challengers as set forth in the election laws of the state of West Virginia. Such judges, poll clerks and challengers shall receive for their services the same compensation that is provided by state law for compensation for such similar officers and said election officers shall have the same duties and responsibilities and shall take and subscribe to the same oaths and shall conduct the elections in conformity with and be subject to the same regulations and penalties as are provided by the state law governing elections and offenses against the same in so far as the same may be applicable.

Any person who is eligible to hold the office of councilman or manager-mayor may file with the city clerk, a certificate declaring himself a candidate for the nomination for such office which certificate shall be in form or effect as follows:

I, .............................................., hereby certify that I am a candidate for the nomination for the office of manager-mayor
or councilman from the .................. ward to represent the
.......................... party, and desire my name printed on the
official ballot of said party, to be voted at the primary election
to be held on Thursday, May .............., 19..........., that I am a
legal qualified voter of the City of Wheeling, county of Ohio,
state of West Virginia, that my residence is number .............
of .......................... street in the said City of Wheeling, that
I am eligible to hold the said office; that I am a member of and
affiliated with said political party; that I am a candidate for
said office in good faith.

.....................................................
Signature of Candidate.

Subscribed to and acknowledged before me this ..................
day of.................................., 19.....
.....................................................
Signature of officer taking affidavit.

Such certificate shall be filed with the city clerk at least
thirty days before the primary election day and shall be signed
and acknowledged by the candidate before some officer qual-
ified to administer oaths, who shall certify the same; provided,
that no person may be a candidate for nomination to office in
any political party, unless it be openly known that such person
is a bona fide member of such party.

Immediately upon the expiration of the time for filing the
above certificates the city clerk shall cause to be published,
one a week for two successive weeks in two newspapers of
opposite politics in said city the names of the persons as they
are to appear upon the respective primary ballots of each
political party and the said city clerk shall thereupon have the
primary ballots printed and authenticated with a fac simile of
his signature. There shall be a separate primary ballot of
candidates of each political party who have filed their petition
as required by this act on different color of paper and the
primary ballot of no two political parties shall be of the same
color or tint. The same color of paper shall be used for sample
primary ballots of each party but there shall be printed across
the face of such sample ballot in large letters the words “sam-
ple ballot” but no sample ballot shall be voted or counted.
Said official primary ballots shall be printed, unless otherwise
herein stated, in accordance with the election laws of West Vir-
ginia governing the printing of ballots for state and county
97 elections, except that there shall be separate ballots for each
98 ward in said city which shall have the names of the candidates
99 for manager-mayor and of the candidates for council of said
100 respective ward and shall be of the form and effect as follows:
101 OFFICIAL BALLOT OF
102 The ...................................... party
103 ........................................ ward
104 City of Wheeling, Primary Election May ............... , 19......
105 (To vote for a candidate mark an ‘‘X’’ in the square oppo-
106 site to the left of his name.)
107 FOR MANAGER-MAYOR.
108 (Vote for one.)

109 □ A B
110 □ C D
111 □ E F

112 FOR COUNCILMAN.
113 (Vote for one.)
114 □ A B
115 □ C D
116 □ E F

117 Official ballot, attest:
118 Fac simile of the signature, ......................... , City Clerk.
119 On the back of the ballot there shall be printed in black ink
120 and in plain legible black face pica type the name of the politi-
121 cal party as contained in the heading followed by the word
122 ‘‘ballot.’’ Under this designation shall be printed two blank
123 lines followed by the words ‘‘poll clerks.’’
124 Unless otherwise provided in this amendment to the charter,
125 all primary and general elections held in said city shall be con-
126 ducted and the result thereof certified, returned and officially
126-a determined in accordance with the provisions of the election
127 laws of the state of West Virginia in force at the time of hold-
128 ing said elections and the penalties therein prescribed for of-
129 fenses relating to said elections shall be enforced against the
enemies of such municipal elections. On the day following a primary election the city clerk shall canvass the returns received from the polling precincts and shall make and publish the result thereof at least once in two newspapers of opposite politics published in said city. The candidate on each ticket receiving the highest number of votes for manager-mayor and the councilman on each ticket receiving the highest number of votes in each ward shall be the candidates whose names shall be placed upon the ballots at the next ensuing general election. In the event of the death or resignation of a nominee before the primary election the name of the candidate on the same ticket who at the primary received the next highest number of votes in his ward, if such nominee was a councilman, or at large if such nominee was manager-mayor, shall be placed on the ticket in his stead. If two or more persons on the same ticket receive an equal number of votes for the nomination of the same office and more than the other candidates, so that there is no choice at the primary, the city clerk shall determine by lot the name out of those voted on at the primary, and tied as aforesaid, to be placed on the ballots for the next ensuing general election and whenever in any other case no choice of candidate is made at a primary election by reason of a tie vote said clerk shall also determine by lot who, of those so tied, shall have his name placed on the ballot for the next ensuing general election. The necessary and legitimate expenses of the holding of any such primary, as well as of any regular or special municipal election in said city for ballots, stationery forms, ballot boxes, booths, voting places, registrars, judges, clerks, and challengers and notices of the election shall be paid by the city. At every such primary or general election the polls shall open at six-thirty A. M. and close at six-thirty P. M.

In the event of a demand by any candidate for a recount of the votes cast at any primary or general election held in said city or in the event of the institution of a proceeding to contest said election, the council in office at the time of said election shall pass on and decide such recount or contest of election in like manner as provided for in contests for state, county and district officers and the council by their proceedings in such cases shall as nearly as practicable conform with like proceedings of the county court in such cases.

Unless otherwise herein provided in this amendment to the
charter, the city clerk shall be charged with all the duties and responsibilities which under the general election laws of West Virginia devolve upon the clerks of the county court and the circuit court and the manager-mayor and council shall be charged with all the duties and responsibilities which under the general election laws of West Virginia devolve upon the board of canvassers and upon the county court and they shall be subject to all the penalties therein described for offenses relating to elections.

Sec. 19. The manager-mayor, city councilmen and chief of police may be removed by the following procedure:

In case an election is demanded for the removal of the manager-mayor or chief of police, a petition signed by at least twenty per centum of the entire vote cast at the last preceding municipal election for the office of manager-mayor, and in case such election is demanded for the removal of a councilman, a petition signed by at least twenty per centum of the entire vote cast for councilmen in said ward at the last preceding municipal election shall be filed with the circuit clerk of Ohio county, which petition shall contain a general statement of the grounds for which the removal is sought. The signature to the petition need not all be on one paper, but each paper shall contain such general statement of the grounds, and each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each of such papers shall make oath before an officer competent to administer oaths, that the statements therein made are true as he believes, and that each signature on the paper is the genuine signature of the person whose signature it purports to be. Within ten days from the date of filing such petition, the said circuit clerk shall examine and ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate, showing the result of said examination. If by the said certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The said circuit clerk shall, within ten days after such amendment, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed sufficient by him the said circuit
34 clerk shall submit the same to the city council without delay.  
35 If the petition shall be found to be sufficient the city council  
36 shall order and fix a date for holding said election not less than  
37 forty days nor more than fifty days from the date of the clerk’s  
38 certificate to the council that a sufficient petition is filed. Said  
39 city council shall allow said circuit clerk a reasonable compen-  
40 sation for the service thus rendered.  
41 The city council shall publish notice of said election for the  
42 recall of said officials once a week for four successive weeks in  
43 two newspapers of opposite politics published in said city; all  
44 arrangements for holding such election shall be made or caused  
45 to be made by council and the same shall be conducted, returned  
46 and the results ascertained, unless otherwise herein stated, in all  
47 respects as heretofore set forth for other elections in the City  
48 of Wheeling.  
49 The ballot for such recall election shall be substantially of the  
50 following form and effect:  
51 OFFICIAL BALLOT.  
52 Special recall election for the removal of (here insert name  
53 of person or persons whose removal is sought) stating whether  
54 the office is that of manager-mayor, city councilman or chief of  
55 police.  
56 FOR THE RECALL OF  
57 ........................................................MANAGER-MAYOR  
58 AGAINST THE RECALL OF  
59 ........................................................MANAGER-MAYOR  
60 FOR THE RECALL OF  
61 ..................................................COUNCILMAN FOR................WARD  
62 AGAINST THE RECALL OF  
63 ..................................................COUNCILMAN FOR................WARD  
64 FOR THE RECALL OF  
65 ........................................................CHIEF OF POLICE  
66 AGAINST THE RECALL OF  
67 ........................................................CHIEF OF POLICE  
68 Should a majority of the votes cast be in favor of recalling  
69 the officer subject to this provision, the city council shall at its  
70 next regular meeting following said recall election appoint a  
71 successor to said office for the unexpired term of same.  
72 The said method of removal shall be cumulative and addi-  
73 tional to any other methods of removal provided by law. No
recall petition shall be filed within ninety days succeeding or
preceding any regular city election.

Provided, further, that the question of maintaining after
July first, one thousand nine hundred and thirty-three, the
change in the form of the city government as affected by the
amendments hereinbefore made to sections three, five, six, eight,
ine, eleven, twelve, thirteen, seventeen, eighteen and nineteen
of said charter shall, upon the written petition of not less than
one thousand of the qualified voters of the City of Wheeling, be
submitted to the voters of the said city at the regular election
to be held on the fourth Thursday in May, one thousand nine
hundred and thirty-one. For the purpose of submitting such
question to the said voters, the city council shall provide at said
election and shall have prepared and cause to be voted upon at
such election a ballot reading as follows:

[Box] For maintaining party form of city government.

[Box] Against maintaining party form of city government.

If a majority of said votes cast at said election shall be cast
in favor of maintaining the party form of city government as
provided for in the aforesaid amendments to said sections, the
said amendments shall remain in force and effect until other-
wise changed by law; if a majority of said votes cast at said
election be against maintaining the party form of city govern-
ment, then the provisions of said charter providing for the form
of government of said city as said provisions existed on the first
day of January, one thousand nine hundred and twenty-nine
shall be the form of government for said city on and after July
first, one thousand nine hundred and thirty-three and the city
elections and primaries to be held in May, one thousand nine
hundred and thirty-three and thereafter shall be held in the
manner provided by said charter as constituted on the first day
of January, one thousand nine hundred and twenty-nine, until
otherwise changed by law and the amendments to said sections
three, five, six, eight, nine, eleven, twelve, thirteen, seventeen,
eighteen, and nineteen—hereinbefore made shall not be effec-
tive on and after July first, one thousand nine hundred and
thirty-three, and the said sections three, five, six, eight, nine,
eleven, twelve, thirteen, seventeen, eighteen and nineteen of
said charter on and after said date shall be in the same form
as said sections existed and were effective on the first day of January, one thousand nine hundred and twenty-nine.

Sec. 50. The council may cause to be taken or damaged for the use of the city, for streets, alleys, markets, bridges, public squares, parks, play-grounds, and other municipal purposes, including occupation by sewer, water pipes, gas pipes, heating pipes, compressed air pipes and electric or other subways, any private property within the city, (but where such use is to secure or improve the water supply, or for park, play-grounds, sanitary or cemetery purposes, outside the limits of the city) but no such property shall be taken or damaged without just compensation. The compensation, if it cannot be determined by agreement with the owner of the property so taken or damaged, shall be ascertained in such manner as is or may be prescribed by general law for the condemnation of land for public purposes. In addition to all other levies provided by law, the council of the City of Wheeling shall have the right to levy annually not to exceed five cents on each one hundred dollars of the assessed valuation of the property within the limits of the city according to the last assessment thereof for state and county purposes, for the purpose of obtaining and maintaining parks, playgrounds and recreation centers.

For the management of that plat of ground heretofore known as Wheeling Park, and donated to the City of Wheeling on the eighteenth day of December, one thousand nine hundred and twenty-four, for use as a municipal park, and for the management of such other parks as may hereafter be acquired by the City of Wheeling there shall be, and there is hereby created a commission to be known as “Wheeling Park Commission,” and the same is hereby made a body corporate, and by that name the commission may sue and be sued; plead and be impleaded; and contract and be contracted with. The said commission shall consist of five citizens of the City of Wheeling, who shall be appointed in the manner hereinafter set out, and who shall serve without compensation and shall hold no remunerative political office, either state, county, municipal; and no member of the commission shall be eligible to appointment to any remunerative office or position under the jurisdiction of the commission. Before the first day of March, one thousand nine hundred and twenty-five, the board of directors of the Wheeling chamber of commerce shall appoint three members of the said
commission, and the city council shall appoint two members of the same commission. The said commissioners appointed by the board of directors of the Wheeling chamber of commerce shall hold office from March first, one thousand nine hundred and twenty-five, for one, two, and four years, respectively, as designated by said board of directors, and the two members of the commission appointed by the city council shall hold office from March first, one thousand nine hundred and twenty-five, for three and five years respectively, as designated by the city council. Their respective successors, however, shall be appointed for the term of five years each excepting that any person appointed to fill a vacancy occurring, before the expiration of a term, shall serve only for the unexpired term; any commissioner shall be eligible for reappointment; provided, further, however, that any vacancy created either by the expiration of a term, or otherwise, shall be filled by appointing body, either the board of directors of Wheeling chamber of commerce, or the city council, as the case may be which may be appointed the commissioner whose place on the commission is being filled. Upon the appointment of said commission, the members thereof shall elect from among their number a chairman and a secretary-treasurer who shall hold office for one year and be eligible for re-election. Annually thereafter the commission shall organize by the election of a secretary-treasurer and such other officers from its own number as it may deem advisable. Members of the commission may be removed from office in the same manner as provided for the removal of county officers under section seven, of chapter seven of Barnes' code, one thousand nine hundred and twenty-three. The commission shall have all and sole power necessary, convenient and advisable for the proper care, equipment and management of the said Wheeling park and other parks hereafter acquired by the City of Wheeling, either by gift or purchase, and shall make such rules and regulations as it shall deem expedient for the care and management thereof.

In order to provide for the purchase of the equipment for use in Wheeling park and Oglebay park (Waddington) and for the maintenance and upkeep of said Wheeling park and Oglebay park, the city council of Wheeling shall levy annually ten cents, or lesser amount, if requested by the commission, on each one hundred dollars of the assessed valuation of the property within
81 the limits of the city, according to the last assessment thereof
82 for state and county purposes. The proceeds of this ten cent
83 levy shall be for the exclusive use of said Wheeling park,
84 Oglebay park and any other parks hereafter acquired as afore-
85 said by the City of Wheeling, and shall be disbursed only upon
86 the order of the commission evidenced by warrants drawn on
87 the city treasurer, and signed by the chairman and the secretary-
88 treasurer of the commission.

Sec. 23-a. There is hereby created a commission to be known
2 as the traffic commission, whose duty it shall be to pass rules
3 and regulations concerning the parking of automobiles and
4 other vehicles, and regulating the same on the public thorough-
5 fares in the City of Wheeling. Such rules and regulations,
6 when passed and promulgated by said commission, shall have
7 the same force and effect as ordinances passed by the council
8 of the City of Wheeling until altered, repealed, revoked or
9 amended by said council.
10 Said commission shall be composed of five citizens of Wheel-
11 ing, none of whom shall be state, county or city officials, and said
12 commissioners shall be appointed by and serve at the pleasure
13 of council.

Sec. 76. Subject to the limitations of the state laws prescrib-
2 ing the aggregate of all levies for city purposes, the council shall
3 annually cause to be levied and raised by a general tax upon
4 all taxable property in the city:
5 1. An amount sufficient to pay the interest and any install-
6 ment of principal falling due within the year upon all bonds of
7 the public debt of the city, which shall be kept in a separate
8 fund, to be called the public debt fund.
9 2. An amount which, with the revenue from the water works,
10 and any other revenue-producing works or property owned by
11 or in charge of the city, will be sufficient to defray the expenses
12 for the next fiscal year of all of the works and property, and an
13 amount sufficient to pay the salaries of all officers of the city,
14 and the wages of all employes of the city, and all necessary
15 ordinary and contingent expenses of the city, not otherwise pro-
16 vided for, which, with all other moneys received by the city.
17 not belonging to any other fund specified by this act, shall be
18 kept as a separate fund, to be called the general city fund.
19 All ordinances of the City of Wheeling as they exist at the
20 time of the passage of this act, which are inconsistent herewith, 21 are hereby abrogated and repealed, and all acts and parts of 22 acts inconsistent with any of the provisions of this act are 23 hereby repealed.

CHAPTER 7

(Senate Bill No. 174—By Mr. Roberts)

AN ACT amending and re-enacting chapter twelve of the acts of one thousand nine hundred and five, entitled "An act incorporating the City of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof, and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven, and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled 'An act incorporating the City of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof'."

[Passed February 26, 1920: In effect from passage. Became a law without the approval of the Governor.]

Sec. 1. City a body corporate.  
2. Corporate boundaries.  
3. Ward boundaries.  
4. Elective and appointive officers; qualification; vacancies in office of council.  
5. Common council to exercise corporate powers.  
6. Terms of elective and appointive officers.  
7. Oath of officers.  
8. Elections; qualification of voters; conduct and return; contests; tie vote.  
9. Duties of council as to appointive officers.  
11. How elective officer removed.  
12. Regular and special meetings of council; compensation of councilmen; procedure.  
14. Reading of minutes; yeas and nays.

Sec. 15. Requirements for adoption of ordinance.  
17. Power of council to contract for water.  
18. Dedication to public use of streets, etc.  
19. Powers of council to enforce ordinances; may work prisoners on streets.  
21. Council to have right of eminent domain.  
22. Estimate and levy by council.  
23. Lien for taxes.  
24. Distraint and sale for taxes.  
26. Power of council as to licenses.  
27. How licenses applied for and granted.  
28. Mayor, duties and powers; salary; proceedings to enforce ordinances.
Be it enacted by the Legislature of West Virginia:

That chapter twelve of the acts of one thousand nine hundred and five, entitled an act incorporating the City of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof, and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven, and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled an act incorporating the City of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.

Section 1. The inhabitants of Marshall county, in this state, and now and hereafter residing within the boundaries prescribed in the next section hereof, shall be and they are hereby constituted a body politic and corporate, by and under the name of "the City of McMechen," and as such and by and in the name shall have perpetual succession and a common seal, and may sue and be sued, contract and be contracted with, purchase, lease, hold and use real and personal property necessary for corporate purposes, and grant, sell, convey, transfer, let and
assign the same; and generally shall have all the rights, powers
and franchises belonging or appertaining to municipal corpora-
tions in this state; and shall have and succeed to all the powers,
franchises, rights, privileges, and immunities, and be subject
to all responsibilities, which were conferred upon, or belonging
or appertaining to the City of McMechen, by virtue of chapter
twelve of the acts of the legislature of this state, passed Febru-
ary twenty-fourth, one thousand nine hundred and five.

**Boundaries**

Sec. 2. The boundaries of said city shall be as follows:

Commencing at the southwest corner of the corporation of the
City of Benwood, the same being on the west edge of the Ohio
river, in the Ohio state line, where it crosses the mouth of Pinch
run, thence with the south corporation lines of the City of Ben-
wood, north eighty-one degrees fifteen minutes east, crossing
the river at a point in mouth of McMechen’s run; thence up the
same with its meanders, north sixty-nine and one-half degrees,
east one hundred and seventy-eight feet; south eighty-one de-
grees east ninety-one feet; north eighty-six and one-fourth de-
grees east one hundred and forty-eight and five-tenths feet;
south eighty-four and one-fourth degrees east one hundred and
forty feet; north eighty-eight and one-fourth degrees east one
hundred and seventy-nine and five-tenths feet; south seventy-
eight degrees east two hundred and twelve feet; south sixty-
four and one-half degrees east one hundred and seventy feet;
north eighty-eight and one-half degrees east two hundred and
forty-seven feet; north eighty-six degrees east one hundred and
eighty-five feet; north fifty-two degrees east one hundred and
seventy-four and three-fourths degrees; south eighty-five and three-
fourths degrees east one hundred and sixteen feet; north seventy-and
one-half degrees east two hundred and eighty-five feet; north
seventy and one-fourth degrees east ninety-two feet; north
seventy-one and one-fourth degrees east one hundred and
two hundred and twenty-five feet to a point at the forks of the run; thence
up the south fork south seventy-seven and three-fourths degrees
33 east two hundred and twenty feet; north twenty-seven and one-
34 half degrees east sixty-nine feet; south seventy-nine and one-
35 half degrees east eighty-five feet to a point in the run, located
36 north fourteen and one-half degrees east thirty-eight feet from
37 the northwest corner of a small frame house standing between
38 the run and the McMchen cemetery fence; thence up the run
39 south sixty-six degrees east one hundred and fifty-nine feet to
40 a point in the original easterly corporation line of McMchen;
41 thence with said line, leaving the run, south sixteen degrees east
42 two hundred and fifty-one and ninety-five one-hundredths feet
43 to a stake in a field located north seventy-three and one-half
44 degrees east one hundred and three and twelve one-hundredths
45 feet from a gum tree stump south of the cemetery fence, the
46 said stake being also located south five and one-half degrees
47 west eighty feet from the extreme easterly corner of the
48 McMchen cemetery fence; then from said stake with the origin-
49 al easterly corporation line of McMchen, south thirteen de-
50 grees west six thousand one hundred and seventy-one feet to a
51 point in the old bed of Jim’s run, south of the present bed, and
52 located south seventy-five degrees east seven hundred and
53 ninety-two feet from the center of the Baltimore & Ohio rail-
54 road stone bridge; thence leaving the original corporation line
55 of McMchen, south eleven degrees east one hundred and forty-
56 six and six-tenths feet to a point in the east line of the “First
57 addition to Riverview;” thence with said east line south twenty-
58 three degrees forty minutes west four hundred and eighty-five
59 feet to the north side of Twenty-third street; thence, following
60 said north side of Twenty-third street, north sixty-six degrees
61 twenty minutes west three hundred feet to the southwest corner
62 of lot No. 264; north seventy-seven degrees five minutes west
63 fifty and eight-tenths feet to the southwest corner of lot No.
64 262; north eighty-three degrees fifty minutes west; three hun-
65 dred fifty feet more or less with the north line of Twenty-third
66 street, and that line extended across Marshall street to the east
67 property line of the Baltimore & Ohio railroad company’s right
68 of way, thence with said east line, in a southwesterly direction,
69 eleven hundred feet more or less to the point of intersection of
70 the said right of way line with the eastward extension of the
71 north line of Twenty-seventh street, which street lies on the
72 north side of an addition called “Riverview addition,” situated
73 between the right of way of the Baltimore & Ohio railroad com-
74 pany’s main line, and the right of way of the said Baltimore &
Ohio railroad company’s Ohio river division, thence with the north line of Twenty-seventh street, and its extension north seventy-five degrees thirty minutes west to, and across, the Ohio river, to the Ohio state line, thence up the river along the water’s edge, following the said state line to the beginning.

Wards

Sec. 3. The territory of said city is hereby divided into four wards as follows:

All that part of said city lying north of Sixth street, and the line of Sixth street extended to corporate lines, shall constitute the first ward of said city; that part lying between said Sixth and Tenth streets and lines of said streets extended to corporate limits, shall constitute the second ward, and all that part of said city lying between Tenth and Thirteenth streets and lines of said streets extended to corporate limits, shall constitute the third ward, and all that part of said city south of Thirteenth street and the line of Thirteenth street extended to corporate limits, shall constitute the fourth ward of said city. The council of said city may change the boundaries of the different wards, but regard shall be had to equality of population of the several wards.

Officers

Sec. 4. The officers of said city shall be a mayor, clerk, marshall, treasurer, solicitor, health officer, street commissioner, city engineer, and two councilmen from each ward. The mayor shall be elected by the qualified voters of said city. The clerk, marshal, health officer, street commissioner, treasurer, solicitor and city engineer shall be appointed by the council, and the councilmen shall be elected by the qualified voters of their respective wards. No person shall be eligible to any elective office unless he is a qualified voter thereof, nor unless he has resided therein for at least six months before his election; and in case of a councilman, unless he is a bona fide resident of the ward from which he is elected, and a freeholder of said city; and the removal of a councilman from the ward in which he was elected, or his ceasing to be a freeholder in said city, shall vacate his office.

The council may by ordinance or resolution appoint one person to perform the duties herein provided to be performed by one or more of the above named officers, define the duties to be performed by such officers, and fix the compensation therefor.
Sec. 5. The municipal authorities of said city shall consist of the mayor and councilmen, who together shall form a common council, and all the corporate powers of said corporation shall be exercised by said council or under its authority, except where otherwise provided.

**Term of Officers**

Sec. 6. The term of office of the mayor shall begin on the first Monday in April next succeeding his election and shall be for the term of two years, and until his successor shall have been elected and qualified. The clerk, marshal, treasurer, health officer, street commissioner, solicitor, and city engineer, shall be appointed by the council and shall hold their office during the pleasure of the council. The same person shall not be appointed for two consecutive terms unless he shall have fully settled up the business of his former term or terms. At the first election provided in section eight of this act there shall be elected a mayor, whose term of office shall begin on the first Monday in April next succeeding his election and shall be for the term of two years, and until his successor is elected and qualified, and two councilmen from each ward whose term of office shall begin on the first Monday in April next succeeding their election, the one thereof receiving the highest number of votes shall hold his office for the term of four years, and the one receiving the next highest number of votes shall hold his office for the term of two years, and until their successors are elected and qualified. On the same day each succeeding two years one councilman from each ward shall be elected and shall hold office for four years from the first Monday in April next succeeding their election and until their successors are elected and qualified.

Sec. 7. Every person elected or appointed to any office in said city shall within twenty days after his election or appointment and before entering upon the discharge of the duties thereof, take and subscribe the oath of office prescribed by law for offices generally, which may be done before the mayor or clerk of said city, or before any person authorized by law to administer oaths; and the same, together with the certificate of the officer administering the oath, shall be filed with the clerk of the city.

**Elections**

Sec. 8. The first election hereunder shall be held on the first Tuesday in March, one thousand nine hundred and twenty,
Every person who has been a *bona fide* resident of the city for three months next preceding any election, and has paid all municipal taxes levied and assessed against him for the preceding tax year, and otherwise a qualified voter under the constitution and laws of the state, shall be entitled to vote at such election in the ward in which he resides.

The election shall be held, conducted and the results thereof be ascertained, returned and determined under such rules and regulations as may be prescribed by the council, which shall not be inconsistent with the general laws of the state governing municipal elections, and shall conform as nearly as practicable to such laws. Contested elections shall be heard and decided by council, and the proceedings therein shall conform as nearly as may be to similar proceedings in the case of contested elections of county and district officers. The council shall be the judge of the election, return and qualification of its own members. In case two or more persons received an equal number of votes for the same office, if such number be the highest cast for such office, the city council shall decide by vote which of them shall be returned elected, and shall make their return accordingly.

### Council

**Sec. 9.** The council shall prescribe the powers and define the duties of all officers by it appointed, except so far as the same are by this act defined; shall fix their compensation, and may require and take from them respectively, bonds payable to the city in its corporate name with such sureties and in such penalties as may be deemed proper, conditioned for the faithful performance of their duties.

**Sec. 10.** The council shall require and take from all officers elected or appointed as aforesaid, whose duty it shall be to receive funds, assets or property belonging to the city, or have charge of the same, such bonds, obligations or other writings as may be deemed necessary and proper to secure the faithful performance of their several duties. All bonds, obligations or other writings taken in pursuance of any of the provisions of this act shall be made payable to “the City of McMehen,” with such sureties and in such penalties as may be deemed proper, conditioned for the faithful performance of their duties and for the accounting for and paying over, as required by law, all moneys coming into their hands by virtue of their offices, and the re-
13 respective persons and their heirs, executors and assigns bound
thereby, shall be subject to the same proceedings on said bonds,
obligations and other writings, for enforcing the conditions of
the terms thereof, by motion or otherwise, before any court of
competent jurisdiction held in and for the county of Marshall,
that collectors of county levies and other sureties are or shall
be subject to on their bonds for enforcing the payment of the
county levies.

Sec. 11. The council shall have the authority to remove
from office any elected officer of the city for misconduct or
neglect of duty, by an affirmative vote of three-fourths of the
members of the council, but only after reasonable notice to such
officer, and a hearing of the charges preferred; and any vacancy
in office, however occasioned, may be filled by the council for
the unexpired term.

Sec. 12. The council shall fix the place and times of hold-
ing its regular meetings; may provide for special and adjourned
meetings; shall have power to compel the attendance of its
members; and may prescribe rules and regulations, not incon-
sistent herewith, for the transaction of business and for its own
guidance and government. Councilmen shall receive compen-
sation of two dollars for each regular or special meeting of the
council which they attend, provided, however, that compensa-
tion shall not be allowed for more than six special meetings in
one fiscal year. The council shall be presided over at its meet-
ings by the mayor, or in his absence by the clerk, or in the
absence of both the mayor and clerk, then by one of the council-
men selected by a majority of the council present, who may vote
on any question as member of the council. The mayor shall
have a vote only in case of a tie and in no case shall the pre-
siding officer have more than one vote. A majority of the
council shall be necessary to constitute a quorum for the trans-
action of business. No member of the council shall vote upon
or take part in the consideration of any proposition in which
he is or may be interested otherwise than a resident of said city.

Sec. 13. The council shall cause to be kept by the clerk in
a well bound book to be called the "minute book" an accurate
record of all its proceedings, ordinances, acts, orders and reso-
lutions, and in another to be called the "ordinance book" ac-
curate copies of all the ordinances adopted by the council, both
of which shall be fully indexed and open to the inspection of
Section 7. Any one required to pay taxes to the city, or who may be otherwise interested. All oaths and bonds of officers of the city and all papers of the council shall be endorsed, filed and securely kept by the clerk, except the bond of the clerk, which shall be filed with the mayor. All printed copies of such ordinances purporting to be published under authority of the council and transcripts of such ordinances, acts, orders and resolutions, certified by the clerk under the seal of the city, shall be deemed prima facie correct, when sought to be used as evidence in any court or before any justice.

Sec. 14. At each meeting of the council, the proceedings of the last meeting shall be read, and if erroneous, corrected, and signed by the presiding officer for the time being. Upon the call of any member, the yeas and nays on any question shall be taken and recorded in the minute book.

Sec. 15. No ordinance or by-law, and no resolution or measure for the expenditure of money other than to defray the current and incidental expenses of the city, shall be deemed passed or adopted unless it shall have been fully read at two consecutive meetings of the council, and shall have received a majority of the votes of the members present, when it shall stand and be declared adopted and not otherwise.

Sec. 16. The council of said city shall have power to lay off, vacate, close, open, alter, grade and keep in good repair the roads, streets, alleys, pavements, sidewalks, cross-walks, drains and gutters therein for the use of the citizens or of the public, and to improve and light the same, and to keep the same free from obstructions of every kind; to regulate the width of pavements and sidewalks on the streets and alleys, and to order the pavements, sidewalks, footways, drains and gutters to be kept in good order, free and clean, by the owners or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the times of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling or regulating of such markets; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughterhouses and soap factories within the city limits; or the exercise of any unhealthy or offensive business, trade or employment; to abate all nuisances within the city limits, or to require and compel the abatement or removal
20 thereof, by or at the expense of the person causing the same, 
21 or at the expense of the owner or occupant of the ground on 
22 which they are placed or found; to cause to be filled up, raised 
23 or drained by or at the expense of the owner, any city lot or 
24 tract of land covered or subject to be covered by stagnant 
25 water; to prevent horses, hogs, dogs, cattle, sheep, or other 
26 animals, and fowls of all kinds from going or being at large 
27 in such city, and as one means of prevention, to provide for 
28 impounding and confining such animals and fowls and upon 
29 failure to reclaim, for the sale thereof; to protect places of 
30 divine worship and to preserve order in and about the premises 
31 where and when such worship is held; to regulate the keeping 
32 of gunpowder and other inflammable or dangerous substances; 
33 to provide and regulate the building of houses or other struc-
34 tures, and for the making and maintaining of division fences 
35 by the owners of adjoining premises, and for the proper drain-
36 age of city lots or other parcels of land, by or at the expense 
37 of the owner or occupant thereof; to provide against damage 
38 or danger by fire; to punish for assaults and batteries; to 
39 arrest, convict and punish any person for gambling or keeping 
40 gaming tables, commonly called a, b, c, or e, o, table or faro 
41 bank or keno table, or table of like kind, under any denomina-
42 tion, whether the game or table be played with cards, dice or 
43 otherwise, or shall be a partner, or concerned in interest, in the 
44 keeping or exhibiting such table or bank, or keeping or main-
45 taining any gaming house or place, or betting or gambling for 
46 money or anything of value; to suppress houses of ill-fame and 
47 to arrest and punish persons loitering in, or visiting them, or 
48 loitering at wharves or upon the streets; to prevent lewd and 
49 lascivious conduct; the sale or exhibition of indecent pictures 
50 or other representations; the desecration of the Sabbath day; 
51 profane swearing; to protect the persons of those residing or 
52 being within said city; to appoint when necessary or advisable 
53 a police force, permanent or temporary, to assist the chief of 
54 police in the discharge of his duties; to build or purchase, or 
55 lease and to use, a suitable place within or near said city for 
56 the safe keeping or punishment of persons charged with or 
57 convicted of the violation of ordinances; to provide for the 
58 employment of persons convicted of the violation of ordinances 
59 or who may be committed in default of the payment of fines, 
60 penalties or costs, and who are otherwise unable to discharge
the same, by putting them to work for the benefit of the city, 
and to use such means to prevent their escape while at work, 
as they may deem expedient; to erect, or authorize or prohibit 
the erection of gas works, electric light works or water works 
within the city limits; to prevent injury to such works, or the 
pollution of any gas or water used or intended to be used by 
the public or by individuals, and to all things necessary to 
adequately supply said city and the inhabitants thereof with 
pure, healthful and wholesome water; to use, generate, dis-
tribute, sell and control electricity and gas for heat, light and 
power and to furnish lights for the streets, houses, buildings, 
stores, and other places in and about said city; to provide a 
sewerage system for said city; to provide for and regulate the 
weighing and measuring of hay, coal, lumber and other articles 
sold or kept or offered for sale, within said city; to establish 
and construct wharves and docks, and to repair, alter or re-
move any landing, wharf, or dock which has been or shall be 
so constructed and to establish and collect rates and charges 
for the use thereof; to regulate the running and speed of auto-
mobiles, motorcycles, vehicles, engines and cars within the said 
city; to organize one or more fire companies and provide 
necessary apparatus, tools, implements, engines or any of them 
for their use, and in their discretion to organize a paid fire 
department; to make regulations with respect to the erection 
and location of all pipes, conduits, and telephone, telegraph, 
electric light or other poles within said city, and the extension 
of any wires, lines and poles by any individuals or corpora-
tion; to create by ordinances such committees on boards, and 
delegate such authority thereto as may be deemed necessary or 
advisable; to provide for the annual assessment of the taxable 
property therein, including dogs kept in said city, and to pro-
vide a revenue for the city for municipal purposes, and to 
appropriate such revenue to its expense, and generally to take 
such measures as may be deemed necessary or advisable to pro-
tect the property, public and private, within the city; to pre-
serve and promote the health, safety, comfort and well being 
of the inhabitants thereof.

The council of said city shall have power and authority to 
control and regulate the construction and repairs of all houses 
and other buildings within the said city; to provide for the 
granting of building permits; to cause the removal of unsafe
walls or buildings and may prohibit the erection on any such
street, or in any such square, of any building, or of any addi-
tion to any building unless the outer walls thereof be made of
brick and mortar or other fireproof material; and to provide
for the removal of any building or addition which shall have
been erected contrary to such prohibition, at the expense of
the owner or owners thereof.

The said council of said city shall have any and all addi-
tional power and authority granted to cities, towns and villages
by chapter forty-seven of the code, or any additional powers
hereafter granted to municipal corporations by the legislature.

Sec. 17. The council of said city shall have the power to con-
tract with persons, private or municipal corporations, for fur-
ishing to said city, through and over the streets, alleys and
public grounds of said city, water for domestic, fire and other
purposes, for use by the inhabitants of said city and persons
and corporations in the vicinity thereof, and said city by its
council may provide for the sale of said water to the consumer
thereof upon such terms and conditions as it may deem proper,
provided, however, that no contract for such water shall be
made by the city for a longer period than ten years.

Sec. 18. Before the council of said city shall accept the dedi-
cation to public uses, any highway, avenue, streets or alleys
within said city, the highways, avenues, streets and alleys so
dedicated for highway purposes shall be constructed to a proper
grade to be approved by council, and the dedication of such
streets, highways, avenues and alleys shall be for usual highway
purpose and without reservation or restriction.

Sec. 19. To carry into effect these enumerated powers and
all others by this act or by general law conferred, or which may
hereafter be conferred upon the said city or its council or any
of its officers, the said council shall have and possess full author-
ity to make, pass and adopt all needful ordinances, by-laws,
orders and resolutions not repugnant to the constitution and
laws of the United States or of this state; and to enforce any
or all of such ordinances, by-laws, orders or resolutions by pre-
scribing for a violation thereof, fines and penalties and im-
prisonment in either the county jail of Marshall county, or the
city prison if there be one; but no fines shall exceed one hun-
dred dollars, and no term of imprisonment shall exceed ninety
13 days. Such fines and penalties shall be imposed and recovered, 
14 and such imprisonment inflicted and enforced, by and under the 
15 judgment of the mayor of said city, or in case of absence or 
16 inability to act, of the clerk of said city, or in case of absence 
17 or inability to act of both of said officers, of one of the council-
18 men, appointed for that purpose by the council.

19 Said city is hereby authorized to work its prisoners on the 
20 public streets and other improvements of said city or to hire 
21 its prisoners to the county court of Marshall county to work on 
22 the public roads, and other improvements of said county, on 
23 such terms and conditions as may be agreed upon; without 
24 making such work a part of the judgment against such prison-
25 ers; but credit shall be allowed any prisoner for the value of 
26 such work as fixed by council, and when the fine and costs are 
27 fully paid by work, the prisoner shall be discharged from 
28 custody.

Franchises

Sec. 20. Franchises may be granted by the city council to 
2 persons or corporations allowing such occupancy of portions 
3 of the streets and alleys as may be necessary for works of public 
4 utility and service, but no such franchise shall hereafter be 
5 granted except under the following restrictions and conditions:
6 No ordinance shall be passed granting any franchise for the use 
7 of any of the streets or alleys of the city for any of the purposes 
8 above named, until the same shall have been filed with the clerk 
9 at least thirty days prior to the time when it is to be acted upon 
10 by the council, and notice of such application, stating the object. 
11 of such franchise, and when the same will be considered by the 
12 council, shall have been given thirty days' notice in some news-
13 paper of general circulation published in Marshall county.
14 Nor shall such franchise be granted within thirty days after 
15 the application has been filed, nor until an opportunity has been 
16 given any citizen or corporation interested in the granting or 
17 refusing of said franchise to be heard.

17-a Nor shall any franchise be hereafter granted by council for 
18 a longer period than twenty-five years, provided, that the 
19 council shall have the power to renew any such franchise for 
20 the term of ten years, when the same shall have expired. No 
21 franchise hereafter granted for a longer term than twenty-five 
22 years shall be of any force or validity. No grant of any such 
23 franchise shall be made without at the time of making it pro-
viding that the grantee, its successors or assigns, shall indemnify the city against all damages caused by the construction and maintenance of such works.

Any person or corporation to whom a franchise has been or may hereafter be granted by said city; who shall fail or refuse to comply with the conditions of the ordinance granting the same within thirty days after receiving notice of such failure, shall forfeit all rights and privileges conferred by said franchise unless said failure be waived by resolution of the council of said city.

**Power to Condemn**

Sec. 21. The council shall have the right to institute proceedings, in the name of the city, for the condemnation of real estate for streets, alleys, avenues, sewers, drains, market grounds, landings, wharves, city prison, or other work or purposes of public utility; such proceedings shall conform to the provisions of chapter forty-two of the code of West Virginia, and costs thereof shall be borne by the city, except that in contests involving a hearing in the circuit court, costs shall be recovered by the prevailing party.

**Levy**

Sec. 22. The council shall cause to be made up annually, and spread upon its minute book, an accurate estimate of all sums which are or may become lawfully chargeable against the city, and which ought to be paid within one year, and it shall order at a meeting to be held by it in the month of August of each year, as provided by law, a levy of so much as will, in its judgment, be necessary to pay the same; such levy shall be upon all the real estate and personal property otherwise subject to state and county taxes, and an annual capitation tax of one dollar upon each male inhabitant of said city who has attained the age of twenty-one years; provided, that such levy shall not exceed the sum of fifty cents upon each hundred dollars of the ascertained value of the real and personal property; and, provided, further, that an additional special levy of ten cents upon each one hundred dollars of such valuation may be levied for the purpose only of paying the principal and interest of the bonds of said city now outstanding.

**Lien for Taxes**

Sec. 23. There shall be a lien on real estate within said city for the city taxes assessed thereon, and for all fines and penal-
ties assessed to, or imposed upon the owners thereof, by the authorities of such city, from the time the same are so assessed or imposed, which shall have the priority over all other liens, except the lien for taxes due the state, county and district; and which may be enforced by the council in the same manner provided by law for the enforcement of the lien for county taxes. If any real estate within said city be returned delinquent for the non-payment of the delinquent taxes thereon, a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for the city taxes, interest and commission thereon, in the same manner, at the same time and by the same officer as real estate is sold for the nonpayment of state taxes.

**Distress for Taxes**

Sec. 24. If any person against whom, or upon whose property any taxes shall be lawfully assessed for the benefit of said city shall not wholly pay such tax on or before the first day of January after the same shall have become due, it shall be lawful for the officer authorized to collect such tax to take reasonable distress of any personal property in said city, belonging to said delinquent, in which he or she shall have the right or interest, and sell such property, right, or interest at public auction in said city, having given ten days’ notice of the time and place of sale, by advertisement posted in some public place in said city, and published or posted in such other manner as may be prescribed by ordinance of said city, if council shall by ordinance require any other or more ample advertisement, and out of the proceeds of such sale after defraying all expenses, to pay said city the said tax, or as much thereof as shall be delinquent, and return the remainder, if any, to the owner of the property so levied and sold.

**Other Remedies**

Sec. 25. In addition to all other means for the collection thereof, all taxes, as well as all other demands due to the said city, may be recovered by any appropriate suit or proceeding in the name of the city before any justice of Marshall county, if the amount be within his jurisdiction, or in the circuit court of said county if the amount be within the jurisdiction of said court, and any judgment so obtained may be enforced as other judgment liens are enforced.
Sec. 26. The council shall have the authority to require a city license as follows: For anything to be done, carried on or exhibited within the city, for which a state license is now or may hereafter be required, for the keeping of hacks, carriages, carts, wagons, and other vehicles for hire within the city, and for keeping of dogs within the city, and the council may provide for the killing of all dogs, the keeping of which is not so licensed. And upon all such licenses the council may impose a reasonable tax for the use of the city.

Sec. 27. The council shall prescribe by ordinance the manner in which licenses of all kinds shall be applied for and granted, and shall require the payment of the tax thereon to be made to the marshal of said city before delivery to the person applying therefor and the provisions of sections thirty-nine, forty and forty-one of chapter thirty-two of the code of West Virginia, one thousand nine hundred and thirteen, relating to licenses, shall govern the city in the granting of licenses similar in character to those herein mentioned, except where otherwise herein provided. Licenses for keeping dogs shall also expire on the thirtieth day of June next after they are granted, and all other licenses may be for such times as the council may determine.

Sec. 28. The mayor shall be the chief executive officer of the city and shall see that the orders, by-laws, ordinances and regulations of the council thereof are faithfully executed; he shall be ex-officio a justice and conservator of the peace within the city and shall within the same have, possess and may exercise, all the powers and perform all the duties whether in civil or criminal proceedings, vested by law in a justice of the peace. Any summons, warrant or other process, issued by him, may be executed at any place within the county; he shall have power during the recess of the regular meetings of council to appoint special police officers when he shall deem it necessary, and it shall be his duty to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end he may arrest and detain, or cause the arrest and detention, of all riotous and disorderly persons before taking other proceedings in the case; he shall from time to time recommend to the council such measures as he may deem
18 needful for the welfare of the city; he shall not receive any
19 money due or belonging to the state or corporation or to indi-
20 viduals, unless and until he shall have given the bond and se-
21 curity required of a justice of the peace by chapter fifty of the
22 code of West Virginia; and all the provisions of said chapter
23 relating to moneys received by justices shall apply to moneys
24 received by him in like cases.
25 The mayor shall receive a salary of not less than two hundred
26 nor more than five hundred dollars per annum; such salary
27 shall be in lieu of the fees which would otherwise accrue to him
28 in proceedings for the enforcement of ordinances, but all such
29 fees shall be collected when practicable, and accounted for to
30 the city, and he may tax such costs against any person or cor-
31 poration found guilty of the violation of any ordinance of the
32 city, as are provided to be taxed and recovered by justices of
33 said county in criminal cases.
34 The process in proceedings to enforce any ordinances pre-
35 scribing a fine or imprisonment, or a fine and imprisonment,
36 for the violation thereof, shall be a summons in the name of the
37 City of McMechen as plaintiff, directed to the marshal, to one
38 of the regular police officers of the city, or to any constable of
39 any district within the said city, requiring him to summon the
40 person accused of such violation, and who shall thereafter be
41 designated as defendant, to appear before the mayor at the
42 time and place therein named to make answer to such accusa-
43 tion and be dealt with according to law; such summons shall
44 contain such statement of the facts alleged as will inform such
45 person of the general nature of the offense against the city of
46 which he stands charged, and except in cases of arrest upon
47 view, shall be issued only upon the complaint, on oath, of some
48 credible person. But the mayor, for good cause appearing, by
49 endorsement on the summons, may order the person so accused
50 to be forthwith apprehended and brought before him for a hear-
51 ing of the charge. The clerk of said city, as well as the mayor,
52 shall have authority to receive any complaint in writing of the
53 violation of any ordinance, and to sign and issue the proper
54 summons based upon such complaint. The mayor shall have,
55 possess and may exercise the power and authority belonging to
56 a justice under section two hundred and twenty-four and two
57 hundred and twenty-five of chapter fifty of the code of West
58 Virginia, in summoning and enforcing the attendance and ex-
amination of witnesses, in punishing for contempt, in granting
continuances, and in securing and enforcing the further at-
tendance of the accused with a view to a trial or hearing. If
any recognizance be taken for such further attendance, and is
forfeited, the mayor may record the default, and an action be
maintained in the name of the city, before the mayor, or any
justice having jurisdiction, against the accused and his sureties,
if any, to recover the penalty thereof.

Sec. 29. The mayor shall have the power to issue an exe-
cution for any fine and cost imposed by him, for the violation
of any ordinance, or he may at the time of rendering judgment
therefore, or at any time thereafter and before satisfaction of
such judgment, by his order in writing, require the immediate
payment thereof, and in default of such payment he may cause
7 the person so in default to be apprehended and brought before
8 him, and commit him to the jail of Marshall county or in his
discretion to the prison of said city, if one shall have been
9 provided, until the fine and costs are fully paid; but such im-
10 prisonment shall not exceed ninety days.

Sec. 30. The jail of Marshall county may be used as a lockup
for said city. The jailor of said county shall take and receive
into his custody any person authorized to be confined therein by
any ordinance of the city, or sentenced to imprisonment therein,
or committed thereto, for non-payment of a fine or costs, or for
failure to enter into a recognizance by the judgment or order of
the mayor, in proceedings for the violation of an ordinance;
and the expense of maintaining such persons while so in confine-
ment shall, if such person be found guilty of such violation, be
charged to such person as part of the costs, but whether col-
lected from such person or not, such expense shall be paid to
said jailor by the city.

Mayor's Docket

Sec. 31. A book well bound and indexed, to be denominated
the "docket" shall be kept in the office of the mayor, in which
shall be noted each case brought or tried by him, together with
the proceedings therein, including a statement of complaint, the
summons, the return, the fact of appearance or non-appearance,
the defense, the hearing, the judgment, the costs, and in case
the judgment be one of conviction, the action taken to enforce
the same; the record of such case shall be signed by the mayor
or other person acting in his stead; and the original papers thereof, if no appeal be taken, shall be kept together and pre-

served in his office.

Appeal

Sec. 32 In any case for the violation of an ordinance of the said city, in which there is a judgment by the mayor of im-

prisonment, or for a fine of more than ten dollars, an appeal shall lie at the instance of the person against whom such judg-

ment is rendered to the circuit court of Marshall county. Such appeal shall not be granted by the mayor unless within ten days from the date of the judgment, such person shall enter into a recognizance, with security deemed sufficient, in a penalty double the amount of fine and costs, with condition that the person appearing will appear before the said court on the first day of the next term thereof, to answer for the offense against the city with which he stands charged, and not thereupon depart without leave of said court, and will perform and satisfy any judgment which may be rendered against him by the circuit court on appeal. The provisions of chapter one hundred and sixty-two of the code of West Virginia, relating to recognizance in criminal cases, shall be applicable to the recognizance contemplated by this section, except where herein otherwise provided; but any money recovered thereon or by virtue thereof shall inure to the said city.

Sec. 33. If such appeal be taken the mayor shall forthwith deliver to the clerk of said court the complaint in writing, if any, the summons, a transcript of the record including the judgment, the recognizance, and any other papers belonging to the case; and such clerk shall receive and file the same, and place the case upon the trial docket of the next succeeding term of said court, and said court shall proceed to try the same in its order.

Sec. 34. If the appellant be found guilty of a violation of the ordinance in question, whether upon the verdict of a jury or otherwise, the court shall ascertain by its judgment the fine or imprisonment or the fine and imprisonment to be paid or suffered by such defendant, having regard to the punishment prescribed by such ordinance, and shall include in any such judgment the costs incurred by said city, as well in the proceedings before the mayor as those in court, including a fee to the attorney for the city of ten dollars, and the fees, if any,
of the jailor or the keeper of the city prison; and the proceed-
ings to enforce the collection of any such fine and costs, may
be as provided in sections ten, eleven and twelve of chapter
thirty-six of the code of West Virginia, except that the writ
mentioned in the tenth section may be issued by the clerk upon
the order of the mayor of the city, and the notice contemplated
by the eleventh section shall be given to such officer.

Sec. 35. From all judgments by the mayor in cases other
than for violation of ordinances, appeals shall be allowed as
in similar cases before justices.

Solicitor

Sec. 36. The city solicitor shall prosecute and defend all
suits for or against the city, and when requested so to do, shall
give his opinion in writing to the mayor, the council, or any
standing committee of council, upon such legal question as may
be referred to him, affecting the city’s interest. For his serv-
ices he shall receive such compensation as the council may
allow.

Marshal

Sec. 37. It shall be the duty of the marshal to preserve order
and quiet in said city, and to see that all subordinate police
officers faithfully perform their official duties, and he may for
good cause appearing to him for neglect of duty or insubor-
dination, suspend any such officer from duty, and report his
action and his reason therefor to the next regular meeting of
council for action thereon; he shall make a list of all dogs within
said city liable to tax, collect the license tax thereon and pay
the same to the treasurer, as may be provided by ordinance of
said city; he shall collect the fines and costs; licenses; and fees
which may become due the city, and pay the same to the trea-
urer as herein provided; the said marshal shall receive all taxes
on licenses and receipt to the party paying the same by endorse-
ment upon the permit granted by order of the council and shall
report same to the council at the next regular meeting there-
after the amount so received and pay the same over to the
treasurer; he shall be present in the police court whenever the
same shall be in session, and see that all its orders and require-
ments are properly executed; he shall with the consent of the
council entered of record, but not otherwise, appoint one or
more policemen, as the council may determine; he shall before
entering upon the discharge of his duties, execute a bond con-
ditioned for the faithful performance by him of the duties of his office, and for the accounting for any paying over, as required by law, all money which may come into his hands by virtue of his office, with sureties satisfactory to the council, in a penalty of not less than three thousand five hundred dollars nor more than ten thousand dollars, as the council may prescribe; he shall receive such salary as may be fixed by council, which shall be at the rate of not less than one thousand dollars nor more than eighteen hundred dollars per annum.

Each policeman appointed as prescribed by this section shall, before entering upon the discharge of his duties, execute a bond conditioned for the faithful performance by him of the duties of his office and as is required by law, and for the accounting for and paying over, as is required by law, all money which may come into his hands by virtue of his office, with sureties satisfactory to the council, in a penalty of not less than one hundred dollars nor more than five thousand dollars, as the council may prescribe.

Sec. 38. In case a violation of any ordinance of said city is committed in the presence, or within view of the marshal or other police officer, the offender may be forthwith apprehended and taken before the mayor, and a complaint under oath, stating such violation, there lodged and filed; and thereupon such offender may be tried and dealt with according to law, without summons. The marshal shall execute, within the county of Marshall, when directed to him, any proper process issued by the mayor in proceedings for the enforcement of ordinances; and shall collect by levy of execution, or otherwise, and duly account for, all fines assessed and costs imposed in such proceedings. He shall also have all the rights and powers within said city, in regard to the arrest of persons, the collection of claims, and the execution and return of process, that are or may be lawfully exercised by a constable of a district within the same, and shall be entitled to the same compensation therefor; and he and his sureties shall be liable to all the fines, penalties and forfeitures that a constable is liable, for any dereliction of duty in office, to be recovered in the same manner, and in the same courts, that such fines, penalties and forfeitures are recovered against constables.

Sec. 39. It shall be the duty of the city clerk to keep a journal
2 of the proceedings of the city council and have charge of and
3 preserve the records, papers, contracts and other documents
4 belonging to the city; he shall keep regular books of account of
5 the financial transaction of the city; he shall enter all judgments
6 rendered by the mayor within a reasonable time after
7 the same are rendered; he shall, in case of sickness or disability
8 of the mayor to act, or in case of his absence from the city, or
9 during any vacancy in the office of the mayor, perform the
10 duties of mayor, and shall be vested with all the powers neces-
11 sary for the performance of such duties; he shall also perform
12 such other duties pertaining to the fiscal affairs of the city, or
13 otherwise, as may be required of him by this act or by the
14 council. He shall be paid such compensation as may be pro-
15 vided by council, which shall be at the rate of not less than two
16 hundred dollars nor more than five hundred dollars per year.
17 Such clerk shall give bond with security to be approved by the
18 council in a penalty of not less than five hundred dollars, pay-
19 able to said city, conditioned for the faithful performance of
20 his duties as such clerk.
21 The officer whose duty is to make out the land books for Mar-
22 county, or such other person as the council may appoint,
23 shall, annually, at such compensation as agreed upon with coun-
24 cil, not later than the fifth day of August, furnish to the clerk,
25 showing in separate amounts, the aggregate value of all the
26 personal property and the aggregate value of all the real estate
27 in the city, as ascertained from the land and personal property
28 books of said county for the current year; upon receiving said
29 statement the clerk shall present the same to council at a meet-
30 ing to be held not later than the second Tuesday in August, for
31 the purpose of determining the rate of levy in said city for the
32 current year; as soon as the rate of levy shall have been fixed
33 by council, the clerk shall furnish the officer whose duty it is
34 to make out the land and personal property books, a certified
35 copy of the order of the council, fixing the rate of tax, and
36 such officer shall thereupon extend the tax against the property
37 situated in the city in the land and personal property books in
38 separate columns in said books.

Sec. 40. The clerk shall, when the extended copies of the
2 assessor's books are completed and returned to the clerk of the
3 county court, have access to the same for the purpose of making
4 out the tax tickets of the taxes therein extended, and it shall
be the duty of the clerk to make out all tax tickets, and when
the same have been examined, compared and approved by the
financial committee of the council and found to be correct, the
clerk shall be charged with the total amount thereof and his
receipt to the council shall be entered upon its records.

The council may, at its discretion, appoint some person other
than the clerk for the collection of said tax tickets and when-
ever such other person shall have been appointed he shall be-
fore entering upon the discharge of his duties execute a bond
conditioned for the faithful performance by him of the duties
of his office and for the accounting for the paying over as re-
quired by law all money which may come into his hands by
virtue of his duties, with sureties satisfactory to the council in
a penalty of not less than five hundred dollars, as the council
may prescribe.

The clerk shall give public notice that said tax tickets are in
his hands for collection, stating the penalty for non-payment
thereof, and the time and place where the same may be paid.

To all persons who shall pay their taxes in full before the
first day of December next succeeding said levy there shall be
allowed a discount of two and one-half per centum on the whole
amount of the taxes so paid, and not otherwise.

The clerk shall immediately proceed to collect from the per-
sons by district or otherwise the entire amount of the taxes with
which they are severally charged therein, and remaining unpaid
on the first day of January next succeeding said levy, with in-
terest at the rate of one per centum per month from said first
day of January until they are fully paid.

All license taxes shall be payable on the first day of July of
each year, or at such time as such license may be issued.

Sec. 41. The said clerk shall receive all taxes, assessments,
and other money due the city authorized by this act, or by any
ordinance of the said city, to be paid to the city, and shall re-
ceipt for same; he shall keep an accurate account of all money
paid to him for the use of said city, showing under separate
accounts the amount received for account of taxes, sewer pur-
poses, street pavement, and of other matters pertaining to his
office, which books shall at all times be open to the inspection of
the council or any committee appointed by it for such purposes;
he shall pay over promptly all money which he may receive,
within five days after the receipt thereof, into the hands of the
treasurer of the said city, showing an itemized statement of the
several funds included in said payment, taking the treasurer’s
receipt therefor; he shall keep his office at the office of the
mayor, unless otherwise ordered by the council; he shall on or
before the last day of March and September of each year, and
oftener if directed by council, present to the council a full, com-
plete and detailed statement of all money with which he is
chargeable, or that has been received by him from all sources up
to the time, together with a statement of all money paid to the
treasurer, and proper receipts therefor, and he shall at such
times return a list of all taxes, levies, assessments and other
claims in his hands for collection which he shall not have been
able to collect by reason of insolvency, removal, or other cause,
to which list he shall append an affidavit that he has used due
diligence to collect the several items therein mentioned, but has
been unable to do so, and if the council should be satisfied as to
the correctness of said list, it shall allow him a credit for said
claim, but may thereafter take such lawful measures to collect
the same as shall be by it prescribed. He shall, upon the expira-
tion of his term of office or upon the order of council, turn over
to his successor all money, books of account and other property
of said city in his possession.

Sec. 42. The clerk of said city shall be chargeable with, and
it shall be his duty to collect, the city taxes, levies and assess-
ments under such regulations as may be prescribed by law
and the ordinances of the city, and in case the same are not
paid within one month after they are placed in his hands for
collection, he may distraint and sell therefore in like manner and
have the same power and authority possessed by the officer with
the collection of state taxes.

If the clerk shall fail to collect, account for and pay over to
the treasurer of said city any or all the money with which he
may be chargeable, belonging to the said city, according to the
conditions of his bond and orders of council, it shall be lawful
for the council to recover the same by action or by motion, upon
ten days’ notice, in the corporate name of the city, in the cir-
cuit court of Marshall county, against him and his sureties, or
any or either of them, or his or their executors or administrators.
In addition to the compensation as provided in section thirty-
nine of this act, the said clerk or other person designated by
council to collect the city taxes, levies, fees and assessments shall
20 receive compensation for such service at the rate of two per 21 centum on all such moneys collected by him and paid to the 22 treasurer of said city as herein provided.

Health Officer

Sec. 43. The health officer shall perform such duties as may 2 be provided by any ordinance of said city, or by resolution of 3 the council, and shall receive a salary at the rate of not more 4 than three hundred dollars per year. He shall receive no com- 5 pensation from said city, other than the salary fixed by council.

Treasurer

Sec. 44. The treasurer may be any citizen, a bank or trust 2 company of said city, and shall be selected by council and may 3 hold office during the pleasure of the council. All money due 4 the city shall be paid to the person designated by council, or by 5 this act and be by him deposited with the treasurer. The money 6 deposited with the treasurer shall be disbursed only upon di- 7 rection of council. The treasurer shall receipt to the clerk or 8 marshal for all money paid by either of them and shall keep 9 regular books or account, showing the amount of the several 10 funds paid or deposited with the treasurer by said clerk or 11 marshal and shall make report to the council once a month or at 12 such other time as the council may direct, showing the receipts 13 and disbursements of the funds of the city, and the treasurer 14 shall produce his books of account to the council or any com- 15 mittee of the same for inspection, upon the order of the council. 16 The treasurer shall give bond, with security to be approved 17 by the council, in a sum of not less than five thousand dollars, 18 with condition that the said treasurer shall account and pay 19 over all money received for the account of said city, as may be 20 directed by the council. The said treasurer shall receive such 21 compensation as the council may fix, which shall not be more 22 than at the rate of two hundred dollars per annum. Any bank 23 or trust company of said city is hereby authorized to act as 24 treasurer of said city, and the same shall be liable for all money 25 deposited therein.

Street Commissioner

Sec. 45. The street commissioner shall perform such duties in 2 regard to construction and repair of streets and alleys, and re- 3 moval of garbage as are now, or which may hereafter be im- 4 posed upon him by any ordinance of said city, and shall per- 5 form such other duties as may be required by council. He shall
6 receive such compensation as may be fixed by council, which
7 shall be at the rate of not less than one thousand dollars nor
8 more than one thousand eight hundred dollars per annum.

City Engineer

Sec. 46. The city engineer shall be selected by the council,
2 and shall hold office during the pleasure of the council; he shall
3 perform such duties as may be required of him by the council
4 or provided by ordinance of said city, and his compensation
5 therefor shall be fixed by the council.

Fiscal Year

Sec. 47. The fiscal year of said city shall begin on the first
2 day of April and end on the thirty-first day of March of each
3 year.

Property Subject to Taxation

Sec. 48. All property, real and personal, within said city,
2 which is subject to taxation under the constitution and laws of
3 the state of West Virginia, shall be assessed for and subject to
4 taxation for the benefit of said city.

Sidewalks

Sec. 49. After having caused a proper grade to be established
2 at the expense of said city, the council may require sidewalks,
3 footways or sidewalks and gutter combined, on the streets, ave-
4 nues or alleys of the said city to be paved with concrete, brick,
5 stone or other suitable material as the council may determine,
6 under the direction of the street commissioner, by the owners
7 respectively of the lots, or the fractional parts of lots, facing
8 or abutting on such sidewalk or footway, and if the owner of
9 any such sidewalk or footway, or of the real property next ad-
10 jacent thereto, shall fail or refuse to pave the same in manner
11 or within the time required by the council, it shall be the duty
12 of the council to cause the same to be done at the expense of the
13 city, and to assess the amount of such expense upon such owner,
14 and the clerk shall notify the owner of said lot the amount of
15 such assessment, giving said owner notice of the time the coun-
16 cil will hear and determine any objection which may be made
17 to such assessment, and the council shall proceed to hear such
18 objections, if any, and if in the opinion of the council such as-
19 sessment should be made, such fact, with the amount of the
20 same shall be recorded in the "minute book" of the council,
21 and if the said assessment be not paid within thirty days from
22 the date of such hearing the clerk shall cause a memorandum
showing the name of the owner of said lot, a description of the
lot, and the amount of such assessment, to be filed in the office
of the clerk of the county court of Marshall county, which shall
be entered of record in the judgment lien docket in his office,
and the same shall constitute a lien on such property, which
may be enforced by a suit in equity in the name of the city,
in the circuit court of Marshall county, as other liens against
real estate are enforced, and upon the payment of said assess-
ment the clerk shall issue to the person entitled thereto a re-
lease of said lien; provided, however, that reasonable notice
shall first be given to said owners that they are required to con-
struct such sidewalks or footways, and in case the owner is a
non-resident of the state, the notice aforesaid may be given by
publication for four successive weeks in a newspaper published
in Marshall county, West Virginia. The provisions of this sec-
tion shall also be applicable to needed repairs to any of the
pavements of the city, and to the substitution of new pavements
for any which may have been heretofore, or which may be here-
after laid and completed, and which may be deemed insuf-
ficient.

Street Paving

Sec. 50. (a) The council of the City of McMechen may or-
der and cause any avenue, street, road or alley therein to be
graded, curbed or recurbed with stone, concrete or other suit-
able material; or paved or repaved between the curbs, with
brick, wooden blocks, asphalt or other suitable materials, or to
be graded and curbed or recurbed, and paved and repaved as
aforesaid, or to be macadamized or to be otherwise permanently
improved or repaired, under such supervision as may be di-
rected by ordinance or resolution, upon the best bid to be ob-
tained by advertising for proposals therefor, except the city
may do the work without letting it by contract as hereinafter
provided, and may purchase or condemn land for opening or
widening avenues, streets, roads or alleys. The entire costs,
or any part thereof designated by said council, or such grad-
ing, curbing, paving or macadamizing or other permanent im-
provements, of any of the avenues, streets, roads or alleys as
aforesaid, from and including the curb of either side thereof
to the middle thereof, and the cost or any part thereof, of
condemning or purchasing land as aforesaid for street pur-
poses, may be assessed to and be required to be paid on the
twenty-first fifty-fifty basis by the owners of the land, lots or fractional
parts of the lots, fronting or bounding on such avenue, street,
road or alley so improved, except as otherwise provided in
subsection (c).

(b) Payment is to be made by all land owners on either
side of such portion of any avenue, street, road or alley so
paved, opened, widened or improved in such proportion to the
total cost (less the portion, if any, chargeable to the street or
other railroad company), as the frontage in feet of his abutting
land bears to the total frontage of all the land so abutting on
said avenue, street, road or alley, or portions thereof opened,
widen, paved or improved as aforesaid; but the cost of such
paving or improving of said avenue, street, road or alley shall
not include any portion or amount paid for the paving or
improvement of intersections of avenues, streets, roads or
alleys, unless the work be done and the payment made there-
for, as especially provided for in (c).

(c) Provided, the council of said City of McMechen may
order and cause any of the work to be done, and improve-
ments to be made, as set out in subsection (a), of this section,
and in addition to the assessment provided for in subsection
(a), of this section, may assess proportionately the property
abutting or bounding on such avenue, street, road or alley so
improved with the total cost of the paving, grading, curbing or
macadamizing or other permanent improvements of the
intersections of the said avenue, street, road or alley so paved
or otherwise permanently improved. And, provided, further,
that when such payment as herein proportioned shall have
been made by the said abutting property owners in accord-
ance with their several respective interests therein, then the
obligation of said property owners to pay for said paving,
grading, curbing, macadamizing or other permanent improve-
ments in said city shall be completed, and said property owners
shall not be liable for the payment of any improvements of like
kind or character in any other part of said city.

Provided, further, that if said council proposes to order or
cause such improvements to be made as provided in this sec-
tion, it shall first enact an ordinance or resolution setting forth
the work and improvement to be done, the extent of said im-
provement and the manner of paying for the same, which said
ordinance or resolution shall be published once each week for
two consecutive weeks in two newspapers of opposite politics published and of general circulation in said city, or if no such newspapers are published in said city, then said ordinance or resolution shall be published in two newspapers of opposite politics published in Marshall county, but if said council shall decide not to have such publication, then notice thereof shall be given by posting written notices containing said ordinance or resolution at the city building and at five other public places, in said city, for a period of fourteen days. In said publication of said ordinance or resolution, or in said notice so posted, should that be the manner of publicity decided upon, said council shall set a date of at least ten days from the date of the first publication, or posting of said notice, at which objection or protest may be made against the proposed improvement as aforesaid by all the property owners against whom said assessment is proposed to be made, and if, at or before such time so fixed by the council, the bona fide owners of more than three-fifths in lineal feet, of all the property abutting upon said avenue, street, road or alley proposed to be improved as aforesaid, shall file separately or jointly with the council their protest in writing setting forth the facts, under oath, that they are the bona fide owners of said property, objecting to and protesting against the work to be done and the improvement proposed to be made under this section, then the council shall proceed no further hereunder, but shall make a record of said protest in its record book, and direct the discontinuance of such proposed work and improvements as heretofore planned under this section of the said charter. But if the owners of said three-fifths of said property, in lineal feet, do not file said objection or protest as herein provided, then said council shall immediately by ordinance or resolution order said work and improvement to be done as heretofore set forth, and the costs of said improvements shall be assessed against said property in the manner hereinafter set forth, and when so assessed the same shall be a charge or lien against said property until paid, the same as taxes or any other properly authorized assessment made against said property.

(d) Immediately upon the completion and acceptance of any such paving, the council shall direct the city clerk to cause a notice to be posted in the mayor's office, which shall name and
103 describe the avenue, street, road or alley so paved, giving the
104 name or names of each lot owner abutting thereon, and the
105 number of feet of such paving so charged against his said
106 property, as well as the assessed amount so charged against
107 the said respective lots or parcels of land so abutting upon the
108 said improved avenue, street, road or alley. At any time
109 within thirty days after the posting of said notice any prop-
110 erty owner may file any objection or complaint he may have
111 against said assessment so made with the council, and all com-
112 plaints shall be heard and determined by the council, with the
113 right of appeal to the circuit court of Marshall county at any
114 time within thirty days after said matter shall have been
115 finally determined by said council.
116 Payment of said assessed charge against said property
117 owners, or any of them, can be made in full immediately after
118 said amount so payable has been determined. But if the prop-
119 erty owner so elect, one-fifth of the amount assessed against
120 the property owner for the cost of such paving shall be paid
121 in one year after the completion and acceptance of the work,
122 and the remaining four-fifths thereof shall be payable in four
123 equal annual installments, with legal interest, payable annually
124 during the months of October and November to the city clerk.
125 But a lien upon any real estate created by virtue of this
126 section shall be void as to any purchasers of said real estate
127 unless the city shall, within sixty days after the completion
128 and acceptance of said paving by the city, cause to be recorded
129 in the office of the clerk of the county court of Marshall county
130 an abstract of such assessment, giving the location of the real
131 estate affected, the name of the owner and the date and amount
132 of the said assessment, which recordation shall be in a well-
133 bound book to be furnished by the city and to be preserved
134 in said clerk's office. The cost of recording said abstracts of
135 lien shall be paid by the city.

Sec. 51. In addition to the method provided in the next
2 preceding section for improving the streets, avenues, alleys,
3 wharves and public grounds of said city, the council may by
4 resolution passed by a vote of three-fifths of all the members
5 thereof, provide that certain streets, avenues, alleys, wharves
6 and public grounds of said city shall be paved, or otherwise
7 improved, or that sewers shall be constructed in certain streets,
8 avenues, alleys, wharves and public grounds of said city, under
9 the provisions of chapter eight of the acts of the legislature of
10 this state for the year one thousand nine hundred and eight,
11 extra session, without submitting the adoption of said chapter
12 to a vote of the qualified voters of said city as provided in sec-
13 tion seventeen of said chapter, and upon the passage of said
14 resolution the provisions of said chapter eight shall be adopted
15 for the purposes contained in said resolution, and the council
16 may proceed with the improvement according to the provisions
17 of said chapter the same as though the provisions thereof were
18 incorporated in this act.

Bonds Additional Levy

Sec. 52. The municipal authorities of said city shall have
2 the power and authority to issue and make sale of the bonds of
3 the said city and to apply the proceeds thereof to the payment
4 for any general improvement therein, or to any debt or obliga-
5 tion of the said city as provided in chapter forty-seven of the
6 code of West Virginia, one thousand nine hundred and thirteen,
7 or may submit to the voters of said city the question of making
8 an additional levy, and if three-fifths of the votes cast therein
9 be in favor of such increase levy the council may levy the same.

Sec. 53. The City of McMechen shall succeed to all the
2 rights, powers and liabilities, and be vested with the title to all
3 property of the City of McMechen as heretofore existing, and
4 all officers of said City of McMechen as such at the time this
5 enactment takes effect shall continue to exercise the powers,
6 perform the duties, and receive the compensation heretofore
7 granted, prescribed and allowed by former charter, by general
8 law or by ordinances of said city, until the first Monday in
9 April, one thousand nine hundred and twenty, or until their
10 successors, the officers herein mentioned, are elected or ap-
11 pointed and qualified, and all ordinances in force at the time
12 this act becomes operative shall continue to have full force and
13 effect until amended, repealed or superseded by the council of
14 said city.

Sec. 54. All acts and parts of acts coming within the pur-
2 view of this act, and inconsistent herewith, are hereby repealed.
# CHAPTER 8

(Senate Bill No. 201—By Mr. White, of Mingo)

AN ACT granting a charter to the City of Mullens, defining its boundaries, empowering it to construct, maintain and control its streets and roadways, pavements and sewers, and defining the duties of its officers.

[Passed February 22, 1920; in effect from passage. Approved by the Governor.]

<table>
<thead>
<tr>
<th>Sec.</th>
<th>for tax collections; delinquent lists prepared by.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>City a body corporate.</td>
</tr>
<tr>
<td>2.</td>
<td>Corporate limits.</td>
</tr>
<tr>
<td>3.</td>
<td>City exempt from cost of construction of roads outside city; exception.</td>
</tr>
<tr>
<td>4.</td>
<td>Board of commissioners to exercise corporate powers.</td>
</tr>
<tr>
<td>5.</td>
<td>Powers of board of commissioners.</td>
</tr>
<tr>
<td>6.</td>
<td>Qualification of voters.</td>
</tr>
<tr>
<td>7.</td>
<td>Registration of voters.</td>
</tr>
<tr>
<td>8.</td>
<td>Election of mayor and commissioners.</td>
</tr>
<tr>
<td>9.</td>
<td>Eligibility of mayor and commissioners.</td>
</tr>
<tr>
<td>10.</td>
<td>Appointment of election officials; how elections conducted and declared.</td>
</tr>
<tr>
<td>11.</td>
<td>Board of commissioners vested with legislative authority of city.</td>
</tr>
<tr>
<td>12.</td>
<td>Board of commissioners, meetings and minute book.</td>
</tr>
<tr>
<td>13.</td>
<td>Vote required to carry any question before board of commissioners.</td>
</tr>
<tr>
<td>15.</td>
<td>No city official to be interested in any contract, etc., to which city is party.</td>
</tr>
<tr>
<td>16.</td>
<td>No official to be surety on bond given for benefit of city.</td>
</tr>
<tr>
<td>17.</td>
<td>Appointive officers.</td>
</tr>
<tr>
<td>18.</td>
<td>Mayor, powers and duties; appeal from decision.</td>
</tr>
<tr>
<td>19.</td>
<td>Salaries of mayor and commissioners.</td>
</tr>
<tr>
<td>20.</td>
<td>County jail to be city jail.</td>
</tr>
<tr>
<td>21.</td>
<td>Mayor's docket.</td>
</tr>
<tr>
<td>22.</td>
<td>Duties of clerk as to board and municipal court.</td>
</tr>
<tr>
<td>23.</td>
<td>Clerk to make out and collect tax tickets.</td>
</tr>
<tr>
<td>24.</td>
<td>Duties of clerk as to receipts and disbursements of city funds: office hours of clerk; settlement of account.</td>
</tr>
<tr>
<td>25.</td>
<td>Bond of clerk; power of distraint.</td>
</tr>
<tr>
<td>27.</td>
<td>City solicitor, qualifications, duties and compensation.</td>
</tr>
<tr>
<td>29.</td>
<td>Duties and removal of appointive officers.</td>
</tr>
<tr>
<td>30.</td>
<td>Oaths of officers; proceedings on bonds, etc., payable to city.</td>
</tr>
<tr>
<td>31-32.</td>
<td>Board of health, qualifications, salary and duties.</td>
</tr>
<tr>
<td>33.</td>
<td>Lien for taxes and fines.</td>
</tr>
<tr>
<td>34.</td>
<td>Provisions concerning city licenses.</td>
</tr>
<tr>
<td>35.</td>
<td>Board of commissioners may acquire land for cemetery purposes and maintain cemeteries.</td>
</tr>
<tr>
<td>36.</td>
<td>Board to have right of condemnation.</td>
</tr>
<tr>
<td>37.</td>
<td>Procedure for passing ordinances.</td>
</tr>
<tr>
<td>39.</td>
<td>Estimates and levies by board.</td>
</tr>
<tr>
<td>40.</td>
<td>Assessment of cost for removing snow, rubbish, etc.</td>
</tr>
<tr>
<td>41.</td>
<td>Execution of summons or other process.</td>
</tr>
<tr>
<td>42.</td>
<td>Penalty for failure to perform duties by board or clerk.</td>
</tr>
<tr>
<td>43.</td>
<td>City manager, if appointed, powers and duties.</td>
</tr>
<tr>
<td>44.</td>
<td>Ordinances not inconsistent to remain in force.</td>
</tr>
<tr>
<td>45.</td>
<td>Present officers to continue.</td>
</tr>
<tr>
<td>46.</td>
<td>Rights and liabilities of city to continue in force.</td>
</tr>
<tr>
<td>47.</td>
<td>Chapter forty-seven of code to govern making and payment of public improvements.</td>
</tr>
<tr>
<td>48.</td>
<td>Board may zone city for ornamental street lighting; petition for ornamental street lighting system; right to acquire land for garbage dump or incineration plant.</td>
</tr>
<tr>
<td>50.</td>
<td>Inconsistent acts repealed; exception as to previous acts.</td>
</tr>
</tbody>
</table>

Be it enacted by the Legislature of West Virginia:

Section 1. That the inhabitants of so much of the county of Wyoming as is within the bounds prescribed by section two of this act, and their successors, shall be and remain, and they...
are hereby made a body politic and corporate by the name of "The City of Mullens," and as such shall have perpetual succession and a common seal; and by that name may sue and be sued, plead and be impleaded, purchase, lease and hold real estate and personal property necessary to the purpose of said corporation.

The City of Mullens is hereby empowered to accept any gift or devise of any property or thing which lawfully may be given, whether said gift or devise be given direct to the said City of Mullens, or to its executive officers for and on its behalf. And the said City of Mullens is hereby invested with the title to the property which is or may be the subject of such gift or devise.

Sec. 2. The corporation territorial limits of said City of Mullens shall hereafter be as follows:

Beginning at the south end of the first railroad bridge up the Slab fork of Guyandotte river; thence south twenty degrees fifty minutes west for one thousand four hundred sixty-nine and eighty-seven one-hundredths feet to a chestnut oak and hornbeam; thence south sixty-seven degrees seven minutes west for eight hundred and one and sixty-three one-hundredths feet to two chestnut oaks; thence south seventy-three degrees twenty-one minutes west for two thousand six hundred and twenty-three feet to a stake on the lease line of the Mead Pocahontas Coal company; thence with the lease line of said company, north seventy degrees twenty minutes west for one thousand three hundred and thirty-two feet to a stone; thence south nineteen degrees forty minutes west for two thousand three hundred and twenty-seven one-hundredths feet to a stone; thence south thirty-eight degrees forty minutes west for three thousand six hundred and twenty-eight and thirty-one-hundredths feet to a stone; thence south twenty-four degrees twenty-nine minutes east for two hundred feet to a stone; thence south thirty-seven degrees eight minutes east for approximately four hundred feet to a point in Guyandotte river, leaving the lease line of the Mead Pocahontas Coal Company at two hundred and eighty feet from the above mentioned stone; thence up the river of Guyandotte and with the meanders of same for approximately two thousand six hundred feet to a point in Guyandotte river and on the old original corporation of Mullens line, thence with said line south four degrees twelve and one-half minutes east for two hundred feet to a birch and small hickory; thence continuing on the old line of the corporation of Mullens, south
31 sixty-three degrees twelve minutes east for one thousand five
32 hundred and thirty-one and seventy-seven one-hundredths feet
33 to a white oak; thence north sixty-nine degrees thirty minutes
34 east for one thousand six hundred and ninety-five and thirty-
35 nine one-hundredths feet to two black oaks; thence south thirty-
36 three degrees nine minutes east for two thousand one hundred
37 and thirty-six feet to a stake near the Virginian railroad; thence
38 north fifty-three degrees fifty-six minutes east for five hundred
39 and ninety-eight one-hundredths feet to three
40 white oaks; thence north thirteen degrees fifty-one minutes west
41 for eight hundred and one forty and one-hundredths feet to a
42 stake; thence north twenty degrees sixteen and one-
43 half minutes east for four thousand six hundred and sixty-four
44 and one-hundredths feet to a gum; thence north one degree
45 sixteen and one-half minutes east for eighty-five feet to a stake;
46 thence north three degrees twenty-five minutes east for one
47 thousand three hundred and thirteen and twenty-five one-hun-
48 dredths feet to two lynns, maple and small oak; thence north
49 forty-nine degrees nine minutes west for two thousand two
50 hundred and forty-two and三十one-hundredths feet to a
51 chestnut oak; thence south eighty-eight degrees eighteen and
52 sixty-seven one-hundredths feet to the place of beginning.

Sec. 3. The City of Mullens shall construct, maintain and
2 control its streets and roadways, and be exempt from the pay-
3 ment of taxes for the construction and maintenance of roads
4 outside of the city limits, except that where the people of the
5 city have heretofore by special election joined in the issuance
6 of bonds for permanent road improvements within and without
7 the city limits and have assumed their share of such obligations.
8 This act shall not exempt the taxable property of the city from
9 the payment of any special taxes provided in said election for
10 the liquidation of said indebtedness; nor shall this act prevent
11 the future participation of the city in permanent road improve-
12 ment by special vote of the people under the laws of the state of
13 West Virginia; (but the said county of Wyoming shall be
14 chargeable with the construction and maintenance of all bridges
15 within the city.)

Sec. 4. The municipal authorities of the City of Mullens shall
2 be a mayor and two commissioners, who shall constitute and be
3 known as “The Board of Commissioners of the City of Mul-
4 lens.” All the corporate powers of said city shall be vested in
5 and exercised by the board of commissioners or under its author-
6 ity and direction, except as otherwise provided in this act.

Sec. 5. The board of commissioners of said city shall and
2 are hereby granted power to open, vacate, broaden, change
3 grade of, and pave streets, alleys, sidewalks and gutters for
4 public use, and to alter, improve, embellish and ornament and
5 light same, and to construct and maintain public sewers and
6 laterals; and shall, in all cases, have power and authority to
7 assess upon and collect from the property benefitted thereby,
8 such part of the expense thereof as shall be fixed by ordinance,
9 except as hereinafter provided; to have control of all streets,
10 avenues, roads, alleys and grounds for public use in said
11 city, and to regulate the use thereof and driving thereon, and
12 to have the same kept in good order, and free from obstruction,
13 pollution or litter on or over them; to have the right to con-
14 trol all bridges in said city, and traffic passing thereover;
15 provided, howeve,
16 that nothing in this act shall be construed
17 as to require the City of Mullens to build or keep in repair any
18 bridge, or bridges, within the said corporation owned by the
19 state or county, and the officers of said city, in preservation
20 of law and order, shall have jurisdiction over said bridge or
21 bridges within said corporation; to change the name of any
22 street, avenue or road within said city, and to cause the num-
23 bering of houses on any street, avenue or road therein; to
24 regulate and determine the width of streets, sidewalks, roads
25 and alleys therein; to order and direct the curbing and paving
26 of sidewalks, roads and footways for public use in said city;
27 to prohibit and punish for the abuse of animals; to restrain
28 and punish vagrants, mendicants, beggers, tramps, prostitutes,
29 drunken or disorderly persons within the city, and to provide
30 for their arrest and manner of punishment; to prohibit and
31 punish by fine the bringing into the city, by railroads or other
32 carriers, of paupers or persons afflicted with contagious
33 diseases; to control and suppress disorderly houses, houses
34 of prostitution or ill fame, houses of assignation, and gaming
35 houses, and to punish gaming and to suppress gaming and
36 gambling in any form, or the operation of gaming and gam-
37 bling devices within said city; to prohibit within said city,
38 or within one mile thereof, slaughter houses, soap or gluefac-
39 tories and houses of like kind; to control the construction and
40 repair of all houses, basements, walls, bridges, culverts and
sewers, and to prescribe and enforce all reasonable regulations affecting the construction of the same, and to require permits to be obtained for such buildings and structures, the plans and specifications thereof to be first submitted to a city architect or buildings inspector; to control the opening and construction of ditches, drains, sewers, cesspools and gutters, and to deepen, widen and clean the same of stagnant water or filth, and to prevent obstruction therein, and to provide, contract for and construct an adequate sewerage system for said city, and to provide for additions to and extensions of the present system, and to determine at whose expense the same shall be done; except as herein provided; and to build and maintain fire stations, houses, police stations and jails and to regulate the management thereof; to acquire, lay off, operate and control public grounds, squares and parks either within or without the city limits as herein defined. And when the board of commissioners determine that any real estate is necessary to be acquired by said city for any such purpose, or for any public purpose, the power of eminent domain is hereby conferred upon said city, and it shall have the right to institute condemnation proceedings against the owner thereof in the same manner, to the same extent, and upon the same conditions as such power is conferred upon public corporations by chapter forty-two, code of West Virginia, of one thousand nine hundred and twenty-three, and as now amended; to purchase, sell, lease or contract for and take care of all public buildings and structures and real estate, including libraries and hospitals deemed proper for use of such city; and for the protection of the public; to cause the removal of unsafe walls or buildings, and the filling of excavations; to prevent injury or annoyances to the business of individuals from anything dangerous, offensive or unwholesome; to abate and prohibit, or cause to be abated and prohibited, all nuisances, and to that end and thereabout to summon witnesses and hear testimony; to regulate the keeping of gun powder, gasoline, dynamite and other combustible or dangerous articles; to regulate, restrain or prohibit the use of firecrackers or other explosives or fire works, and all noises or performances which may be dangerous, or annoying to persons or tend to frighten horses or other animals; to provide for shade and ornamental trees and the protection of the same; to provide for the making of division
fences; to make proper regulations for guarding against dan- 
ger or damage from fires; to prohibit within the city the 
carrying on of the business of clairvoyant or fortune telling in 
any form; to provide for the poor of the city, and to that end 
may contract with the proper authorities of Wyoming county 
to keep and maintain the poor or any number thereof, upon 
terms to be agreed upon; to build, own and maintain a home 
for the poor; to make reasonable regulations in regard to the 
use of the streets and alleys for automobiles, auto trucks, cars 
and other vehicles and to regulate the running and operation 
of the same so as to prevent injury to the public and to the 
public highways; to prohibit prize fighting, cock and dog 
fighting; to license, tax, regulate or prohibit theatres, motion 
picture shows, circuses, the exhibition of showmen and shows 
of any kind, and the exhibition of natural or artificial curi- 
osities, caravans, menageries, and musical exhibitions and per- 
formances, and other thing or business on which the state does 
or may exact a license tax; to organize and maintain fire com- 
panies, and to provide necessary apparatus, engines, and im- 
plements for the same; to regulate and control the kind and 
manner of plumbing and electric wiring for the protection of 
the health and safety of said city; to provide for the annual 
assessment of taxable persons and property within said city, 
and to levy taxes and licenses on persons and property; to 
license and tax dogs and other animals, and regulate, re- 
strain and prohibit them and all other animals, and fowls from 
running at large; to provide revenue for the city and ap- 
propriate the same to its expenses; to adopt rules for the trans- 
action of business and for its own regulation and government 
to promote the general welfare of the city, and to protect the 
persons and property of the citizens therein; to regulate and 
provide for the weighing of produce and other articles sold in 
said city, and to regulate the transportation thereof, and other 
things through the streets; to have the sole and exclusive right 
to grant, refuse, or revoke any and all licenses for the carrying 
on of any business within said city on which the state exacts 
a license; to regulate and prohibit the placing of signs, bill- 
boards, posters and advertisements in, on or over the streets, 
alleys, sidewalks and public grounds of said city; to regulate 
or prohibit, the placing of signs, bill-boards, posters and ad- 
vertisements on private property within said city; to pre-
serve and protect the peace, order and safety and health of the city, and its inhabitants, including the right to regulate the sale and use of cocaine, morphine, opium and poisonous drugs; to appoint and fix the place of holding city elections; to provide for the purity of water, milk, meats and provisions offered for sale in said city, and to that end provide for a system of inspecting the same, and making and enforcing rules for the regulation of their sale, and to prohibit the sale of any unwholesome or tainted milk, meats, fish, and fruits, vegetables or the sale of milk containing water or other things not constituting a part of pure milk; to provide for inspecting dairies and slaughter houses, whether in or outside of the city, where the milk and meat therefrom are offered for sale within said city; to prescribe and enforce ordinances and rules for the purpose of protecting the health, property, lives, decency, morality and good order of the city and its inhabitants, and to protect places of divine worship in and about the premises where held, and to punish violations of such ordinances, if the offense under and of the state of West Virginia, or the common law; to provide for the employment and safe keeping of persons who may be committed in default of the payment of fines; penalties or costs under this act, who are otherwise unable to give bond to secure the payment of such fines and cost, or fail to discharge the same by putting them to work for the benefit of the city upon the streets or other places provided by said city, and to use such means to prevent their escape while at work, as the board of commissioners may deem expedient; to compel the attendance at public meetings of the members of the board of commissioners; to have and exercise such additional rights, privileges and powers as are granted to municipalities by chapter forty-seven, of Barnes’ one thousand nine hundred and twenty-three West Virginia code, or as amended. And for all such purposes, except that of taxation, the board of commissioners shall have jurisdiction, when necessary, for one mile beyond the corporate limits of said city.

And the board of commissioners shall have and are hereby granted power to take, acquire and hold by condemnation, purchase, donation or otherwise, any and all real estate necessary for public purposes within said city, or adjacent there to; provided, that said city shall at no time hold more than fifty acres without the corporate limits of said city, nor more
than twenty acres within the limits of said city; nor shall said city authorities have the right to acquire by purchase, condemnation or gift any land more than four miles distant from the corporate limits of said city.

And the board of commissioners shall have power to prohibit the manufacture, sale, keeping or storing for sale in the city, or offering, or exposing for sale all liquors or absinthe, or any drink compounded with absinthe in said city, subject to the provisions of law; and liquors as used in this act shall be construed to embrace all malt, vinous or spiritous liquors, wine, porter, ale beer, or any other intoxicating drink, mixture or preparation of like nature; and all malt or brewed drinks, whether intoxicating or not, shall be deemed malt liquors within the meaning of this act; and all liquors, mixtures or preparations, whether patented or not, which shall produce intoxication, and all beverages containing so much as one-half of one per centum of alcohol by volume shall be deemed spirituous liquors, and shall be embraced in the word liquors as used in this act.

The board of commissioners shall have authority to pass all ordinances (not repugnant to the constitution of the United States and the constitution of this state) which shall be necessary or proper to carry into full effect and power, any authority, capacity and jurisdiction which is or shall be granted or vested in the said city, or in the board of commissioners, or in any officer or body of officers of said city, and to enforce any or all ordinances by reasonable fines and penalties and by imprisoning the offender or offenders, and upon failure to pay any fine or penalty imposed, by compelling them to labor without compensation on any of the public works or improvements undertaken, or to be undertaken by said city, or to labor at any work which the city may lawfully employ labor upon, at such rate per diem as the board of commissioners may fix, but not at a less rate than is fixed by said board of commissioners for like labor from other employees of said city, until any fine or fines imposed upon any such offender, or offenders, by said city shall have been fully paid and discharged, after deducting charges of support while in the custody of the officers of said city.

Sec. 6. Every person who may have resided within the ter-
ch. 8] mullens charter 319

2 ritory of said city for six months next preceding an election
3 held therein, and who is a qualified voter under the laws and
4 constitution of this state, and none other, shall be entitled
5 to vote at any city election held in said city. But no person
6 shall be deemed a resident of said city by reason of being a stu-
7 dent or teacher in any school or college therein for any tem-
8 porary purpose.

Sec. 7. The board of commissioners shall by ordinance pro-
2 vide such regulations for the registration of voters as the state
3 law may require.

Sec. 8. On the second Tuesday in June, one thousand nine
2 hundred and thirty, and on the same day every two years there-
3 after, there shall be elected by the qualified voters of the city a
4 mayor and two commissioners, who shall hold their offices from
5 the first day of July in the year in which they are elected, for a
6 term of two years, or until their successors are elected and
7 qualified.

Sec. 9. No person shall be eligible to the office of mayor or
2 commissioner except he be assessed with and own at least five
3 hundred dollars worth of real or personal property, and is a
4 citizen entitled to vote at the election at which he is elected.

Sec. 10. At least four weeks before an election, the board of
2 commissioners (for the first election, the council) shall appoint
3 from among the qualified voters of their respective precincts,
4 such election officers as are provided for by the laws of the state
5 of West Virginia for holding of elections. The officers of election
6 shall be selected from the two political parties which at the last
7 preceding state election cast the highest number of votes in the
8 precinct in which they reside, and not more than two of said
9 commissioners of election, nor more than one clerk, shall belong
10 to the same political party. At least four weeks before the day
11 of a municipal election the city clerk, on the recommendation
12 of the chairman of the political parties, shall appoint two ballot
13 commissioners from among the voters of the two aforesaid
14 political parties within the city, who, with himself as chairman,
15 shall constitute a board of ballot commissioners.

Elections under this act shall be conducted, returned and the
17 results thereof ascertained and declared in the manner pre-
18 scribed by the constitution and laws of the state in so far as said
19 laws are not inconsistent with this act, and all penalties pre-
20 scribed by said laws of the state in so far as consistent, shall be
21 applicable in this act.
22 The board of commissioners shall by ordinance provide such
23 additional regulations in conformity with the provisions of this
24 act as are necessary for the proper conduct of elections.
25 The duties required of the clerk of the circuit courts and
26 county courts, under the election laws of West Virginia, shall
27 be performed by the city clerk of said city. The duties required
28 of the commissioners of the county court under the provisions
29 of the state laws shall be performed by the board of commis-
30 sioners of said city. The duties required of the sheriff, under
31 the provisions of said laws, shall be performed by the chief of
32 police of said city, except as herein otherwise specifically pro
33 vided.

Sec. 11. The board of commissioners shall be vested with the
2 legislative authority of the city, and shall exercise the same by
3 ordinance; other action by them may be by order upon motion.
4 They shall, by ordinance, prescribe the manner in which the
5 powers conferred upon the city shall be exercised in conformity
6 with the provisions of this act.

Sec. 12. The board of commissioners shall fix by ordinance
2 the place, manner and time of holding the meetings and shall
3 hold at least one regular meeting each month.
4 They shall cause to be kept in a well bound book, called "City
5 Journal," an accurate record of all their proceedings, by-laws,
6 ordinances, orders and resolutions, and the same shall be open
7 for public inspection during usual office hours.

Sec. 13. The affirmative vote of the mayor and one commis-
2 sioner, or the affirmative vote of the two commissioners shall be
3 necessary to carry any question coming before said board of
4 commissioners.

Sec. 14. The board of commissioners shall fix the compensa-
2 tion of all appointive officials and employees of the city, order
3 payment of approved accounts, hear and determine charges
4 against officials of the city, other than members of their own
5 body, require that the laws and ordinances be obeyed and en-
6 forced, cause the affairs of the city to be efficiently and econom-
7 ically administered, and perform such other duties as properly
8 devolve upon the chief executive body of the city.

Sec. 15. No commissioner or official of the city shall vote
2 upon or in any way participate in the consideration of any
3 proposition in which he is, or may become, interested directly
4 or indirectly, in any contract, sale or transaction, to which the
5 city is a party, nor shall he vote on the same or participate in
any manner in said contract, sale or transaction, under penalty, upon conviction, of forfeiture of his office, and a fine of not less than fifty dollars nor more than five hundred dollars.

Sec. 16. No commissioner or official of said city shall be surety on any bond given to, or for the benefit of the city.

Sec. 17. The board of commissioners may elect or appoint the following officers and employees:

(a) a City clerk,
(b) a Chief of police and members of the police force,
(c) a City solicitor,
(d) a City engineer,
(e) a City treasurer.
(f) a Street commissioner,
(g) Such other employees as may be necessary and provided for by ordinance.

Each of said officers shall hold office for one year, and be subject to removal at any time for cause by the appointing body, and shall be eligible for re-appointment.

Their duties shall be prescribed by the board of commissioners, and as herein provided. One person may be elected or appointed to, and discharge the duties of more than one of said offices.

Sec. 18. The mayor shall preside at meetings of the board of commissioners; shall exercise authority and perform such duties as are conferred upon him or imposed upon him by this act, or ordinances of the city, and the laws and constitution of the state. He shall be the official head of the city for all ceremonial purposes, and upon whom service may be had in civil process and by the governor for military purposes. He shall see that orders, by-laws, ordinances and resolutions of the board of commissioners are faithfully executed; he shall have power, during recess of the regular meetings of the board of commissioners; to appoint special police officers, when he shall deem it necessary, and it shall be his duty to see that the peace and good order of the city are preserved, and that persons and property therein are protected; and to this end he may arrest, detain, or cause the arrest and detention of any riotous or disorderly persons in the city before issuing his warrant therefor.

He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment he may com-
mit the party in default to the city jail, or other place of im-

and the penalty and costs shall be paid; but the term of im-

prisonment in such cases shall not exceed ninety days. And in

cases where a person is sentenced to imprisonment or to the

payment of a fine of ten dollars or more (and in no case shall a

judgment for a fine of less than ten dollars be given by the

mayor if the defendant, his agent or attorney objects thereto)
such person shall be allowed an appeal from such decision to
the circuit court of Wyoming county, upon the execution of an
appeal bond, with surety deemed sufficient by the mayor, in a
penalty double the amount of the fine and costs imposed by the
mayor, with the condition that the person proposing to appeal
will perform and satisfy any judgment which may be rendered
against him by the said court on such appeal. If such appeal be
taken, the warrant of arrest, (if there be any) the transcript of
judgment, the appeal bond and other papers of the case, shall
be forthwith delivered by the mayor to the clerk of said court,
and the court shall proceed to try the case as upon indictment
or presentment, and render such judgment including that of the
costs as the law and the evidence may require.

Sec. 19. The mayor shall receive a salary of six hundred
dollars per annum, which salary shall be in lieu of the fees
which would otherwise accrue to him in proceedings for the
enforcement of ordinances, but all such fees shall be collected
when practicable and accounted for to the city, and he may tax
such costs against any person or corporation found guilty of
the violation of any ordinances of the city as are provided
to be taxed and recovered by justices of said county in criminal
cases. The commissioners shall each receive a salary of not less
than two hundred dollars per annum, to be fixed by the council
for the first election, and thereafter by the commissioners, at
least sixty days before an election is to be held for the election
of the officials. The salary of said commissioners shall not be
increased or diminished during their terms of office.

Sec. 20. The city shall be allowed to use the county jail of
Wyoming county for the confinement of all persons who shall
be sentenced to imprisonment under the ordinances of said
city; and all persons confined in said county jail by virtue here-
of shall be under the charge and custody of the sheriff of said
county, who shall receive, keep and discharge the same in such
Sec. 21. A book well bound and indexed, to be denominated "The Docket" shall be kept in the office of the mayor, in which shall be noted each case brought or tried by him, together with the proceedings therein, including a statement of complaint, the summons, the return, the fact of appearance, the defense, the hearing, the judgment, the costs and, in case the judgment be one of conviction, the action taken to enforce the same; the record of such case shall be signed by the mayor or other persons acting in his stead, and the original papers thereof if no appeal be taken, shall be kept together and preserved in his office.

Sec. 22. In addition to such duties as the board of commissioners shall prescribe, it shall be the duty of the city clerk to keep the Journal of the proceedings of the board of commissioners, and have charge of and preserve the records, papers, contracts and other documents belonging to the city; it shall be his duty to attend the sessions of the municipal court and keep an accurate record of its proceedings, and all judgments shall be entered by him within twenty-four hours after the same are rendered; he shall, in cases of sickness or disability of the mayor to act, or in case of his temporary absence, perform the duties of mayor, and shall be vested with all the powers necessary for the performance of such duties. He shall also perform such other duties pertaining to the fiscal affairs of the city, or otherwise, as may be required of him by this act, or by the board of commissioners.

Sec. 23. The clerk shall immediately, after the annual levy for the city taxes is laid, extend the same on the property books, including thereon any uncollected capitation taxes, and make out the tax tickets for the taxes therein extended; and it shall be the duty of the clerk to make out all tax tickets in the same manner that they are made out for state and county taxes, and when the same shall have been examined, compared and approved by the board of commissioners, or an accountant or finance committee appointed for that purpose, and found to be correct, they shall be forthwith turned over to the clerk, whose receipt shall be returned to the commissioners and entered upon its record, and the clerk shall be charged therewith. The clerk shall give notice that said tax tickets are in his
hands for collection, stating the penalty for non-payment there-
of, and the time and place where the same may be paid, which
notice may be posted in conspicuous places in the city, or pub-
lished in some newspaper published in the city.

The clerk shall immediately proceed to collect from the per-
sons by distraint or otherwise, the entire amount of the taxes
with which they are severally charged therein, and remaining
unpaid on the first day of January next succeeding said levy
with interest at the rate of one per centum per month from the
first day of January until they are fully paid.

All license taxes shall be payable on the first day of July of
each year, or at such time as such license may be issued.

Sec. 24. The said clerk shall receive all taxes, assessments,
fines and costs or other money due the city authorities, or by
any ordinance of the said city to be paid to the city, and shall
receipt for the same; he shall keep an accurate account of all
money paid to him for the use of said city, showing under sepa-
rate accounts amounts received for account of taxes, sewer pur-
poses, street improvements or pavements, licenses, fines and
costs and for all other matters and things pertaining to his of-
office, which book or books shall be at all times open to the in-
spection of the commissioners, or to any committee appointed
by the board of commissioners for such purposes; he shall pay
over promptly all money which he may receive, within five days
after receipt thereof, into the hands of the treasurer of the said
city, showing an itemized statement of the several funds in-
cluded in said payment, taking the treasurer's receipt there-
for; he shall keep his office at the office of the mayor, unless
otherwise ordered by the board of commissioners, and shall
maintain office hours, or be at his office for the transaction of
business at such times as the board of commissioners may pre-
scribe; he shall, on or before the first day of January and July
of each year, and oftener if directed by the board of commis-
sioners, present to the said board a full and complete state-
ment of all money with which he is chargeable, or that has been
received by him from all sources up to that time, together with
the statement of all money paid to the treasurer and proper
receipts therefor, and he shall, at such times, return a list of all
taxes, levies, assessments and other claims in his hands for col-
lection, which he shall not have been able to collect by reason
of insolvency, removal, or other cause, to which list he shall
append an affidavit that he has used due diligence to collect the several items therein mentioned, but has been unable to do so, and if the board of commissioners should be satisfied as to the correctness of said list, they may allow credit for said claims, but thereafter may direct the said city clerk, or some one else, or may themselves take such lawful measures to collect the same as shall be by the board of commissioners prescribed. The said clerk shall receive all taxes and licenses, and receipt to the party paying the same by endorsement upon the permit granted by order of the board of commissioners, and shall charge himself with the amount received from the same, and report to the board of commissioners at the next regular meeting thereafter, the amount so received, and pay the same over to the treasurer, taking his receipt for the same; he shall upon the expiration of his term of office, or upon the order of the board of commissioners, turn over to his successor all money, books of accounts and other property of said city in his possession, and he, and his bondsman, shall not be released until such full and complete transfer to his successor has been made; he shall receive such salary as may be fixed by the board of commissioners.

Sec. 25. The clerk of said city, before entering upon the discharge of his duties, shall execute a bond conditioned for the faithful performance of the duties of his office, and for the accounting for and paying over, as required by law and by this act, all money which may come into his hands by virtue of his office, with sureties satisfactory to the board of commissioners, payable to the City of Mullens, in a penalty not less than two thousand dollars nor more than ten thousand dollars, as the board of commissioners may prescribe; he shall be the custodian of all bonds, notes, certificates and other evidence of indebtedness to the city, together with all valuable papers which may be placed in his possession by the board of commissioners, except that the bond of the clerk shall be deposited with the mayor; he shall be chargeable with, and it shall be his duty to collect the city taxes, levies and assessments and other money due the city, under such regulations as may be prescribed by law and the ordinances of the city, and in case of nonpayment as defined by the laws of West Virginia, shall distrain and sell therefor in like manner and have the same power and authority possessed by the officer charged with the collection of state and county taxes, but if permitted to do so by the board of com-
missioners, the clerk may, and is hereby granted authority to deputize the chief of police, or any police officer, to make any
distraints, levies, assessments or sales that may be necessary in
the collection of any taxes, licenses, assessments or any other
tax money he is authorized to collect. And at the time and in the
same manner provided by the laws of West Virginia for the
time return and publication of delinquent tax lists he shall make up
a list of taxpayers who are delinquent for the non-payment of
taxes on personal property, and cause the same to be published
in accordance with the laws of West Virginia for the publica-
tion of taxpayers delinquent for the non-payment of state and
county taxes on personal property; and at the time and in the
manner prescribed by the laws of West Virginia, the said city
clerk shall return to the auditor of West Virginia a list of the
real estate in said city delinquent for the non-payment of taxes,
and the same shall be sold in the manner prescribed by law for
such sales. If the clerk shall fail to collect, account for and pay
over to the treasurer of said city any or all of the money with
which he may be chargeable, belonging to said city, according
to the conditions of his bond and orders of the board of com-
missioners, it shall be lawful for the board of commissioners to
recover the same in the manner herein provided.

Sec. 26. It shall be the duty of the clerk to make an assess-
ment of the property within the city subject to taxation, sub-
stantially in the manner and form in which assessments are
made by the assessor of the county, including the collection of
the capitation tax for the city, and return the same to the board
of commissioners on or before the first day of June of each year,
and for this purpose he shall have all the powers conferred by
law upon the county assessors. He shall list the number of
dogs and other animals subject to license tax in the city, and
the names of persons owning the same, which list shall be re-
turned and entered upon the record of the city. In order to
aid the clerk in ascertaining the property subject to taxation
by said city, he shall have access to all books and public records
of Wyoming county, without expense to him or said city, and
he shall have the same power and be subject to the same pen-
alties in ascertaining and assessing the property and subjects
of taxation of said city as are granted and imposed on the
county assessors throughout the state by general law; and the
commissioners shall have authority to prescribe by general or-
20. Dance such other rules and regulations as may be necessary
21. to enable and require such clerk to ascertain and properly as-
22. sess all property liable to be taxed by said city, so that such
23. assessment and taxation shall be uniform and equal and the
24. commissioners may enforce such regulations by reasonable fines
25. to be imposed on anyone failing to comply therewith. When
26. he shall complete his assessment he shall deliver the same, when
27. sworn to, to the board of commissioners, and shall make out,
28. or cause to be made out, the real and personal property books.

Sec. 27. The city solicitor shall be an attorney at law ad-
2. mitted to practice in the state of West Virginia. He shall be
3. the legal adviser of, and attorney for the municipality and for
4. all officers thereof, in matters relating to their official duties; it
5. shall be his duty to prepare when directed by the board of
6. commissioners, all ordinances for said city, to represent the
7. city in all matters and proceedings in any court in which
8. the city is interested, and counsel the said board of commis-
9. sioners when requested; he shall receive a compensation for his
10. services to be fixed by the board of commissioners, not to
11. exceed three hundred dollars per annum.

Sec. 28. The treasurer shall be appointed by the board of
2. commissioners and hold office during the pleasure of the board
3. of commissioners. All money due the city shall be paid to the
4. clerk, and be by the clerk deposited with the treasurer. The
5. money deposited with the treasurer shall be disbursed only upon
6. order drawn against the same, signed by the mayor and coun-
7. tersigned by the clerk. The treasurer shall receipt to the clerk
8. for all money paid by him, and shall keep the regular books of
9. accounts, showing the amount of the several funds paid to, or
10. deposited, with the treasurer by said clerk, and shall make re-
11. port to the board of commissioners once a month, or at such
12. other times as the board of commissioners may direct, showing
13. the receipts and disbursements of the funds of the city, and the
14. treasurer shall produce his books and accounts to the board of
15. commissioners, or any committee of the same for inspection upon
16. the order of the board of commissioners.
17. The treasurer shall give bond with surety to be approved by
18. the board of commissioners, in the sum of not less than five
19. thousand dollars with condition that the said treasurer account
20. for and pay over all money received for the account of said
21. city, as may be directed by the board of commissioners. The
said treasurer shall receive such compensation as the board of
commissioners may fix, which shall not be more than two hun-
dred dollars \emph{per annum}. Any bank or trust company of said
city is hereby authorized to act as treasurer of said city, and
the same shall be liable for all money deposited therein.

\textbf{Sec. 29.} The chief of police, street commissioner, and other
employees and officials deemed necessary by and appointed or
employed by the board of commissioners, shall perform such
duties as the board of commissioners shall by ordinance,
resolution or order require. They shall be subject to removal
at any time for cause by the board of commissioners without re-
course to the city and the board of commissioners may direct
the dismissal of an employee for cause.

\textbf{Sec. 30.} All officers, elective and appointive, shall make
oath before some one authorized to administer oaths, that they,
will support the constitution of this state and will faithfully
and impartially discharge the duties of their respective offices, to
the best of their skill and judgment; that they will not, during
their term of office, become pecuniarily interested, directly or
indirectly, in any contract with the city, or the purchase of
any supplies therefor. When the officers shall have made such
oath in writing, and filed the same with the city clerk, and shall
have given bond, if any is required, he shall be considered as
having qualified for the office to which he was elected or ap-
pointed.

The bonds, obligations and other writings taken in pursuance
of any provisions of this act shall be made payable to the City
of Mullens and the respective persons and their heirs, executors,
administrators and assigns bound thereby, shall be subject to
the same proceedings on the said bond, obligation or other
writings, for enforcing the conditions of the terms thereof by
motion or otherwise, before any court or record held in and for
the county of Wyoming that collectors of county levies, and
other sureties are, or shall be subject to liability on their bonds
for enforcing payment of the county levies.

\textbf{Sec. 31-32.} The board of commissioners shall, at their first
meeting after election, and thereafter at the first meeting in
July of each year, appoint and constitute a city board of health
to be composed of a chief health officer, who shall be a practic-
ing physician of good standing in the city, who will serve faith-
fully for the compensation of not less than fifty dollars nor
more than three hundred dollars per annum, and if no prac-
ticing physician of good standing will serve as such chief health
officer for said compensation, then the board of commissioners
may appoint any reputable citizen as such chief health officer,
who, with the city solicitor and two other citizens of good re-
pute and interested in the welfare of the city, shall constitute
the city board of health to exercise all power conferred upon
county health officers and boards by the laws of the state of West
Virginia, and the said city board of health shall be independent
of the county board of health, but shall bear the same relation
to the state health department as county boards of health. The
city health board shall protect the health of the city, and take
such measures as may be advisable to prevent the spread of con-
tagious diseases; establish and maintain quarantines when nec-
essary and required by said laws; may establish rules of sani-
tation and enforce the same.
Sec. 33. There shall be a lien on the real estate within
said city for the city taxes assessed thereon, and for all fines
and penalties assessed to, or imposed upon the owners thereof,
by the authorities of said city from the time the same are so
assessed or imposed, which shall have priority over all other
liens, except the lien for taxes due the state, county and dis-
trict, and which may be enforced by the board of commissioners
or proper officer of the city in the same manner provided by
law for the enforcement of the lien for county taxes.
Sec. 34. Concerning anything for which a state license is
now, or may hereafter be required, said board of commissioners
may require a city license therefor, and may impose a tax
thereon for the use of the city; and the board of commissioners
shall have, and is hereby granted, the sole and exclusive power
to grant, refuse or revoke any such license or the license of the
owners or keepers of hotels, hacks, carts, wagons, drays and
every other description of wheeled vehicles kept or used for hire
within the city, and to levy and collect a tax thereon and to
subject the same to such regulations as the interest and con-
venience of the inhabitants of said city, in the opinion of the
board of commissioners, may require; to license and tax owners
and keepers of dogs within the city and provide for the killing
of dogs, the keeping of which is not so licensed; to license and
tax hawkers, peddlers, book agents and canvassers of all kinds
MULLENS CHARTER

16 within said city, and persons who temporarily station themselves on the streets to sell or exhibit articles, and to license and impose a tax on any other business, occupation or profession, and the owners thereof, or the person, persons or corporation conducting the same, whether specifically mentioned herein or not, not contrary to the constitution of the state of West Virginia. When any such license as hereinbefore mentioned is granted by said board of commissioners, said board may, by ordinance, impose a tax thereon for the use of the city, the amount of which shall be left to the discretion of the board. The board of commissioners shall prescribe by ordinance the manner in which licenses of all kinds shall be applied for and granted, and shall require the payment of the tax thereon to be made to the properly designated official of the city before delivering to the person applying therefor.

Sec. 35. The board of commissioners shall have, and are hereby given authority to acquire by condemnation, purchase or otherwise, any and all real estate within said city, or adjacent thereto, or not more than four miles removed, not to exceed twenty acres, necessary for cemetery purposes; to maintain and keep the same in good condition and repair, and to provide, by taxation or otherwise, sufficient funds necessary to maintain and keep the same in good condition and repair; to regulate the burial of the dead within said cemetery, and to preserve the peace within all cemeteries acquired by it, whether situate within or without the corporate limits of said city, and all other cemeteries as will promote the public good.

Sec. 36. The board of commissioners shall have the right to institute proceedings in the name of the city for the condemnation of real estate for streets, alleys, sewers, drains, city prison, cemetery or cemeteries, for purposes of the public good, such proceedings shall conform to the provisions of chapter forty-two of the code of West Virginia and amendments thereto, and the costs thereof shall be borne by the city, except that in contests involving a hearing in the circuit court, costs shall be recovered by the prevailing party.

Sec. 37. No ordinance or by-law and no resolution or measure for the expenditure of money other than to defray the current expenses and incidental expenses of the city shall be deemed adopted or passed unless it shall have been fully read to two consecutive meetings of the board of commissioners, and shall
6 have received a majority of the votes of all members of the
7 board of commissioners, when it shall stand and be declared
8 adopted, and not otherwise, except an ordinance for the im-
9 mediate preservation of the public health, peace or safety,
10 which shall contain a statement of its urgency.

Sec. 38. Franchises may be granted by the board of com-
2 missioners to persons or corporations, allowing such occupancy
3 of portions of the streets and alleys as may be necessary for the
4 works of public utility and service, but no such franchise shall
5 be passed, granting any franchise for the use of any of the
6 streets or alleys of the city for any of the purposes above named
7 except under the following conditions:
8 All applications for franchises must be filed with the said
9 clerk at least thirty days prior to the time when it is proposed
10 that the board of commissioners shall act thereupon, and no
11 action shall be taken until notice of such application, stating
12 the object of such franchise, and when the same shall be con-
13 sidered by the board of commissioners, shall have been given for
14 four successive weeks in some newspaper of general circulation
15 published in the city; nor shall any franchise be granted within
16 thirty days after the application has been filed, nor until an
17 opportunity has been given any citizen or corporation inter-
18 ested in the granting or refusing of said franchise to be heard;
19 nor shall any franchise be granted for a longer period than
20 fifty years. No franchise shall be granted without provision
21 that the grantee, its successors or assigns shall indemnify the
22 city against all damages caused by the construction of said
23 utility.

Sec. 39. The board of commissioners shall, on the second
2 Tuesday in August in each year, ascertain the condition of the
3 financial affairs of said city and make up an itemized statement
4 of the same which shall set forth in detail:
5 First. The amount due said city and the amount that will
6 become due thereto and collectible during the current fiscal
7 year from every source, except the amount that will be pro-
8 duced by the levy of taxes to be made for the year.
9 Second. The debts and demands owed by said city and the
10 debts and demands that will become due and payable during
11 the current fiscal year, including interest on any indebtedness,
12 funded, bonded or otherwise.
13 Third. All other expenditures under the several heads of ex-
penditures to be made and payable out of the funds of said city
for the current fiscal year, including the cost of collection of
taxes and other claims with proper allowances for delinquent
taxes and contingencies.

The said statement shall, also, set forth the total amount
necessary to be raised by the levy of taxes for the current fiscal
year, the rate of such levy in cents on each one hundred dollars
assessed valuation of the taxable property in said city and the
separate and aggregate amounts of the assessed valuation of
real estate, personal property and public utility property as-
sessed by the board of public works. A copy of which state-
ment, duly certified by the clerk of said city, shall immediately
be forwarded to the state tax commissioner and said statement
shall, also, be published twice, at least one week intervening
between publications, in two newspapers of opposite politics,
if such there be, published within the city, and if there be only
one newspaper published within the city, then in that news-
paper. The session shall then stand adjourned until the fourth
Tuesday in August, at which time it shall reconvene and it
shall then be the duty of said commissioners to hear and con-
sider any objections made orally or in writing to said estimate
and proposed levy, or any item thereof. It shall be the duty
of the commissioners to enter an order of record showing the
objections so made, setting forth the reasons and grounds for
such objections. After said objections have been made and
heard, the commissioners shall thereupon reconsider the pro-
posed original estimate and proposed rate of levy, and if the
objection thereto or any part thereof appear to be well taken,
the commissioners shall correct the same accordingly, and it
shall, thereupon, be approved, and when approved shall, with
the order approving it, be entered by the clerk in its book of
record of proceedings; the commissioners shall, thereupon, by
an ordinance lay a levy for the ensuing tax year of a sum not
to exceed seventy-five cents on each one hundred dollars as-
sessed valuation of all taxable property, real and personal, sub-
ject to taxation in said city, according to the last assessment
thereof, as will produce the amount shown by the said state-
ment approved to be necessary for municipal purposes; a copy
of the order laying levies, duly certified by the clerk of said
city, shall be immediately forwarded to the state tax commis-
sioner. The said board of commissioners is authorized to levy
such maximum of seventy-five cents for municipal purposes, on
each one hundred dollars of valuation, notwithstanding any
general laws now in force or which may hereafter be enacted
restricting the powers of municipal corporations to levy taxes;
and said maximum levy of seventy-five cents shall be exclusive
of any amount required to be levied to care for any bonded
indebtedness, or the interest accrued thereon.

An annual capitation tax of one dollar may be levied upon
each male inhabitant of said city who has attained the age of
twenty-one years, and the said capitation taxes may be collected
at the same time the assessment is made.

Sec. 40. The board of commissioners shall have power to pro-
vide by ordinance for the assessing against the abutting prop-
erty the cost of removing from the sidewalks all accumulations
of snow and ice, and for assessing against the property the cost
of cutting and removing noxious weeds, and the removing of
papers, boxes, cartons, tin cans and other rubbish that renders
said premises unsightly or insanitary.

Sec. 41. Wherever any notice is required to be given, or any
summons, warrant or other process is required to be served or
otherwise executed, under the provisions of this act, it shall be
sufficient if such notice, summons, warrant or other process
be executed by an officer of the police department of said city
in the same way or manner in which the laws of the state pre-
scribe for executing summonses and subpoenas by state officers,
unless otherwise provided by this act.

Sec. 42. If the board of commissioners fail or refuse to
perform the duties hereinbefore or hereinafter named, every
member of such board of commissioners and the clerk thereof
concurring in such failure or refusal, shall be guilty of a mis-
demeanor and upon conviction thereof, shall be fined not less
than ten dollars nor more than one hundred dollars for each
offense.

Sec. 43. If, at the end of any fiscal year, the board of com-
missioners may deem it in the interest of economy and effi-
ciency in the administration of the city's affairs, they may ap-
point, employ or elect a city manager, at compensation to be
fixed by said board of commissioners, and such city manager
shall be the administrative head of the municipal government
under the direction and supervision of the board of commis-
sioners; he may be given such powers and duties as are by this
9 act conferred upon any or all other officials appointed by the
10 board of commissioners and such other powers and duties as
11 the board of commissioners may prescribe, which are not in
12 conflict with the constitution and laws of this state; he shall
13 be required to give such bond as is by this act required of the
14 city clerk, and in the performance of any of the duties of the
15 city clerk as prescribed herein, the said city manager shall be
16 held to all of the requirements and provisions pertaining to such
17 duties hereunder.
18 To carry into effect this section the board of commissioners
19 may discontinue the office of city clerk, or any other office, and
20 redistribute the duties hereunder conferred upon the city clerk
21 and other officials, and provide such assistance to the city
22 manager as may by the board of commissioners be deemed ne-
23 cessary. This section shall be without force and effect, until
24 such time as the board of commissioners, as provided herein,
25 shall declare by ordinance and proclamation that it shall go
26 into effect.

Sec. 44. All ordinances and resolutions in force at the time
2 of the taking of this act, not inconsistent with its provisions,
3 shall continue in full force and effect until amended or re-
4 pealed.

Sec. 45. Persons holding office under the municipal govern-
2 ment of the City of Mullens, as at present constituted, shall
3 continue in office and in the performance of their respective
4 duties until the first election under this act is held, and there-
5 after so long as their services shall be required, pending a re-
6 organization of the municipal government to conform to the re-
7 quirements of this act.

Sec. 46. All vested rights of the city shall continue to be
2 vested and shall not in any manner be affected by the passage
3 of this act, nor shall any right or liability or pending suit or
4 prosecution, either in behalf of or against the city, be in any
5 manner affected by this act. All contracts entered into by the
6 city or for its benefit prior to the taking effect of this act, shall
7 continue in full force and effect. All public work begun prior
8 to the taking effect of this act shall be continued and perfected
9 hereunder.

Sec. 47. The building of sidewalks, building, installing and
2 extending sewerage system, the paving of streets and alleys
3 shall be done in the way and manner as is now provided for the
making of public improvements and for the payment of same,
in accordance with the provisions of chapter forty-seven of
Barnes’ West Virginia code, one thousand nine hundred and
twenty-three, relating to cities, towns and villages. It is not
the purpose of this act to interfere or make any change in the
manner of making public improvements and the financing of
the same. On the contrary, it is the purpose of this act to leave
the making of public improvements, such as the building of
sidewalks, building and extending sewerage systems and the
paving of the streets the same as is now provided by general
law under chapter forty-seven of the code of West Virginia.

Sec. 48. The board of commissioners may, by ordinance,
section of the city, or any part thereof, for the purpose of orna-
tmental street lighting, the limits of said zone or district to be
defined in said ordinance.

The board of commissioners may order ornamental street
lights placed upon any street within the ornamental district or
zone, the same to be fully described in such ordinance, which
shall also state the distance such lights shall be placed apart,
and assess and collect the cost of installation of same from the
owners of the property abutting on said street, in proportion
to the frontage owned by each, and such assessment shall be
made in the same manner and shall become a lien upon the
property abutting upon the said street to the same extent as
herein provided for liens against property for sidewalks con-
structed upon any streets by the city, and the remedies herein
provided for the collection of sidewalk assessments against
property owners, or the property abutting upon any street
upon which a sidewalk is laid by the city, shall apply to the
collection of any assessment made for the construction of orna-
mental street lighting upon any street upon which such lights
are installed.

Provided, however, the persons, firms or corporations owning
a majority of the front footage of the property, exclusive of
intersections and bridges, shall first petition the board of com-
missioners, requesting them to have said ornamental street
lighting system installed. On the petition of said persons,
firms and corporations, owning a majority of the front footage
as aforesaid, requesting that said ornamental street lighting
system be installed, the same shall become binding upon the
31 persons, firms and corporations owning the other portion the
32 same as if they had joined in said petition.
33 The board of commissioners shall have the right to acquire
34 by purchase or condemnation within or without the city limits,
35 in accordance with the provisions of this act, all the land neces-
36 sary for a garbage dump, incineration or disposal plant.

Sec. 49. If any section or part of a section of this act shall
2 be found to be invalid, the same shall not be held to invalidate
3 or impair the validity, force or effect of any other section or
4 part of a section unless such other section or part is clearly
5 dependent for its operation upon the section or part so held
6 invalid.

Sec. 50. All acts or parts of acts inconsistent with this act
2 are hereby repealed; but this act shall not be construed to re-
3 peal, change or modify any previous act not inconsistent with
4 this act authorizing the City of Mullens to contract debts, or
5 to borrow money, or to take away any of the powers conferred
6 upon said City of Mullens, or upon the mayor or council, or
7 any of the officers, conferred by general law, except so far as
8 the same may be inconsistent with the powers hereby conferred.

CHAPTER 9
(Senate Bill No. 212—By Mr. Henshaw)

AN ACT to amend the charter of the City of Martinsburg as con-
tained in chapter six of the acts of the legislature, one
thousand nine hundred and fifteen as amended by the acts
of the legislature one thousand nine hundred and seventeen,
one thousand nine hundred and nineteen, one thousand nine
hundred and twenty-one and one thousand nine hundred and
twenty-three.

[Passed February 20, 1929; in effect from passage. Approved by the Governor.]
### Article XXXVIII

**Section 61.** In addition to all other provisions of this charter or by law and independently thereof the council shall have the power under this article by ordinance to provide for the widening, grading, paving, repaving, curbing, sewer ing and otherwise improving in a permanent manner with suitable materials any street or alley, or part thereof, in the city, either by contract or directly by the employment of labor and to provide for payment of all or any part of the costs of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefitted property in the manner hereinafter set out.

**Sec. 62.** Any part or all of the property which is to be ultimately served or drained by a trunk line or main sewer or storm water sewer, may be assessed for the construction of the same on the basis of the assessed valuation of the property so served or to be served. The city engineer shall report to the council and it shall determine the particular properties to be assessed with the cost of constructing any sewer, main or trunk line.

**Sec. 63.** Upon the petition of the owners of more than fifty per centum of the frontage of any unit not exceeding five blocks, the city council may order the same to be severed or

---

**Table:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>68.</td>
<td>Report of city engineer upon completion of work; procedure upon report; recordation and lien of assessment.</td>
</tr>
<tr>
<td>69.</td>
<td>Contract may provide to whom the contractor looks for payment.</td>
</tr>
<tr>
<td>70.</td>
<td>Notice of assessment to state whether based on frontage or valuation.</td>
</tr>
<tr>
<td>71.</td>
<td>Council may establish building code.</td>
</tr>
<tr>
<td>72.</td>
<td>May zone city for buildings, etc.</td>
</tr>
<tr>
<td>73.</td>
<td>Building regulations to be reasonable.</td>
</tr>
<tr>
<td>74.</td>
<td>How regulations amended or changed.</td>
</tr>
<tr>
<td>75.</td>
<td>How amendment made after protest of property owners.</td>
</tr>
<tr>
<td>76.</td>
<td>Mayor with approval of council, shall appoint zoning commission.</td>
</tr>
<tr>
<td>77.</td>
<td>Council shall appoint board of adjustment; number, rules and meetings of board; appeals to board; powers of board; votes of four members of board necessary before reversal of any order, etc., procedure upon appeal from board to circuit court.</td>
</tr>
<tr>
<td>78.</td>
<td>Court action to prevent unlawful erection, etc., of buildings.</td>
</tr>
<tr>
<td>79.</td>
<td>When these regulations or when regulations in other statutes or local ordinances are to govern.</td>
</tr>
<tr>
<td>80.</td>
<td>Mayor may appoint municipal planning commission.</td>
</tr>
<tr>
<td>81.</td>
<td>Number and terms of municipal planning commission.</td>
</tr>
<tr>
<td>82.</td>
<td>Duties of municipal planning commission.</td>
</tr>
<tr>
<td>83.</td>
<td>Plans and plats of building lots to be submitted to municipal planning commission.</td>
</tr>
</tbody>
</table>

---

Be it enacted by the Legislature of West Virginia:

That the charter of the city of Martinsburg be amended by adding thereto article thirty-eight and article thirty-nine as follows:
paved, or both, and assess the cost of the sewering or paving, or both, of the whole unit against the abutting property owners in proportion to their frontage as hereinafter set out.

Sec. 64. Special assessments upon the property deemed benefitted by a public improvement shall be by the following methods:

(a) By a percentage of the value of the property as assessed for taxation, in the area served in the case of storm water sewers, and sanitary trunk line sewers.

(b) By the foot frontage of the property in the unit constructed in the case of paving.

(c) By the front footage of the property in the unit constructed in the case of sanitary sewerage, other than trunk line sewers, except, however, that corner property, where sewered in front, shall only be charged on the basis of fifty per cent of its side frontage.

Sec. 65. Prior to the passage of an ordinance requiring any paving or sewering, or both, under the provisions of this article, the city engineer shall make a report to the council together with an estimate of the cost of the work proposed to be done, and such report and estimate shall show the estimated expense to each property owner. The report shall specifically show the character and class of work to be done, and the plans and specifications thereof shall be on file in the office of the city engineer. Upon the submission of said report to the council if it shall be determined that the cost of the improvement is less than the value to the property owners of the estimated improvement herein provided, and in the case of paving or sanitary sewering other than trunk line sewers, the proper petition of the property owners containing the names of the owners of more than fifty per cent of the unit proposed to be sewered or paved has been filed, and the council desires to proceed with the work it shall by ordinance provide for said work by letting the same to contract. And shall cause a notice to be published once a week for two successive weeks in some newspaper published in the city of Martinsburg, of the contemplated improvement, and that at a certain date property owners will be heard who may object thereto prior to the beginning of said work. If there are no objections to said improvement or if after a full hearing the council shall be of the opinion that such objections as are made are not
26 well founded council may order the work to proceed and the
27 entire expense thereof to be assessed against the property
28 owners of the property benefited thereby in accordance with
29 the preliminary report of the city engineer.

Sec. 66. The letting to contract of any work hereunder
shall require the contractor to bid so much for said work
and the contractor shall agree to accept as payment for the
same contractor's certificates in amount over a period of ten
years, in the manner hereinafter provided, and he shall fur-
ther state in his bid what discount he will allow for cash, and
the contract shall be awarded on such basis.

Sec. 67. If any assessment against any property owner
under this article shall not exceed the sum of one hundred
dollars the assessment shall be payable in cash within thirty
days after the same is made. If such assessment shall ex-
ceed the sum of one hundred dollars and the property owner
does not elect to pay cash there shall be issued on such assess-
ment contractor's certificates dividing said assessment into ten
equal, annual payments, one of which payments shall be due
thirty days after the making of said assessments, one in one
two years, one in three years, one in four years,
one in five years, one in six years, one in seven years, one in
eight years, and one in nine years thereafter. Deferred pay-
ments shall bear interest at the rate of six per cent per
annum. Such certificates shall be in the following form or to
the following effect:

No _______ THE STATE OF WEST VIRGINIA $_____
(State Coat of Arms)
CITY OF MARTINSBURG.
CONTRACTOR'S ASSESSMENT CERTIFICATE
This certifies that ............................................................
21 as the owner of a lot, piece or parcel of real estate, situate
22 in the City of Martinsburg, known and designated as Lot
23 No.________ in Block No.________ has been duly assessed the
23-a sum of ................................................................. dollars,
24 with interest from this date at the rate of six per centum
25 per annum, payable annually, as hereinafter set out, which
26 assessment has been made to pay the cost of the public im-
27 provement hereinafter recited.
28 This certificate is one of a series issued pursuant to the
29 provisions of the charter of the City of Martinsburg, West
Virginia, and the laws of the State of West Virginia to pay
the cost of grading, curbing, paving and sewering
from
to
in the City of Martinsburg, West Virginia.
Said assessments to draw interest at the rate of six per
centum per annum, payable annually.
Installments of this certificate, therefore, are evidenced by
principal installment coupons hereunto attached, which show the amounts of
such installments, the due date thereof, and are signed by the
mayor and the recorder of the City of Martinsburg, West
Virginia.
The interest on this certificate and the installments thereof
are evidenced by interest coupons hereunto attached, which
show the amount of such interest, the due date thereof, and
are signed by the mayor and recorder of the City of Mar-
tinsburg, West Virginia.
Upon the due date of any principal installment coupons
excepting the first, the annual interest on so much of said
assessment as remains unpaid, shall be due and payable in ac-
cordance with, and as evidenced by "interest coupons" hereto
attached. The interest on the first principal installment cou-
pon shall be paid when the said principal installment coupon
is paid.
The said several principal installment and interest coupons
respectively, are payable at the office of the treasurer of the
City of Martinsburg.
The amount of the assessment represented by this certificate
and principal installment coupons attached has been duly
levied, equalized and confirmed, and is a lien upon the real
estate herein mentioned, and is also a debt against the owner
of said real estate and the holder or bearer of this certificate
may enforce the debt evidenced thereby, as provided by law.
It is hereby certified and recited that all the acts, condi-
tions and things required to be done precedent to and in the
letting of the contract for said improvement, the equalization
and making of said assessment, and the issuing of this certi-
ficate, have been done and performed in regular and due
manner and form, as required by the charter of the City of
69 Martinsburg, West Virginia, and the constitution and laws
70 of the State of West Virginia.
71 In testimony whereof, the City of Martinsburg, a municipal
72 corporation created and existing under the laws of the State
73 of West Virginia, has caused this certificate to be signed by
74 its mayor and recorder, and the principal installment and in-
75 terest coupons, respectively, hereunto attached, to be signed
76 by its mayor and recorder this........day of................, 19.....
77
78 No. .......................... ..........................
79 PRINCIPAL INSTALLMENT $______________
80 COUPON
81 On the ______ day of .........., 19____, there will be
82 due and payable to the bearer hereof, from______________
83 the sum of ________________ dollars, being the ________
84 installment on certificate No. __________ of the City of Martins-
85 burg, West Virginia, for the curbing, grading, paving and
86 sewering of ________________ from
87 ________________ to ________________________
88 Recorder Mayor.
89 No. .......................... ..........................
90 INTEREST COUPON $______________
91 On the ______ day of .........., 19____, there will be due
92 and payable to the bearer hereof, from ________________
93 the sum of ________________ dollars, representing interest
94 at six per centum from ________________ to __________
95 [Enrolled S. B. No. 212
96 of certificate No ________ on installment No ______ of the
97 City of Martinsburg, West Virginia, for curbing, grading,
98 paving and sewering of ________________ from __________
99 Recorder Mayor.

Sec. 68. After completion of the work hereunder the city
2 engineer shall make a final apportionment and report of the
3 amount of the costs thereof chargeable to each taxpayer
4 showing the amount of the costs to each owner, and the said
5 report shall be filed with the city council. Whereupon the
6 council shall cause a notice to be published in some news-
7 paper in the city of Martinsburg once a week for two succes-
8 sive weeks that on a date therein to be given, the council will
9 proceed to make a final assessment against property owners
and requiring any persons objecting to such assessment to appear and support such objection. And the council shall thereupon at the time specified in said notice proceed to make an assessment against the property benefited for the cost thereof. Council shall thereupon cause said assessment to be recorded in the office of the clerk of the county court of Berkeley county, West Virginia. And such assessment when made shall constitute a lien second only to the lien for state, county and municipal taxes against the properties therein mentioned, and an assessment against such properties in the name of the person in which such property is listed in the land book shall be a sufficient designation of the owner thereof, and said lien shall continue as other liens until paid and released of record by a release executed by the officer and in the name and manner prescribed by ordinance.

Sec. 69. A contract for such public improvement may provide the method by which the contractor shall receive such assessments in payment of the work done, and may provide that the contractor shall look to such assessment, and not to the city of Martinsburg for payment for such work. The assessment certificates issued hereunder shall be deemed public obligations and as such shall be exempt from property taxation in this state.

Sec. 70. When notice is given under this act of any preliminary or final assessment such notice shall state whether the assessment is in proportion to frontage or valuation.

ARTICLE XXXIX.

Sec. 71. For the purpose of promoting health, safety, morals, or the general welfare of the community, the council of the city of Martinsburg is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose.

Sec. 72. For any or all of such purposes, the council may divide the city into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this article; and within such districts it may regulate and restrict the
5 erection, construction, reconstruction, alteration, repair, or
6 use of buildings, structures, or land. All such regulations
7 shall be uniform for each class or kind of buildings through-
8 out each district, but the regulations in one district may dif-
9 fer from those in other districts.

Sec. 73. Such regulations shall be made in accordance
2 with a comprehensive plan and designed to lessen congestion
3 in the streets; to secure safety from fire, panic, and other
4 dangers; to promote health, and the general welfare; to pro-
5 vide adequate light and air; to prevent the overcrowding of
6 land; to avoid undue concentration of population; to facili-
7 tate the adequate provision of transportation, water, sewerage,
8 schools, parks, and other public requirements. Such regula-
9 tions shall be made with reasonable consideration, among
10 other things, to the character of the district and its peculiar
11 suitability for particular uses, and with a view to conserving
12 the value of buildings and encouraging the most appropriate
13 use of land throughout such municipality.

Sec. 74. The council shall provide for the manner in
2 which such regulations and restrictions and the boundaries
3 of such districts shall be determined, established, and en-
4 forced, and from time to time amended, supplemented, or
5 changed. However, no such regulation, restriction, or bound-
6 ary shall become effective until after a public hearing in re-
7 lation thereto, at which parties in interest and citizens shall
8 have an opportunity to be heard. At least fifteen days notice
9 of the time and place of such hearing shall be published in an
10 official paper, or a paper of general circulation, in such
11 municipality.

Sec. 75. Such regulations, restrictions, and boundaries
2 may from time to time be amended, supplemented, changed,
3 modified, or repealed. In case, however, of a protest against
4 such change, signed by the owners of twenty per cent or more
5 either of the area of the lots included in such proposed
6 change, or of those immediately adjacent in the rear thereof
7 extending one hundred feet therefrom, or of those directly
8 opposite thereto extending one hundred feet from the street
9 frontage of such opposite lots, such amendment shall not be-
10 come effective except by the favorable vote of three-fourths
11 of all the members of the council. The provisions of the
12 previous section relative to public hearings and official notice shall apply equally to all changes or amendments.

Sec. 76. In order for the city to avail itself of the zoning powers conferred by this article, the mayor with the approval of the council shall appoint a commission, consisting of five freeholders of the municipality, not more than three of whom shall belong to the same political party, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the council shall not hold its public hearings or take action until it has received the final report of such commission.

Sec. 77. The council shall provide for the appointment of a board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of this article may provide that the said board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

The board of adjustment shall consist of five members, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this article. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Appeals to the board of adjustment may be taken by any
27 person aggrieved or by any officer, department, board, or
28 bureau of the city affected by any decision of the administra-
29 tive officer. Such appeal shall be taken within a reasonable
time, as provided by the rules of the board, by filing with the
30 officer from whom the appeal is taken and with the board of
31 adjustment a notice of appeal specifying the grounds thereof.
32 The officer from whom the appeal is taken shall forthwith
33 transmit to the board all the papers constituting the record
34 upon which the action appealed from was taken.
35
36 An appeal stays all proceedings in furtherance of the ac-
37 tion appealed from, unless the officer from whom the appeal
37-a is taken certifies to the board of adjustment after the notice
37-b of appeal shall have been filed with him that by reason of
37-c facts stated in the certificate a stay would, in his opinion,
37-d cause imminent peril to life or property. In such case pro-
37-eceedings shall not be stayed otherwise than by a restraining
37-f order which may be granted by the board of adjustment or
37-g by a court of record on application on notice to the officer
37-h from whom the appeal is taken and on due cause shown.
37-i The board of adjustment shall fix a reasonable time for the
37-j hearing of the appeal, give public notice thereof, as well as
38 due notice to the parties in interest, and decide the same
39 within a reasonable time. Upon the hearing any party may
40 appear in person or by agent or by attorney.
41 The board of adjustment shall have the following powers:
42 (a) To hear and decide appeals where it is alleged there is
43 error in any order, requirement, decision, or determination
44 made by an administrative official in the enforcement of this
45 article or of any ordinance adopted pursuant thereto.
46 (b) To hear and decide special exceptions to the terms of
47 the ordinance upon which such board is required to pass un-
48 der such ordinance.
49 (c) To authorize upon appeal in specific cases such variance
50 from the terms of the ordinance as will not be contrary to
51 the public interest, where, owing to special conditions, a
52 literal enforcement of the provisions of the ordinance will re-
53 sult in unnecessary hardship, and so that the spirit of the or-
54 dinance shall be observed and substantial justice done.
55 In exercising the above-mentioned powers such board may,
56 in conformity with the provisions of this article, reverse or
57 affirm, wholly or partly, or may modify the order, require-
ment, decision, or determination appealed from, and may
make such order, requirement, decision, or determination as
ought to be made, and to that end shall have all the powers
of the officer from whom the appeal is taken.

The concurring vote of four members of the board shall
be necessary to reverse any order, requirement, decision, or
determination of any such administrative official, or to de-
cide in favor of the applicant on any matter upon which it
is required to pass under any such ordinance, or to effect
any variation in such ordinance.

Any person or persons, jointly or severally aggrieved by
any decision of the board of adjustment, or any taxpayer, or
any officer, department, board, or bureau of the municipality,
may present to the circuit court of the county, a petition,
duly verified, setting forth that such decision is illegal, in
whole or in part, specifying the grounds of the illegality.

Such petition shall be presented to the court within thirty
days after the filing of the decision in the office of the board.

Upon the presentation of such petition the court may allow
a writ of certiorari directed to the board of adjustment to re-
view such decision of the board of adjustment and shall pre-
scribe therein the time within which a return thereto must be
made and served upon the relator’s attorney, which shall not
be less than ten days and may be extended by the court. The
allowance of the writ shall not stay proceedings upon the de-
cision appealed from, but the court may, on application, on
notice to the board and on due cause shown, grant a restrain-
ing order.

The board of adjustment shall not be required to return
the original papers acted upon by it, but it shall be sufficient
to return certified or sworn copies thereof or of such portions
thereof as may be called for by such writ. The return shall
concisely set forth such other facts as may be pertinent and
material to show the grounds of the decision appealed from
and shall be verified.

If, upon the hearing, it shall appear to the court that testi-
mony is necessary for the proper disposition of the matter, it
may take evidence or appoint a referee to take such evidence
as it may direct and report the same to the court with his
findings of fact and conclusions of law, which shall constitute
a part of the proceedings upon which the determination of the
court shall be made. The court may reverse or affirm, wholly
or partly, or may modify the decision brought up for re-
view.

Costs shall not be allowed against the board unless it
shall appear to the court that it acted in bad faith or with
malice in making the decision appealed from.

Sec. 78. In case any building or structure is erected, con-
structed, reconstructed, altered, repaired, converted, or main-
tained, or any building, structure, or land is used in violation
of this article or of any ordinance or other regulation made
under authority conferred hereby, the city in addition to other
remedies, may institute any appropriate action or proceedings
to prevent such unlawful erection, construction, reconstruc-
tion, alteration, repair, conversion, maintenance, or use, to
restrain, correct, or abate such violation, to prevent the oc-
cupancy of such building, structure, or land, or to prevent
any illegal act, conduct, business, or use in or about such
premises.

Sec. 79. Wherever the regulations made under authority
of this article require a greater width or size of yards,
courts, or other open spaces, or require a lower height of
building or less number of stories, or require a greater per-
centage of lot to be left unoccupied, or impose other higher
standards than are required in any other statute or local
ordinance or regulation, the provisions of the regulations
made under authority of this article shall govern. Wherever
the provisions of any other statute or local ordinance or regu-
ation require a greater width or size of yards, courts, or
other open spaces, or require a lower height of building or a
less number of stories, or require a greater percentage of lot
to be left unoccupied, or impose other higher standards than
are required by the regulations made under authority of this
article, the provisions of such statute or local ordinance or
regulation shall govern.

Sec. 80. The mayor is hereby authorized to appoint a mu-
unicipal planning commission, which may consist of the mem-
bers of the zoning commission; provided, however, that any
ordinance or by-laws enacted under the authority of this act
shall exempt from the operation thereof any building or
structure used or to be used by a public service corporation
(not otherwise exempted) as to which proof shall be pre-
Sec. 81. The municipal planning commission shall consist of not less than five citizens, all of whom shall be taxpayers, who shall be nominated by the mayor and confirmed by the council. The members of the commission first appointed shall serve respectively for terms of one year, two years and three years, divided equally or as nearly equally as possible between these terms. Thereafter members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the commission shall serve without compensation.

Sec. 82. The duties of the municipal planning commission shall be to prepare plans for the development of the whole or any portion of the municipality and of any land outside of the municipality which, in the opinion of the commission, bears relation to the planning of the municipality; provided, however, that the power of the municipal planning commission shall not extend beyond the territorial limits of the municipality except so far as is reasonably necessary to protect the community, both within and without the corporate limits, against inadequate streets, highways, and sewers, and inadequately planned and zoned territory.

Sec. 83. All plans, plats or replats of land laid out in building lots, and the streets intended to be dedicated to public use, shall be submitted to the municipal planning commission for their consideration and no such plat or replat shall be filed in the office of the clerk of the county court, as provided by law in other cases, until such plat or replat shall have indorsed upon it the fact that it has first been submitted to the municipal planning commission, and by the municipal planning commission to the mayor and council, and by the mayor and council duly approved.
CHAPTER 10

(Senate Bill No. 227—By Mr. Woodyard)

AN ACT to amend and re-enact section twenty-two of an act creating the City of Point Pleasant in the county of Mason, granting a charter thereto and annulling the charters of "The Town of Point Pleasant," and "The Town of North Point Pleasant," passed February sixteenth, one thousand nine hundred and fifteen.

[Passed March 5, 1929; in effect from passage. Approved by the Governor.]

Sec. 22. Estimates and levy by council; special levy for municipal play grounds; vote of people on.

Be it enacted by the Legislature of West Virginia:

That section twenty-two of an act creating "The City of Point Pleasant," in the county of Mason, granting a charter thereto, and annulling the charter of "The Town of Point Pleasant," and "The Town of North Point Pleasant," be amended and re-enacted so as to read as follows:

Finances and Expenditures:
Section 22. The council shall annually make an estimate in manner and form as is required by chapter nine of the acts of the legislature of West Virginia of the year one thousand nine hundred and eight, and shall make a levy of so much as will in its judgment be necessary to pay the same; provided, that such levy shall not exceed fifty cents on each hundred dollars of the assessed valuation of the property of the city according to the last assessment thereof. And the council of the said City of Point Pleasant is hereby authorized and empowered to lay an additional and special levy not to exceed three cents on each one hundred dollars of the assessed valuation of the property of the city, according to the last assessment thereof, for the purpose of improving, and equipping municipal play grounds in the City of Point Pleasant, and to maintain the said grounds and equipment. And except as to the amount of said levy as aforesaid, all of the provisions of said act, so far as applicable are hereby adopted and made part hereof, including the power to make additional levies as therein provided.

Provided, however, that the council of the said city of Point Pleasant shall not lay the additional or special levy hereinbefore
21 mentioned unless it be first submitted to a vote of the people 22 and be authorized by a majority vote of the qualified voters of 23 the said city at a regular municipal election or special election 24 held in said city for that purpose.

CHAPTER 11

(Senate Bill No. 235—By Mr. West)

AN ACT to amend sections two, eighteen, thirty, forty-nine, seventy-five, seventy-six and eighty-four of the acts of the legislature of one thousand nine hundred and twenty-one as amended by the acts of the legislature of West Virginia of one thousand nine hundred and twenty-three as amended by the acts of the legislature of one thousand nine hundred and twenty-five as amended by the acts of the legislature of one thousand nine hundred and twenty-seven; and to amend and re-enact section two of chapter seventy-eight of the acts of the legislature of one thousand nine hundred and twenty-seven; and to add to the charter of the City of Huntington four new sections to be known as sections, sixty-eight-a, sixty-eight-b, sixty-eight-c, and sixty-eight-d, authorizing the board of commissioners of the City of Huntington to refund paving assessment certificates issued under section sixty-five, chapter seventy-eight, of the acts of the legislature of one thousand nine hundred and twenty-three and twenty-three as amended by the acts of the legislature of one thousand nine hundred and twenty-seven, relating to the charter of the City of Huntington; and to add to the charter of the said City of Huntington four new sections to be known as sections, sixty-eight-a, sixty-eight-b, sixty-eight-c, and sixty-eight-d, authorizing the board of commissioners of the City of Huntington to refund paving assessment certificates issued under section sixty-five, chapter seventy-eight, of the acts of the legislature of one thousand nine hundred and twenty-three and twenty-three; and under section sixty-seven of chapter twenty-eight of the acts of one thousand nine hundred and twenty-five (municipal charters) by re-issuing refunding paving assessment certificates therefor, and to provide for the issuance, levying and collecting thereof, and to provide for the repeal of all other laws in conflict herewith.

[Passed March 1, 1929; in effect from passage. Approved by the Governor.]
Be it enacted by the Legislature of West Virginia:

That sections two, eighteen, thirty, forty-nine, seventy-five, seventy-six and eighty-four of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one as amended by the acts of the legislature of West Virginia of one thousand nine hundred and twenty-three and as amended by the acts of the legislature of one thousand nine hundred and twenty-five, and as amended by the acts of the legislature of one thousand nine hundred and twenty-seven and section two of chapter seventy-eight of the acts of the legislature of one thousand nine hundred and twenty-three as amended by section two of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and twenty-five, as amended by the acts of the legislature of one thousand nine hundred and twenty-seven, relating to the charter of the City of Huntington, be amended and re-enacted, and four new sections added: Compensating members of the police and fire departments for their services; fixing the time for the holding of the elections to fill the vacancies in the board of commissioners; providing for the assessment of property situated in the city; and making other changes in the charter as follows:

Sec. 75. Civil service board, how constituted; duties and powers of board.

Sec. 76. Members police and fire departments to hold positions at will of civil service board.

Sec. 84. Certain present officers to continue in office.

Sec. 85-a. (a) Board of commissioners authorized to refund saving assessment certificates.

(b) Contract between board of commissioners and owners of unpaid saving assessment certificates or coupons.

(c) Consent of owner to contract necessary.

(d) Contract, when made, to be ratified by ordinance or resolution.

(e) When ordinance adopted owner of unpaid assessment certificate to deposit same with city treasurer.

(f) City treasurer to submit statements showing certificates, total indebtedness, etc. on approval of same, board to enact an ordinance concerning protest against amount chargeable in statement.

(g) Proceedings when board undertakes to refund certificate which has not matured.

(h) Assessments to be levied in accordance with said apportionment; how assessments made; publication of ordinance; lieu of special assessment.

(i) City clerk to certify assessments for recordation in county clerk's office.

(j) Assessments to be evidenced by certificates; payment in ten equal annual installments; form of certificates and coupons.

(k) Refunding saving assessment certificates to be delivered to owners of original certificates.

(l) Limitations on suits; set aside reassessment.

(m) Prior void assessments not validated.

Sec. 85-b. (a) Proceedings on prior saving assessment certificates due or becoming due in the next succeeding calendar year.

(b) Petition of owners as proof that they own lots assessed.

(c) Action of board upon petition of owner of saving assessment certificates.

(d) Sale of refunding saving assessment certificates to highest bidder.

(e) When refunding certificates purchased by owner of outstanding certificates.

(f) Procedure by board when bid for refunding certificates received or accepted.

(g) Procedure by board when sale price of refunding certificates received.

(h) City not liable for any amount of refunding certificates except amounts received from sale of certificates.

(i) Action by owner of refunding certificates to collect same.

sections to be known as sections sixty-eight-a, sixty-eight-b, sixty-eight-c, and sixty-eight-d be enacted as part of the charter of said City of Huntington, all as follows:

"Section 2. The corporate limits of the City of Huntington shall be as follows; to-wit:

1. Beginning at a stake at low water mark of the Ohio river, southerly side thereof, about a mile above the mouth of the Guyandotte river, in the west side of the Peck farm; thence southerly with the west line of the Peck farm to the top of the river hill; thence leaving the corporation line as heretofore established, and continuing southerly with the west line of the Peck farm and with the property lines in a general southerly direction to the south line of the Chesapeake and Ohio Railway company right of way; thence easterly and with the said south right of way line of the Chesapeake and Ohio Railway company to a point where said line intersects with the west line of Fifth street as shown upon plat number one of Altizer place, a map of which was filed in the county court clerk's office of Cabell county, West Virginia; thence with the westerly line of said Fifth street southerly to the northerly line of state road number three (now known at this point as Riverside drive); thence westerly with the northerly line of said state road number three to the easterly line of the International Nickel company property; thence northerly with the east line of said International Nickel company property to the southerly right of way line of the Chesapeake and Ohio railway; thence westerly with the south line of said railway company right of way line to the top of the west bank of Pat's branch; thence southwesterly with the west bank of Pat's branch to the southerly line of state road number three; thence with said southerly line of said state road number three and therewith in an easterly direction to a point in said line where said state road number three turns in the southerly direction to cross the Guyan river; thence continuing with the west line of said state road number three southerly to the south bank of Guyan river; thence westerly with the south bank of the Guyan river to the east line of Elwood avenue, as said latter line is shown on a map of Arlington addition, Huntington.

West Virginia, Arlington Land company, owners, a subdivision of said City of Huntington, which said map was made by R. W. Breece, engineer, and dated March twenty-eight.
one thousand nine hundred and twenty-five, a copy of which
map is now filed in the office of the clerk of the county court
of said Cabell county; thence in a southerly direction along
and with the east side of Elwood avenue to the southerly side
of Washington boulevard, as shown on said map; thence in an
easterly direction with the southerly line of Washington boule-
vard continuing with the same to the point of juncture of
Washington boulevard with Arlington boulevard, and thence
continuing in a southerly direction with the westerly line of
Arlington boulevard to a point which is five hundred feet
south of the top of the bank of Guyan river; thence in an
easterly direction at a right angle to Arlington boulevard to
a point in the southeasterly corporation line of the City of
Huntington, as heretofore constituted by chapter one hundred
and fifty of the acts of the legislature of one thousand nine
hundred and one; thence south and then westerly with said
corporation line to the Huntington-Hamlin pike; thence in a
straight line and westerly direction to a point on the west
side of the McCoy (Eighth street) road two feet northeast of
the northeasterly corner of the F. L. Weymouth land; thence
westerly across the McCoy road to the northeasterly corner of
the F. L. Weymouth land; thence following the northeasterly
line of the F. L. Weymouth land and the northerly line of the
land of F. L. and F. A. Weymouth to the intersection of the
present corporation line at the left fork of Hisey creek; thence
westerly with the northerly bank of the said left fork to its
intersection with the right fork; thence westerly with the
northerly bank of Hisey fork of Four Pole creek to a point in
the center of the Hisey fork of Four Pole creek, a corner of
Mrs. F. L. Whittaker and the Andrew J. Cox estate, thence
in a southerly direction and with the west line of the said
Whittaker land to the southwesterly corner of same; thence
continuing with the south line of the said Whittaker land in a
southeasterly direction to a large white oak, a corner to the
Wm. Long land (now Mullins) which is also the most southern
corner to the said Whittaker land and on the Porter ridge,
thence southwesterly with the Long and Overby (now Mullins)
lands and with said Porter ridge to the northeast corner of
the Ollis Simmons land; thence with the east line of said Sim-
mons land and continuing with said Porter ridge to the north-
east corner of Sam Simmons land; thence with the east line
of said Sam Simmons land and the said Porter ridge in a southerly direction to the northeast corner of T. H. Reece’s land; thence with the north line of same and with said Porter ridge in a southeasterly direction to the southeast corner of said Reece’s land; thence with the east line of said Reece in a southerly direction and with said Porter ridge to a locust stump, a corner to the said T. H. Reece and Oliver Morrow; thence in a southwesterly direction and with the line between said Reece and Morrow and continuing with said Porter ridge to the most southerly corner of said Reece’s land and on top of said Porter ridge; thence leaving the said Reece and Morrow line and running through the said Oliver Morrow lands in a southwesterly direction and with the center of the main Porter ridge to the Wayne county line, and with Wayne county line in a northwesterly direction to a point in the south right of way line of the Chesapeake and Ohio railroad right of way; thence continuing with the southerly line of the right of way of said railway company to the point of its intersection with the easterly corporation line of the Town of Ceredo in Wayne county; thence in a northerly direction with said easterly corporation line of the Town of Ceredo to the low water mark of the southerly side of the Ohio river; thence easterly with said low water mark of the Ohio river to the point of beginning.

Provided, That the territory embraced relating to that part of the boundary line in Wayne county shall always remain in Wayne county.

Sec. 18. In addition to the municipal authorities mentioned in sections four and seven of this act, said city shall have a city clerk, treasurer, auditor, police judge, jailer, city attorney, chief of police, chief of detectives, police clerk, inspector of police, captains of police not to exceed three in number, lieutenants of police not to exceed four in number, chief of fire department, captains of fire department, not to exceed two for each fire station operated within the city, city engineer, superintendent of streets and sewers, and building inspector, and such other officers and agents as the board of commissioners from time to time may create and employ, provided, however, that no new office shall be made or created by the board of commissioners, except by ordinance. The election or appointment of all
14 Appointive officers named or provided for in this act shall be
15 vested as follows:
16 The board of commissioners shall appoint the city clerk, city
17 attorney, city engineer, superintendent of streets and sewers,
18 building inspector, and such other officers and agents as the
19 board of commissioners from time to time may create and em-
20 ploy. The citizens board shall appoint the auditor and treasurer
21 after the next general election, and all general elections in the
22 following manner: The political party electing the president of
23 the citizens board shall have first choice as to the appointment
24 of the treasurer or auditor as the case may be, and the members
25 of the opposite political party shall make the other appoint-
26 ment of said treasurer or auditor as the case may be. In case
27 of a tie vote being cast for these appointments, the president
28 of the citizens board may break the tie with his vote.

Sec. 30. All appointive officers except those under civil
2 service shall hold for the term for which appointed unless
3 sooner removed at the pleasure of the board of commissioners
4 or the citizens board as hereinafter provided. Any officers ap-
5 pointed by the board may be removed by the board at its pleas-
6 sure, the police judge, the chief of police, chief of fire depart-
7 ment or jailer may be removed by the board of commissioners
8 or by the citizens board upon the filing with said board written
9 charges of misconduct and sustained by the board. The auditor
10 and treasurer may be removed only by the citizens board for
11 just cause.

Sec. 49. No franchise or ordinance passed, no contracts
2 awarded, nor any money appropriated for any one purpose in
3 a greater sum than twenty-five dollars, and no appointment of
4 any officer shall be made nor any vacancy in any office declared
5 without the affirmative vote of at least two members of the
6 board of commissioners except as herein provided. The board
7 of commissioners shall let to and enter into a contract to remain
8 in force for one year, for the disposal of garbage not later than
9 July first, one thousand nine hundred and thirty, and
10 each and every year thereafter in the following manner: The
11 board of commissioners shall advertise for bids in two news-
12 papers of opposite political politics of general circulation in the
13 city once each week for three successive weeks before July the
14 first, one thousand nine hundred and thirty, and each
15 and every year thereafter, and shall award such contract, ef-
effective for one year to the lowest bidder who shall be required

to furnish a surety bond in an amount not less than forty per

cent of the total annual contract price, conditioned for the

faithful performance of said contract.

Sec. 75. There is hereby created a civil service board

consisting of two members. The present auditor of the city of

Huntington by virtue of his office shall be one member, the

present city treasurer of the City of Huntington, by virtue of

his office shall be the other member and said civil service board

shall thereafter consist of said city treasurer and auditor and

be vested with all the powers and duties as hereinafter pro-

vided. The duties of the civil service board shall be to examine

and select all applications for position of the police and fire

department except the chiefs thereof to hear and determine

all appeals made by members of the police and fire department

who are under civil service; to hear evidence, summon wit-

nesses and render judgments in all cases in which charges have

been preferred against officers in the above named departments;

and if in their judgment the evidence so warrants remove said

police officer or member of the fire department from their po-

sition; to make promotions of the members of the department

to fill vacancies which may occur, *provided, however*, that such

promotion made and vacancies filled shall be made from the

same political party from which the vacancy occurred, and pre-

scribe rules for the conduct of the police and fire department

officers, make rules and regulations governing its action and

keep same on record of its proceedings. The civil service board

shall hold meetings upon the first Tuesday in each month for

the purpose of examining and certifying eligibles for the po-

cile department and fire department, and shall give ten days

posted public notice of the time and place and purpose of such

examinations and may be called into special session by the ma-

jority of the board of commissioners for the purpose of dispos-

ing of any matter arising in its jurisdiction. The city clerk

shall be the *ex-officio* clerk of said board and it shall be his duty

to attend all meetings and keep an accurate record of all trans-

actions of the board in the books provided for that purpose,

which record shall at all times be open to public inspection.

In the event that it becomes necessary for the civil service

board to vote on any question, and the result of said voting

show an equal number of said votes cast for and against said
question, and said tie in said voting continue for a period of five days, the said members of said board shall forfeit a sum equivalent to fifty per cent of their said salary to the contingent fund of the City of Huntington, until the said tie is broken.

Sec. 76. All officers of the police department and fire department holding under civil service shall hold their positions or standing in their respective departments at the will of the civil service board and subject to the action of the civil service board hereinbefore provided for.

Sec. 84. The chief of the fire department, chief of the police department, and police judge now serving shall continue in their respective capacities until the end of their respective terms and shall subject to the will and removal by the mayor be wholly responsible to the mayor for their conduct. The jailer now serving shall continue in his respective position until the end of his respective term and be responsible to the board of commissioners for his conduct while on duty.

Sec. 68-a. (a) The board of commissioners of the City of Huntington is hereby authorized to refund by reissuing paving assessment certificates issued under the authority of section sixty-five, chapter seventy-eight, of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-three, and under section sixty-seven, chapter twenty-eight, of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-five (Municipal Charters) subject only to the limitations prescribed in this act.

(b) Whenever it shall appear to said board of commissioners that any paving assessment certificate heretofore or hereafter issued pursuant to section sixty-five, chapter seventy-eight, of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-three, and under section sixty-seven, chapter twenty-eight, of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-five (Municipal Charters), to pay the costs of paving and otherwise improving any streets, avenue, road, alley, boulevard, or drive in said city, has matured or remains unpaid; or if it shall appear to said board of commissioners that any principal or interest coupon or coupons have matured on any such paving assessment certificate so issued, and the same remain unpaid, the said board of commissioners is empowered to and may enter into a written agreement, with the owner or owners of such
past due paving assessment certificate and the principal and
interest coupons attached thereto, of the entire series of the
same date and group, issued for said improvement or improve-
ments, and provide in such agreement for the cancellation of
such group or series of certificates, together with the principal
and interest coupons thereon, issued for said improvement or
improvements, and to cause a refunding thereof by a reissu-
ance thereof, subject to the provisions of this act. The pre-
sentation of said paving assessment certificates, together with
the unpaid principal and interest coupons issued thereon, un-
der the authority of section sixty-five, chapter seventy-eight,
of the acts of the legislature of West Virginia, of one thou-
sand nine hundred and twenty-three, and section sixty-seven,
chapter twenty-eight, of the acts of the legislature of West
Virginia of one thousand nine hundred and twenty-five (Mu-
nicipal Charters), shall be prima facie evidence of owner-
ship thereof, and when so presented by such person, firm, or
corporation to the board of commissioners, the said party or
parties shall have the right to enter into a written contract to
provide for the refunding of said paving assessment certifi-
cates by a reissue of refunding certificates therefor; and
which said contract shall provide that the refunded paving
assessment certificates shall be payable solely from reassess-
ments levied against the property for the payment of said
original paving assessment certificates, in the district and
along said street, avenue, road, alley, boulevard, or drive there-
toefore improved in said city, for which said paving assessment
certificates and the principal and interest coupons were issued;
and said contract shall further provide that in no instance
shall any reassessment be made or levied against any property
in said district abutting upon said former improvement which
has theretofore been paid in full, according to the terms of the
assessment levied therefor. Said contract shall further pro-
vide that all unmatured installments of paving assessment cer-
tificates issued to pay for such improvement heretofore issued
shall, until superseded by funding or refunding paving assess-
ment certificates, as herein provided, and as provided in section
sixty-nine, chapter eleven, of the acts of the legislature of West
Virginia of one thousand nine hundred and twenty-one (Mu-
nicipal Charters), but no longer, remain against the property
so assessed. Such contract shall expressly provide that the
City of Huntington shall in no event be liable for any loss or damage sustained by the holder or holders of such paving assessment certificates heretofore issued by reason of the refunding or reissuance thereof, as authorized in this act, and the city shall not be held as a guarantor or in any way liable for the said refunding or reissuance of paving assessment certificates, except upon direct action of the board of commissioners as expressed by resolution of record. Such contract may contain such other and suitable provisions as the parties thereto may agree with reference to the cancellation of such outstanding paving lien assessment certificates and the protection of the rights of the owners of property liable to pay the assessments which have not matured.

(c) The contract providing for the refunding of said paving assessment certificates shall be authorized only when the owner or owners of all the unpaid assessment certificates and the coupons thereof of a particular series of the same date and group and issued for the same improvement or improvements, whether all or a part of the same be due or not, or whether all or any coupon thereof shall be in default of payment, join in such an agreement or contract.

(d) When the contract heretofore provided for by subsection (b) of this act, shall be entered into between the contracting parties, an ordinance or resolution shall be enacted or passed ratifying the same.

(e) Upon the adoption of said ordinance or the passage of said resolution, the owner or owners of such unpaid assessment certificates as provided for herein, shall deposit the same, together with the unpaid coupons thereof, with the city treasurer to be retained until such time as the refunding paving assessment certificates are to be exchanged for such paving assessment certificates heretofore issued, or such paving assessment certificates with said coupons may be deposited in any duly incorporated bank or trust company in the City of Huntington, as may be designated by the contract between the city and such certificate owner or owners, to be retained by such depository until exchanged for such refunding paving assessment certificates.

(f) Whenever the board of commissioners has entered into a contract for refunding or paving assessment certificates and such series of the same date and group theretofore issued for
106-a the costs of any such improvement has fully matured, and
107 the same, or any part thereof, remain unpaid, and has passed
108 the ordinance or adopted the resolution provided for in sub-
109 section (d) of this act; it shall be the duty of the board of
110 commissioners to cause the city treasurer to submit a complete
111 statement, duly verified from the owner or owners of said pav-
112 ing assessment certificates, showing the number of each cer-
113 tificate, the principal and interest coupons which are unpaid,
114 and the total indebtedness due according to the terms and
115 tenor of such matured and unpaid coupons, which statement
116 shall likewise show the several assessments remaining due and
117 unpaid and the year in which the same are due, together with
118 the interest thereon; and the city treasurer shall likewise sub-
119 mit, at the same time, a statement setting forth the amount
120 of the reassessments, which shall include the total amount of
121 the unpaid assessments with interest to the date of the passage
122 of the ordinance or the adoption of the resolution prescribed
123 for in sub-section (d) of this act, and there may be included
124 in such reassessments the additional costs of the proceedings,
125 pro rated among the lots or tracts of land so to be assessed,
126 unless otherwise ordered by said board of commissioners, and
127 which statement shall further contain the names of the owners
128 of said property and a description of said property liable for
129 the payment of such refunding certificates, which said state-
130 ment shall be examined by the board of commissioners and if
131 found to be correct shall be approved. Upon the approval
132 thereof, it shall be the duty of the board of commissioners to
133 enact an ordinance or adopt a resolution declaring the amounts
134 of the indebtedness due from each of said property owners and
135 the property assessed therefor by reason of such matured and
136 unpaid certificates and coupons thereto attached, and the
137 amounts so found due, together with the aforesaid costs, shall
138 be declared to be the basis of a reassessment against the prop-
139 erty liable to assessment to pay the costs of such refunding
140 certificates. The said ordinance or resolution shall further
141 recite the date of the passage of the ordinance or resolution
142 of said work, the date of the assessments and the trust deed
143 book and page number where the assessment is recorded in
144 either the county court clerk's office of Cabell county or of
145 Wayne county, and shall further declare the determination
146 of the board of commissioners to cause such paving assessment
147 certificates to be refunded and to levy reassessments and issue
refunding paving assessment certificates in the several amounts
necessary to pay such refunding certificates against the sev-
eral owners of the lots, pieces and parcels of land liable for
the costs of the improvement for which said paving assessment
certificates are so refunded. Said resolution or ordinance
shall likewise recite that a full and complete statement, duly
approved, showing the amounts of the various outstanding
paving assessment certificates and interest thereon, together
with the delinquent assessments for principal and interest in-
stallment coupons, together with the owners and the property
liable for the payment of said refunding certificates and the
amounts to be reassessed is on file in the office of the city
clerk. Said resolution or ordinance shall be published at least
once a week for two successive weeks in two newspapers of
general circulation and of opposite politics published in the
city. Any person, firm, or corporation interested or liable
shall have the right to file written protests with the city clerk
or the board of commissioners against the amount chargeable
in such statement within ten days from the date of the first
publication of said ordinance or resolution, and failure to file
such written protests or objections shall be deemed and con-
sidered a waiver of any right which such person, firm, or cor-
poration may have or claim. When any such protest may have
been filed the board of commissioners shall, at its next regular
meeting, or at a special meeting called for that purpose, hear
such protest and shall adjudicate and determine the said ob-
jection and shall make such order as may seem proper, and
said board of commissioners may revise and correct the amount
of such unpaid or unmatured assessments, and raise or lower
the same as to any lot or lots or tracts of land, as it shall deem
just, but shall assess no greater amount against any lot or lots,
or tracts of land, than the amount then delinquent or remain-
ing unpaid, save and except the necessary costs of this pro-
cedings may be added thereto as set out in sub-section (f),
and said board of commissioners shall then confirm the same as
so revised or corrected by them, provided, however, no objec-
tion to the legality of the proceedings with reference to the
making of the improvement or the validity of the amount of
any assessment originally made shall be considered by the
board of commissioners, and all other objections to any re-
188 assessment shall be deemed waived, unless presented at the
189 time and in the manner specified.
190 (g) In all such cases where the board of commissioners shall
191 undertake to refund paving assessment certificates of the same
192 date and group which have not matured and which contain
193 unmatured installment assessment coupons, the owner of the
194 property liable to pay the costs of such unmatured assessments
195 shall have the right to pay the same, up to the time the board
196 of commissioners passed the ordinance or resolution providing
197 for the refunding of said paving assessment certificates as pro-
198 vided for in sub-section (d) of this act; and shall likewise
199 have the right to continue to pay the several installments of
200 the assessments as the same mature without regard to the re-
201 funding of the said outstanding series of the same date and
202 group; however, said owner of said real estate against which
203 installment assessments remain unpaid may elect by notice to
204 the board of commissioners to execute such right or rights to
205 any time prior to the passage of the ordinance or resolution
206 hereinafter provided for levying the assessments, to pay such
207 refunding paving assessment certificates as provided for here-
208 in. Upon failure to exercise such election and privilege, the
209 board of commissioners shall make reassessments against the
210 property in said improvement direct with like force and ef-
211 fect as if those said installments and assessments had matured.
212 (h) The board of commissioners shall by ordinance or reso-
213 lution levy assessments in accordance with said apportionment
214 as corrected and confirmed by said board, and said ordinance
215 or resolution shall provide that the property owners shall have
216 the privilege of paying the amounts of their respective assess-
217 ments with interest at six per cent within thirty days from
218 the date of the publication of said ordinance or resolution, but
219 before the day on which the said assessments are entered of
220 record, and such payments shall be made to the city clerk, who
221 shall give proper receipts therefor, and such assessments so
222 paid shall not be entered in the report to be recorded and said
223 clerk shall pay said amount to the owner of said certificate.
224 Said ordinance or resolution, setting out the names of the
225 property owners and a description of the property so reas-
226 sessed with the amount of the reassessments thereof, shall be
227 published once a week for two successive weeks in two news-
228 papers of opposite politics published in said city. Such special
229 assessments and each installment thereof, and the interest
230 thereon, are hereby declared to be a lien against the lots and
231 tracts of land so assessed from the date of the publication of
232 the ordinance or resolution levying the same, co-equal with
233 the lien of taxes and prior and superior to all other liens
234 against such lot or tracts of land, and such liens shall continue
235 as to unpaid installments, interest, and penalty until such as-
236 sessments, interest and penalty thereon shall be fully paid;
237 provided, however, that the same shall not remain as a lien
238 upon said lot or lots or tracts of land for a longer period than
239 one year after the last principal coupon on said assessment
240 certificate shall have become due, unless some suit or action
241 at the termination of said one year period, shall be pending
242 for the enforcement of such lien, or unless the amount of said
243 lien, or some part thereof, is involved in a suit or action pend-
244 ing at the end of said one year period.
245
246 (i) Thirty days after the first publication of said assess-
247 ment ordinance or resolution, the city clerk shall certify said
248 assessments and record a copy of said certificate of assessments
249 thereof in the county clerk’s office of either Cabell or Wayne
250 county as provided for in section sixty-eight, chapter twenty-
251 eight, of the acts of the legislature of West Virginia, one thou-
252 sand nine hundred and twenty-five (Municipal Charters), and
253 same shall be recorded in the proper trust deed book and
254 indexed in the names of the owners of the property so assessed.
255 When said reassessments have been so made and a copy of
256 said certificate of assessments thereof filed as above directed,
257 the county clerk shall mark as “cancelled,” the records of
258 said county in which the original assessments are recorded
259 in so far only as reassessments are made therefor, and that
260 have not formerly been released as provided for in section
261 sixty-nine, chapter eleven, of the acts of the legislature of West
262 Virginia of one thousand nine hundred and twenty-one (Mu-
263 nicipal Charters). The lien or liens of said reassessments
264 may be released in the same manner and form as provided in
265 the aforesaid section of this act.
266
267 (j) The said assessments shall be evidenced by certificates
268 issued therefor and dated as of the date of the first publica-
269 tion of the ordinance or resolution confirming said assessment
270 against each lot or tract of land, setting out the total amount
271 of such assessment against the same, payable in ten equal
270 annual installments and bearing interest at the rate not to 
271 exceed six per centum per annum payable on the due date of 
272 each principal installment. The first installment of both 
273 principal and interest shall become due and payable on the 
274 first day of May after the date of said certificate and the said 
275 installments of both principal and interest shall become due 
276 and payable on the first day of May of each succeeding May 
277 until the entire amount of said certificate, together with in- 
278 terest shall have been paid. If any installment of said assess- 
279 ment shall not be paid when due, then a penalty of two per 
280 centum per annum shall be added on the amount of each in- 
281 stallment after it is due until its payment, and such two per 
282 centum penalty shall be in addition to the six per centum 
283 interest which the assessment carries and shall be a lien the 
284 same as the assessment. In case any installment or principal 
285 or interest is not paid when due, suit may be instituted thereon 
286 to collect the part of said certificate of either principal or in- 
287 terest or penalties which is in default, either against the 
288 owner of the real estate for a personal judgment or to sub- 
289 ject the lot of land assessed therewith to the payment of the 
290 whole or any part of said debt. The amount specified in said 
291 assessment certificate, together with the interest or any penal- 
292 ties due thereon, shall be a lien as aforesaid in the hands of 
293 the owner or owners of said certificate upon the lots of land 
294 so assessed, and shall also be a debt against the owner of said 
295 real estate, and the payment of said assessments may be en- 
296 forced as provided by law for the collection of other debts, or 
297 such liens may be enforced as provided for the enforcement 
298 of other liens against real estate in the name of the owner or 
299 owners thereof. Said certificate shall be designated as “Re-
300 funding Paving Assessment Certificate,” and shall be signed 
301 in person by the mayor and clerk of said city, or other person 
302 designated of record by the board of commissioners. Said 
303 certificate shall bear coupons designated “Principal Instal-
304 ment Coupon,” representing the respective amounts of the 
305 installments to be paid on the principal under the same, and 
306 which shall be due and payable on the dates provided for the 
307 payments of the installments in this section, and said certifi-
308 cate shall also bear coupons designated “Interest Coupon,” 
309 representing the amounts of interest to be paid upon the said 
310 assessment and which coupons shall be due and payable at
the same time the principal installment coupons are due and payable. Both principal and interest installment coupons shall be signed by the mayor or clerk or other person so designated of record by the board of commissioners, or bear a facsimile of the signature of said mayor and clerk. Said refunding paving assessment certificate shall in no event become a liability of said city. The said certificates issued hereunder shall recite that they are issued under the laws of the state of West Virginia, and that they are refunded in pursuance of this act, and shall further recite the date of the certificate theretofore issued. The refunding paving assessment certificates and the principal and interest installment coupons herein provided for may be made in the following form or of the same effect:

STATE OF WEST VIRGINIA

CITY OF HUNTINGTON REFUNDING PAVING ASSESSMENT CERTIFICATE

This certifies that is the owner of a lot, piece, or parcel of real estate, situate in the City of Huntington, West Virginia, known and designated as Lot No. in Block No., and has been duly assessed in the sum of Dollars, with interest from the date hereof at the rate of six per cent per annum, which amount of principal and interest is due and payable on the due date of each principal and interest installment coupon, as hereto attached, which assessment has been made to pay the costs of the public improvement heretofore made under the authority of the board of commissioners of the City of Huntington, West Virginia, and by virtue of the charter of the said city, and the laws of the state of West Virginia.

This refunding certificate is negotiable under the laws of the state of West Virginia and is one of a series issued pursuant to the provision of section sixty-eight-a of the charter of the City of Huntington, West Virginia, to refund and pay paving certificates heretofore issued by said city by virtue of its charter and the laws of the state of West Virginia, and dated the day of, 19...

The amount of this certificate is payable in ten equal in-
352 stallments and bears interest at six per cent per annum payable on the due date of each principal installment. The first installment of both principal and interest shall become due and payable on the first day of May after the date of this certificate and the remaining installments of both principal and interest shall become due and payable in the first of each succeeding May until the entire amount of this certificate is paid in said ten installments. If any installment shall not be paid when due, then a penalty of two per cent per annum shall be added to the amount of any assessment after it has become due until its payment and said penalty of two per cent shall be added in addition to the six per cent which this certificate carries. The amount of this certificate, together with interest and any penalty that may be due hereon, is a lien co-equal with the lien of taxes and superior to all other liens upon the aforesaid property in the hands of the owner or owners hereof and is a debt against the owner of the aforesaid property and the payment hereof may be enforced as provided by the laws of the state of West Virginia for the collection of other debts, or such lien may be enforced as provided by the laws of the state of West Virginia for the enforcement of other liens against real estate in the name of the owner or owners hereof. In case any installment of principal or interest is not paid on the due date thereof, suit may be instituted by the owner or owners hereof to collect any part of said certificate of both principal and interest which is in default either against the owner of the aforesaid real estate for a personal judgment or to subject the aforesaid real estate to the payment of the whole or any part of the lien hereof.

381 Installments of this certificate, therefore, are evidenced by ten principal installment coupons and ten interest installment coupons hereto attached, which show the amounts of such installments, the due date thereof, and bear a facsimile signature of the mayor and the clerk of the City of Huntington, West Virginia.

387 The said several principal and interest coupons respectively are payable at the offices of the treasurer of the City of Huntington, West Virginia.

390 The amount of the assessment represented by this certificate, and principal and interest installment coupons attached, has been duly levied, equalized, and confirmed, and all acts, condi-
tions, and things required to be done precedent to the issuance
of this refunding certificate, the equalization and reassessment
hereof, have been done, and performed, in regular and due
manner and form as required by the charter of the City of
Huntington and the constitution and laws of the state of
West Virginia.

This refunding paving assessment certificate in no event
becomes a liability of the City of Huntington, West Virginia.

IN TESTIMONY WHEREOF, The City of Huntington, a
Municipal Corporation, created, and existing under the laws
of the state of West Virginia, has caused this certificate to be
signed by its mayor and clerk; and the principal installment
and interest installment coupons respectively hereto attached,
to be signed by a facsimile signature of its mayor and clerk,
this the .............. day of ............. , 19.........

Mayor.

Clerk.

PRINCIPAL INSTALLMENT COUPON

No. ........................................ $..............................

On the first day of May, 19........, there will be due and pay-
able to the bearer hereof, from ...........................................
the sum of ..................................................... dollars, being the
installment on certificate No........................ of the City of
Huntington, for refunding paving assessment certificate issued
on the .............. day of ............. , 19.........

Mayor.

Clerk.

INTEREST INSTALLMENT COUPON

No................................. $............................... .

On the first day of May, 19........, there will be due and pay-
able to the bearer hereof, from ...........................................
the sum of ..................................................... dollars, representing
interest at six per cent per annum from the ..................
day of ............................................ to the .............. day of
.............., on certificate No..........................,
on installment No................................., of the City of Huntington,
West Virginia, for refunding paving assessment certificate
Such refunding paving assessment certificate in such amount as represents the unpaid assessments as provided for in this act, shall be delivered to the owner or owners of such original paving certificates, pursuant to the terms of the contract provided for in this act, provided, however, that upon delivery of such refunding paving assessment certificates, all original paving assessment certificates and heretofore deposited as in this act is provided, shall be cancelled and a record of such cancellation so made by the city clerk.

No suit shall be sustained to set aside any reassessment or to enjoin the board of commissioners of said city from levying any such reassessments or issuing refunding paving assessment certificates or contesting the validity thereof on any grounds, or for any reason other than for the failure of the board of commissioners to adopt and publish the ordinances or resolutions as provided for herein, which are required herein to be published; and provided, however, that in the event any reassessment shall be found to be invalid or insufficient in whole or in part, for any reason whatsoever, the board of commissioners may at any time in such manner provided for herein, proceed to cause a new assessment to be made and levied which shall be of like force and effect as an assessment provided for herein.

This act shall not be construed to validate any void assessment heretofore made or any paving assessment certificate heretofore issued, nor shall any proceeding hereunder operate to make bearing upon any property owner any previous invalidation, but every defense available against the original assessment shall be preserved to and be available against any issue of refunding paving assessment certificates issued hereunder.

Sec. 68-b. (a) Notwithstanding the provisions made in section sixty-eight-a, whenever it shall appear to said board of commissioners that any paving assessment certificate heretofore or hereafter issued pursuant to section sixty-five, chapter seventy-eight of the acts of the legislature of West Vir-
ginia of one thousand nine hundred and twenty-three, and
under section sixty-seven, chapter twenty-eight of the acts of
the legislature of West Virginia of one thousand nine hundred
and twenty-five (Municipal Charters), to pay the cost of pav-
ing and otherwise improving any street, avenue, road, alley,
bo
due or will become due in the next succeeding calendar year,
and upon the petition of the owners or owner of the lots or
 parcels of ground against which said paving assessment certifi-
cates have been assessed, requesting the said board of com-
missioners so to do, it shall be the duty of said board of com-
missioners to issue refunding paving assessment certificates
against said petitioners and the lots and parcels of ground
owned by said petitioners in an amount not more than twenty
 per cent greater than the amount of principal and interest of
the last three paving assessment certificates and in any amount
not more than twenty per cent greater than the amount of
principal and interest found to be unpaid on said paving
assessment certificates, and the same shall be assessed against
said lots and parcels of ground and shall be and remain a
li
lien against said lots and parcels of ground co-equal with
taxes and superior to all other liens until the same are fully
paid.

And the total amount to be assessed against each lot and
parcel of ground shall be divided into not more than ten equal
annual installments with the first becoming due on the first
day of May of the next succeeding calendar year, and the said
refunding paving assessment certificates shall bear not more
than ten annual interest coupons as well as the said annual in-
stallment certificates.

Whenever the owner or owners of the lots and parcels
of ground against which a paving assessment certificate has
heretofore or hereafter been issued in pursuance of the acts
of the legislature hereinbefore set out, shall have presented to
the said board of commissioners their petition or petitions, set-
ing forth by affidavit, that they or each of them are the true
and actual owners of the said lots or parcels of ground as set
forth in said petition, they shall be taken as the owners of said
lots and parcels of ground.

Whenever the said board of commissioners shall have
received the said petition of said owners, they shall request
the owners or holders of the paving assessment certificates with their interest coupons to make a detailed statement of the paving assessment certificates and the coupons held by them and the amount required to pay the same when due. Upon the failure of any holder of any of said paving assessment certificates and coupons to make such detailed statement, the said board of commissioners may take the amount on record in the office of the clerk of the county court of Cabell or Wayne counties with its interest diminished by the paid and cancelled paving assessment certificates and coupons held by the owners of said lots and parcels of ground.

Whenever said amount has been ascertained and verified and the owners of said lots and parcels of ground have been ascertained and verified, then the said board of commissioners shall fix the amount to be assessed against each lot or parcel of ground and the owner thereof and shall mail a copy of the same to each owner of said lots and parcels of ground.

If no corrections or objections are offered by said owner or owners within ten days after the mailing of said report to said owner or owners, then the said board of commissioners shall enact an ordinance or draft and adopt a resolution declaring the amount to be assessed against each lot and parcel of ground and against each owner thereof reason of such refunding paving assessment certificates and shall assess the same against said lots and parcels of ground and the owners thereof and shall issue refunding paving assessment certificates and coupons after the manner and form set forth under sub-division (j) of section sixty-eight-a of this act, or in any other lawful manner and form.

(d) Whenever said board of commissioners shall have issued said refunding paving assessment certificates they shall offer the same for sale to the highest bidder for cash, but no bid for less than the amount of the outstanding paving assessment certificates with their coupons shall be received therefor unless by the consent of the owners of said parcels and lots of land.

(e) If said refunding paving assessment certificates are purchased by the holder or owner of the outstanding paving assessment certificates, or any of them, then the full amount of the paving assessment certificates with their coupons must, if offered, be received as cash in payment for the said refunding paving assessment certificates.
Whenever said board of commissioners shall have received and accepted an offer or bid for the purchase of said refunding paving assessment certificates, they shall immediately notify and request the holders or owners of all the outstanding paving assessment certificates and their coupons to turn over the same to be held in escrow either by said board of commissioners or by some bank in the City of Huntington chosen by the holder or owner of said paving assessment certificates. If any of said holders or owners of said certificates shall fail or refuse to comply with said request to so deposit said certificates and their coupons, the amount of said certificates and their coupons may be paid into the treasury of the City of Huntington for the benefit of said holders or owners, and the said certificates shall cease to be a lien against said lots or parcels of ground and a charge against the owners thereof.

Whenever the said board of commissioners shall have received the sale price of said refunding paving assessment certificates, they shall immediately pay off and receive cancelled all the outstanding paving assessment certificates and turn over the same to the owners of said lots and parcels of ground, and the same shall immediately be presented to the clerk of the county court and released of record a lien against said lots or parcels of ground and as a charge against said owners. And the said board of commissioners shall immediately have the refunding paving assessment certificates put to record in the usual manner and form, in the said office of the clerk of the county court of Cabell or Wayne county as a lien co-equal with taxes and superior to all other liens against said lots and parcels of ground.

Whenever the full amount of the said paving assessment certificates and their coupons have been paid and when all costs and expense incurred in the reissuing of said refunding paving assessment certificates have been fully paid, the residue of said sale price, if any, shall be paid to whomsoever the owners of said lots and parcels of ground may in writing direct.

If the sale price of said refunding paving assessment certificates is not sufficient to pay off all the outstanding paving assessment certificates and their interest coupons and all costs and charges incurred in the reissuing the said refunding pav-
CHAPTER 12

(Senate Bill No. 263—By Mr. Davis, of Lewis)

AN ACT to amend and re-enact section ten of chapter ninety of the acts of the legislature of West Virginia of one thousand nine hundred and thirteen, relating to the charter of the City of Weston.

[Passed March 8, 1920; in effect from passage. Approved by the Governor.]

Sec. 10. Each ward to constitute a voting precinct.

Be it enacted by the Legislature of West Virginia:

That section ten of chapter ninety of the acts of the legislature of West Virginia of one thousand nine hundred and thirteen be amended and re-enacted to read as follows:
Section 10. Each ward of said city shall constitute a voting precinct for the purpose of conducting and holding all city elections, and for the accommodation of the voters of each precinct, the city council shall designate and establish a convenient voting place in each such precinct previous to every city election.

CHAPTER 13
(House Bill No. 70—By Mr. Calderwood)

AN ACT to amend and re-enact sections thirty-five and seventy-six of the charter of the City of Dunbar, as passed by the legislature of one thousand nine hundred and twenty-one and as amended by the legislature of one thousand nine hundred and twenty-five.

[Passed February 21, 1929; in effect ninety days from passage. Approved by the Governor.]

Be it enacted by the Legislature of West Virginia:

That section thirty-five and seventy-six of the charter of the City of Dunbar, as passed by the legislature of one thousand nine hundred and twenty-one, and as amended by the legislature of one thousand nine hundred and twenty-five, be amended and re-enacted so as to read as follows:

Section 35. There shall be a mayor, two members of council from each ward and a treasurer elected before July 1, 1929. Only citizens possessing the qualifications hereinbefore prescribed for councilmen shall be eligible to be elected to the office of mayor or treasurer, and the mayor and treasurer, respectively, when elected, shall continue to be residents of the City of Dunbar during their entire term of office.

The mayor's salary shall not be less than five hundred dollars, nor more than one thousand five hundred dollars per annum, and shall be fixed by council.

The mayor may appoint the police judge, city solicitor, the
12 chief of police and all policemen, humane officer or officers.
13 building inspector, engineer, health commissioner, lockup keep-
14 er, and the chief of the fire department; and these appoint-
15 ments shall require confirmation by the council. The mayor
16 shall have the full and complete power of the removal thereof
17 subject to appeal to the council. The mayor may appoint the
18 manager by and with the advice and consent of the council.
19 The mayor shall appoint or employ such persons as the
20 ordinances of the city shall require or the council may auth-
21 orize by proper resolution. All such officers shall be appointed
22 for a term of two years and until their successors are ap-
23 pointed and qualified, unless they are removed in the way and
24 manner in this act provided.
25 It shall be the duty of the mayor to attend all meetings of
26 the council and preside over that body.
27 It shall be the duty of the mayor to see that all of the laws
28 and ordinances of the city are enforced and he shall have a
29 general oversight of the peace, health and good order of the
30 city. He shall discharge the function assigned by this act to
31 the police judge and city manager until these officers are ap-
32 pointed.
33 The duties of the city solicitor shall be to attend the ses-
34 sions of council, and to prosecute all suits in behalf of the city,
35 and to defend all suits against the city, to advise the council
36 and all of the departments of the city, and in general to look
37 after the interests of the city when it shall need legal advise,
38 for which he shall receive a salary to be fixed by council.
39 All fees of every kind collected by an officer or employee,
40 including the police judge, when acting as a justice, shall be
41 paid to the city treasurer.
42 The duties of the treasurer, in addition to those provided
43 by this act, shall be to perform all the duties now required of
44 the city clerk and city collector and these offices are hereby
45 abolished. He shall maintain an office in the business section
46 of the city, open at all reasonable business hours with some
47 competent person in charge. His salary shall be not less than
48 eighteen hundred dollars and shall be fixed by council.
49 The mayor and treasurer shall be elected each for a term
50 of two years or until their successors shall have been elected
51 and qualified, and at the first election after the passage of
52 this act, one councilman from each ward shall be elected for
53 four years and one for two years and every two years there-
54 after one councilman from each ward shall be elected for a
55 term of four years, all to serve until their successors shall have
56 been elected and qualified.

Sec. 76. For the purpose of making examinations of per-
2 sons applying for offices or positions in the fire department,
3 and prescribing rules for their conduct, the council shall ap-
4 point three discreet persons, who shall not be members of
5 council, who shall act and be known as a civil service board,
6 and the city treasurer shall be ex officio clerk of said board.
7 The civil service board, when appointed, shall adopt rules
8 for its own government and cause the minutes of its members
9 to be recorded in a book especially provided for that purpose,
10 which shall be kept by the city treasurer at his office, and
11 open to public inspection. The civil service board, at least
12 every six months in each year and oftener if it deems it neces-
13 sary, after ten days notice published in some newspaper of
14 general circulation, in the city and giving the time and place
15 of meeting, shall hold examinations for the purpose of deter-
16 mining the fitness and qualifications of applicants for offices
17 and positions in the fire department, which examinations shall
18 be practical and shall fairly test the fitness of the person ex-
19 amined to discharge the duties of the position to which he
20 seeks appointment and such examination shall be made with
21 the aim to secure and maintain an honest and efficient fire de-
22 partment. Said board shall at once, after each of said exam-
23 inations, place on record in the journal of the civil service
24 board the results of said examinations, giving the names of
25 applicants and the positions sought by them and their respec-
26 tive percentages. In making such examinations, size, weight,
27 intelligence, health, physical appearance, habits and moral
28 standing and surroundings shall be taken into consideration.
29 All persons examined by said civil service board and receiv-
30 ing a general average of seventy per centum shall be placed
31 upon an eligible list, and thereafter all appointments, whether
32 original or to fill vacancies therein from time to time, shall be
33 filled by the appointment of the applicant who has the highest
34 standing on the eligible list, provided that at the time any ap-
35 pointment is to be made from the eligible list, the civil ser-
36 vice board, in its discretion, may make another examination of
37 such person before his appointment and may for good cause
38 on such examination change the grade of such applicant.
39 All sections or parts thereof of the charter of the City of 
40-41 Dunbar as passed by legislature of one thousand nine hundred 
42 and twenty-one and as amended by the legislature of one 
43 thousand nine hundred and twenty-five, inconsistent with any 
44 thing herein, are rejected and parts not inconsistent are here-
45 by re-enacted.

CHAPTER 14
(House Bill No. 144—By Mr. Deuley)

AN ACT to amend and re-enact chapter five of the acts of one 
thousand nine hundred and fifteen, (municipal charters,) re-
1ating to the City of Follansbee by adding thereto section 
30-two-c.

[Passed February 13, 1929; in effect ninety days from passage. Approved by the 
Governor.]

Sec. 32-c. How special assessments for pav-
ing, curbing, etc., may be made; method of paying assessments; publication of resolution pro-
viding for; how assessments assigned, etc.; release of lien

Be it enacted by the Legislature of West Virginia:

That chapter five of the acts of the legislature of one thousand 
nine hundred and fifteen, (municipal charters,) relating to the 
charter of the City of Follansbee be amended by adding thereto 
section thirty-two-c relating to public improvements, and au-
thorizing the common council of said city to make special as-
sements for improvements and the issuing of certificates of in-
deptedness and creating a lien upon property adjoining and abut-
ting such improvements apportioning the cost of such improve-
ments and fixing no time limit on the lien created by the issuing 
of such certificates, be amended and re-enacted, and that section 
30-two-c, relating to public improvements, be added to said 
act to read as follows.
Assessments and Certificates

Sec. 32-c. Whenever it is deemed expedient by the common council of said city, or other body or bodies having such matters in charge under the charter, to provide for the grading, paving, curbing, sewering, macadamizing or otherwise improving any street or alley therein, to be paid for in whole or in part by special assessments, said council, or other body or bodies having such matters in charge under the charter, shall declare by resolution, three-fifths of the whole number elected thereto concurring, by an aye and nay vote, the necessity of such improvement. At the time of the passage of such resolution, the council, or other body or bodies having such matters in charge under the charter, shall have on file in the office of the city clerk, plans, specifications, estimates and profiles of the proposed improvements, after completion, with reference to the property abutting thereon, which plans, specifications, estimates and profiles shall be open to the inspection of all persons interested. Said resolution shall determine the general nature of the improvement, what shall be the grade of the street, alley or other public place to be improved, as well as the grade or elevation of the curbs, and said council shall approve the plans, specifications, estimates and profiles for the proposed improvement.

The council, or other body or bodies having such matters in charge under the charter, shall also determine in said resolution the method of paying for the work contemplated in said plans and specifications, whether by an appropriation from funds in the treasury unappropriated, or whether or not by the issuance of certificates as hereinafter provided, or whether or not bonds shall be issued in anticipation of the collection of special assessments to be made against the abutting property owners as provided for in section forty-nine-c (2), chapter forty-seven of the code. But before any such resolution shall be passed, providing that improvements shall be made, the same to be paid for by assessments against abutting property, at least thirty days' written notice of the intention to pass such resolution shall be served on each of the abutting property owners by personal service, or, if not found and their residence is unknown, then by publication, and such owners shall have the right to be heard for or against the passage thereof.
Assessments shall be payable in ten installments as provided for in said section forty-nine-c of the code of West Virginia, and shall be recorded and constitute a lien as therein provided. The resolution herein provided for declaring the necessity for said improvement shall be published at least once a week for two successive weeks after its adoption in two newspapers of general circulation, and of opposite politics, in said city in which said improvements are to be made, and an affidavit of the publisher showing publication for such time, together with a copy of said notice attached shall be filed with the clerk of the council, or other body or bodies having such matters in charge under the charter, and spread upon the record of the minutes of the next meeting of the council, or other body or bodies having such matters in charge under the charter. Where there are not two newspapers of general circulation and of opposite politics in the city, publication in one newspaper of general circulation therein for the required time shall be all that is required for this or any other notice, provided for by this chapter. Said resolution shall be in effect from and after the first publication thereof as herein provided for. If there be no newspapers in such corporation, the notice may be given by posting on the front door of the building where the council or other body or bodies having such matters in charge under the charter of said corporation holds its meetings.

In all cases where an assessment is made upon the property abutting on the street or alley improved in accordance with the provisions contained in this and the two preceding sections, the council, or other body or bodies having such matters in charge under the charter of said city, may, by resolution entered of record by it, or them, sell, assign, and transfer to any person or persons, for a cash consideration, all or any of the assessments perfected as provided in said section, and apply the amount received thereby to the payment of the costs of such improvements; but no such sale and assignment shall be made until either bonds or certificates of indebtedness shall have been issued for such assessment, which shall be described in detail in the notice of the lien thereof to be recorded in the trust deed record in the office of the clerk of the county court. But no sale or transfer of such assessment shall be greater discount than five per centum of the aggregate sum represented by said sale. When authorized to do so
by the council or other body or bodies having such matters in charge, the mayor or other chief officer of said city, may make an assignment and transfer of said assessments, so evidenced by such bonds or certificates of indebtedness as afore-said; and when so made, and recorded in the trust deed book in the office where said assessments are recorded, the purchaser of such assessments shall be and remain until the payment thereof subrogated to all of the rights and remedies, without recourse on said city, as were obtained by recording said assessments in the first instance, and such council, or other body or bodies having such matters in charge, may issue against each of the several properties upon which said assessments have been made, bonds or certificates of indebtedness in denomination and corresponding to the annual sum to be paid on each of the properties so assessed, and the assessments on said properties shall, when so made and recorded, remain and be a lien thereon until such bonds or certificates of indebtedness are discharged. The lien created by such assessment and by the issuance of any bonds or certificates issued therefore may be released as provided by law in the case of other liens, and in addition thereto, upon presentation to the clerk of the county court of the county wherein the real estate subject to said lien is situated all the bonds or certificates issued thereunder, as to any specific real estate therein described or located, showing that the same have all been paid, such clerk is hereby empowered to release the lien of such assessment as to any such real estate by noting a release thereof on the record of the lien as to such real estate on the margin of the deed of trust book, where the same is recorded, and such annotation by such clerk shall have the effect to release such real estate from such lien as effectively as a regularly executed and recorded release thereof. The proceeds of the sale of such bonds or certificates of indebtedness shall be applied to the payment of the indebtedness incurred in making the improvement on account of which such bonds or certificates of indebtedness were issued. Should said governing body or bodies of said city, decide to issue bonds or certificates of indebtedness, as herein provided, it or they may call upon the attorney general of this state for, and it shall be his duty to furnish, a form for all such bonds or certificates of indebtedness.
In addition to the methods hereinbefore and hereinafter prescribed for the payment of the cost of construction and improvements of streets, sewers and sewer systems, the council or other governing body may order any street, alley, or portion thereof, to be graded and paved, re-paved or otherwise permanently improved, and the council may order to be issued a certificate for each installment of the amount of the assessment to be paid by the owner of any lot or fractional part thereof abutting on the street or alley so improved. The amount specified in said assessment shall be a lien as aforesaid in the hands of the holder of such certificate upon such abutting lot or part of lot, and such certificate shall draw interest from the date of said assessment and the payment may be enforced in the name of the holder of said certificate by proper suit in equity in any court having jurisdiction to enforce such lien; the council shall fix the amount of such assessment, advertise for bids, and do all other things in connection therewith as is hereinbefore and hereinafter provided in this chapter, except that the amount of such certificate shall include the whole cost of such improvement, including the cost of grading, paving and curbing squares at intersections of streets, the costs of which intersections shall be apportioned against the several properties abutting upon the street or portion thereof so improved. Paving certificates shall be issued in the same number of installments and payable at the same time as other paving assessments provided for in this chapter. Nothing contained in this act shall be construed as imposing a time limit upon the enforcement by appropriate suit of any lien for public improvements, herebefore or hereafter created.

Certificates authorized by this section may be issued, sold or negotiated to the contractor doing the work, or to any other person if the council deem it expedient; provided, said city, in issuing such certificates, shall not be held as guarantor or in any way liable for payment thereof, except upon the direct action of the council expressed by resolution of record before sale.

Certificates so issued shall contain a provision to the effect that, in the event of default in the payment of any one of said certificates when due, and said default continuing for a period of sixty days, then all unpaid certificates shall become due and payable and the holder of said certificates may pro-
165 ceed to collect all of such unpaid certificates in the manner
166 hereinbefore provided. Certificates issued in pursuance of
167 this section shall be negotiable at any bank in the city by
168 which they are issued.
169 In the City of Follansbee the corporation shall not pay the
170 cost of improving, permanently, the intersections at cross
171 streets; and, whenever special assessments shall have been
172 levied and paid under chapter eight of the acts of the legis-
173 lature of one thousand nine hundred and eight for the im-
174 provement of any street or other public place the property
175 so assessed shall again be assessed for the whole cost and ex-
176 pense of repaving or again permanently improving such
177 street or other public place.
178 The owner of the land or lot of land assessed under this
179 section may at any time anticipate and pay such assessment
180 or certificate with accrued interest thereon.
181 All acts or parts of acts inconsistent herewith are hereby
182 repealed.

CHAPTER 15

(House Bill No. 186—By Mr. Peters)

AN ACT to authorize the city of Bluefield, West Virginia, to
acquire, maintain and operate a waterworks system and to
issue bonds payable from the revenues of such system.

[Passed March 2, 1929; in effect from passage. Became a law without the approval
of the Governor.]
Section 1. That the city of Bluefield, in the county of Mercer and state of West Virginia, is hereby authorized and empowered to purchase the existing waterworks in said city and thereafter to establish, erect, maintain and operate a water works system, together with extensions and necessary appurtenances thereto, within or beyond the corporate limits thereof, including the acquisition of a source of supply within or beyond the state of West Virginia, all under the provisions of this act, and for the purpose of supplying such city and the inhabitants thereof with water, provided said city shall not purchase, erect, establish, maintain and operate such water works system, unless and until the question of the ratification of this act shall have been first submitted to the qualified voters of such city at a special or general election, held according to the laws then in force governing elections, and shall have been ratified by a majority of all the votes cast for and against the same.

Sec. 2. For the purpose of defraying the cost of acquiring any such water works system and appurtenances or extensions thereto, such city may borrow money and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by an ordinance specifying the proposed undertaking, the amount of bonds to be issued and the maximum six per cent per annum, payable semi-annually. Such ordinance shall further provide that the proposed water works system and appurtenances which are to be acquired, or the proposed extensions thereto are to be made pursuant to the provisions of this act, provided, further, said city may not borrow any money, and issue any negotiable bonds, unless the same shall have been first submitted to the qualified voters of such city, at a special election or general election held according to the laws then in force governing elections, and have three-fifths of all the votes cast for and against the same.

Sec. 3. One or more such systems supplying the same service may be acquired hereunder as a single enterprise, and the governing authority of such city shall have authority to agree with the owner or owners of any such system as to the value thereof and to purchase the same at such value.
Sec. 4. All bonds under the provisions of this act shall be in such form and be executed in such manner as the governing authority of said city shall prescribe and shall mature serially not less than three years nor more than thirty years from the date thereof. All bonds issued under the provisions of this act shall be payable, both as to principal and interest, at the office of the treasurer of the state of West Virginia and at such bank in the city of New York as may be specified in the bonds.

Sec. 5. Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all of the qualities of negotiable instruments under the law merchant. In case any of the officers whose signatures or counter signatures appearing on the bonds or the coupons shall cease to be such officers before the delivery of such bonds, such signatures or counter signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the governing authority of the city shall deem for its best interests, or it may provide in any contract for the purchase or acquisition of any water works system or systems that payment thereof shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six per cent per annum, and no such bonds shall be sold below par. Such bonds when issued shall be payable solely from the revenue funds derived from such system as provided in section nine hereof and shall not constitute an indebtedness of the city within the meaning of the constitutional provisions or limitations. It shall be plainly stated on the face of each bond that same has been issued under the provisions of this act and that it does not constitute an indebtedness of the city within the meaning of any constitutional provisions or limitations.

Sec. 6. All moneys received from any bonds issued pursuant hereto shall be applied solely for the purchase and establishment of such system and to making extensions thereto and necessary appurtenances, provided such moneys may be used also to advance the payment of the interest on bonds during the estimated acquisition period and not more than four months thereafter but in no event for longer than one
384 BLUEFIELD CHARTER

Sec. 7. The system so purchased or acquired, together with the extensions and appurtenances, shall remain subject to such statutory mortgage lien until the payment in full of the principal and interest of the bonds. Any holder of said bonds or of any of the coupons may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce the statutory mortgage lien hereby conferred and may by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required by this act, including the segregation of the income and revenues, and the application thereof.

Sec. 8. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to operate and administer such enterprise on behalf of the city.

Sec. 9. At or before the issuance of such bonds the governing authority of the city shall, by ordinance, set aside and pledge the income and revenues of such system into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. Said ordinance shall definitely fix and determine the amount of revenues which shall be necessary and be so set apart and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of such income and revenues which is to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance thereof. The rates to be charged for the service from such system shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due and to provide for the operation and maintenance of the system and to provide a proper adequate depreciation account. Such rates shall be fixed and revised from time to time as to produce these amounts; any such revisions shall be made by the gov-
erning authority of said city, if the water commission, as
provided for in section eighteen hereof, shall so request, pro-
vided always, that the rates to be charged for the services from
such system, and the rules and regulations of service to be
rendered shall be under the full regulation, control and su-
 pervision of the public service commission of this state, or
under the full regulation, control and supervision of such
other regulatory authority as may hereafter exist by law.

Sec. 10. If any surplus shall be accumulated in the oper-
ating and maintenance fund, which shall be equal to the cost
of maintaining and operating such system during the re-
mainder of the calendar, operating or fiscal year, as may be
provided by the ordinance hereinbefore required by section
nine hereof and the cost of maintaining and operating such
system during the next succeeding like calendar, operating
or fiscal year, any excess over such amount may be trans-
ferred at any time to the depreciation account to be used for
any improvements, extensions or additions to such systems.

Sec. 11. The funds accumulating to the depreciation ac-
count shall be expended in balancing depreciation or in mak-
ing new constructions, extensions or additions.

Sec. 12. The reasonable cost and value of any service ren-
dered to the city by such system shall be charged against the
city and shall be paid for monthly as the service accrues
from the current funds or proceeds of taxes which such city
is hereby authorized and required to levy in an amount suf-
ficient for that purpose. Such funds so paid shall be ac-
counted for in the same manner as other revenues under this
act.

Sec. 13. Said city may issue new bonds for the purpose
of providing funds for the payment of any outstanding bonds,
in accordance with the procedure prescribed by this act.
Such new bonds shall be secured to the same extent and
shall have the same source of payment as the bonds which
shall have been thereby refunded.

Sec. 14. Should the governing authority of the city find
that the bonds authorized will be insufficient to accomplish
the purpose desired, additional bonds may be authorized and
issued subject to the procedure as herein required.

Sec. 15. Said city may, at the time of the issuance of the
2 bonds for such acquisition, provide for additional bonds for
3 extensions and permanent improvements to be placed in escrow
4 and to be negotiated from time to time as such proceeds for
5 that purpose may be necessary. Such bonds when so nego-
6 tiated shall have equal standing with the bond of the same
7 issue. Said city may avail of the provisions of any other law
8 with respect to eminent domain and condemnation in the
9 making of any improvements or extensions to the system
10 acquired under this act.

Sec. 16. Said city, in acquiring any system under the pro-
2 visions of this act, may provide by ordinance any such pro-
3 visions and stipulations for the administration of the income
4 and revenues and for the security of the bondholders as the
5 governing authority thereof may deem necessary.

Sec. 17. The ordinance required by section nine hereof
2 may also set apart bonds hereunder authorized, equal to the
3 amount of any secured debt or charge, subject to which a
4 system may be purchased or acquired, and shall set aside for
5 the interest and sinking fund from the balance of the income
6 and revenues of the system remaining after setting aside
7 the funds for payment of principal and interest of bonds, a
8 sum sufficient to comply with the requirements of the in-
9 strument creating the lien or securing the charge, or if such
10 instrument does not make any provision therefor, said ordi-
11 nance shall fix and determine the amount which shall be set
12 aside into a securing debt account for interest on such se-
13 cured debt or charge and a fixed amount to pay the principal
14 thereof at maturity. Any surplus after satisfying the secured
15 debt or charge may be transferred to the fund for the re-
16 demption of the principal and interest of bonds issued here-
17 under. Bonds may be issued hereunder subject to the pro-
18 visions hereof in exchange for or in satisfaction of such se-
19 cured debt or charge or may be sold in the manner herein
20 provided and the proceeds applied in payment of the same.

Sec. 18. Whenever said city shall avail of the provisions
2 of this act and shall have authorized and provided for the
3 issuance of bonds hereunder it shall place the management
4 and operation of the water works system in the control of
5 a board to be known as "the city of Bluefield water com-
6 mission," composed of three resident voters of the city, who
7 shall be duly and legally elected at a general or special
8 election, held according to the laws then in force governing
9 elections, which board shall be elected to serve until the next
10 regular municipal election of said city at which time said
11 members of said board shall be elected for a period of four
12 years. All such terms, whether by appointment or election
13 shall continue until the successors are duly elected and
14 qualified. The appointment or election of members shall
15 be non-political and not more than two members of said
16 board shall at any time be members of or affiliated with
17 the same political party. All vacancies shall be temporarily
18 filled by the remaining members until the next succeeding
19 regular municipal election. No employee or official of the
20 city shall be eligible to appointment or election as a member
21 of said board nor to employment by such board. The salary
22 of the members of such board shall be two hundred and fifty
23 dollars per annum, payable monthly as an item of operating
24 expense of the system.

Sec. 19. The said water commission shall organize within
2 sixty days following the election of the first members and
3 thereafter on the first secular day of the month following an
4 election of members, by the selection of a chairman and vice-
5 chairman from its members, and shall have the power and
6 duty to carry into execution any contract for the purchase of
7 any system as may have been entered into by the governing
8 authority of the city and also from time to time to contract
9 for such improvements, extensions and betterments as may be
10 deemed necessary and for which funds are available. It shall
11 be the duty of said commission to employ and fix the salaries
12 of a secretary of the board, a superintendent of the system,
13 and such other employees as may be necessary and proper for
14 the operation of the works, for the collection of rentals from
15 private consumers of water and for all other purposes inci-
16 dent to the business. Said board shall also select a treasurer
17 who shall furnish surety of such amount and of such char-
18 acter as may be required from time to time by the board.
19 All money collected by the board shall be deposited at least
20 weekly with such treasurer. The treasurer shall without
21 specific order transmit to the state sinking fund commission
22 of West Virginia on the first day of January, April, July and
23 October of each year while any bonds are outstanding the
24 amount and proportion of such funds as may then be in his
25 hands which are set apart by the ordinance mentioned under 26 section nine hereof for the payment of principal and interest 27 of such bonds. Funds thus received by the state sinking fund 28 commission shall be retained, paid out and accounted for in 29 the same manner as other municipal bond funds in its cus- 30 tody and any surplus may be invested the same as other mu- 31 nicipal bond sinking funds in its hands or in bonds issued 32 under the provisions of this act. All funds except those for 33 the payment of principal and interest of the bonds shall be 34 paid out on the written order of at least two of the commis- 35 sion.

Sec. 20. This act shall be deemed to create an additional 2 and alternate method for the acquisition, maintenance and 3 operation of a water works system by said city of Bluefield 4 and shall not be deemed to include, alter, amend or repeal any 5 other statute. No proceedings shall be required for the ac- 6 quisition of any system hereunder or the issuance of bonds 7 hereunder except such as are prescribed by this act, any pro- 8 vision in the general laws of the state of West Virginia or in 9 present or future charter of the city to the contrary notwith- 10 standing.

Sec. 21. This act, being necessary for and to secure the 2 public health, safety, convenience and welfare of the said city 3 of Bluefield, shall be liberally construed to effectuate the pur- 4 pose hereof.

Sec. 22. The provisions of this act shall be construed as 2 severable and if any clause, sentence, section or other part 3 thereof be declared unconstitutional by a competent court such 4 decision shall not effect or impair the remaining provisions of 5 this act.

CHAPTER 16
(House Bill No. 101—By Mr. Hogg)

AN ACT to amend section nineteen, chapter fifteen, acts of the legislature, one thousand nine hundred and five, relating to the charter of the City of Williamson, as amended by section nineteen, chapter fourteen, acts of the regular session of the legislature, one thousand nine hundred and fifteen, by
adding to said section, section nineteen-a, section nineteen-b,
section nineteen-c, section nineteen-d and section nineteen-e,
relating to encroachments upon the sidewalks, streets, avenues and alleys of said city.

[Passed February 6, 1929; in effect from passage. Approved by the Governor.]

Sec. 19-a. Encroachments on sidewalks, etc., when permission to granted.
19-b. Petition for permit.
19-c. Publication of.
19-d. Hearing upon petition.
19-e. Permit for encroachment absolute and irrevocable.

Be it enacted by the Legislature of West Virginia:

That section nineteen, chapter fifteen, acts of the legislature,
one thousand nine hundred and five, as amended by section nineteen,
chapter fourteen, acts of the legislature, one thousand nine
hundred and fifteen, be amended by adding to said section nineteen the following:

Section 19-a. That if from evidence, satisfactory to the city
2 commission, it shall appear, that an owner of a lot, piece or
3 parcel of land, situate within the corporate limits of said city,
4 has, prior to the passage of this act, in undertaking to im-
5 prove such land, by the erection of an apartment, residence
6 or other building thereon, by inadvertence or mistake, so
7 located and constructed such apartment, residence or other
8 building, as that the walls or other parts thereof extend over
9 and beyond the property line of such owner and become an
10 encroachment upon one or more of the sidewalks, streets, ave-
11 nues and alleys, and, that the continuation of such encroach-
12 ment would not endanger the public in the use of such side-
13 walks, streets, avenues and alleys, nor damage adjacent prop-
14 erty owners or others, then the city commission is hereby em-
15 powered and authorized to grant unto such owner, his heirs,
16 or assigns, the right and privilege of continuing to the ex-
17 tent of such encroachment the use of such sidewalks, streets,
18 avenues and alleys, for that purpose, for a period of time, not
19 to exceed fifty years from the date of the adoption by the
20 said city commission of a resolution or ordinance, granting
21 such right and privilege.

Sec. 19-b. That before relief may be granted hereunder, it
2 shall be the duty of the owner to file with the city commis-
3 sion a petition in writing, setting up the material facts and
circumstances and relief sought, relating to the matter, and, exhibiting herewith a map or plat made by a competent surveyor, showing the location of the sidewalks, streets, avenues and alleys, at and near the said land and the extent and nature of such encroachment, which petition shall be verified by the oath of the owner.

Sec. 19-c. The city commission shall not act upon the matter arising upon the petition, until the owner shall have caused to be published, in a newspaper printed and circulating in the City of Williamson, for four successive weeks prior to the time when action, on the petition by the city commission, is expected to be had, notice; which notice shall specify the approximate description and location of the owner's land, and the nature and extent of the encroachment, and of the relief sought.

Sec. 19-d. Upon the hearing, of the matters arising upon the petition, any property owner, taxpayer, or citizen shall have the right, in person or by counsel, to appear and show cause, if any he can, why the prayer of the petition should not be granted.

Sec. 19-e. That if the city commission shall, by resolution or ordinance, grant unto the owner the right and privilege to use and occupy a sidewalk, street, avenue, or alley for a period of time not to exceed fifty years to the extent of the encroachment, then such right and privilege shall be deemed and treated as absolute and irrevocable.

CHAPTER 17
(House Bill No. 232—By Mr. Wysong)

AN ACT authorizing the incorporated town of Addison, in Webster county, West Virginia, to issue and sell bonds for the purpose of refunding bonds heretofore issued and retiring the same, to provide funds for improving, repairing, paving and surfacing the streets of the said incorporated town and to provide a levy for the payment of the said bonds and the interest thereon.
Be it enacted by the Legislature of West Virginia:

Section 1. That in addition to the powers conferred on it by the general law, the town of Addison, a municipal corporation in the county of Webster, through its council or other governing body is hereby authorized and empowered to issue bonds in the same manner as it is authorized by law to issue bonds for other purposes, for the purpose of refunding and retiring any and all existing indebtedness of the said town, and for the purpose of improving, repairing, paving and surfacing the streets thereof, and to provide a levy therefor. The said bonds and the levy for the payment of the same and the interest thereon shall be authorized as provided by chapter fourteen of the acts of the legislature of one thousand nine hundred and twenty-three.

CHAPTER 18

(House Bill No. 250—By Mr. Poling)

AN ACT to amend and re-enact section four, of chapter seventy-one of the acts of the legislature of one thousand nine hundred and twenty-three, relating to the charter of the City of Philippi.

[Passed February 21, 1920; in effect thirty days from passage. Approved by the Governor.]

Sec. 4. City officials, how elected and appointed; qualifications of; vacation of office.

Be it enacted by the Legislature of West Virginia:

That section four, of chapter seventy-one of the acts of the Legislature of one thousand nine hundred and twenty-three, be amended and re-enacted so as to read as follows, the same relating to the charter of the City of Philippi.

Section 4. The officers of said city shall be a mayor, clerk, chief of police, street commissioner, and one councilman from
3 each ward, and, until the council shall increase the wards in 4 said city to more than four, one councilman-at-large, and up- 5 on increasing the wards in said city to five or more, the 6 office of councilman-at-large, shall cease. The mayor and 7 clerk shall be elected by qualified voters of said city, as shall 8 also the councilman-at-large, as long as his office shall exist; 9 but the other councilman shall be elected by the qualified 10 voters of their respective wards, and the other officers named 11 shall be appointed by the council, and hold their offices dur- 12 ing the pleasure of the council, and shall be under the super- 13 vision and control of the council who may prescribe rules for 14 their regulations. No person shall be eligible to any elective 15 office unless he is a qualified voter of the city, nor unless he has 16 resided therein at least six months before his election; and in 17 the case of councilman, he shall be a bona fide resident of the 18 ward from which he is elected, and shall be a freeholder with- 19 in said city continuously for at least six months before his 20 election, and also be a bona fide freeholder within said city 21 during his term of office; and no person shall be eligible as 22 mayor unless he has been a bona fide freeholder within said 23 city for at least six months continuously before his elec- 24 tion, and also be a bona fide freeholder within said city during 25 his term of office; and should a councilman remove from 26 the ward in which he is elected, such removal shall vacate 27 his office.

All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 19

(House Bill No. 278—By Mr. Massie)

AN ACT amending and re-enacting chapter one hundred and fourteen of the acts of the legislature of one thousand nine hundred and seventeen, relating to the charter of the city of Princeton.

[Passed March 8, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. City boundaries. 
3. Ward boundaries. 
4. City council. 
Sec. 5. Corporate power exercised by council.
6. Appointive officers.
Be it enacted by the Legislature of West Virginia:

That chapter one hundred and fourteen of the acts of the legislature of one thousand nine hundred and seventeen, relating to the charter of the City of Princeton, be amended and re-enacted so as to read as follows:

Section 1. That the inhabitants of so much of the county of Mercer, in the state of West Virginia, included in the boundary described in section two of this act, be and they are hereby constituted to remain and continue a municipal corporation by the name of "the City of Princeton," by which name they shall have perpetual succession and a common seal, and by which name they may sue and be sued, plead and be impleaded, contract and be contracted with, purchase and otherwise acquire and hold real estate either within or without the corporate limits of the city, any personal property needed or useful in discharge of the functions of government conferred by this charter, and to sell and convey the same to the purchaser.

Sec. 2. The corporate limits of the city of Princeton shall be as follows, that is to say: Beginning at a point midway between two willow trees near an old house site and an aban-
4 doned spring in an old apple orchard up a hollow in an east-
ern direction from the northern end of the present Virginian
shops; thence running southeasterly in a straight line to the
Carr & Bratton scales on the old Pisgah road, and including
said scales, to a point on the northwest line of the Princeton-
Athens road (Rogers street); thence in a southwesterly di-
rection along the northwest line of said road to its intersec-
tion with the southwest line of Thorn street; thence with the
southwest line of Thorn street (Oakdale road), in a south-
easterly direction to the boundary line between the lands of
G. Fielder and J. E. Woodson; thence in a straight line along
said boundary in a southerly direction, crossing the center-
line of the Deepwater railroad, as shown by the map and
profile of the location of said road filed in the office of the
elector of the county court of Mercer county, to a point fifty
feet distant from the center-line of said railroad at its near-
est point; thence parallel to and fifty feet distant from said
center-line in a southwesterly direction to a point due east
from the mouth of Board Camp branch; thence due west to
the western line of the Virginian railroad right-of-way; thence
northerly along said line to its intersection with the north
line of the Princeton-Athens road (Rogers street); thence
along the north line of said street in a westerly direction to
its intersection with Brick street; thence along the northeast
line of Brick street to its intersection with the southwestern
line of Lazenby avenue; thence along the southeast line of
Lazenby avenue in a southwesterly direction to its intersection
with the eastern boundary of the West Virginia Water Serv-
ice company's right-of-way; thence in a westerly direction in
a straight line to the residence of K. W. McLaugherty, and
including said residence within the corporation, to a point in
the center-line of the Bluefield-Princeton road; thence in
a southwesterly direction to the back of the residence owned
and occupied by A. M. Sutton, and including said residence;
thence in a westerly direction to the southwest corner of the
Bowling addition to the city of Princeton; thence in a north-
erly direction along the west boundary of said Bowling ad-
dition and the cemetery, being the same straight line, to the
south line of the New Hope road; thence with the south line
43· of the New Hope road in a northeasterly direction to the in-
44 tersection of said line with the south line of Main street;
45 thence with the east line of Clark street, in a northerly direc-
46 tion to the intersection of said line with the northeast line
47 of Pike street (Beckley road); thence along the northeast
48 line of Pike street to the intersection of said line with a
49 straight line running from the residence of I. W. Walker
50 (now owned by W. B. Honaker) to a point in the Raleigh
51 and Kanawha turnpike; thence in a northeasterly direction
52 to said point in the old Raleigh road; thence in a straight
53 line to the residence of the late Saunders Lewis and includ-
54 ing same within the corporation, to a residence formerly
55 owned by Elliott Blankenship and including said residence
56 within the corporation; thence in a straight line in a north-
57 easterly direction to the point of beginning.

Sec. 3. The said city of Princeton shall consist of three
2 wards, which shall be bounded as follows:
3 First ward. All the following described boundary shall
4 constitute the first ward of said city, that is to say: Be-
5 beginning at the intersection of the corporation line with the
6 center line of the Ingleside road; thence in a northern direc-
7 tion with said Ingleside road to the center of Princeton ave-
8 nue; thence with the center of Princeton avenue in a western
9 direction to the intersection of the center line of said avenue
10 with the center line of Fellers street; thence with the center
11 line of Fellers street in a northern direction to its intersec-
12 tion with the center line of Main street; thence with the cen-
13 ter line of Main street in a western direction to its intersec-
14 tion with the center line of Mercer street; thence with the
15 center line of Mercer street in a northeast direction to its
16 intersection with the center line of Center street; thence with
17 the center line of Center street in a western direction to its
18 intersection with the center line of Hale avenue; thence with
19 the center line of Hale avenue in a northern direction to the
20 corporate line; thence with the corporation line in a western
21 direction following said line to the point of beginning.

22 Second ward. All of the following described boundary
23 shall constitute the second ward of said city, that is to say:
24 Beginning at the beginning corner of the first ward, thence
PRINCETON CHARTER

Ch. 19

25 along and with said corporation line in an easterly direction to a
26 point where said line crosses Brush creek; thence with Brush
creek in a northerly and westerly direction to the railroad bridge
28 across Brush creek, south of the Virginian railway freight sta-
tion; thence with the center of the survey for the Mercer Electric
Railway's line in a western and northwestern direction to
31 First street; thence in a northern direction to its intersection
32 with the east end of the center line of Harrison street; thence
33 with the center line of Harrison street in a western direction
34 to its intersection with the center line of Third street; thence
35 with the center line of Third street in a northern direction
36 to the northern end of Third street; thence continuing in the
37 same direction and on the same degree as the last named line
38 to the corporation line; thence with the corporation line in a
39 southwest direction to the center of Hale avenue at the north-
40 east corner of the first ward; thence with the center of Hale
41 avenue in a southeast direction with the line of the first
42 ward and continuing with said line of the first ward to the
43 point of beginning.

Thir d ward. All of the following described boundary shall
45 constitute the third ward of said city, that is to say: All of
46 that territory lying within the corporate limits of said city
47 east, northeast and southeast of the second ward and not in-
cluded in the boundaries of either the first and second wards.

Sec. 4. The municipal authorities of the said city of Prince-
ton shall consist of a mayor, recorder and six councilmen,
3 who shall constitute the council of said city, in the corporate
4 name of said city, unless otherwise provided by state law or
5 municipal ordinance.

Sec. 5. All the corporate powers and functions pertaining
to said city shall be exercised by its council, or under its
3 authority.

Sec. 6. The council shall appoint an assessor, a city en-
gineer, a chief of police and such additional police officers
3 as they may deem proper, a city attorney, a chief of fire de-
partment and such other officers as may be provided for by
5 ordinance of the city council or by this act. and such officers
6 shall hold their respective offices during the pleasure of the
7 council, and may be removed therefrom by the council at
8 any time with or without cause.
The several offices or any two or more of them may be held by the same person, except that a councilman shall not be eligible to any appointive office during the term for which he shall have been elected. Such officers shall receive such compensation as the council may prescribe by ordinance or order, unless said compensation be fixed by this act. The mayor and recorder shall be eligible to hold any such appointive office.

Sec. 7. No person shall be eligible to the office of mayor, recorder or councilman, unless at the time of his election he is legally entitled to vote in the city election for member of the common council; and he was for the preceding year assessed with taxes upon real or personal property within the said city, of the assessed aggregate value of at least three hundred dollars, and shall have paid the taxes so assessed.

Sec. 8. On the first Tuesday of June, one thousand nine hundred and twenty-three, there shall be elected by the qualified voters of said city, a mayor and recorder, and by the qualified voters of each ward, two councilmen. The term of office of the said mayor and recorder and of the councilmen from each ward receiving the lesser number of votes shall be for the period of two years commencing on the first day of July, one thousand nine hundred and twenty-three, and until their successors shall be elected and qualified. The term of office of the councilman from each ward receiving the greatest number of votes shall be for the period of four years, commencing on the first day of July, one thousand nine hundred and twenty-three and until their successors shall be elected and qualified.

On the first Tuesday in June, one thousand nine hundred and twenty-five, and every two years thereafter, there shall be elected by the qualified voters of said city, a mayor and recorder whose term of office shall be two years as aforesaid, and by the qualified voters of each ward, one councilman whose term of office shall be four years as aforesaid.

Sec. 9. Every person residing in said city shall be entitled to vote for all officers elected under this act; but no person who is a minor, or of unsound mind, or a pauper, or who
See. 10. All qualified voters within the city of Princeton entitled to vote in the municipal election held therein shall be registered in like manner as are the qualified voters in state and county elections, and the state laws of the state of West Virginia in effect at the time of such registration shall in all things apply thereto; except the fee for such registration shall be five cents for each qualified voter so registered, and the powers conferred upon the county court by the state laws in reference to the registration of voters are hereby conferred upon the council of said city of Princeton.

See. 11. In all elections by the people the mode of voting shall be by ballot, but the voters shall be left free to vote an open, sealed or secret ballot, as they may elect. The election in said city shall be held and conducted and the result thereof certified, returned and finally determined under the laws in force in this state relating to general elections, except that the persons conducting said elections shall, on the day after the election is held, deliver the ballots, tally sheets and poll books to the recorder, and thereafter the council of said city shall meet within five days (Sundays excepted) after said election and canvass the returns of said election, and declare the result thereof, and in all respects comply with the requirements of the statute of the state relating to elections. The corporate authorities of said city shall perform all duties in relation to such elections required by general law of the county court and officers in effect on the day of said election and each succeeding election under this charter. And the provisions of the code in effect on the date of said election, concerning elections by the people, shall govern such elections and be applicable thereto, and the penalties therein prescribed for offenses relating to elections shall be enforced against the offenders of such corporate elections; and the said act shall have the same force and effect as if it were specially applicable in such corporate elections and was by this act re-enacted in extenso; except as above modified as to the time

4 is under conviction of treason, or bribery in an election, or who has not been a resident of this state for one year and 6 of said city for six months next preceding the election at which he desires to vote, shall be permitted to vote therein.
26 in which the returns of the election and canvass thereof shall 27 be made.

Sec. 12. Whenever two or more persons receive an equal 2 number of votes for mayor, recorder or councilman, such tie 3 shall be decided by the council in existence at the time the 4 election is held; provided, that the council in office at the 5 time of the institution of such contest proceedings shall hold 6 over and remain in office for the purpose of passing upon 7 and deciding such contest, and for such purposes only; and 8 nothing herein provided shall be construed to interfere with 9 the duties, power and authority of the new or incoming 10 council.

Sec. 13. All contested elections shall be heard and deter- 2 mined by the council in existence at the time the election is 3 held, and the contest shall be made and conducted in the 4 manner as provided for in contests for county and district 5 officers, and the council by their proceedings in such cases 6 shall as nearly as practicable, conform with like proceedings 7 of the county court in such cases.

Sec. 14. Whenever a vacancy from any cause shall occur 2 in any office, the council shall, by a majority vote of those 3 present, fill such vacancy; and, in case a vacancy in the of- 4 fice of councilman or mayor, or recorder, the remaining mem- 5 bers of the council shall fill said vacancy.

Sec. 15. The council shall also have authority to provide 2 by ordinance for the appointment of such other officers as 3 shall be necessary and proper, to carry into full force and 4 authority the power, capacity, jurisdiction and duties of said 5 city, which are, or shall be, vested therein or in the council 6 or in the mayor, or any other officer or body of officers 7 thereof, and to grant to the officers so appointed the power 8 necessary or proper for the purpose above mentioned. The 9 council, by ordinance, shall define the duties of all officers 10 so appointed, and may provide them a reasonable salary, 11 which shall be payable out of the city treasury, and shall 12 require and take from all of them whose duty it shall be to 13 receive its funds, assets or property, or have charge of the 14 same, such bonds, obligations, or other writings as they shall 15 deem necessary to insure the faithful performance of their 16 several duties. All officers elected may be removed by the
17 council from office for intemperance, gross immorality, 18 gambling, malfeasance or misfeasance in office, or inability 19 or neglect to perform the duties of their respective offices. 20 Any appointed officer who holds his office at the pleasure 21 of the council, may be removed from his office with or with- 22 out cause. The chief of police shall have power, rights and 23 privileges within the corporate limits of said city in regard 24 to the arrests of persons, the collections of claims and the 25 execution and return of process that can be legally exercised 26 by a constable of a district within this state; and may with- 27 out having any warrant or other process therefor, arrest any 28 person who commits any offense against the laws of this state 29 or infraction of the ordinances of said city, in his presence. 30 He shall be ex officio the keeper of the city jail, and have 31 charge of the city prisoners confined therein, and may con- 32 fine any person arrested by him in the city jail until such 33 time as the charge against such person can be inquired into 34 by the recorder. Any person fined by the recorder, for in- 35 fraction of any of the ordinances of the city, may pay such 36 fine to either the recorder or the chief of police; and the said 37 chief of police and his sureties shall be liable for all fines, 38 penalties and forfeitures that a constable of a district is liable 39 for in the same court that the said fine, penalties and for- 40 feitures are now recovered against a district constable. For 41 his services as chief of police, he shall receive a salary to 42 be fixed by the council, payable out of the city treasury, and 43 no other fees, commissions, emoluments, salaries or compensa- 44 tions whatsoever shall be allowed him for such services. All 45 fees, which but for this act, he would be entitled to recover 46 and retain shall nevertheless be charged and collected by him 47 and paid into the city treasury at the end of each month for 48 the use and benefit of the city. The chief of police shall be 49 appointed to his office by the council. 

Sec. 16. All bonds, obligations or other writings taken in 2 pursuance of any provision of this act or under the provi- 3 sions of any order of said city, shall be made payable to "the 4 city of Princeton," and the obligators therein and their heirs, 5 executors, administrators and assigns bound thereby shall be 6 subject to the same proceedings on such bonds, obligations or
7 writings for enforcing the conditions of the terms thereof, by
8 motion or otherwise, before any court of record or justice of
9 the peace having jurisdiction thereof, held or acting in or for
10 said Mercer county, or any district thereof or elsewhere, that
11 the sheriff or collector of said county and his sureties are, or
12 shall be subject to, on his bond taken for the enforcement of
13 the duties in the payment of the county levy.

Sec. 17. The mayor, recorder and councilmen, and all
2 other officers provided for in this act, shall each, before
3 entering upon the duties of their offices, and within fifteen
4 days after receiving their certificates of election or appoint-
5 ment, take the oath or affirmation prescribed by law for all
6 officers in this state, and make oath or affirmation that they
7 will truly, faithfully and impartially, to the best of their
8 ability, discharge the duties of their respective offices so
9 long as they continue therein. Said oath or affirmation may
10 be taken before any person authorized to administer oaths
11 under the laws in force at the time the same is taken, or be-
12 fore the mayor or recorder of said city; but in any event a
13 copy of said oath of said officer shall be filed with the re-
14 corder.

Sec. 18. The mayor and recorder shall enter upon the
2 duties of their office upon the first day of July next after
3 their election and their terms of office shall be for a period
4 of two years. The councilmen shall enter upon the duties of
5 their offices upon the first day of July next after their elec-
6 tion and their terms of office shall be for a period of four
7 years and until their successors are elected and qualified, ex-
8 cept that the councilmen from each ward receiving the lesser
9 number of votes in the election to be held in one thousand
10 nine hundred and twenty-three shall hold their office for two
11 years and until their successors are elected and qualified, and
12 all appointive officers shall enter upon their duties as soon
13 as they have qualified, and shall remain in office until re-
14 moved therefrom.

Sec. 19. If any person elected to any office shall not be
2 eligible thereto under the provisions of this act, or shall fail
3 to qualify as herein required, the council shall declare his
4 said office vacant and proceed to fill the vacancy as required
5 by this act.
Sec. 20. The mayor of said city shall be chairman of its council, shall preside at the meetings of the council and shall also be a conservator of the peace within the said city. He shall especially see that the orders, by-laws, ordinances, acts and resolutions of the council are faithfully executed. He shall have control of the police of said city and may appoint special police officers, whenever he may deem it necessary, and may suspend any police officer of the city until the next regular meeting of the council. And it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end he may arrest or cause the arrest and detention of all violators of the laws of this state and ordinances of the city if the offense is committed in his presence. He shall from time to time recommend to the council such measures as he may deem useful and needful for the welfare of the city. For his services as mayor, he shall receive the sum of three hundred dollars per year, to be paid out of the city treasury in monthly installments and no other fees, commissions, emoluments, salaries or compensation whatever shall be allowed him for his services as mayor.

Sec. 21. The recorder shall keep an accurate record of all the proceedings of the council, and shall have charge of and preserve the records of the city.

In case of the absence of the mayor from the city, or his inability from any cause to act, or during any vacancy in the office of mayor, the recorder shall perform such duties of mayor as pertain to the office of mayor, and to that end, in addition to the other powers herein conferred upon him, the recorder is hereby vested with all the powers necessary for the performance of the duties of the mayor, while acting as such. The recorder shall be ex officio assessor of said city and shall perform such duties as are imposed by law. He shall be paid a salary of four hundred dollars, payable in equal monthly installments, for his services as such recorder and assessor, to be paid out of the city treasury. He shall be ex officio justice of the peace within said city and shall, within the same, have, possess and exercise all the powers and
18 perform all the duties vested by law in a justice of the peace, 
19 except he shall have no jurisdiction in civil causes of action 
20 arising out of the corporate limits of the city, unless the de- 
21 fendant reside or is found therein and process therein served 
22 upon him. He shall have the same power to issue attach- 
23 ments in civil suits as a justice of the peace of his county; 
24 but, in such case, he shall have no power to try the same, but 
25 such attachments shall be made returnable and heard before 
26 a justice of the peace of his county.
27 Any warrant issued by him, or other process, may be ex- 
28 ecuted at any place in said county. He shall have power to 
29 issue his warrant for the arrest and apprehension of all per- 
30 sons violating the ordinances of the city, and shall have power 
31 to try the same and impose on such violators of the ordi- 
32 nances of the city such fines and penalties as are prescribed 
33 by the ordinances thereof.
34 He shall have the power to issue executions for all fines, 
35 penalties and costs imposed by him, or he may require the 
36 immediate payment thereof, and in default of such payment, 
37 he may commit the party in default to the jail of said county 
38 or other place of imprisonment used by such corporation, if 
39 there be one, until the fine or penalty and the costs be 
40 paid, but the imprisonment in such cases shall not exceed thirty 
41 days. (And in all cases where a person is sentenced to im- 
42 prisonment or the payment of a fine of ten dollars or more 
43 and in no case shall a judgment for a fine be for less than ten 
44 dollars, if the defendant, his agent or attorney objects to a 
45 less fine being imposed), such person shall be allowed an 
46 appeal from such decision to the criminal court of the county 
47 of Mercer, upon the execution of an appeal bond with se- 
48 curity deemed sufficient by said recorder to cover the fine and 
49 costs, and the cost in the criminal court in case said judgment 
50 be affirmed, with condition that the person proposing to ap- 
51 peal will perform and satisfy any judgment which may be 
52 rendered against him by the criminal court on such appeal. 
53 If such appeal be taken, the warrant of arrest, if any, a 
54 transcript of the judgment, the appeal bond and other papers 
55 in the case shall be forthwith delivered by said recorder to 
56 the clerk of said court, and said court shall proceed to try the 
57 case as upon an indictment or presentment and render such
58 judgment, including costs, as the law and evidence may re-
59 quire.
60 The expense of maintaining any person committed to jail
61 as hereinbefore set forth by the recorder, except it be to an-
62 swer an indictment, shall be paid and taxed as costs against
63 the defendant. He shall have the right to charge and collect
64 the same fees which a justice of the peace is authorized to
65 charge and collect for similar acts in cases tried before him.
66 The recorder shall also be ex officio treasurer of the said
67 city, and as such shall perform all the duties of this act im-
68 posed upon the treasurer of the said city and be vested with
69 all the powers herein vested in and imposed upon the treas-
70 urer of the said city. It shall be the duty of the treasurer
71 to collect the city taxes, license, levies, assessments, and other
72 such city claims as are placed in his hands for collection by
73 the council, and he may distrain and sell therefor in like
74 manner as a sheriff may distrain and sell for state taxes; and
75 he shall, in all other respects, have the same power as a sher-
76 iff to enforce the payment and collection thereof.

Sec. 22. The presence of the mayor or ex officio mayor,
2 and four members of said council shall be necessary to make
3 a quorum for the transaction of business at all meetings of
4 the council of said city.

Sec. 23. The council shall cause to be kept by the recorder
2 in a well bound book to be called “minute book,” an accu-
3 rate record of all its proceedings, ordinances, acts, orders, and
4 resolutions, and in another to be called “ordinance book,”
5 accurate copies of all general ordinances adopted by the
6 council; both of which shall be accurately indexed and open
7 to the inspection of any one required to pay taxes in the city,
8 or who may be otherwise interested therein. All oaths and
9 bonds of officers in the city, and all papers of the council
10 shall be endorsed, filed and securely kept by the recorder.
11 The bonds of officers shall be recorded in a well bound book
12 to be called “record of bonds.”
13 The recorder shall perform such other duties as by ordi-
14 nance of the council may be prescribed. The transcript of
15 ordinances, acts, orders and resolutions certified by the re-
16 corder under the seal of the city shall be admissible in evi-
17 dence in any court or before any justice.
Sec. 24. At each meeting of the council the proceedings of the last meeting shall be read and corrected, if erroneous, and signed by the presiding officer for the time being. Upon the call of any member the ayes and noes on any question shall be taken and recorded by the recorder in the minute book. The call of the members for such vote shall be made alphabetically.

Sec. 25. The mayor, or in his absence the recorder, shall preside at the meetings of said council; the mayor and recorder shall have no vote as members of said council except in case of a tie vote in the council in which case the presiding officer shall vote.

Sec. 26. The regular meetings of the council shall be publicly held at such times and in such places in the city as they shall from time to time ordain and appoint; and it shall be lawful for the council by ordinance to vest in any officer of the city, or in any member, or number of members of its own body, the authority to call special meetings and prescribe the mode in which notice of such special meetings shall be given; if a majority of the members of the council do not attend any regular or special meeting, those in attendance shall have authority to compel the attendance of absent members under such reasonable penalties as they may think proper to impose by ordinance. All questions put to vote, except such matters as are hereinafter provided for, shall be decided by a majority of the members present.

Sec. 27. All moneys belonging to the city shall be paid over to the city treasurer; and no money shall be paid out by him except as the same shall have been appropriated by the council, and upon an order signed by the mayor and recorder, and not otherwise, except at the expiration of his term of office upon the order of the council, signed by the mayor and recorder, he shall pay over to his successor all the money remaining in his hands.

Sec. 28. The council of said city shall have power to lay off, vacate, close, open, alter, grade, improve and keep in good repair the roads and streets, alleys, pavements, sidewalks, cross walks, drains, sewers and gutters, therein, for the use of the citizens and the public. And to improve and light the same, and keep them free from obstructions of every
7 kind; to regulate the width and kind of pavements and sidewalks, footways, drains and gutters; and cause the same to be built and kept in good repair and order, and free and clean by the owners and occupants of the real property next adjacent thereto; to establish public parks and play grounds, and to this end purchase and acquire necessary and appropriate grounds and improve the same and regulate the use thereof; to establish markets, prescribe the time for holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling of said markets; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses, tan houses and coal factories within the city limits, or the exercise of any unhealthful or offensive business, trade or employment; to abate all nuisances within the city limits, or to compel the abatement or removal thereof, at the expense of the person causing the same, or by or at the expense of the owner or occupant of the ground on which said nuisance is placed or found; to cause to be filled up, raised or drained, by or at the expense of the owner, any city lot or tract of land covered or subject to be covered by stagnant water; to prevent horses, hogs, cattle, sheep or other animals and fowls of all kinds from going or being at large in such city, and as one means of prevention to provide for impounding or confining such animals and fowls at the expense of the owner thereof; to protect places of divine worship and to preserve order in and about the premises when and where worship is held; to regulate the keeping and sale of gunpowder, and other inflammable or dangerous substances; to regulate the manner of exhibiting for sale and selling of milk, meats and vegetables; to permit and regulate the building of houses, or other structures, and regulate the kind of material to be used in the construction thereof, and to provide for the making and maintaining of division fences by the owners of adjoining property, and for the proper drainage of city lots and other parcels of land by or at the expense of the owner or occupant thereof; to provide against danger or damage by fire; to punish assault and battery; to prohibit the keeping or loitering in or visiting houses of ill fame, or loitering in saloons or upon the streets; to prevent lewd or lascivious conduct, the sale or exhibition of
48 indecent pictures or papers or other representations; to prevent adultery and fornication; to prohibit the carrying of concealed or dangerous weapons within the corporate limits of said city; to punish drunkenness; to punish larceny where the amount stolen is less than twenty dollars; to prevent gambling, and the keeping and using of slot machines and gaming devices; to prohibit anything against good morals and common decency, and to fix punishment therefor; to prevent the desecration of the Sabbath day, profane swearing, the illegal sale of intoxicating drinks, mixtures or preparations; to protect the person or those residing or being in said city; to appoint when necessary or advisable, a police force, permanent or temporary, to assist the chief of police in the discharge of his duty, and who, when appointed, to have the same power and authority in and about the arrest of offenders, as the chief of police may have; to build or purchase, or lease a suitable place of imprisonment within said city, for the safekeeping or punishment of persons charged with or convicted of a violation of the ordinances of the city, or they may adopt the county jail of Mercer county for that purpose; to erect or authorize or prohibit the erection of gas, water works, or electric works, or all of them, within the city limits, or near the same, to prevent injury to such works, or the pollution of any gas or water used or intended to be used by the public or any individual; to provide for and regulate the weighing of hay, coal, lumber and other articles sold or kept within said city, and to establish rates and charges for the weighing and measuring thereof; to create by ordinance such committees and delegate such authority thereunto as may be necessary or advisable; to provide for the annual assessment of taxable property therein, and for the revenue for the city for municipal purposes, and to appropriate such revenue to its expenses; and generally to have power to take such measures as are deemed necessary or advisable to protect person or property, public or private, within the city; to preserve peace, quiet and good order therein and to promote the health, safety, comfort and well being of the inhabitants thereof; to organize one or more fire companies and provide necessary apparatus, tools, implements, engines, or any of them, for their use, and in their discretion to organize a paid fire department; to make regulations...
with respect to the erection and location of telephone, tele-
graph, electric light or other poles by any individual or cor-
poration; to grant and regulate all franchises in, upon, over
and under such restrictions, as shall be provided by ordi-
nances; but no exclusive franchises shall be granted by said
council to any individual or corporation, nor shall any fran-chise be granted for a longer period than fifty years; to reg-
ulate, license and restrict the use of motor busses, automobiles,
carriages, drays and wagons, upon the streets, alleys and pub-
lic grounds of said city when the same are being used for hire
or reward. The council shall have authority to pass all ordin-
ances not repugnant to the constitution and laws of the United
States and of this state, which shall be necessary and proper
to carry into full effect the power, authority, capacity and
jurisdiction which is or shall be granted to or vested in the
said city, or in the council or in any officer or body of officers
of said city, and to enforce any and all of the ordinances by
reasonable fines and penalties, and upon the failure to pay
any fine or penalty imposed, may compel the offender to labor
without compensation at and upon any of the public works or
improvements undertaken, or to be undertaken, by said city
or to labor at any work which the said council may lawfully
employ labor upon, at such reasonable rates per diem as the
Council may fix, until any fine or fines and costs so imposed
upon any offender by said city have been fully paid and dis-
charged, after deducting reasonable charge of support while
in the custody of the officers of the city; provided, however,
that no fine shall be imposed exceeding one hundred dollars
and costs, and that no person shall be imprisoned or com-
pelled to labor as aforesaid for more than ninety days for
any one offense. And in all cases where a fine is imposed for
an amount exceeding ten dollars and costs, or a person be
imprisoned, or be compelled to labor as aforesaid for a greater
term than ten days, an appeal may be taken from such de-
cision upon the terms and conditions as appeals are taken
from the judgment of a justice of this state. Such fines and
penalties shall be imposed and recovered and such impris-
onment inflicted and enforced by and under the judgment
of the recorder of said city; or in case of his absence or in-
availability to act, then by any member of the council, to be ap-
pointed by the council for that purpose; and for his services
in trying cases, whether civil, criminal or infractions against
ordinances, the recorder shall be entitled to charge and col-
lect such fees as are paid to justices of the peace for similar
services. And in all such cases the chief of police, or other
officers performing the service shall be entitled to receive
such fees as are paid to constables for similar services, which
shall be paid to the city treasury at the end of each month,
taking proper vouchers therefor, provided, further, that the
fee for making any arrest shall be one dollar, whether such
officer be the chief of police or other officer. In addition to
the powers above enumerated, the said city council shall have
power to build, construct, maintain and operate a sufficient
sewerage system and water works, as may be necessary for the
proper supply of water to the inhabitants of the said city, for
both public and private use, and said city shall have the power
to purchase any water works now in the said city or hereafter
placed therein by any party other than said city, whenever
the council of said city shall deem proper, and such order
shall have been ratified by a vote of the qualified voters of
said city, at an election called for that purpose, with due
notice, and at least two-thirds of the vote cast at said election
shall vote for the ratification of said council to purchase said
water works; and the said city shall have the power to en-
large the said water works, if so purchased, by putting addi-
tional reservoirs either within or out of said city, and
said city shall have the right to lay pipes and mains for
the proper distribution of said water, either in or out of said
city, as shall be necessary for the proper distribution of same,
and for that purpose may acquire a lease, purchase or con-
demnation of such lands as shall be necessary, either within
or without the city, or they may contract for such work
to be done, to supply an adequate supply of pure,
healthful water for said city and do all things neces-
sary to supply the said city and inhabitants thereof with
water as aforesaid; and the said city may acquire by purchase
any electric light plant now in said city or hereafter placed
therein by any party other than said city, and shall have the
right to build, construct, maintain and operate such plant for
furnishing electricity for said city, and for the inhabitants
thereof, but no electric light plant shall be purchased or
built or operated unless voted on by the qualified voters of
saw city at an election called and held as aforesaid, and the
same be ratified by a two-thirds vote of all votes cast at said
election. Whenever anything for which a state license is, or
may be required to be done within said city, or within two
miles of the corporate limits thereof, the council as herein
provided, may by ordinance require a city license to be had
for doing the same, the amount of which license shall be fixed
by the council; and may in any case, require from the per-
son licensed a bond, with sureties, and in such penalty, and
with such conditions as it may deem proper, and the council
on notice may revoke such license at any time if the condition
of the said bond be broken. The council may impose a
license and assess a tax thereon on all wheeled vehicles for
public hire; and upon all dogs kept within said corporate
limits. The council may prescribe, impose and enforce rea-
sonable fines and penalties, including imprisonment, under
the order of the police judge of said city, or the persons law-
fully exercising his functions, upon any person carrying on,
or attempting to carry on, any business for which a city
license is required without first obtaining a city license there-
for, and paying the city license tax assessed thereon. All
licenses provided for in this act shall be paid to the treas-
urer of the city; and for the purpose of enforcing the pro-
visions of this section, the city shall have police jurisdiction
for two miles beyond the corporate limits thereof. The
council shall have the power to make any regulations and pass
all ordinances necessary and proper concerning the granting
and revoking of license, but the public shall be given notice
by publication for two issues in a newspaper of general cir-
culation by any firm, person or corporation desiring a license
of any character.

Whenever the council shall deem it expedient to cause any
street or alley in said city or portion thereof, to be paved,
curbed or macadamized or otherwise improved in a perma-
nent manner, upon the petition in writing signed by the
owners of not less than three-fifths in lineal feet frontage
of the lots abutting on both sides of any street or alley, be-
tween any two cross streets or between a cross street and an
alley, it shall order the work done in the following manner
and upon the following terms: The contract for such paving
or other improvements shall, after due advertisement in
which the council shall reserve the right to reject any and all bids, be let to the lowest responsible bidder. The contractor shall look only to the city for payment of the work and in no sense to the abutting land owners. The total cost of curbing, grading and paving or otherwise improving any such street or alley, with the exception in the case of a street occupied by street car tracks or other railways of the distance between the rails and two additional feet outside of each rail, which portion shall be borne and paid entirely by the street car or other railway company operating such street car line or other railway (unless otherwise provided by the franchise of such street or other railway company granted previous to the passage of this act) shall be borne by the owners of land abutting upon said street, alley or portion thereof, according to the following plan, that is to say: Payment is to be made by all land owners on either side of such portion of a street or block so paved and improved in such portion of the total cost, less the portion, if any, chargeable to such street or other railway company, as the frontage in feet of his land so abutting bears to the total frontage of all land so abutting on such street, alley or portion thereof so paved or improved as aforesaid; provided that the entire cost of such paving or improvement shall be chargeable to the abutting property owners as aforesaid, or such part of the cost thereof as may be agreed upon between the council and the owners of at least three-fifths of such frontage. The cost of such paving or improvement chargeable to the abutting owners is not to include any portion or amount paid for paving of squares at intersection of street which shall in all cases, be borne and paid by the city. When the paving of any street or alley, or portion thereof, shall have been let to contract, it shall be the duty of the engineer of the city to cause the several frontages abutting thereon to be measured and to calculate the assessment upon each and every land owner so abutting and to certify the same to the council, showing the proper amount to be determined as provided in the foregoing plan. It shall be the duty of the council to examine and compare such assessments, amounts and names so certified to it, and thereupon said council shall give notice by publication for two successive weeks in some newspaper published in said city that an assessment under this section is about to be laid
against the abutting property for paving or improvements done on said street or alley, describing the location of such paving or improvements, and any owner or owners thereof shall have the right to appear before said council, within two weeks from the first publication thereof and move said council to correct any apportionment or assessment excessive or improperly made as charged, which corrections said council shall have the power to make, and if found to be correct or when corrected by the council as aforesaid, it shall enter the same together with a description of the lots of land as to location, frontage, depth and ownership, so far as the same may be ascertained, upon its records and to enter in its records that such owners and lots be assessed and chargeable with the amount so ascertained to be borne by them, respect ively, and when so approved, certified and entered of record, the same shall be and constitute an assessment against said owners and liens upon said lots for such respective amounts. And it shall be the duty of the council to immediately certify such assessment to the treasurer for collection as herein provided, and a copy of said order shall be certified by the recorder to the clerk of the county court of Mercer county, who shall be required to record and index the same in the proper trust deed book in the name of each person against whose property assessments appear therein. The amounts so assessed against said abutting land owners shall be paid in five payments as follows, that is to say: one-fifth of said amount, together with interest on the whole assessment for one year, shall be paid into the city treasury of the city, before the first day of May next after said work is completed and said assessments have been certified to the county clerk. And a like one-fifth together with interest for one year upon the whole amount remaining unpaid on or before the first day of May in each succeeding year thereafter until all has been paid and each of said installments of one-fifth beginning with the first shall bear interest on the amount of said installment at six percentum per annum from the date of the record of same in the county court clerk’s office until paid; provided, however, that any abutting owner so liable for any portion of the cost of such paving shall have the right at any time after the same is certified as aforesaid to the treasurer for collection to anticipate the
payment of any or all of said assessments and shall be allowed to pay the face of said assessment with interest at six per centum per annum only to the time of payment. To each of such installments of assessments remaining unpaid in the treasurer’s hands on the days herein specified for the payment thereof, a penalty of ten per centum per annum shall be added to any assessments so remaining unpaid in the treasurer’s hands on such date, shall be taken up by the council, on such settlement had with the treasurer on such dates, and, thereupon the council shall place such assessments, with the penalty added thereto, in the hands of the chief of police or other officer of the said city, whose duty it is to collect delinquent taxes and assessments, to be treated and considered, and the payment thereof enforced in all respects as hereinbefore and hereinafter provided for the collection of taxes due the city, and such assessments with the penalty added thereto shall constitute and continue to be a lien upon the property liable therefor the same as for taxes, which lien may be enforced in the same manner as provided for taxes, or by a suit in equity to enforce this lien. The liens hereinbefore provided for shall have priority over all other liens except those for taxes due the state and shall be on a parity with taxes and assessments due the city. Whenever all such assessments for paving, curbing, macadamizing or other improvements heretofore mentioned shall be paid in full to the treasurer, he shall deliver to the party paying the same a release of the lien therefor, which may be recorded in the office of the clerk of the county court as other releases of liens.

In addition to the methods hereinbefore and hereinafter prescribed for the payment of the cost of construction and improvement of streets, the council may on the petition in writing signed by the owners of not less than three-fifths in lineal feet frontage of the property abutting upon any street avenue or roadway in said city or of the property abutting upon any portion thereof between any two intersecting streets, order any street, alley or portion thereof, to be graded and paved, repaved, or otherwise permanently improved, and the council may order to be issued a certificate for each installment of the amount of the assessment to be paid by the owner of any lot or fractional part thereof abutting on the
street, or alley so improved, or portion thereof, which cer-
tificates are to represent the annual installments as hereinbe-
fore provided in this section, that is, five equal installments
due on or before the first day of May in each year. The
amount specified in said assessment shall be a lien as afore-
said in the hands of the holder of such certificate
upon such abutting lot or part of lot and such
certificate shall draw interest from the date of said assess-
ment and payment may be enforced in the name of the
holder of said certificate by proper suit in equity in any
court having jurisdiction to enforce such lien; the council
shall fix the amount of such assessment, advertise for bids
and do all other things in connection therewith as herein-
before and hereinafter provided in this act. Paving certifi-
cates shall be issued in the same number of installments and
payable at the same time as other paving assessments pro-
vided for in this section. Nothing contained in this act shall
be construed as imposing a time limit upon the enforcement
by appropriate suit of any lien for street improvements
heretofore or hereinafter created. Certificates authorized by
this section shall be subject to the same penalty clause as
heretofore provided for installments due on paving assess-
ments. The council shall have authority to assign, sell or
negotiate to any bank or person the certificates authorized
by this section, provided that no sale or transfer of such
certificates shall be made at less than the face value and
accrued interest of such certificates so sold or transferred, and
in selling and assigning the said certificates, or in placing
the same as collateral for money advanced to the city the
endorsement of the city shall be a special endorsement and
shall be binding on the city only in regard to the street im-
provement, paving installment or certificate fund, and in no
wise a debt, liability or guarantee against the general levy of
the city. The owners of the lot or land assessed under this
section may at any time anticipate and pay such assessment
or certificate with accrued interest thereon as is heretofore
provided.

Property owners desiring that the street on which their
property abuts be improved may petition the council as is
hereinbefore and hereinafter provided and in said petition
may have the privilege of requesting which method herein-
361 before and hereinafter provided that their street or alley or
362 portion thereof be improved under; in the absence of any
363 request in the petition so submitted by property owners as
364 aforesaid stated, the council may pave or otherwise perma-
365 nently improve said street, alley or portion thereof, so pe-
366 titioned to be improved, under any one of the methods here-
367 inbefore or hereinafter provided.

Sec. 29. A well bound book, indexed, to be denominated
2 "police docket" shall be kept in the office of the recorder, in
3 which shall be noted each case brought before or tried by him,
4 together with the proceedings therein, including a statement
5 of the complaint, the warrant or summons, the return, the fact
6 of appearance, or non-appearance, the defense, the hearing,
7 the judgment, the costs, and in case the judgment be one of
8 conviction, the action taken to enforce the same. The record
9 of each case shall be signed by the recorder, and the original
10 papers thereof, if no appeal be taken, shall be kept together
11 and preserved in his office.

Sec. 30. The council shall lay an annual levy or an addi-
2 tional or special levy at such times as may be provided by the
3 general laws then in force and may include a poll tax of not
4 exceeding two dollars each year upon each able bodied man
5 residing within the limits of the city, who is over the age of
6 twenty-one years, which poll tax shall be used exclusively for
7 opening, improving and maintaining roads, streets and alleys
8 of the city, and shall designate the same as the "street tax;"
9 and the said council may also impose such license tax upon
10 dogs, cows, horses and other animals as they may deem proper
11 and collect the same from the owners of such animals, as other
12 taxes are collected, and prescribe such rules, regulations and
13 penalties governing the payment of said tax on animals as they
14 may deem reasonable. The general annual levy upon the tax-
15 able property within the corporate limits of said city shall not
16 exceed the sum of sixty cents upon each one hundred dollars
17 valuation. But in addition to said levy above mentioned and
18 in addition to any levies provided by the general law, the
19 council of said city, beginning with the year one thousand
20 nine hundred and twenty-three, are empowered to and shall
21 lay a special annual levy not to exceed ten cents on each one
22 hundred dollars valuation of the property in said city for the
23 purpose of creating a sinking fund with which to pay off the
principal of the present outstanding bonded indebtedness of said city when the same becomes due and of retiring the bonds so outstanding in accordance with the provision thereof, and for the further purpose of paying annually when due, the interest coupons of the said present outstanding bonded indebtedness of the said city, which said special levy shall be continued annually by the council for as many years as it may be necessary to pay off the present outstanding bonded indebtedness and the interest coupons that may become due thereon, but no longer. Also in addition to the above, the said council, beginning with the year one thousand nine hundred and twenty-three, are empowered to and shall lay a special annual levy not to exceed fifteen cents on each one hundred dollars valuation of the property in said city for the purpose of paying off any outstanding orders issued against the treasury of said city prior to July first, one thousand nine hundred and twenty-one, and for the further purpose of paying off any and all debts contracted prior to said date or any judgment, taken against the said city; and after said orders and debts have been paid, the said council may continue to lay said special levy for such public improvements as the council shall from year to year certify by resolution as necessary to be made during the succeeding year. And both of the aforesaid special levies when collected shall be used for no other purpose than for the aforesaid purpose for which they shall be laid as aforesaid.

Sec. 31. It shall be the duty of the assessor to make an assessment of the property within the city subject to taxation substantially in the manner and form in which assessments are made by the assessor of the county, and return the same to the council on or before the first day of June of each year, and for this purpose he shall have all the powers conferred by law upon county assessors. He shall list the number of dogs and other animals subject to license tax in the city, and the names of the persons owning the same, which list shall be returned to the council at the same time his assessment books are returned. But in making his assessment on real and personal property, he shall be governed by the assessment on real and personal property for state and county purposes for said year, and the value placed on said property shall not exceed the value of such assessment for county and state purposes. In order to aid the assessor in ascertaining the prop-
Ch. 191

PRINCETON CHARTER

17 city subject to taxation by said city, he shall have access to 18 all books and public records of said Mercer county, without 19 expense to him or said city, and he shall have the same power 20 and be subject to the same penalties in ascertaining and 21 assessing the property and subjects of taxation in said city, 22 as are granted and imposed on the county assessors through- 23 out the state by general law; and the council shall have au- 24 thority to prescribe by general ordinance, such other rules and 25 regulations as may be necessary to enable and require such 26 treasurer to ascertain and properly assess all property liable 27 to be taxed by said city, so that such assessment and taxation 28 shall be uniform and equal, and the council may enforce such 29 rules and regulations by reasonable fines to be imposed on any 30 one failing to comply therewith. When he shall complete his 31 assessment book he shall deliver the same, when sworn to, to 32 the city council.

Sec. 32. There shall be a lien on all real estate within the 2 said city for the city taxes assessed thereon, and for all fines 3 and penalties assessed against or imposed upon the owners 4 thereof, by the authorities of said city, including expenses for 4-a making, maintaining and repairing, paving and macadamiz- 5 ing sidewalks, drains, gutters and streets from the time work is 6 begun, which shall have priority over all the other liens except 7 taxes due the United States and the lien for taxes due the 8 state, and county and district, and such lien may be enforced 9 by the council in the manner provided by law for the en- 10 forcement of the lien for county taxes. And the laws of the 11 state of West Virginia in relation to delinquent taxes, and 12 the sale of property therefor, are hereby and in all respects 13 adopted as to all proceedings in relation to taxes for city pur- 14 poses delinquent in said city. And the powers and duties 15 conferred by the laws of said state upon county courts and 16 their clerks and sheriffs in regard to delinquent taxes and 17 their collection, are hereby in all things conferred upon said 18 city council, its recorder and other city officials whose duties 19 are of a similar nature as those of said county officials, in 20 so far as the same may be directly or by implication applic- 21 able in the collection of delinquent taxes due said city.

Sec. 33. It shall be the duty of the city treasurer when the 2 extended copies of the assessor's books are completed, to re- 3 ceive a copy thereof, receipting to the council for the same,
and it shall be his duty to collect from the parties the entire amount of the taxes with which they are severally charged therein, and may proceed to collect the same at any time after the first day of August, and may enforce the payment thereof by levy upon the personal property, and sale thereof, of the person charged with taxes at any time after the first of October next, after said taxes are assessed. He may allow a discount of two and one-half per cent on all taxes paid on or before the thirtieth day of November. Said taxes shall be a lien upon the property upon which they are assessed from and after the time the assessor's books are completed, verified and returned to the city council, and he shall write the word "paid" opposite the name of each person who pays the taxes against him, and shall also give to the person paying such taxes a receipt therefor; provided however, the said treasurer may distrain at any time for any taxes assessed against a person who is about to remove, or who has removed from said city, after such taxes are assessed, and the books returned as aforesaid. He shall also receive such other moneys of the city as he is authorized by this act to receive, and also all moneys ordered by the council to be paid to him, giving receipt therefor to the parties paying the same, and shall keep an accurate, itemized account of all money received by him. His books shall, at all times, be open for the inspection of the mayor, council, city recorder, and to any taxpayer of the city. He shall also make up monthly statements of the money received by him and the amount paid out by him and to whom, showing the amounts in his hands from all sources, and shall post the same in the mayor's office on the last day of each month. He shall pay out the money in his hands upon the order of the city council, upon orders signed by the mayor and the recorder. He shall, on or before the expiration of the term of office of the mayor, and at such other times as the council may require, present to the council a full and complete statement of all the moneys, with which he is chargeable, or that have been received by him and not previously accounted for, and shall at the same time, in like manner, furnish a complete statement, by separate items, of all disbursements made by him during such period, with his vouchers evidencing the same. He shall receive all taxes and licenses and receipt to the party paying the same, by en-
dorsement upon the permit granted by order of the council, or mayor as the case may be. He shall, upon the expiration of his term of office, turn over to the council all books and other possessions belonging to the city, except the money in his hands, which he shall turn over to his successor, upon the order of the council, as hereinbefore provided; and shall, before entering upon the duties of office, execute a bond with good security payable to said city in a penalty of not less than ten thousand dollars, conditioned that he will faithfully discharge the duties of his office and account for and pay over as required by law and the orders, ordinances, rules and regulations of the council of said city, all money which shall come into his hands which bond shall be subject to the approval of the council. He shall be chargeable with all the city taxes, levies and assessments and money of the city, which shall come into his hands and shall account therefor.

Sec. 34. In addition to the other duties of the assessor, it shall be his duty on or before the first day of August, in each year to make a copy from the real and personal property books of the assessor of Mercer county of all property shown to be liable for taxes within the limits of the city of Princeton, and certify such under his hand as a true and correct copy thereof, and to deliver the same to the council, to assist said council in preparing the annual estimate of expenses to be certified as a basis for the annual levy. After such annual levy is made in each year, it shall be the duty of the assessor to extend said levy upon said real estate and personal property books for said city, but the treasurer shall prepare proper tax tickets therefrom against all owners of real estate and personal property subject to taxation in said city.

Sec. 35. The council shall prescribe by ordinance the time and manner in which license of all kinds shall be applied for and granted, and shall require the payment of the tax thereon to the city recorder before the delivery thereof to the person applying therefor, which tax shall include the same fees for the issuing of such license as are charged for similar services by state and county officers, which fees shall be paid in to the city treasury. The council may revoke any license for a breach of any of the conditions, or for other good cause shown, but the person holding such license must first have reasonable notice of the time and place of hearing and ad-
12 judicating the matter as well as the cause alleged; and shall
13 be entitled to be heard in person or by counsel, in opposition
14 to such revocation. The term for which license provided for in
15 this charter shall be granted shall be governed by the general
16 law providing for state licenses.

Sec. 36. The council shall have the right to institute and
2 prosecute proceedings in the name of the city for condemna-
3 tion of real estate for streets, alleys, roads, drains, sewers,
4 market grounds, city prison, city hall, water works, electric
5 light plant or other works, or purposes of public utility. Such
6 proceedings shall conform to the provisions of chapter forty-
7 two of Barnes' code of West Virginia, of one thousand nine
8 hundred and eighteen, and the expenses thereof shall be borne
9 by the city, except in cases where it is proper under said chap-
10 ter to charge said expenses or any part thereof against the
11 defendant.

Sec. 37. The council of the said city shall have the right to
2 bond the city for the purpose of paving the said streets, or
3 for other permanent improvements or for the purpose of tak-
4 ing up paying off or refunding any already outstanding city
5 bonds or items of indebtedness, whenever the council thereof
6 may deem the same necessary; but the aggregate indebtedness
7 of the said city for all purposes shall never at any time ex-
8 ceed five per centum of the assessed valuation of the taxable
9 property therein according to the last assessment next preced-
10 ing said date. The said council shall provide a fund for the
11 payment of the interest annually on the said indebtedness so
12 created, and to pay the principal thereof within and not
13 exceeding thirty-four years; provided, that no debt shall be
14 contracted hereunder, unless all questions connected with the
15 same be first submitted to a vote of the qualified voters of
16 said city, and have received three-fifths of all the votes cast
17 for and against the same.

Sec. 38. The council of the said city shall not, at any time,
2 for any purpose, create any indebtedness against the said city
3 except as provided in the next preceding section, exceeding
4 the available assets of the said city for the current year;
5 and if the said council shall create such indebtedness or issue
6 orders on the city for an amount exceeding the amount of
7 money available for that year for said city from all sources,
8 and the amount of money then in the treasury appropriated,
9 the members of said council shall be severally and jointly
10 liable for the payment of the excess of such indebtedness or
11 orders over the amount of the money applicable thereto, and
12 the same may be recovered in any court having jurisdiction
13 thereof. Any councilman violating the provisions of this sec-
14 tion shall be deemed guilty of malfeasance in office, and
15 may be removed as such councilman in pursuance of section
16 fifteen of this act. Provided, however this shall not be appli-
17 cable to such members who have voted against said excess;
18 and, provided, further, that the vote of each member of the
19 council shall be recorded.

Sec. 39. The said city shall construct, conduct and main-
2 tain its own roads and streets, and by reason thereof shall not
3 be required to pay any district or county road levies for the
4 construction and maintenance of roads outside of the city
5 limits.

Sec. 40. All ordinances, by-laws, resolutions and rules of
2 the city of Princeton in force on the day preceding the pas-
3 sage of this act, which are not inconsistent therewith, shall
4 be and remain in full force over the whole boundary of said
5 city of Princeton, as established by this act, until the same
6 are amended or repealed by the council of said city, and the
7 officers elected at the last election in the city of Princeton,
8 shall remain in office until their successors under this act are
9 elected and qualified as hereinbefore provided, and after this
10 act takes effect, shall have jurisdiction over all the territory
11 embraced in the boundary specified in this act, and shall per-
12 form all the duties of such respective officers under this act;
13 but nothing in this act shall be construed or held to in any
14 way affect or impair any of the bonds, obligations or indebt-
15 edness of the city of Princeton as though the same had been
16 created under this charter.

Sec. 41. The council shall have power to provide for the
2 construction, maintenance and repair of sidewalks, drains and
3 gutters upon the streets of the city, and assess the expenses
4 of the construction, maintenance and repair of the same upon
5 the property abutting thereon and the owners thereof, and
6 collect the same in the same manner as other taxes and levies
7 are collected, and shall have plenary power to macadamize
8 and pave or otherwise improve the streets of the said city, or
9 any of them, and assess part of the expenses of macadamizing
and paving not to exceed one-half thereof upon the abutting property on each side thereof, and the owners thereof, and collect the same in the same manner as other taxes and levies are collected; and such assessments for sidewalks, drains, gutters, macadamizing and paving shall be a lien upon such abutting property, the same as other taxes and levies within said city upon the property therein. Provided that nothing herein shall be construed to prevent the council from arranging for the construction of any such improvements by agreement with the abutting property owners, if the council shall so desire and deem it advisable to do so.

Upon a petition in writing signed by the owners of not less than three-fifths in lineal feet frontage of the property abutting upon any street, avenue or roadway in said city, or of the property abutting upon any portion thereof between any two intersecting streets, asking the city to grade, curb, pave or otherwise permanently improve such street, avenue or road, or portion thereof, and offering in such petition to have their proportionate part of the entire cost thereof, in proportion to the frontage thereon, the council may order such work to be done as hereinafter provided and charge and assess the entire cost thereof, or such part of the cost thereof as may be agreed upon between the council and the owners of at least three-fifths of such frontage, to the property abutting upon such street, avenue or roadway, or portion thereof, in proportion to the frontage of the respective properties abutting thereon, and collect the same as taxes are collected or by action at law or suit in equity.

Upon the filing of such petition the council shall set a date for a hearing and shall give notice thereof for at least one week by posting copies of the order reciting the filing of such petition and its object, together with the date set for a hearing, in at least three places upon or adjacent to the street, avenue or roadway proposed to be improved.

Upon such hearing the council shall adopt the plans and specifications for the proposed improvement and shall determine whether the work shall be done or not. If the council determines to do such work, then the same shall be let to the lowest responsible bidder after advertisement of the letting thereof for once a week for at least two weeks in some newspaper of general circulation in the city of
Princeton. Upon the receipt of such bids the council may re-
ject any or all bids. The council may require deposit to be
made with each bid as evidence of good faith, and shall have
plenary power to decide upon the responsibility, etc., of the
several bidders. The council shall also take bond with good
security from the successful bidder in a sum equal to the
estimated value of the work conditioned for the faithful and
proper performance thereof. When the said improvement shall
have been completed, or when the said improvement shall
have been completed between any two cross streets intersect-
ing the street, avenue or roadway improved, then the city
may assess the cost thereof against the property abutting
upon the said street, avenue or roadway, or such part thereof
as may be completed, and collect the same from the owners
thereof as aforesaid.

Every assessment made hereunder shall be a lien upon the
property liable therefor the same as for taxes, which liens
may be enforced in the same manner provided for the col-
lection of taxes and shall have priority over all other liens
upon said property except for taxes due the state and county,
and shall be on a parity with the taxes and assessments due
the city.

The city shall pay the contractor for such work as shall be
provided in the contract out of such fund as may be available
or provided, and shall reimburse itself or such funds out of
the assessments when collected.

Sec. 42. The council of the city of Princeton shall provide
a place for voting in each ward in all municipal elections of the
city and appoint commissioners residing therein to hold and
conduct the election hereinbefore provided to be held, and
shall pass all proper ordinances to give this act full force and
effect, and the council may establish as many voting pre-
cincts in each ward as it may deem proper.

See. 43. The city attorney, if there be one, shall be the
legal advisor of the city and all of its officers in all mat-
ters arising, and in which legal proceedings may be taken;
he shall prosecute all suits, actions and proceedings instituted
on behalf of said city, and defend all suits and actions against
said city, and when requested in writing shall give his writ-
ten opinion to the mayor or council or any standing commit-
tee thereof upon such legal questions as may be referred to
him affecting the city's interest; he shall perform such other
duties as may be required. It shall be his duty to attend the
sessions of the council when requested and prosecute all trials
before said recorder and all appeals that are taken from such
recorder to the criminal or circuit court, and for his services
he shall receive such compensation as the council shall pro-
vide, and in addition thereto in all criminal prosecutions con-
ducted by said city attorney, where there is a conviction of
the defendant, there shall be taxed an attorney's fee in favor
of said city attorney of not less than five nor more than ten
dollars, which said fee shall be taxed as part of the costs
of the case.

Sec. 44. It shall be the duty of the city treasurer to keep
all funds of the city in some bank or banks within said city,
which shall pay interest on such deposits and on the average
daily balances of such funds of the per cent equal, at least,
to that paid by state depositories on all funds of the state of
West Virginia and in the same manner and at the same time.
If no bank within said city is willing at any time to receive
deposits of the treasurer and pay such interest thereon, the
treasurer shall report this fact to the council, whereupon the
council shall designate the bank or banks in which he shall de-
posit said funds for the time being and until some bank in said
city will receive such deposits on such terms.

Sec. 45. Each councilman of said city shall receive from
the city to be paid out of the city treasury the sum of one
hundred dollars a year, payable in monthly installments, and
in addition thereto, two dollars and fifty cents for each meet-
ing of the council actually attended by him.

Section 46. All ordinances of the city of Princeton, as
they exist at the time of the passage of this act, which are
inconsistent herewith, are hereby abrogated, and all acts and
parts of acts inconsistent with any of the provisions of this
act are hereby repealed.

Sec. 47. This act shall take effect and be and continue in
effect on and from the first day of July one thousand nine
hundred and twenty-nine.
CHAPTER 20

(House Bill No. 317—By Mr. Gay)

AN ACT to amend and re-enact an act of the legislature of West Virginia, passed on the twenty-first day of April, one thousand nine hundred and twenty-one, known as senate substitute for House Bill No. 310, relating to the charter of the City of Logan and being chapter twelve of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one, relating to municipal charters.

[Passed March 8, 1929; in effect from passage. Approved by the Governor.]

Be it enacted by the Legislature of West Virginia:

That the act of the legislature of West Virginia, passed April twenty-first, one thousand nine hundred and twenty-one, known as senate substitute for House Bill No. 310, relating to the charter of the City of Logan and being chapter twelve of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one, relating to municipal charters be, and the
same hereby is, amended and re-enacted so as to read as follows:

Section 1. That the inhabitants of that portion of Logan county in the state of West Virginia, included within the boundary lines of the present City of Logan, as such boundary lines are already fixed and established by the acts of the legislature of West Virginia, shall continue to be a body politic and corporate under the name, "the City of Logan," and as such shall have perpetual succession; may use a corporate seal; may sue and be sued; plead and be impleaded; contract and be contracted with; acquire property for municipal purposes in fee simple, or lesser interest or estate, by purchase, gift, devise, appropriation, lease, or lease with the privilege to purchase, either within or without the city limits, subject to the rights of other affected municipal corporations; may sell, lease, hold, manage and control such property, and make any and all rules and regulations, by ordinance or resolution which may be required to carry out fully all provisions of any conveyance, deed or will, in relation to any gift or bequest, or the provisions of any lease by which it may acquire property; after the first election under this charter, may acquire, construct, own, lease and operate light, heat, power and water plants may grant public franchises to be exercised within the city; may assess, levy and collect taxes for general and special purposes on all the subjects or objects within its boundaries which the city may lawfully tax; may borrow money for permanent improvements and public works on the faith and credit of the city by the issue or sale of bonds or notes of the city, and in the issuance and sale of said bonds the said city shall be governed by the restriction and limitations of the constitution and laws of the state relating to the issuance and sale of bonds, so far as said state laws are not in conflict with the provisions of this act; may pave, repave, curb grade, regrade, sewer, resewer, or otherwise permanently improve any street, alley, or roadway within the city limits, and assess the entire cost thereof, excluding the cost of intersections, with interest, or any part thereof, against the owners of the abutting or benefited properties in accordance with an ordinance that shall permit the payment of said assessments in annual installments, and may in anticipation of the levying of said assessments, issue and sell its bonds, as
hereinbefore provided, to the estimated amount of the cost of said improvements, and apply said assessments as same are paid to the liquidation of said bonds and interest thereon; may appropriate the money of the city for all lawful purposes; may create, provide for, construct, regulate, and maintain all things in the nature of public works and improvements; may direct the laying out of lots and opening of streets and roadways; may license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city, and all nuisances and causes thereof; may regulate the construction, height and materials used in all buildings and structures of every kind, and the maintenance, occupancy and use thereof; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce local police, sanitary and other regulations, and prescribe, impose and enforce reasonable fines and penalties including imprisonment, and shall have the right to use the jail of said county when necessary; and may pass such ordinances and resolutions as may be expedient or necessary for maintaining and promoting the peace, good government and welfare of the city, and for the performance of the functions thereof. The City of Logan as constituted by this act, shall retain, keep and succeed to all rights, privileges, property, interest, claims and demands heretofore acquired by, vested in or transferred to the said city as heretofore constituted and shall have all powers that now are or hereafter may be granted to municipalities by the constitution or laws of West Virginia; or that are herein by implication conferred, or are necessary to or consistent with the purposes of this act; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this act, or when not prescribed herein, in such manner as shall be provided by ordinances or resolutions of the governing body herein provided for.

Sec. 2. Every person qualified by law to vote for members of the legislature of the state, who shall have been a resident of said city for at least six months preceding the election, shall be entitled to vote at elections for corporate
5 officers and authorities, and on all questions authorized by 6 law to be determined by popular vote.

Sec. 3. All the corporate powers of said city shall be vested 2 in and exercised by a board of commissioners, or under the 3 authority of the board of commissioners, except such powers 4 as are hereinafter vested in and conferred upon the city man- 5 ager, the municipal judge, and the city solicitor, respectively. 6 Said board of commissioners shall be composed of four mem- 7 bers who shall be elected by the qualified voters of the said 8 city and who shall serve for a term of two years, and there- 9 after until their successors in office shall have been elected 10 and qualified. Two of said commissioners shall be selected 11 from the political party casting the largest vote for gover- 12 nor in said city at the general election next preceding the 13 city election at which said commissioners are to be elected, 14 and the other two of said commissioners shall be selected from 15 the political party casting the next largest vote in said city 16 for governor at said preceding general election. No per- 17 son shall be eligible to the office of commissioner except a 18 qualified voter of said city, who has resided therein for at 19 least one year next before his or her election. No member 20 of the board of commissioners shall hold any other office 21 created by the provisions of this act.

22 Each of said political parties mentioned in this act shall 23 at least fifteen days before any municipal election, nominate 24 by a mass convention four candidates for members of the 25 board of commissioners, to be voted upon at said election. 26 From the eight candidates thus nominated the two of each 27 said political party receiving the largest vote shall be de- 28 clared elected. On the Monday next following any election 29 hereunder, the board of commissioners shall meet and can- 30 vass, ascertain, declare, and record the results of such elec- 31 tion. The results of the first election of officers held here- 32 under shall be so canvassed, ascertained, declared and re- 33 corded by the board of commissioners now in office. Except 34 as herein otherwise provided, the general election laws gov- 35 erning the ascertainment and declaration of the results of 36 elections of county officers, and relating to appeals and pro- 37 ceedings for the review or reversal of decisions of the board 38 or canvassers concerning the same, are hereby made ap- 39 plicable to all elections of officers, held under this act.
Sec. 4. The first election of officers under this charter shall be held on the first Thursday in April, one thousand nine hundred and twenty-nine; and on the first Thursday in April in every second year thereafter, an election for all elective officers under this charter shall likewise be held. The officers elected at such elections shall take their offices and enter upon the discharge of their duties on the first day of May following their election.

Any special elections authorized hereunder shall be held as provided in the order of the board of commissioners calling the same. All general and special elections held hereunder shall be held at the several voting precincts into which the city is now or may hereafter be divided for general elections of state and county officers. At such elections all persons, both male and female, who are entitled to vote under the constitution and laws of the United States, and the constitution and laws of the state of West Virginia, and who have resided within said City of Logan for at least six months prior to said election, and who shall have been registered as required by law, shall be entitled to vote.

The election shall be held by commissioners, clerks and challengers appointed by said board of commissioners in the manner prescribed by chapter three of the code of West Virginia, governing the holding of elections, so far as the same is applicable and not inconsistent with the provisions of this charter. In respect to the holding of elections hereunder, the said board of commissioners shall perform all the duties and functions required to be performed by the county court in respect to the election of county officers, so far as such duties are applicable and not inconsistent with the holding of elections under this charter, and the voters of said municipality shall be registered by registrars appointed by said board of commissioners unless said board shall adopt the registration made at the last general election as the registration for the city election about to be held.

Sec. 5. Immediately after their induction into office said board of commissioners shall meet and organize. The commissioner who received the greatest number of votes cast in the election of board of commissioners shall be president of the board; and the commissioner of the opposite political party who received the highest number of votes shall be recorder; and said two commissioners as president of the board
8 of the City of Logan and as recorder of the City of Logan shall respectively sign the minutes and records required to be kept by the board. Said president and recorder shall receive no salary, nor exercise any powers or functions, except such as are received and exercised by other members of said board of commissioners, unless otherwise herein specifically provided. Said board of commissioners shall immediately after taking office appoint a municipal judge and a city solicitor, and shall within sixty days after entering into office appoint a city manager. The municipal judge and city solicitor shall belong to opposite political parties, shall each serve for the term of one year, and shall be selected as follows: For the first year term after this charter takes effect, the municipal judge shall be appointed by the two commissioners elected by the party casting the highest number of votes at the preceding municipal election; at the same time the city solicitor shall be appointed by the two commissioners from the opposite party. In like manner during the second year term after this charter goes into effect, the solicitor shall be appointed by the commissioners from the party from which the municipal judge was appointed for the preceding year, and the municipal judge shall be selected by the commissioners from the opposite party; and thereafter the appointments of said municipal judge and of said city solicitor shall alternate between said two political parties from year to year so that said judge and said solicitor shall always be of opposite political parties, and so that neither party shall retain either of said offices for more than one year at a time.

Sec. 6. Every person elected or appointed to any office under this charter before proceeding to exercise any of the authorities of such office shall make oath or affirmation that he or she will support the constitution of the United States and the constitution of this state and will faithfully and impartially discharge the duties of his or her office to the best of his or her skill and judgment. Said officers shall be paid a monthly salary, the amount of which except as herein otherwise provided, shall be fixed by said board as soon as may be after the commissioners thereof have entered upon the duties of their office, except that the members of said board of commissioners shall receive no salary other than
13 a salary of five dollars a piece for each regular monthly meet-
14 ing of said board attended by such members.

Sec. 7. In case of a vacancy in the office of city man-
ager or in the office of municipal judge or city solicitor,
such vacancy shall be filled in the same manner as is herein
required for the original appointment of such officers. Va-
cancies in the office of the board of commissioners shall be
6 filled by the remaining members of the board, who shall ap-
7 point to such vacancy a member having the same politics as
8 the member whose office is vacant.

Sec. 8. All officers and employees appointed by the city
2 manager under the provisions of this charter may be re-
3 moved by him at his will and pleasure. In no event shall the
4 city manager hold office after the expiration of the term
5 of office of the board of commissioners by whom he was ap-
6 pointed; provided, however, the same city manager may be re-
7 appointed by any succeeding board of commissioners. All
8 other officers appointed under this charter may be removed
9 from office for official misconduct, drunkenness, incompe-
teny, neglect of duty, or gross immorality, in the same
11 manner as is prescribed by general law for the removal of
12 county and district officers, the said board being hereby
13 granted the jurisdiction and authority to try and determine
14 all matters relating to the removal of such officers (except
15 where members of the board themselves are involved), and
16 upon the hearing of a motion or petition to remove such offi-
cer, said board of commissioners shall be governed by the
18 general laws relating to the removal of county and district
19 officers, and an appeal may be taken from their decision
20 to the circuit court of Logan county, West Virginia, in the
21 manner prescribed by general law, on motion of any officer
22 removed by said board, or on motion or petition of any peti-
tioner requesting the removal of said officer. The members
24 of the board of commissioners may be themselves removed for
25 any of the causes above specified, which removal shall be by
26 proceeding instituted in the circuit court of Logan county,
27 West Virginia, conforming as nearly as possible to the pro-
cedure prescribed by general law for the removal of county
29 and district officers.

Sec. 9. The judicial power of the city shall be vested
2 in a municipal court to be presided over by the municipal
3 judge. Said court shall have exclusive jurisdiction over all
4 criminal proceedings for the violation of any city ordinance,
5 and for the collection of any license or tax imposed by any
6 city ordinance, and shall have concurrent jurisdiction with
7 justices of the peace of Logan county, of the following of-
8 fenses committed within said city, to-wit, petit larceny, as-
9 sault and battery, breaches of the peace, rioting, wilful in-
10 jury to property, and all misdemeanors committed within
11 said city which are made punishable by fine or imprison-
12 ment or both, under the general laws of this state; provided
13 that the punishment for such misdemeanors, unless herein
14 otherwise provided, shall be the same as that fixed for a
15 conviction of such misdemeanors following a trial before a
16 justice of the peace or a trial in the circuit court of Logan
17 county, and provided further that the accused may demand
18 a trial by a jury on all such misdemeanor charges as he
19 would be entitled to have tried by a jury in said circuit
20 court or by a jury before such justice of the peace. A con-
21 viction or acquittal on such misdemeanor charges in said
22 municipal court shall operate as a bar to further prosecution
23 on the same charges before any justice or the circuit court
24 of Logan county.
25 In case of a temporary vacancy in the office of municipal
26 judge, or in case of his absence from the city, or his being
27 sick or otherwise disabled or disqualified to act, the city
28 recorder shall act as ex officio municipal judge. The mu-
29 nicipal judge shall be a conservator of the peace within the
30 limits of said city, and shall also have the same power to
31 issue attachments in civil suits as a justice of the peace has,
32 although the cause of action arose outside of the city. Said
33 attachments shall be returnable to and all issues thereon tried
34 before some justice of the county of Logan. Said municipal
35 judge shall, upon proper complaint and information on oath
36 made before him, have authority to issue warrants for the
37 arrest of any persons for any class of offenses over which
38 said municipal judge is herein given jurisdiction, and said
39 warrants may be executed anywhere within the limits of this
40 state. If said warrants are executed by the officer to whom
41 directed, or by any member of the department of public
42 safety, no endorsement or other authentication thereof shall
43 be required than the signature of the municipal judge issuing
44 the same.
Said municipal judge shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the jail of Logan county, until such fine, penalties and costs are paid or bonded, but the term of imprisonment for fine and costs alone shall not exceed thirty days. The expense of maintaining any person committed to the county jail by the municipal judge shall be borne by the city, except as to any person who shall be bound over to await the action of the grand jury of the circuit court of Logan county, in which event the expense of maintaining such person shall be borne by the county of Logan. The municipal judge shall not receive any money belonging to the city or to individuals, unless he shall give bond and security as is required by justices of the peace, and all provisions of chapter fifty of the code of West Virginia, relating to monies received by justices shall apply in like manner to said municipal judge.

He shall have authority to sentence male offenders over the age of sixteen years to labor upon the streets and public works of the City of Logan during the term of their imprisonment, and thereafter until the fine and costs imposed upon the offender are paid or bonded. The compensation for said labor shall be paid to the offender's dependants, if any, in conformity with such regulations as the board of commissioners may by ordinance provide. The municipal judge may also sentence offenders to labor upon the public roads of Logan county in like manner and with like effect as such offenders may now be sentenced to work upon said public roads by the circuit court of Logan county, West Virginia. In case such offender so sentenced by said municipal judge shall be worked upon said public roads under the direction of the county court of Logan county, or of the county road engineer of said county, or of some officer designated by said county court, the cost of maintaining such prisoners in jail shall be borne by the county of Logan for such period as they are worked upon said public roads, and such compensation as shall be allowed said prisoners by said county court shall be paid to the offender's dependents, if any, and if no dependents, then such compensation shall be credited upon said offender's fine and costs,
Appeals shall lie from the judgment of said municipal court to the circuit court of Logan county in accordance with law in the same manner as appeals are allowed from the judgment of justices of the peace.

The municipal judge shall be allowed a salary by an ordinance of the board of one hundred dollars per month, which shall be paid out of the city treasury on the first day of each month for the salary earned during the preceding month. It shall be the duty of the municipal judge and the city solicitor to see that all fines, costs and penalties imposed upon offenders are collected and paid into the city treasury to be used for city purposes in the same manner as monies raised by said city through taxation are used. However, said city solicitor and municipal judge shall assume no personal liability for the collection of any fines, costs or penalties which they are unable to collect through the exercise of reasonable diligence.

At the expiration of his term of office the municipal judge shall make an account and settlement for all monies coming into his hands, and an annual audit shall be made of his books, records and accounts, as provided by chapter ten-a of the code of West Virginia. His books and records shall be at all times open for inspection by the board of commissioners and the city manager.

A well bound book, indexed and denominated "police docket" shall be kept in the office of the municipal judge, in which shall be noted each case brought before or tried by him, together with the proceedings therein, including a statement of the complaint, the warrant or summons, the return, the fact of appearance, or non-appearance, the defense, the hearing, the judgment, the amount of fine and costs separately stated, and in cases of conviction, the action taken to enforce the same. The record of each case shall be signed by the municipal judge and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office.

Sec. 10. The city solicitor shall be an attorney at law, authorized to practice law in the courts of Logan county, and he shall be the legal adviser of the city and of all of its officers respecting all legal matters. He shall prosecute all suits, actions and proceedings instituted on behalf of the city, and
6 defend all suits, actions and proceedings against the city, and
7 when requested in writing shall give his written opinion to
8 any officer of the city upon such legal questions affecting the.
9 city's interest as may be referred to him for an opinion. He
10 shall also perform such other duties as may be required by the
11 board of commissioners, or the city manager. It shall be his
12 duty to attend the sessions of the board when requested, and
13 to attend and prosecute all trials of civil and criminal ac-
14 tions pending in the municipal court of said city, and when
15 the same are appealed from said municipal court to the cir-
16 cuit court of Logan county, it shall be the duty of said city
17 solicitor to attend and prosecute such actions and proceedings
18 on behalf of said city in said circuit court on appeal; proid-
19 ed however that the municipal judge, wherever in his opinion
20 it is unnecessary to require said city solicitor to appear and
21 prosecute any criminal case pending before said municipal
22 judge, may excuse said solicitor from such appearance in his
23 court.
24 Said city solicitor shall receive as compensation for his
25 services the sum of fifty dollars per month, which shall be
26 paid on the first day of each month out of the city treasury
27 for salary earned during the preceding month. In all crim-
28 inal prosecutions conducted by the city solicitor wherein there
29 is a conviction of the defendant, there shall be taxed as a
30 part of the costs of the suit, a fee of not less than five dol-
31 lars nor more than ten dollars, which shall be collected, paid
32 into the city treasury, and by it disbursed for the general
33 expenditures of the city.

Sec. 11. The office of city manager is hereby created. His
2 salary shall not exceed forty-five hundred dollars per annum.
3 Within sixty days after the board of commissioners herein
4 provided for take office, said board shall appoint and em-
5 ploy a city manager who shall be the administrative head of
6 the municipal government and who shall be responsible for
7 the efficient administration of all departments. Said city
8 manager shall be a member of the International Association
9 of city managers at the time of his appointment.
10 Until such city manager is appointed, or if said office
11 should thereafter become vacant, the board of commissioners
12 shall exercise all the duties and perform all the functions
13 herein required of said city manager.
The powers and duties of the city manager shall be:
(a) To see that the laws and ordinances of the city are enforced;
(b) To appoint all officers of the city, except members of the board of commissioners, municipal judge, and city solicitor, and to employ, or cause to be employed, all such employees of the city as may be found necessary to properly perform the functions and duties required, but all appointments and employments so made by said city manager shall be made upon merit and fitness alone;
(c) To exercise supervisions and control over all departments and divisions created herein or that may be hereafter created by the board of commissioners, except over the board of commissioners, the municipal judge and the city solicitor;
(d) To attend all meetings of the board of commissioners with the right to take part in its discussions, but without the right to vote;
(e) To recommend to the board of commissioners for adoption such measures as he may deem necessary or expedient;
(f) To keep the board of commissioners fully advised as to the financial condition and needs of the city;
(g) To supervise and conduct the performance of their duties by all officers and employees appointed or employed by said city manager;
(h) Determine and decide on the plan and program for paving, sewer ing and otherwise improving the different streets and alleys in the city, and fix and determine the time in which such streets and alleys shall be paved, sewer ed and otherwise improved;
(i) Determine and decide upon the kind and make of paves- ments, sidewalks, curbs, sewers and other improvements which shall be constructed and made upon and in any of the streets and alleys of the city;
(j) Act as purchasing agent and purchase all supplies and materials for all departments of the city government; provided however, that he shall not make any contract or purchase involving an expenditure in excess of three hundred dollars, without first obtaining the assent of the board of commissioners so to do;
77 (k) Make and execute on behalf of the city all writings, contracts, deeds, and agreements, the making of which shall be authorized by this charter, or by any ordinance, resolution or statute;
78 (l) To call attention of the board of commissioners, the municipal judge, and the city solicitor to the violation of any law or ordinance that may come to the knowledge of said city manager;
79 (m) Perform all such ceremonial exercises as are usually performed by a mayor.
80 (n) To perform and carry out all other duties herein required of him.
81 (o) Fix the compensation of all officers and other city employees by him appointed or employed.

Sec. 12. It shall be the duty of the city manager to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which the assessments are made by the assessor of the county, and return the same to the board on the same day that the assessor of the county is required to return the county assessment to the county court of Logan county, and for this purpose the city manager shall have all the powers conferred by law upon the county assessor of Logan county, the valuation of which property shall be the same as the valuation for the county and state taxation.

He shall list the number of dogs, and other animals, subject to license tax in the city, and the name or names of persons owning the same, which list shall likewise be returned to the board at the same time the assessment of property is returned.

In order to aid the city manager in ascertaining the property subject to taxation by the city, he shall have access to all books and public records of Logan county without expense to him or the city, and he shall have the same powers and be subject to the same penalties in ascertaining and assessing the property, subject to taxation in said city, as are granted and imposed on the county assessors throughout the state by general law.

When the city manager shall have completed his assessment he shall deliver the record of same, properly sworn to
by him, to the board of commissioners, who shall examine
the same.

Sec. 13. It shall be the duty of the city manager to col-
lect and receive from the persons, firms and corporations
owning the same all property taxes and license taxes assessed
upon or against property and licensees in the said City of
Logan, which taxes shall be collected within the time pre-
scribed by law for the collection of county taxes, and for
the purpose of collecting such taxes upon property, licensees
and objects within the said City of Logan, the said city
manager is hereby vested with all the powers conferred by
law upon sheriffs for the collection of county and district
taxes. The said city manager shall allow the same discount
to persons paying their taxes before the thirtieth day of
November of each year, as is allowed by general law to tax-
payers on county and state taxes. He shall make out and
deliver to each tax payer proper receipts for the taxes so
paid by the tax payer, in the same manner that the sheriff
of the county is required to make out and deliver tax re-
ceipts for taxes paid to such sheriff; and the said city
manager shall make settlements of his accounts before the
board of commissioners on the same dates that sheriffs are
required to make settlement with the county court for taxes
collected by them. The said city manager shall keep an
accurate itemized account of all taxes collected by him, and
of all monies received by him on behalf of the city from
any source, and this account shall at all times be open for
the inspection of the board of commissioners, the city solici-
tor, or any tax payer of the city. He shall also make up,
when required by the board, statements of the money in his
hands and the amount paid out by him, which account shall
show to whom and on what authority each item was paid.
He shall also collect and receive for all license tax im-
posed by said board of commissioners, and he shall pay out the
money in his hands upon the order of the board of commis-
sioners, which orders shall be signed by the president of the
board and by the city recorder.

Sec. 14. The city manager shall appoint and employ a
chief of police who shall be an ex-officio constable within the
corporate limits of the city, and as such chief of police may
execute any writ or process issued by the municipal judge,
or by any justice of the peace, in any place in Logan county; said chief of police shall have all the powers, rights and privileges within the corporate limits of the city in regard to the arrest of persons, the collection of fines, and the execution and return of process that is vested by law in a constable of a magisterial district, and he shall be liable to all fines, penalties and forfeitures that a constable of a magisterial district is liable to, to be recovered in the same manner, and in the same court that fines, penalties and forfeitures may be recovered against such constable. All other police officers shall be appointed by said city manager, and shall perform their duties under the general direction of the chief of police, and they shall be charged with the same duties, and shall have and possess the same powers as the chief of police, except in so far as they are herein placed under the supervision of the said chief of police. On special occasions the city manager may designate and appoint additional policemen to act temporarily, and they shall be charged with the same duties and clothed with the same powers as regular police officers hereunder. All police officers appointed hereunder shall before entering upon the discharge of their duties, execute a bond in the penalty of at least five thousand dollars, conditioned for the faithful discharge of their duties as such officers, that they will account for and pay over as required by law, all monies which shall come into their hands by virtue of their office, and further conditioned for the payment of all damages sustained or incurred by anyone by reason of injury through the wilful and illegal use of any weapons which said police are authorized to carry. Upon the execution of such bond such chief and other police shall be authorized to carry anywhere within the limits of the said City of Logan, and anywhere else within the limits of the state of West Virginia while engaged in the actual performance of their duties as such, any weapons now authorized by law to be carried by the sheriff of Logan county. Said chief of police, and other policemen appointed hereunder shall be paid such compensation as is fixed by the city manager and approved by the board of commissioners, which compensation shall be paid out of the city treasury monthly. The city manager before entering upon the discharge of his duties shall execute a bond in the penalty of not less than
46-47 twenty-five thousand dollars, conditioned that he will dis-
charge the duties of his office hereunder to the best of his
ability, and that he will faithfully account for and pay
over, as required by law, all monies which shall come into his
hands by virtue of his said office. The surety upon said bond
shall be a regularly licensed fidelity and surety company,
and the premium upon said bond shall be paid by the city.

Sec. 15. The city manager shall appoint a chief of fire
department, and such number of firemen as in his opinion
are necessary to the creation and maintenance of a fire
fighting force sufficient for the needs of the said City of
Logan; he shall prescribe the duties and fix the compensa-
tion of said chief and other firemen and shall promulgate
and adopt such rules and regulations for the government of
said fire fighting force, and for the use, maintenance and
care of the city’s fire fighting equipment, as may, in his
opinion, be necessary or needful. The chief of the fire de-
partment, and each fireman so appointed, shall, while in the
necessary performance of their duties, or while going to or
returning from any fire, be vested with the same powers of
arrest as are conferred upon the chief of police by this char-
ter. The city manager may also promulgate and enforce
such rules and regulations governing traffic over a street on
which fire fighting equipment is being moved to the scene
of a fire, as will in his opinion properly safeguard and
expedite the moving of such equipment.

Sec. 16. The city manager may employ a city engineer
whose duty it shall be to perform such engineering services
as are required of him from time to time by order of the
board of commissioners or the city manager. And in case
any permanent improvements are being made upon any of
the existing streets or alleys, or to any sewers of the city,
or in case any new streets are hereafter planned, laid out
or dedicated for the public use of the city, or any new sew-
er lines are hereafter planned, laid out or put in use in said
city, before the same are dedicated and laid out they shall
be correctly surveyed by such engineer, and a map and plan
of the same filed with the city recorder as a part of the
records of said city. In case the city should install a water
works or a water plant, or purchase the one now in operation
in said city (either or any of which the said city is hereby
16 authorized to do), all the lines installed by the city for
17 carrying water, and all improvements made to said plant,
18 shall first be submitted to the city engineer, and approved
19 by him and the city manager before the same shall be acted
20 upon by the board of commissioners.

Sec. 17. The city manager may appoint to assist him a
2 superintendent of streets; and within the limits of the money
3 provided for such work all public streets and alleys shall be
4 kept clean and in constant repair, and all sewers within the
5 city shall be kept in good repair and operating condition.
6 All garbage of the city shall be removed and burned or other-
7 wise disposed of as directed by the city manager, and full
8 authority is hereby conferred upon him to purchase, subject
9 to the approval of the board of commissioners, or acquire
10 by lease or otherwise a site or location within or without
11 the City of Logan on which to deposit and dispose of all city
12 garbage. The police of the City of Logan shall have full and
13 complete authority to prevent camping or trespassing upon
14 any location acquired for the disposal of such garbage,
15 whether such location be within the city limits or not.

Sec. 18. On the same day that the law requires county
2 courts to meet and make up their estimates under the pro-
3 visions of chapter twenty-eight-a of Barnes' code of West Vir-
4 ginia, the board of commissioners of the said City of Logan,
5 acting in conjunction with the city manager, shall meet and
6 make up a similar estimate, in a similar manner pertaining
7 to fiscal affairs of the said City of Logan, and shall publish
8 said estimate in the same manner and for the same length of
9 time as the said county courts are required to publish their
10 estimates. At the same time that county courts are required
11 to meet and lay the various county levies upon taxable prop-
12 erty for county purposes, the said board of commissioners shall
13 in like manner meet and lay a levy upon all taxable property,
14 both real and personal, situate within and subject to tax-
15 ation within the said City of Logan, including property
16 assessed by the board of public works. The rate of levy
17 however, shall not exceed fifty cents on each one hundred
18 dollars valuation of the taxable property in said city,
19 unless a higher rate of levy be authorized by a two-thirds
20 vote of the voters of said City of Logan, in an election
21 to be held for that purpose, and in no case shall said levy for
22 all purposes exceed seventy-five cents on each one hundred
22 dollars of valuation. At the same time said board of com-
23 missioners shall levy a special annual tax of five dollars
24 on each female dog, and of two dollars and fifty cents on
25 each male dog within said city over three months old at the
26 time said estimate is made, and the tax thus levied shall be
27 collected and paid into the city treasury for use in general
28 current expenses.

Sec. 19. There shall be a lien on all real estate within
2 said city for the city taxes assessed thereon, and for all
3 fines and penalties assessed against or imposed upon the
4 owners thereof by the authorities of the city, including
5 expenses for making, maintaining, repairing, paving or
6 macadamizing sidewalks, drains, gutters and streets from the
7 time the same are assessed or imposed, which lien shall have
8 priority over all other liens, except taxes due the United
9 States and the lien for taxes due the state, county and
10 district, and such lien may be enforced in the name of the
11 city upon order of the board of commissioners or the order
12 of the city manager in the manner provided by law for the
13 enforcement of liens upon real property for county taxes.
14 The city manager, and any person acting under him in that
15 behalf, or any other officer charged with the collection
16 of taxes hereunder, are hereby vested, in respect to the col-
17 lection of such taxes, with all the powers conferred upon
18 sheriffs for the collection of county and district taxes.
19 The laws of the state of West Virginia in relation to delin-
20 quent taxes and the sale of property therefor are hereby in all
21 respects adopted to all the proceedings in relation to taxes
22 for city purposes delinquent in said City of Logan, and the
23 powers and duties conferred by the laws of said state upon
24 county courts and their clerks, and upon sheriffs in regard
25 to delinquent taxes and their collection, are hereby in all
26 things conferred upon said board of commissioners, city
27 recorder, city manager, and other officers of the city, whose
28 duties are of a similar nature as those of county officers
29 in so far as the same may be directly or indirectly applicable
30 to the collection of delinquent taxes due the city, and so far
31 as they are not applicable the board of commissioners is
32 hereby authorized to adopt proper ordinances, rules and regu-
33 lations for carrying out all the provisions of this section to
34 the end that all taxes imposed under this charter may be
35 collected.
Ch. 20]  LOGAN CHARTER  443

Sec. 20. The board of commissioners may by ordinance impose special license tax in all cases where the state of West Virginia imposes such license tax, except that no license tax shall be levied by said city under clauses "s" and "t" of section one of chapter thirty-two of the code of West Virginia.

The board of commissioners shall prescribe by ordinance the time and manner in which license of all kinds shall be applied for and granted, and shall require the payment of the taxes thereon to the city manager on the delivery to the person applying therefor, which tax shall include the same fees for the issuing of the license as are charged for similar services for state and county officers, and which fees shall be paid into the city treasury. The board of commissioners may for good cause refuse to issue any license applied for, and for like good cause may revoke any license granted by it. But the person holding such license must first have reasonable notice of the time and place of hearing and adjudicating the matter as well as the cause alleged, and shall be entitled to be heard in person or by counsel in opposition to such revocation. The term for which any license provided for in this charter shall be granted shall be governed by the general laws providing for state license and the rate of such license tax shall be fixed by the board of commissioners, but shall not be greater than the state license charged for similar purposes.

Sec. 21. The city shall construct, keep repaired and maintain its own roads, streets and alleys and by reason thereof the property located within the limits of said city shall not be subject to district road levies for the magisterial district in which said city is located except levies to pay the bonded indebtedness, if any, of the county of Logan, and of the magisterial district of Logan, now outstanding.

Sec. 22. The city shall provide for and maintain as required by law all poor persons and paupers within the city limits, and shall by reason thereof be released from paying any county or district levies for the maintenance of the poor or paupers.

Sec. 23. The city is hereby authorized to issue its bonds in the manner provided by general law, and in that way become indebted for the following purposes only, to-wit:
(a) For the acquisition of a site and the construction thereon of a city incinerator complete.

(b) For the purchasing of suitable lots and the building of a city hall.

c) For the paving, re-paving, curbing, re-curbing, grading, re-grading, sewer ing, re-sewer ing, or otherwise permanently improving any street or alley or roadway within the city limits or the acquisition of land on rights of way for the establishment of new streets, alleys or roadways or rights of way for the building of city sewers.

d) For the construction and installing of a water plant or works to supply the City of Logan and the residents thereof with water, or for the acquisition of the water plants or works now installed in said city, and the improving, recon struction or re-building of the same.

But the city shall not become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate, exceeding five per centum on the valuation of the taxable property therein to be ascertained by the last assessment for state, county and municipal taxes, previous to the incurring of such indebtedness; nor without at the same time providing for the collection of a direct annual tax sufficient to pay annually the interest on such debts and the principal thereof, within, and not to exceed thirty-four years; provided, no debt shall be contracted under this section unless the question connected with the same shall have been first submitted to a vote of the people, and have received three-fifths of all the votes cast for and against the same.

Sec. 24. The city through its officers shall have plenary power to construct, maintain and keep in constant repair, all streets, alleys, roadways, side walks, gutters and sewers of the city, and to lay out, construct and maintain, and keep in repair, new streets, alleys, roadways, sidewalks, gutters and sewers, and to apportion such amount of monies raised by taxation to that purpose as may be requisite.

Sec. 25. It shall be the duty of the owner of any real property abutting on or next adjacent to or on any sidewalk, footway, or gutter; to lay and construct proper sidewalks, and to curb, re-curb, pave, re-pave, or repair, and keep the same in constant good and clean condition in the manner and within the time required by the board of commissioners. And
7 if any owner of any such real estate shall fail or refuse
8 to lay and construct such sidewalks, and to do such curbing,
9 re-curbing, paving, re-paving, or repairing, or to keep the same
10 constantly in good condition and clean, in the manner and
11 within the time required by the said board of commissioners,
12 it shall be the duty of the said board of commissioners to
13 cause the same to be done at the expense of the city, and to
14 assess the amount of such expense against said property, and
15 upon the owner thereof, and the amount so assessed against
16 said property shall constitute a lien thereon and shall be col-
17 lected by the city manager in the same manner and at the
18 same time that city taxes on property assessed within the city
19 are collected. If the owner of the property upon which such
20 lien exists fails to pay the same within six months after said
21 lien is perfected, then such real estate may be sold to satisfy
22 said lien in a suit in equity brought for that purpose on behalf
23 of the City of Logan as plaintiff.

Sec. 26. The board of commissioners shall have the right
2 in the name of the City of Logan to institute and prosecute
3 in the circuit court of Logan county, West Virginia, con-
4 demnation proceedings for the purpose of condemning real
5 estate for streets, alleys, roadways, drains, sewers, market
6 grounds, city halls, incinerator plants and other city purposes.
7 Said condemnation proceedings shall conform to and be gov-
8 erned by the general laws of West Virginia relating to con-
9 demnation of real estate for public uses.

Sec. 27. Public utility franchises shall be granted for a
2 period of not exceeding twenty-five years, and it shall be pro-
3 vided in every such franchise that upon the annexation of new
4 territory to the city, said franchise shall apply also within
5 said annexed territory. No exclusive franchise or monopoly
6 shall be granted, and all franchises or privileges for the
7 occupation or use of the streets, alleys and roadways of the
8 city shall be construed strictly in favor of the city. All
9 such franchises shall be granted subject to the right of the
10 city to control by resolution or ordinance the operation of
11 said franchise, whether so expressed in the franchise or not.

Sec. 28. The board of commissioners of the city shall have
2 power by ordinance to control and regulate the construction
3 and repair of all houses and other structures or buildings
4 within the city, and to provide for the granting of building
5 permits; to cause the removal of all unsafe walls of buildings,
6 and may upon the petition of any person or persons owning
7 the greater amount of the frontage of the lots abutting on any
8 street between any two cross streets, or in any square in said
9 city, prohibit the erection on such street, or in such square,
10 of any building or any addition to any building unless the
11 outer walls thereof be made of brick and mortar or other fire
12 proof material, and to provide for the removal at the expense
13 of the owner, of any buildings or additions which shall have
14 been erected contrary to such prohibition.

Sec. 29. In order to carry into effect all the specific and
2 implied powers conferred upon the City of Logan by this
3 charter or by any other or general law, the said board of
4 commissioners shall have and possess full power and authority
5 to make all needful ordinances, by-laws, orders and resolu-
6 tions not repugnant to the laws and constitution of the
7 United States and of this state, and to provide for the proper
8 enforcement of the same by fines, penalties and imprison-
9 ment.

Sec. 30. The City of Logan under this charter shall suc-
2 ceed to all the rights and liabilities of the City of Logan,
3 under the charter granted by the acts herein amended, and it
4 shall be liable for all of the debts and obligations of said city,
5 the same as if said indebtedness or liability were created or
6 incurred by the City of Logan under this charter.

Sec. 31. All ordinances, by-laws, orders and resolutions of
2 the City of Logan in force at the time this act goes into effect,
3 so far as they are not inconsistent with this charter, shall
4 continue in force as ordinances, by-laws, orders and resolutions
5 of the City of Logan, until amended or repealed by the board
6 of commissioners of said city.

Sec. 32. The provisions of chapter forty-seven of the code
2 of West Virginia, so far as the same are not repugnant to
3 the provisions of this charter, or to any by-laws or ordinance
4 passed by the board of commissioners under powers conferred
5 upon them by this charter, shall be applicable to the said City
6 of Logan.

Sec. 33. If any separable section, paragraph, sentence,
2 clause or part of this act shall be for any reason declared
3 unconstitutional or inoperative, all the remaining parts of
4 this act shall continue to be firm, valid and operative.
Sec. 34. The act of the legislature of West Virginia passed on April twenty-first, one thousand nine hundred and twenty-one, known as senate substitute for house bill number three hundred and ten, relating to the charter of the City of Logan, and being chapter twelve of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-seven, relating to municipal charters, and all acts and parts of acts inconsistent with this act, are hereby repealed.

Sec. 35. All officers of the City of Logan shall remain in office and hold their offices and discharge the duties thereof under the provisions of the present charter of the City of Logan until the first day of May, one thousand nine hundred and twenty-nine, and thereafter, until their successors are qualified, and all existing offices not provided for by this act shall be abolished as of the first day of May, one thousand nine hundred and twenty-nine.

CHAPTER 21

House Bill No. 310—By Mr. Hogg)

AN ACT to amend and re-enact chapter fifteen, of the acts of the legislature of West Virginia, of the session of one thousand nine hundred and five, as amended by chapter fourteen of the acts of the legislature of West Virginia of the session of one thousand nine hundred and fifteen, as amended by chapter twenty of the acts of the legislature of West Virginia of the session of one thousand nine hundred and nineteen, as amended by chapter four of the acts of the legislature of West Virginia of the session of one thousand nine hundred and twenty-seven, incorporating and relating to the City of Williamson.

[Passed March 5, 1920; in effect from passage. Approved by the Governor.]
Be it enacted by the Legislature of West Virginia:

That chapter fifteen of the acts of the legislature of West Virginia of the session of one thousand nine hundred and five, as amended by chapter fourteen of the acts of the legislature of West Virginia of the session of one thousand nine hundred and fifteen, as amended by chapter twenty of the acts of the legislature of West Virginia of the session of one thousand nine hundred and nineteen, as amended by chapter four of the acts of the legislature of West Virginia, of the session of one thousand nine hundred and twenty-seven, incorporating and relating to The City of Williamson, be amended and re-enacted so as to read as follows:

Section 1. That the inhabitants of that portion of Mingo 2 county, in the state of West Virginia, included in the bound-
Ch. 21] WILLIAMSON CHARTER 449

3 any described in section two of this act, be and they are here-by made a municipal corporation by the name of "The City of Williamson," by which name they shall have perpetual succession and a common seal, and by which name they may sue and be sued, plead and be impleaded, contract and be contracted with, and purchase and otherwise acquire and hold real estate and personal property needed in the discharge of the functions of government conferred by this charter.

Sec. 2. The corporate boundaries of the said city shall be as follows; that is to say: Beginning at the mouth of Sycamore creek; thence up said creek to the first left hand fork thereof; thence with the said left hand fork to the top of the ridge; thence up said ridge to the main ridge dividing the waters of Tug river and Buffalo creek, and with the latter ridge to a point on the dividing lines of the lands of the Williamson Mining and Manufacturing Company and Thomas Stepp's estate; thence westward with said dividing lines to the lands of V. A. Williamson; thence with the lines dividing the lands of said V. A. Williamson and Thomas Stepp's estate to Tug river; thence up Tug river with the center thereof to the place of beginning.

Sec. 3. The municipal authorities of the said city shall consist of a mayor and six commissioners, who, together, shall constitute the board of commissioners of the city, and otherwise be known as the commission. The mayor and said commissioners shall be elected by the voters of the city, except in such cases as are hereinafter provided for.

Sec. 4. All the corporate powers and functions, pertaining to the said city shall, except as otherwise provided herein, be exercised by its commission, or under its authority, in the corporate name of the city.

Sec. 5. The commission of the city shall appoint a city attorney, a city clerk, and a superintendent of the water department, as well also as other subordinate officers herein provided for, and also all other necessary officers and employees of and for the city as may be required, except wherein the selection of any of them may be hereinafter otherwise prescribed. And, provided further, that the appointment of any person as superintendent of the water department shall not become effective unless and until the department of health of
Sec. 6. No person shall be eligible to the office of mayor or commissioner unless at the time of his election he is legally entitled to vote in the city election for mayor and members of the commission, and was for the preceding year assessed with taxes upon real or personal property of the assessed value of two hundred dollars within the corporate limits of the city, and shall actually have paid the taxes so assessed. And no person shall be eligible to any subordinate office under said city who is not at the time of his election or appointment entitled to vote for mayor and members of the commission.

Sec. 7. The powers, duties and compensation of all officers shall be established by ordinance, subject to the limitations herein prescribed. But the compensation pertaining to any office shall not be increased or diminished so as to effect any officer subsequent to his election or appointment and during the term for which he was elected or appointed.

Sec. 8. Whenever a vacancy shall occur from any cause in the office of mayor or commissioner, the commission shall proceed to elect a properly qualified person to fill such vacancy, and the person so elected to fill such vacancy shall hold such office until the next regular city election and until the election and qualification of his successor. And in so electing any successor to the office of mayor or commissioner, the commission shall elect a person who is a member of the same political party as that of the mayor or commissioner whose office is vacant.

Sec. 9. Every person who is a bona fide resident of the city, and who is a qualified voter under the constitution and laws of this state, shall be entitled to vote at any city election. But no person shall be deemed a resident of such city by reason of being stationed therein for any temporary purpose. The commission of the city shall have the authority to enact such ordinances as it may deem proper and suitable respecting the registration of voters, and dealing with the qualifications of voters in city elections; provided, however, that such ordinances shall not be violative of any of the pro-
12 visions of the constitution of the United States or of the con-
stitution of the state of West Virginia.

Sec. 10. As soon as conveniently possible after the passage
2 of this act, each of the two political parties which cast
3 the greatest number of votes in the last regular election held
4 in the said city, shall cause a meeting to be held of the mem-
5 bers of each of said parties, at such time and place as may
6 be fixed by the chairman of the executive committees of the
7 county; and at which meeting each of said parties shall elect
8 a city executive committee for each of said parties in said
9 city, such executive committee to be composed of one man
10 and one woman from each of the voting precincts in said city,
11 as well also as a chairman, a secretary, and a treasurer of said
12 city committee, from the city at large, such chairman, a secre-
13 tary, and a treasurer to be elected in addition to the said two
14 members from each of said precincts.
15 And thereafter, at each convention held in said city under
16 the provisions of this act, held for the purpose of nominating
17 candidates for mayor and commissioners, each of the said
18 political parties shall elect a city executive committee, com-
19 posed of the number herein specified.
20 The members of the city executive committees chosen first
21 after the passage of this act shall hold office until the regu-
22 lar convention is held in said city by each of said parties
23 for the purpose of nominating candidates for the offices
24 of mayor and commissioners. And thereafter the members of
25 such city executive committees shall hold office for the period
26 of three years.
27 If a vacancy occur in the office of commiteeeman or com-
28 mitteewoman, the remaining members of the committee may
29 elect a successor, who shall fill the unexpired term until the
30 next regular convention held for the purpose of nominating
31 candidates for elective city offices.

Sec. 11. On the second Tuesday, in April, one thousand
2 nine hundred and thirty-one, and on the second Tuesday in
3 April of every third year thereafter, each of the said politi-
4 cal parties shall hold a convention of its members in said
5 city, for the purpose of nominating a candidate of that party
6 for the office of mayor of said city, and four candidates for
7 the office of commissioner.
8. But before holding such convention, the city executive committee of every such party holding such convention shall cause notice of the date, hour and place of holding such convention, to be published in two separate newspapers published in the said city, such notice to be published once each week for two consecutive weeks prior to the time of holding such convention.

9. The city executive committee of each party so holding such convention shall have authority to make such rules and regulations governing the holding of such convention as it may deem proper, including all parliamentary rules and regulations governing the deliberations of such convention.

10. And within five days after the holding of such convention, the city executive committee of each party shall cause to be furnished to the city clerk a complete list of the persons nominated by that party for the offices of mayor and commissioners, such list so furnished to be duly sworn to and attested by the chairman and the secretary of such city executive committee.

11. And in the event that a vacancy occur in the list of such nominees, after such convention has been held, then the said city executive committee shall have authority to designate some other qualified citizen of the city as such nominee, the name of such nominee or nominees to be certified in like manner to the said city clerk.

12. The first election to be held in said city under the provisions of this charter shall be held on the third Tuesday in May, in the year one thousand nine hundred and thirty-one, and thereafter on the third Tuesday in May of every third year thereafter.

13. On the first Tuesday in May, one thousand nine hundred and thirty-one, and on the first Tuesday in May, of every third year thereafter, the commission of the city shall hold a meeting for the purpose of making all arrangements and preparations for the holding of such election. And at such meeting the commission of the city shall appoint three qualified voters of the city as commissioners of election for each voting precinct in said city. Said commissioners of election shall be persons of good standing and character, and not addicted to drunkenness, and not more than two of said commissioners of election shall belong to the same political party. If at
any time during said meeting, or prior thereto, the city executive committees of the two political parties which cast the greatest number of votes in the last preceding regular city election, shall present to said city commission a writing signed by the chairman of such executive committee, giving a list of persons from that political party as such commissioners of election, then in appointing such commissioners of election the city commission shall appoint said commissioners of election from the list or lists so presented to the city commission.

Every such writing so presented shall be filed, preserved, and kept by the clerk of the commission in his office.

The city commission shall have authority to provide all necessary and suitable means, equipment, and appliances for the holding of such elections, and may adopt all necessary rules, ordinances, and regulations governing the same as may appear proper.

And in addition to the methods prescribed for the nomination of candidates, candidates for the offices of mayor and commissioners may be nominated as follows, and that is to say: if, not less than fifteen days prior to the date of the election, a petition signed by not less than three hundred of the qualified voters of the city shall be presented and filed with the clerk of the city, asking that the name or names of candidates be placed upon the ballot, then it shall be the duty of the city commission to cause such name or names to be so placed upon the official ballot to be used in such election.

Sec. 12. Every person elected or appointed to an office in such city shall, within twenty days after his election or appointment and before entering upon the duties of his office, take and subscribe the oath of office prescribed by law in the case of district officers, which may be taken before the mayor of such city or before any person authorized by law to administer oaths; and the certificate of the officer administering the oath shall be filed with the clerk of the city.

Sec. 13. The commission shall prescribe the powers and duties of all appointed officers and employees, except as the same may be defined or set forth herein; and the commission shall fix the compensation of all such appointed officers, subject to such limitations as are herein set forth.
Sec. 14. The commission shall have the power to remove from office any elective official of the city by reason of gross immorality, misconduct, or neglect of duty, by the affirmative vote of a majority of the members of the commission; provided, however, that reasonable notice of the charge preferred shall be given to such official, and after a hearing has been held on the charges preferred.

Sec. 15. Any and all appointive officers, and all officers and employees other than elective officers, of the city, shall serve during the will and pleasure of the commission, and may be summarily removed from office by the commission, upon the vote of a majority of the members of the commission.

Sec. 16. The commission shall cause to be kept in a well bound book, called by the name of the "Commission Journal," an accurate, full and complete record of all its proceedings, by-laws, ordinances, orders, and resolutions, which shall be kept fully indexed, and shall be open to inspection by any person, firm, or corporation, who is required to pay taxes to the said city.

At all times, when it is not in use by the commission, its journal, as well as all other papers, records, writings, and documents relating to the business of the commission, or the affairs of the city, shall be kept safely in custody by the city clerk, as also herein provided.

Sec. 17. The commission of the city shall hold a regular meeting on the second and fourth Fridays of each month, and shall hold such special meetings as may from time to time be called as hereinafter provided for.

The mayor shall have authority to call any special meeting of the commission; and likewise a special meeting of the commission may be called upon the joint notice of not less than three members of the commission; but before holding such special meeting, the mayor, or if called as aforesaid by not less than three members of the commission, then such three members, shall cause the city clerk to post notice thereof at the front door of the municipal building of the city, at least twenty-four hours prior to such special meeting, and to give personal notice to each member of the commission at least twelve hours in advance thereof where possible.

All regular and special meetings of the commission shall be presided over by the mayor, and in his absence by a mayor
18 pro tem to be chosen from their number by the commissioners present; four members of the commission present, shall be necessary in order to constitute a quorum for the transaction of business.

22 Each member of the commission shall be entitled to one vote. But no member of the commission, or the mayor, shall vote upon or take part in the consideration of any question, measure, or proposition in which he is or may be interested otherwise than as a resident of the city.

27 The mayor shall be a member of the city commission, and shall be entitled to one vote only as a member thereof.

29-34 The clerk of the city, chosen in the manner hereinafter provided, shall attend upon all meetings of the commission, but shall be entitled to no vote, nor shall he take part in any consideration or discussion of the commission upon any matter, except when called upon or invited by the commission to take part therein. He shall furnish any and all data or information that may be desired by members of the commission relating to the business of the city. The clerk shall have charge of all record books, minute books of the commission and city, and shall also have charge of the commission journal. He shall faithfully and accurately record the minutes and proceedings of all meetings of the commission, which shall be recorded in the commission journal, all such records of the commission journal to be duly authenticated and attested by the mayor and the city clerk, as hereinafter provided. And the said clerk shall in all matters act as the secretary to the commission.

51 All meetings of the commission shall be held in the commission or council chamber provided therefor in the municipal building of said city, and shall be held at such hour of the day as may be designated by the commission. And at its first meeting, after the qualification of the first mayor and commissioners holding office hereunder, and thence at the first meeting of the mayor and commissioners taking office after each election hereunder, the commission of the city shall fix upon and adopt a certain hour or time of the day at which all meetings of the commission shall be held. But such hour so adopted shall be subject to change by vote of the members of the commission.

33 The following schedule or order of business shall be fol-
64 lowed and observed by the commission at their said meet-
65 ings:
66 First: The mayor, or mayor pro tem, shall direct the
67 clerk of the commission to call the roll of the members of the
68 commission, who shall answer to their respective names as
69 called, in the commission journal the clerk shall record the
70 names of the members present and the names of the members
71 absent.
72 Second: The mayor, or mayor pro tem, shall call upon
73 the clerk to read aloud from the commission journal the
74 minutes of the previous meeting of the commission, and in no
75 event shall the full and accurate reading thereof be dispensed
76 with; and after the reading thereof, the minutes of the pre-
77 vious meeting may by vote or action of the commission be
78 corrected, if proper so to do, and otherwise the same shall
79 stand approved as read. Immediately after which the said
80 minutes shall be thereupon duly attested by the mayor and
81 clerk.
82 Third: The commission shall thereupon take up for con-
83 sideration, discussion, and action, if necessary, all uncom-
84 pleted or unfinished business not previously disposed of or
85 acted upon.
86 Fourth: The commission shall thereupon take up for con-
87 sideration, discussion, and action, if necessary, such new mat-
88 ters or new business as may come before the commission.
89 Fifth: The commission shall thereupon take up such mis-
90 cellaneous matters as may come before it, including any mat-
91 ters that may be brought before it by any citizen or resident
92 of the city or other person. And any person desiring to
93 bring any matter to the attention of the commission shall in
94 all cases be given a full opportunity to present such matter.

Sec. 18. -The commission of said city shall have power to
2 lay off, vacate, close, open, alter, grade, build and keep in
3 good repair roads, streets, alleys, pavements, sidewalks, cross-
4 walks, viaducts, bridges, drains and gutters therein for the
5 use of the citizens and of the public, and to improve and
6 light the same, and to keep the same free from obstructions
7 of every kind; to regulate the width of pavements and side-
8 walks on the streets and alleys, and to order the pavement,
9 sidewalks, footways, drains and gutters to be kept in good
10 order, free and clean, by the owners or occupants of the real
11 property next adjacent thereto; to establish and regulate 12 markets, prescribe the time for holding the same, provide 13 suitable and convenient buildings therefor, and prevent the 14 forestalling or regrating of such markets; to prevent in- 15 jury or annoyance to the public or to individuals from 16 anything dangerous, offensive or unwholesome; to prohibit 17 or regulate slaughter houses and soap factories within 18 the city limits, or the exercise of any unhealthful or of- 19 fensive business, trade or employment; to abate all nuisances 20 within the city limits or to require and compel the abate- 21 ment or removal thereof, by or at the expense of the 22 owner or occupant of the ground on which they are 23 placed or found; to cause to be filled up, raised or 24 drained by or at the expense of the owner any city 25 lot or tract of land covered or subject to be covered by 26 stagnant water; to prevent horses, hogs, cattle, sheep or 27 other animals and fowls of all kinds from going or being at 28 large in such city, and as one means of prevention, to pro- 29 vide for impounding and confining such animals and fowls, 30 and, upon failure to reclaim for the sale thereof; to protect 31 places of divine worship and to preserve order in and about 32 the premises where and when such worship is held; to regu- 33 late the keeping of gunpowder and other inflammable and 34 dangerous substances; to provide and regulate the building 35 of houses or other structures, and for the making and main- 36 taining of division fences by the owners of adjoining prem- 37 ises, and the proper drainage of city lots, or other parcels of 38 land, by or at the expense of the owner or occupant thereof; 39 to provide against damage or danger by fire; to punish for 40 carrying deadly weapons, and for assaults and batteries; 41 to prohibit loitering in or visiting houses of ill fame, or 42 loitering upon the streets; to prevent lewd and lascivious 43 conduct, the sale or exhibition of indecent pictures or other 44 representations; the desecration of the Sabbath day; profane 45 swearing; the illegal sale of all intoxicating liquors, drinks, 46 mixtures and preparations, beer, ale, wine or drinks of like 47 nature. To protect the person of those residing or being 48 within the city; to build or purchase, or lease and to use, 49 a suitable place within or near said city for the safe keeping 50 or punishment of persons, caught with, or convicted of the 51 violation of laws, and ordinances, to provide for the employ- 52 ment of persons convicted of the violation of laws and ordi-
nances, or who may be committed in default of payment of
fines, penalties or costs and who are otherwise unable to dis-
charge the same, by putting them to work for the benefit of
the city, and to use such means to prevent their escape,
while at work, as may be deemed expedient; to erect or au-
thorize or prohibit the erection of gas works, electric light
works or water works within the city limits, to prevent injury
to such work or pollution of any gas or water used or in-
tended to be used by the public or by individuals, and to do
all things necessary to adequately supply said city and the
inhabitants thereof, with pure, healthy and wholesome water;
to use, generate, and distribute, sell and control electricity
and gas for heat, light and power, and to furnish light for the
streets, houses, buildings, stores and other places in and about
said city; to provide a sewerage system for said city; to pro-
vide for and regulate the weighing and measuring of hay,
coal, lumber and other articles sold, or kept or offered for
sale within said city; to establish and construct wharfs and
docks, and to repair, alter or remove any landing, wharf or
dock, which has been or shall be so constructed, and to estab-
lish and collect rates and charges for the use thereof; to
regulate the running and speed of engines and cars within city
limits, except that the commission of said city shall not in-
terfere with the speed of trains and engines in territory not
laid out in lots, streets and alleys, and open and used by the
public; to organize one or more fire companies and provide
necessary apparatus, tools, implements, engines or any of
them, for their use, and in their discretion to organize a paid
fire department; to make regulations with respect to the
erection and locations of all telephone, telegraph, electric
light or other poles within said city, and the extension of any
wires, lines and poles by any individuals or corporation; to
grant and regulate all franchises in, upon, over or under
the streets, alleys and public ways of said city, under such
restrictions as shall be provided by ordinance, but no ex-
clusive franchise shall be granted by said commission to any
individual or corporation, nor shall any franchise be granted
for a longer period than fifty years; to create by ordinance
such committees or boards, and delegate such authority
thereto, as may be deemed necessary or advisable; to pro-
vide for the annual assessment of taxable property therein,
including dogs kept in said city, and to provide a revenue
95 for the city for municipal purposes, and to appropriate such
96 revenue to its expenses, and generally to take such measures
97 as may be deemed necessary or advisable, to protect the prop-
98 erty, public and private, within the city; to preserve and
99 maintain peace, quiet and good order therein; to preserve
100 and promote the health, safety, comfort and well being of the
101 inhabitants thereof; to prevent gambling, the keeping of
102 poker rooms and gaming tables and to establish voting pre-
103 cincts.
104 The commission of said city shall have the power and
105 authority to control and regulate the construction and repairs
106 of all houses and other buildings within the said city; to
107 provide for the granting of building permits; to cause the
108 removal of unsafe walls or buildings; and may, upon the
109 petition of the person or persons owning the greater amount
110 of frontage of the lots abutting on any street between any
111 two cross streets or in any square of said city, prohibit the
112 erection on such street, or in such square of any building, or
113 any addition to any building, more than ten feet high, unless
114 the outer walls thereof be made of brick and mortar, or other
115 fireproof material; and to provide for the removal of any
116 building or addition which shall have been erected contrary
117 to such prohibition, at the expense of the owner or owners
118 thereof.

Sec. 19. The commission shall have the right to institute
2 proceedings in the name of the city for the condemnation of
3 real estate for the use of roads, bridges, streets, alleys, drains,
4 public buildings and other grounds, including parks and
5 cemeteries, and sites for public libraries for the use of the
6 city; and the manner of procedure shall, as nearly as practica-
7 ble, conform to the provisions of the code of West Virginia,
8 and the expenses thereof shall be borne by the city.

Sec. 20. The commission shall have full power to make and
2 enforce ordinances for the prevention of the illegal sale of all
3 spiritous, intoxicating, malt, and vinous liquors within the
4 city.
5 No license for the sale thereof shall be issued or granted
6 except in such cases as may be permitted by the constitution
7 of the United States, the constitution of the state of West
8 Virginia, and the laws relating thereto.
9 The commission shall have the authority to prescribe by
10 ordinance such fines, penalties, and terms of imprisonment
for the violations of such ordinances relating to the illegal
sale of such liquors, as may appear advisable to the commis-
sion, such fines and penalties to be the same as are prescribed
by the laws of this state for violations of the state laws, re-
ating to intoxicating liquors.

The mayor of the city, and the members of the police de-
partment shall be charged with the enforcement of all such
ordinances prohibiting the sale of such liquors, and the mayor
may impose fines and penalties for violations of the ordinances
of the city relating to sales of liquors as aforesaid.

Any and all fines so collected as aforesaid shall be paid into
the treasury of the city, and the mayor shall keep an accurate
record of all cases arising by reason of the violations of such
ordinances.

Sec. 21. The commission of the city shall have authority to
enact all such proper ordinances as it may deem advisable,
relating to the working of prisoners in the city jail upon the
city streets, or at such other city work as may be directed.
And the commission shall have authority to provide by ordi-
nance that in any case where a person may be fined for viola-
tion of the laws or ordinances of the city, and in the event
of the failure to pay such fines, then the person or persons
may be sentenced to work upon the streets of the city, or at
such other work of the city as may be ordered by the mayor.
And the commission shall have authority to enact any and
all proper ordinances providing that where any person or
persons may be sentenced to confinement in the city jail for
violations of any laws or ordinances of the city, then such
person or persons may be worked upon the streets of the city,
or at other city work, during the time for which they were
sentenced to confinement.

And the commission shall have authority to make and en-
force any and all proper ordinances relating thereto.

Sec. 22. The commission in its discretion shall be vested
with authority to impose license or privilege taxes payable to
the city, upon such businesses, professions, occupations, or
enterprises as the commission may deem proper, and to make
and enforce all reasonable ordinances and regulations respect-
ing the same, provided, however, that nothing therein con-
tained shall be in conflict with the constitution or laws of this
state or of the United States of America.
Sec. 23. The commission may revoke any license granted by the city, where license is required, in order to conduct the business of the licensee, upon good cause shown, but the person holding the license shall have reasonable notice of the time and place of hearing, as well as the cause alleged, and he shall be entitled to be heard in person or by counsel in opposition to such revocation.

Sec. 24. To carry into effect these enumerated powers and all others by this act or by general law conferred, or which may hereafter be conferred upon the said city or its commission, or any of its officers of said commission shall have and possess full authority to make, pass and adopt all needful ordinances, by-laws, orders and resolutions, not repugnant to the constitution and laws of the United States or of this state, and to enforce any or all of such ordinances, by-laws, orders or resolutions, by prescribing for a violation thereof, fines and penalties and imprisonment in either the county jail of Mingo county or the city prison, if there be one; but no fine shall exceed fifty dollars, and no term of imprisonment shall exceed ninety days. Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced, by and under the judgment of the mayor of said city; or, in case of his absence, or inability to act, of one of the commissioners, appointed for the purpose by the commission.

Sec. 25. Upon the petition, in writing, of the persons owning the greatest amount of frontage of the lots abutting on any street or alley, between any two cross streets, or between a cross street and an alley, the commission of the city, by a lawful majority thereof, may order such part of any street or alley to be paved between the sidewalks with cobble stone, brick, Belgian blocks, asphalt, or other suitable material, from one of such cross streets or alleys to the other, under such regulations as may be fixed by ordinance duly passed by the commission; two-thirds of the cost of such paving shall be assessed to the owners of the lots or fractional parts of lots abutting on that part of the streets or alleys so paved in proportion to the distance such lot or part of a lot abuts on such street or alley, and the remaining one third of the cost of such paving shall be paid by the city. In making such
assessments the basis shall be the cost of paving that part of
the street or alley on which the property lies, included be-
tween the adjoining cross streets or alleys, and the amounts
assessed against the owners of each lot or fractional part of a
lot, shall be in the proportion which the frontage of such lot
or part of lot bears to the whole cost of paving said street
or alley between said cross streets or alleys as aforesaid;
and the same may be collected in the manner provided herein
for the collection of city taxes.

Provided, however, that the city commissioners of said city
may, by lawful majority thereof, order that the amounts so
assessed against owners of the lots or fractional parts of lots
be paid in five annual payments as follows, that is to say,
one-fifth of said amount, together with interest from date
of completion of work upon the whole amount assessed, shall
be paid into the city treasury before the first day of Janu-
ary next after said work is completed, and a like one-fifth to-
gether with interest for one year upon the whole amount re-
maining unpaid on or before the first day of January in each
year thereafter until all has been paid. Provided, also, that
no assessment to the owners of such lots or fractional parts
of lots abutting on such street or alley shall exceed fifty
per centum of the reasonable cash value of such lots or frac-
tional part thereof.

Sec. 26. When the paving of any street, alley or portion
to thereof shall have been let to contract and the work done as
provided in the foregoing section, it shall be the duty of the
engineer of said city to cause the several frontages abutting
thereon to be measured, and to calculate the assessment upon
each and every owner so abutting and to certify the same
to the commission, showing the proper amount to be deter-
mined, as provided in the foregoing plan. It shall be the
duty of the commission to examine and compare such assess-
ment, amounts and names so certified to it, and thereupon
give notice by publication once a week for two consecutive
weeks in some newspaper of general circulation in said city,
that an assessment under this act is about to be laid against
the abutting property for paving or improvements done on
said streets or alleys, describing the location of such paving
or improvements, and any owner or owners thereof shall
have the right to appear before said commission, within two
19 weeks from the first publication thereof, and move to correct
20 an apportionment or assessment excessive or improperly made
21 as charged, which correction said commission shall have the
22 power to make according to the intent of this act, and if
23 found to be correct or when corrected by the commission as
24 aforesaid, it shall enter the same, together with a description
25 of the lots or lands as to location, frontage, depth and owner-
26 ship so far as the same may be ascertained, upon its records
27 and shall enter in its records that such owners and lots be
28 assessed and chargeable with the amount so ascertained to
29 be born by them respectively; and when so approved, cer-
30 tified and entered on record the same shall be and constitute
31 an assessment against said owners and lots for such respective
32 amounts. And it shall be the duty of the commission to im-
33 mediately certify such assessments to the city clerk for col-
34 lection as herein provided, and a copy of said order shall be
35 certified by the city clerk to the clerk of the county court of
36 Mingo county, who shall record and index the same in the
37 proper trust deed book in the name of each person against
38 whose property assessments appear therein. To each of such
39 installments of assessments remaining unpaid in the city
40 clerk's hands on the day herein specified for the payment
41 thereof, a penalty of ten per centum on the principal sum
42 shall be added and any assessment so remaining unpaid in
43 the city clerk's hands on such day shall be taken upon such
44 settlements had with the city clerk on such dates, and there-
45 upon such assessment shall be collected with the penalty added
46 thereto by the said city clerk, and payment thereof enforced
47 in all respects as provided for the collection of taxes due the
48 city, and they shall be a lien upon the property liable there-
49 for the same as taxes, which lien shall be enforced in the
50 same manner as provided for the collection of taxes. Said
51 lien shall have priority over all other liens except those for
52 taxes due the state and shall be on a parity with taxes and
53 assessments due the city. Whenever all such assessments
54 shall be paid in full the city clerk shall deliver to the party
55 paying the same a release of the lien therefor, which may be
56 recorded in the office of the clerk of the county court of said
57 county as other releases of liens, and whenever such assess-
58 ments shall not be in the hands of the city clerk for collec-
59 tion, but the same shall be shown to the satisfaction of the
city auditor or other official performing the duties of auditor, to have been paid in full to any officer entitled to receive the same, such auditor or the mayor may in like manner execute such release.

In all cases where an assessment is made upon the property abutting in the street or alley improved in accordance with the provisions hereof the city commission may, by resolution, entered of record, sell, assign and transfer to any person or persons, for a cash consideration, all or any of the assessments perfected as provided for in this section and apply the amount received therefrom to the costs of such improvements, but no sale and assignment shall be made until either bonds or certificates of indebtedness shall have been issued for such assessment which shall be described in detail in the notice of the lien thereof to be recorded in the trust deed record in the office of the clerk of the county court. But no sales or transfer of such assessment shall be a greater discount than five per centum of the aggregate sum represented by said sale. When authorized to do so by the commission, the mayor may make an assignment and transfer assessments so evidenced by such bonds or certificates as aforesaid, and when so made and recorded in the trust deed books in the office where said assessments are recorded, the purchaser of such assessments shall be and remain until the payment thereof subrogated to all the rights and remedies, without recourse of said city, as were obtained by recording and assessments in the first instance, and said commission may issue against each of the several properties upon which said assessments have been made, bonds or certificates of indebtedness in denomination and corresponding to the annual sum to be paid on each of the properties so assessed and the assessments on said properties shall, when so made and recorded, remain and be a lien thereon until all such bonds, or certificates of indebtedness are discharged. The lien created by such assessments may be released as herein before provided, and, in addition thereto, upon presentation to the clerk of the county court all the bonds or certificates issued thereunder, as to any specific real estate therein described or located, showing that the same have all been paid, such clerk is hereby empowered to release the lien of such assessment as to any such real estate by noting a release thereof on the record of the lien as to such real estate.
101 on the margin of the deed of trust book where the same is
102 recorded, and such annotation by such clerk shall have the
103 effect to release such real estate from such lien as effectively
104 as a regularly executed and recorded release thereof. The
105 proceeds from the sale of such bonds or certificate of in-
106 debtedness shall be applied to the payment of the indebted-
107 ness incurred in making the improvements on account of
108 which such bonds or certificates of indebtedness were issued.

Sec. 27. In addition to the methods by the foregoing sec-
2 tions provided for the payment of the cost of construction
3 and improvement of the streets upon the petition in writing
4 of the persons owning the greatest amount of frontage of the
5 lots abutting on any street or alley or right-of-way or ease-
6 ment between any two cross streets or between a cross street
7 and an alley, the commission may order any sewer construct-
8 ed reconstructed, and laid in any street, alley or any right-of-
9 way or easement, or portion thereof, and the commission may
10 order to be issued a certificate for each installment of the amount
11 assessed to be paid by the owner of any lot or fractional
12 part thereof abutting the street, alley or right-of-way or ease-
13 ment or portion thereof, in which such sewer is laid. The
14 amount specified in said assessment shall be a lien as afor-
15 said in the hands of the holder of such certificate upon such
16 abutting lot or portion thereof, and such certificate shall draw
17 interest from the date of such assessment and the payment
18 may be enforced in the name of the holder of such certificate
19 by proper suit in equity in any court having jurisdiction to
20 enforce such lien; the commission shall fix the amount of
21 such assessment, advertise for bids and do all other things in
22 connection therewith as is provided by the foregoing sections,
23 except (1) that the amount of such certificate shall include
24 two-thirds of the cost of such improvement (the remaining
25 one-third to be paid by the city), and, (2) when a sewer is
26 completed, the cost of which is to be paid by the issuance of
27 certificates, payment is to be made by such land owner on
28 either side or such portion of a street, alley, right-of-way or
29 easement in which such sewer is laid in such proportion as
30 such frontage of his land upon such street, alley, right-of-way
31 or easement bears to the total frontage of all lands so abut-
32 ting on such street, alley, right-of-way or easement. In case
33 of a corner lot, frontage is to be measured along the longest
34 dimensions thereof abutting on such street, alley, right-of-way or easement in which such sewer is laid. Any lot having a depth of two hundred feet or more and fronting on two streets, alleys, right-of-way or easement, one in front and one in the rear of said lot shall be assessed on both of said streets, alleys, rights-of-way or easements if a sewer is constructed in both of such streets, alleys, rights-of-way or easements. Where a corner lot has been assessed on the end it shall not be assessed on the side, and when it is assessed on the side, it shall not be assessed on the end. (3) The cost of a sewer system shall be calculated in every respect in the same manner as the cost of construction of a single sewer, except that such a system shall be deemed to include all elements of the system which serve to drain a definite drainage area as specified in the order to of the commission directing the work to be done, and the owners of property abutting upon either side of such portion of a street or right-of-way in which any party of such system is laid shall be assessed in the proportion that the frontage of his land abutting bears to the total frontage of all lands so abutting on such street or right-of-way. Sewerage certificates shall be issued in such number of installments as the commission may determine, the aggregate amount of such certificates to be payable in not less than one nor more than five years, and to be divided in as nearly equal installments as practicable. Nothing contained in this act shall be construed as imposing a time limit upon the enforcement by appropriate suit of any lien for public improvements, here- tofore, or hereafter created.

Certificates authorized by this and the preceding sections may be issued and sold or negotiated to the contractor doing the work, or to any other person if the commission deem it expedient; provided, the city in issuing such certificates shall not be held as guarantor or in any way liable for payment thereof, except on the direct action of the commission expressed by resolution of record before sale.

Certificates so issued shall contain a provision to the effect that in the event of default in the payment of any one of said certificates when due, and said default continuing for a period of sixty days, then all unpaid certificates shall become due and payable and the holder of said certificates may pro-
74 ceed to collect all of such unpaid certificates in the manner
75 hereinbefore provided. Certificates issued in pursuance of
76 this act shall be negotiable at any bank in said city.
77 The owner of the land or lot of land assessed under this act
78 may at any time anticipate and pay such assessment or cer-
79 tificate with accrued interest thereon.

Sec. 28. The commissioner shall have power to provide
2 by ordinance for assessing against the abutting property the
3 cost of removing from the sidewalks all accumulations of
4 snow and ice, and for assessing against the property the cost
5 of cutting and removing therefrom noxious weeds and rubbish.

Sec. 29. The mayor shall be the presiding officer of the
2 commission, except that in his absence a mayor pro tem may
3 be chosen. He shall exercise all such powers as are conferred
4 and perform all duties imposed upon him by this charter,
5 by the ordinance of the city, as well as by the laws of the
6 state, not in conflict herewith. He shall be recognized as
7 the official head of the city by the courts for the purpose
8 of serving civil processes; by the government for the pur-
9 poses of military law; and for all ceremonial purposes; and
10 by virtue of his said office shall be the administrative head
11 of the municipal government and shall be responsible for the
12 efficient administration of all departments. He shall be
13 required to:
14 (a) Attend all meetings of the commission.
15 (b) Recommend to the commission such measures as he
16 may deem necessary or expedient.
17 (c) Keep the commission fully advised as to the financial
18 condition and needs of the city.
19 (d) Perform such other duties as may be prescribed by
20 this charter, or be required of him by ordinance or resolution
21 of the commission.
22 (e) Be and he is hereby authorized and empowered to
23 exercise all the duties and functions of a justice of the peace
24 in criminal cases, but before doing so, he shall qualify before
25 the county court and give the bond required of justices of
26 the peace.
27 The mayor shall have the authority to suspend from office
28 any appointive officer or employee of the city, and at the
29 first regular meeting of the commission after such suspen-
30 sion, the commission shall take up and consider the matter
31 of such suspension; and upon consideration of such suspen- 32 sion by the commission, the commission shall have authority 33 to declare such suspension permanent and discharge the of- 34 ficer or employee; or, the commission may terminate such 35 suspension and restore such officer or employee to his po- 36 sition, but the office or position of an official or employee 37 so suspended shall not be vacant until so declared by the 38 commission.

39 The mayor shall be charged with the enforcement of the 40 laws, ordinances and regulations of the city.

Sec. 30. The commission of the city shall elect and em- 2 employ a city clerk, but no member of the commission of the 3 city shall be eligible to hold the office of city clerk. The 4 city clerk shall be the clerk of the commission, and 5 in addition thereto shall do and perform any and all of the 6 matters and things required of and imposed upon him by 7 the provisions of section forty-six of this charter; and he 8 shall likewise do and perform any and all of the matters and 9 things required of and imposed upon him by the provisions 10 of sections forty-four, forty-six, forty-seven and forty-eight 11 of this charter; and no other assessor or collector shall be 12 elected or appointed for the said city; he shall act as clerk 13 to and secretary for the commission, shall keep in his custody 14 the record books and minute books of the meetings of the 15 commission, shall take down all minutes of the meetings of 16 the commission, and record them faithfully and accurately 17 in the record or minute book of the said commission; and 18 he shall do and perform such other and further duties as 19 may be required of him by the commission or by this charter. 20 No clerk shall be elected and employed by the said com- 21 mission except a person of good moral character, and pos- 22 sessed of proper requisites necessary to the efficient man- 23 agement and conduct of the duties of the office.

24 Before entering upon the duties of such clerk, the person 25 duly elected and employed as such shall first take and sub- 26 scribe to an oath, administered by the mayor, which oath 27 shall be that he will faithfully obey the laws of the United 28 States of America and the state of West Virginia, and that 29 he will discharge the duties of the office of the clerk of the 30 said city to the best of his skill and judgment.

31 And before assuming the duties of such office, the said
clerk shall execute and deliver to the mayor of the said city, an apt and proper bond, in the penalty of not less than twenty-five thousand dollars and in an increased penalty, if the commission require, the condition of such bond being that the said clerk will faithfully and honestly account for any and all monies, bonds, notes, or securities that may come into his hands belonging to the said city, and that he will not misappropriate or embezzle the same, nor pay out nor disburse any of such monies, bonds, notes, or securities except upon proper and lawful order and direction.

The said clerk is also hereby empowered to certify, under the seal of the city, any copy or copies of the records, papers or documents of the city for use as evidence in any court or tribunal.

It shall be the duty of the said clerk to sit with the commission of the city at all of the meetings thereof, and to act in a secretarial capacity to said commission, and to furnish such information, statements, or data concerning the financial affairs or other affairs of the said city coming within the purview of his office, as the said commission may require. But the said clerk shall be entitled to no vote.

The said clerk shall hold his office during the will and pleasure of the commission, and if in the judgment of the members of the commission the said clerk is not performing the duties of his office in a proper and efficient manner, the commission shall have absolute power to remove said clerk, declare his office vacant, and elect his successor. The clerk shall be required to devote his time within customary and regular business hours to the business of the city, exclusively.

Sec. 31. The commission shall appoint a city attorney, who shall be an attorney at law, admitted to practice in the state of West Virginia, who shall be the legal advisor of and attorney and counsel for the city and for the officers in matters relating to their official duties. He shall prosecute and defend all suits, actions and procedures for and in behalf of the city; shall prepare all contracts, bonds and other instruments in writing in which the city is concerned and shall endorse on each his approval of the form and correctness thereof. He may, if required by the mayor, appear and assist in the prosecution of persons arrested for violating
the ordinances of the city or the laws of the state of which
the mayor may have jurisdiction. The mayor or city clerk or
any member of the commission may require his opinion in
writing upon any question at law involving their respective
powers and duties.

Sec. 32. The police department of the city shall consist
of a chief of police, and such other members of the depart-
ment as may be fixed by the commission, including members
of the police force and patrolmen, all of whom shall be
appointed by the commission.

The chief of police shall have control of the stationing and
transfer of all patrolmen and other officers and employees
constituting the police force of the city, under such rules
and regulations as the mayor or commission may prescribe.

The respective salaries of all members of the police depart-
ment shall be fixed by the commission. And no member of
the police department shall receive any other wage, salary
or thing of value for his services to the city in said depart-
ment.

Sec. 33 The chief of police shall be ex officio constable
within the corporate limits of his city. He may execute
any writ or process issued by the mayor or justice of
the peace at any place in Mingo county. He shall
have all the powers, rights and privileges within the cor-
porate limits of the city, in regard to the arrest of persons,
the collection of claims, and the execution and return of
process, that can be legally exercised by a constable of the
district in which the said city is situated, and he and his
sureties shall be liable to all the fines, penalties and for-
feitures that a constable of a district is liable to, for any
failure or dereliction in his office, to be recovered in the
same manner and in the same courts that fines, penalties
and forfeitures may be recovered against such constable. All
special police officers shall have and possess all the powers,
rights and privileges of a constable of the district within
the corporate limits of the city, in regard to the arrest of
persons and the execution and return of all criminal writs
and process issued by the mayor.

Sec. 34. The commission shall appoint the chief of the
fire department, together with all members and employees of
said department, in like manner as the chief of police and
4 members of the police department are appointed by the commission.
6 The fire department shall be under the direct supervision of the mayor of the city, who shall make recommendations to the commission from time to time as may be necessary concerning said department.
10 The fire department shall be composed of a chief, and such other firemen, officers, and employees as the commission may determine, and their respective salaries shall likewise be fixed by the commission.
14 The commission shall have authority to purchase and provide proper and suitable quarters for the fire department, and to purchase such trucks, motors, machinery, tools, and supplies as the commission may deem proper; and the commission shall have the authority to establish one or more fire stations within the city, as it may deem proper.

Sec. 35. The city commission shall have authority to appoint a competent physician of the city as the city health officer, if the commission desires. The city health officer shall enforce all ordinances and laws relating to health and sanitation of the city, and shall perform all duties and have all the powers provided by general law relative to the public health to be exercised in municipalities by health officers; provided, however, that regulations affecting the public health or sanitation additional to those established by general law and for the violation of which penalties are imposed shall be enacted by the commission and enforced as provided herein.

The health officer shall enforce all ordinances, laws, and regulations relating to prevention and restriction of disease, and he shall likewise, in time of epidemic or threatened epidemic, enforce such quarantine and isolation regulations as are appropriate to the emergency.

Sec. 36. The commission shall cause to be annually made up and entered upon its journal not later than the first day of July of each year, an accurate estimate of all sums that are or may become chargeable to such city, and which ought to be paid, within one year, and it shall order a levy of so much as may, in its opinion, be necessary to pay the same.
Sec. 37. The levy so ordered shall be upon all dogs in the said city, and upon all real and personal property therein subject to state taxes upon the basis of the valuation of such property as fixed for state purposes; but the taxes so levied upon property shall not exceed the rate allowed by general law, except where authorized by a vote of the people. The said commission is hereby authorized to make the following annual levies, and that is to say:

For general purposes, fifty cents upon each one hundred dollars valuation.

For retirement of bonds, forty-eight and one-half cents upon each one hundred dollars valuation.

For public library purposes, one and one-half cents upon each one hundred dollars valuation.

And in such year or years as the commission may deem necessary, a levy of twenty cents upon each one hundred dollars valuation, for the purpose of retiring and paying such unpaid or old indebtedness of the city as may have been incurred and remained unpaid for previous years.

And the commission shall have the authority to make all such levies as it may deem proper, provided the same shall not be in conflict with any constitutional inhibition against the same.

Sec. 38. The clerk of the commission selected in the manner herein provided, shall also be the city assessor, and it shall be his duty to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which assessments are made by the assessor of his county, and return the same to the commission on or before the first day of August of each year; and for this purpose he shall be entitled to full access to all public books and records of Mingo county, and to all documents and papers in the hands of the county assessor relating to assessments for state and county purposes, between the first day of April and the first day of June of each year, without expense to the city, and he shall have all the powers conferred by law on county assessors. In case the clerk of the commission as such assessor shall discover any property subject to taxation which has not been listed by the county assessor, or assistant tax commissioner, it shall be his duty to list the same, and make report of the fact, with a description of the property
and its owner, to the county assessor or the assistant tax commissioner; and it shall be the duty of the county assessor or the assistant tax commissioner to list the same for the state and county purpose and to make a proper valuation of the same and to report its valuation to the assessor of the city. The assessor of the city shall list the dogs in the city, with the names of the owners thereof and return the list to the commission. The commission shall have the power to make and enforce regulations respecting the listing and taxation of dogs in the city, and to provide for impounding and killing such as appear to have no owner, or upon which the tax has not been paid. And it shall have the power to make and enforce all needful ordinances respecting the assessment of property.

Sec. 39. There shall be a lien on all real estate within the city for the city taxes assessed thereon, from the day fixed by law for the commencement of the assessment of such taxes in each year and the interest upon such taxes at the rate of six percentum per annum from the first day of January next after such assessment until the payment, which may be enforced by the commission in the same manner now provided by law for the enforcement of the lien for state and county taxes, or in such other manner as the commission may by ordinance prescribe. There shall also be a lien on all real estate within the city for other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of the city from the time the same are so assessed or imposed, which shall have priority over all other liens except the lien for taxes and may be enforced by the commission by suit in equity, in the corporate name of the city, in the same manner now prescribed by law for the enforcement of the lien for state or county taxes, or in such other manner as the commission may by ordinance prescribe. If any real estate within the city be returned delinquent for the non-payment of the taxes thereon, a copy of such delinquent list may be certified by the clerk of the commission to the proper officer, in order that the same may be sold for taxes, interest and commissions thereon, in the same manner, at the same time, and by the same officer as real estate is sold for the non-payment of state and county taxes.

Sec. 40. The city clerk shall, as such, be the city collector,
2 whose duty it shall be to collect all taxes, license fees, assessments, rents, and all other demands and obligations due or accruing to the city, and to keep a strict account thereof. He shall collect all license taxes and license fees at the time such licenses are delivered. All funds so collected by him he shall pay into the city treasury in the manner provided by ordinance.

Sec. 41. The city treasury shall be one or more of the banks of the city, and shall be selected and designated once every three years by the commission. The bank or banks which shall be designated as the city treasury shall be first chosen at the first regular meeting of the commission held in July, nineteen hundred and twenty-nine, and thereafter on the same day every third year. The money deposited therein shall be disbursed only upon order drawn against the same signed and countersigned as herein provided. Such bank or banks selected shall give bond with good security, payable to the city, to insure the safety of all deposits, in penalties sufficient to protect the highest amount deposited, the security to be approved by the commission. The city clerk shall be the city treasurer and as such city treasurer, shall, at the first meeting in each month of the commission, furnish the commission a statement showing by items the receipts and disbursements for the last preceding month, and the amount on hand at the end of such preceding month; and the city clerk, as city treasurer, shall annually, on or immediately before the first day of July, make settlement with the commission as the general laws of the state provide for the sheriff's annual settlement with the county courts.

Sec. 42. The city clerk shall perform the duties of an accountant, and shall install and have supervision over the accounts of all departments and offices of the city. The city clerk as the city accountant shall require statements exhibiting each transaction and the cost thereof. Upon the death, resignation, removal or expiration of the term of any officer, the city clerk, as the city accountant, shall examine the accounts of such officer and report his findings to the city commission.

Sec. 43. Under the order and direction of the city commission, and pursuant to such regulations as the commission may adopt, the city clerk shall devise and maintain proper
4 accounting procedure, sufficiently adequate to record in detail
5 all transactions affecting the acquisition, custody, and disposi-
6 tion of all monies, properties, and assets of the city, in such
7 departments of the city as the commission may direct.

Sec. 44. No warrant for the payment of money by way of
2 salary or compensation shall be issued for service to any per-
3 son unless there be filed with the clerk of the commission an
4 itemized sworn account, fully describing the character and
5 amount of services or salary sought to be paid, the correctness
6 of which account shall be certified by the officer having full
7 knowledge of the correctness of such account.

Sec. 45. No warrant for the payment of any claim shall
2 be issued except by order of the commission. And no war-
3 rant shall be valid unless signed by the clerk of the city, and
4 countersigned by the mayor.

Sec. 46. All taxes which the commission is or shall be au-
2 thorized to levy and collect, and all fines and penalties which
3 may be imposed and collected for violations of the laws and
4 ordinances of said city, shall inure to the exclusive benefit
5 of said city, and all moneys received or collected for the use
6 of said city shall be paid into the city treasury, and shall not
7 be drawn therefrom except as the commission, in accordance
8 with this act, may order, by orders drawn upon the city
9 treasury, signed by the mayor, and countersigned by the
10 clerk, and no order shall be issued upon any fund unless there
11 is an unexpended balance to the credit thereof sufficient to
12 cover such order and money in the treasury to pay it. The
13 commission shall, once at least every year, cause to be pub-
14 lished in two newspapers published in the said city, a state-
15 ment of the receipts and expenditures of said city for the past
16 year for each of the several funds, signed and sworn to by the
17 clerk, and attested by the mayor.
18 And the commission shall have the authority to cause to be
19 made a full and complete investigation and audit of the ac-
20 counts of the clerk of the city, as well as a complete audit of
21 the financial affairs of the city, to be made by properly quali-
22 fied accountants and auditors, the expense thereof to be paid
23 out of the treasury of the city, upon order of the commission.
24 But not more than one such audit shall be made in any one
25 year.

Sec. 47. The commission shall publish each year in two
2 separate newspapers of opposite politics, and if there be not
3 two such newspapers then in one newspaper, and such newspa-
4 pers to be published in said City of Williamson, the finan-
5 cial statement of the city, which said statement shall show
6 all monies received and disbursed for any and all purposes.
7 And the commission shall in the same manner publish a list
8 of real estate and personal property delinquent for taxes, in
9 like manner and to the same extent as is now provided for
10 publication of lists of real estate and personal property de-
10-linquent for the payment of state and county taxes, there-
11 on. And the commission may, in its discretion, advertise and
12 publish a list of all persons, firms, and corporations as may
13 be delinquent in the payment of poll taxes and water rents.

Section 48. Every officer of the city shall, before entering
2 upon the duties of his office, take and subscribe to an oath and
3 affirmation to be filed and kept, in the office of the commission,
4 that he will in all respects faithfully discharge the duties of
5 his office.

Sec. 49. Any and all city officers or officials whose duties
2 require them to collect, receive, or hold monies, obligations,
3 funds, bonds, notes, securities, or other assets of the city, or
4 having charge of the same for and on behalf of the city,
5 shall each and separately execute a proper bond to secure
6 the faithful performance of their respective duties, and for
7 the proper accounting for and paying over, as required by
8 law or ordinance, of all monies, assets, or property of the
9 city coming into their hands. And in addition to the bonds
10 of certain officers as required herein specifically, the com-
11 mission shall have power to require like bonds from such
12 other officers or employees as the commission may deem
13 advisable.
14 All such bonds shall be made payable to the City of Wil-
15 liamson, with the penalties in such amounts as may be fixed
16 by the commission, except in such cases wherein such pen-
17 alty may be expressly fixed herein. And all such bonds,
18 whether prescribed herein or required by the commission in
19 its discretion, shall be signed and executed by a good and
20 solvent surety or bonding company as surety therein. And
21 all such bonds shall be delivered to and filed with the city
22 clerk, who shall keep the same safely in his custody. Provided,
23 however, that the bond of the city clerk shall be delivered to
24 the mayor of the city, to be by him kept safely in his custody.
And any action, suit, or proceeding may be brought, instituted, and maintained by the city in its corporate name and capacity, and also by any person, firm, or corporation for whose benefit and protection such bond was executed, in or before any court of competent jurisdiction in and for the county of Mingo. And there shall also be available all such remedies as may exist on or against bonds of collectors of county levies.

The several officers of the city shall give bonds conditioned as prescribed by law, with corporate surety thereon, as herein provided, such bonds to be approved by the commission, and with the penalties thereof as follows: Mayor of the city, five thousand dollars; city clerk, twenty-five thousand dollars; each commissioner, one thousand dollars.

Then penalties of all other bonds that may be required by the commission of other officers or employees shall be in such amounts as the commission may prescribe.

The charges and premiums on any and all bonds given by officers and employees of the city shall be paid by the city commissioner out of the city treasury, upon proper order.

Sec. 50. The annual salaries of the officers of the city, to be appointed or elected hereunder, shall be paid by the commission out of the city treasury, and the salaries of certain officers and officials shall not exceed the following respective amounts: Mayor of the city, three thousand dollars; city clerk, two thousand five hundred dollars; each commissioner other than the mayor, three hundred dollars; city attorney, two thousand dollars; stenographer and bookkeeper (one employed), one thousand five hundred dollars.

Provided, however, that no member of the commission shall either directly or indirectly receive any other compensation or emolument for any service rendered the said city in any capacity save and except as above provided, nor shall any member of said commission be either directly or indirectly interested in the furnishing of any supplies or in the doing or performance of any contract procured or made for or in behalf of the city.

The salaries as above set forth are to be paid out of the city treasury proportionately at the end of each month, but are never to be paid in advance. All fees, fines, commissions, and emoluments, except salaries, shall be taxed and collected, and when so collected shall be paid into the treasury of the
22 city by the officers, respectively, for the absolute use of the city.

Sec. 51. The terms of office of the mayor and the remaining members of the present commission of the City of Williamson, who held office prior to the time of the taking effect of this act shall terminate at the expiration of the thirty-first day of March, one thousand nine hundred and twenty-nine, and at the expiration of the said thirty-first day of March, one thousand nine hundred and twenty-nine, the terms of office of the first mayor and the first commissioners holding office under this act shall begin.

Prior to the first day of April, one thousand nine hundred and twenty-nine, the governor of the state of West Virginia shall appoint a citizen and resident of said City of Williamson as the mayor thereof, and he shall likewise appoint six citizens and residents of said city as the commissioners of said city, all of such appointed officials to be duly qualified to hold such offices under the qualifications herein prescribed; and not more than five of such commissioners so appointed shall belong to the same political party.

The term of office of such mayor and commissioners so appointed shall begin on the first day of April, one thousand nine hundred and twenty-nine, and shall terminate on the thirtieth day of June, one thousand nine hundred and thirty-one.

Sec. 52. That if from evidence, satisfactory to the city commission, it shall appear, that an owner of a lot, piece or parcel of land, situate within the corporate limits of said city, has, prior to the passage of this act, in undertaking to improve such land, by the erection of an apartment, residence or other building thereon, by inadvertence or mistake, so located and constructed such apartment, residence or other building, as that the walls or other parts thereof extend over and beyond the property line of such owner and become an encroachment upon one or more of the sidewalks, streets, avenues and alleys, and, that the continuation of such encroachment would not endanger the public in the use of such sidewalks, streets, avenues and alleys, nor damage adjacent property owners or others, then, the city commission is hereby empowered and authorized to grant unto such owner, his heirs or assigns the right and privilege of continuing to the
17 extent of such encroachment the use of such sidewalks, streets,
18 avenues and alleys, for that purpose, for a period of time, not
19 to exceed fifty years from the date of the adoption by the
20 said city commission of a resolution or ordinance, granting
21 such right and privilege.

Sec. 52-a. That before relief may be granted hereunder, it
2 shall be the duty of the owner to file with the city commis-
3 sion a petition in writing, setting up the material facts and
4 circumstances and relief sought, relating to the matter, and,
5 exhibiting therewith a map or plat made by a competent sur-
6 veyor, showing the location of the sidewalks, streets, avenues
7 and alleys, at and near the said land and the extent and
8 nature of such encroachment, which petition shall be verified
9 by the oath of the owner.

Sec. 52-b. The city commission shall not act upon the mat-
2 ter arising upon the petition, until the owner shall have
3 caused to be published, in a newspaper printed and cir-
4 culating in the City of Williamson, for four successive weeks
5 prior to the time when action, on the petition by the city
6 commission, is expected to be had, notice; which notice shall
7 specify the approximate description and location of the
8 owners land, and the nature and extent of the encroachment,
9 and of the relief sought.

Sec. 52-c. Upon the hearing, of the matters arising upon
2 the petition, any property owner, taxpayer, or citizen shall
3 have the right, in person or by counsel, to appear and show
4 cause, if any he can, why the prayer of the petition should
5 not be granted.

Sec. 52-d. That if the city commission shall, by resolution
2 or ordinance, grant unto the owner the right and privilege
3 to use and occupy a sidewalk, street, avenue, or alley for a
4 period of time not to exceed fifty years to the extent of the
5 encroachment, then such right and privilege shall be deemed
6 and treated as absolute and irrevocable.

Sec. 53. All contracts entered into by the city or made
2 for its benefit prior to the taking effect of this act shall con-
3 tinue in full force and effect. All public work begun, prior
4 to the taking effect of this act, shall be continued and com-
5 pleted hereunder.

Sec. 54. All ordinances and resolutions in force at the
2 time of the taking effect of this act, not inconsistent with its
3 provisions, shall continue in force until amended or repealed.
Sec. 55. All the acts and parts of acts inconsistent with
2 the provisions hereof are hereby repealed.

CHAPTER 22
(House Bill No. 334—By Mr. Poling)

AN ACT to amend and re-enact section two of chapter seventy-one of the acts of the legislature of one thousand nine hundred and twenty-three, relating to the charter of the city of Philippi.

[Passed March 9, 1929; in effect from passage. Approved by the Governor.]

Sec.
2. Corporate limits; approval by voters.

Be it enacted by the Legislature of West Virginia:

That section two, of chapter seventy-one of the acts of the legislature of one thousand nine hundred and twenty-three, be amended and re-enacted so as to read as follows, the same relating to the charter of the city of Philippi.

Section 2. The corporate limits of said city shall be hereafter as follows:
3 Beginning at a sugar tree on the east bank of the Tygart's
4 Valley river, above the present brick and tile factory, thence
5 south sixty-four degrees fifteen minutes east one thousand
6 three hundred and seven feet to a stake in the county road;
7 thence north seventy-four degrees forty minutes east one
8 thousand one hundred and eighty-four feet to a stake; thence
9 north forty-eight degrees twenty-two minutes east two hundred
10 and eighty-one and one-tenth feet to a stake in road; thence
11 north seventy-six degrees six minutes east one hundred
12 and twenty-three and five-tenths feet to a stake; thence
13 south sixty-seven degrees twenty-seven minutes east one hundred
14 and sixty-nine and eight tenths feet to a stake; thence
15 south seventy-three degrees fifty-eight minutes east one hundred
16 and ninety-four and forty-five hundredths feet to a stake in road; thence
17 north seventy-three degrees fifty-eight degrees fourteen minutes
18 east two hundred and thirty-one and nine-tenths feet to a
19 stake; thence south thirty-four degrees six minutes east two
20 hundred and forty and three-tenths feet to a sugar; thence
21 south twenty-six degrees fifteen minutes east six hundred and
22 sixty-eight and eight tenths feet to a chestnut in lands of Elias
23 Scott; thence south twenty-six degrees fifteen minutes east
24 three hundred and ninety-six and five-tenths feet to a stake
25 near bank of creek; thence south seventy-eight degrees twenty-
26 nine minutes east two hundred and ninety-four and five-
27 tenths feet to a pin oak; thence north fifty-three degrees
28 thirty-two minutes west two hundred and thirty-eight and five-
29 degrees thirty minutes west four hundred and sixty-nine and six-
30 degrees thirty minutes west four hundred and seventy-eight and
31 degrees thirty minutes west four hundred and ninety-six and three-
32 degrees thirty minutes west four hundred and sixty-nine and two-
33 degrees thirty minutes west four hundred and sixty-nine and six-
34 degrees thirty minutes west four hundred and seventy-eight and
35 degrees thirty minutes west four hundred and ninety-six and three-
36 degrees thirty minutes west four hundred and sixty-nine and two-
37 degrees thirty minutes west four hundred and sixty-nine and six-
38 degrees thirty minutes west four hundred and seventy-eight and
39 degrees thirty minutes west four hundred and ninety-six and three-
40 degrees thirty minutes west four hundred and sixty-nine and two-
41 degrees thirty minutes west four hundred and sixty-nine and six-
42 degrees thirty minutes west four hundred and seventy-eight and
43 degrees thirty minutes west four hundred and ninety-six and three-
44 degrees thirty minutes west four hundred and sixty-nine and two-
45 degrees thirty minutes west four hundred and sixty-nine and six-
46 degrees thirty minutes west four hundred and seventy-eight and
47 degrees thirty minutes west four hundred and ninety-six and three-
48 degrees thirty minutes west four hundred and sixty-nine and two-
49 degrees thirty minutes west four hundred and sixty-nine and six-
50 degrees thirty minutes west four hundred and seventy-eight and
51 degrees thirty minutes west four hundred and ninety-six and three-
52 degrees thirty minutes west four hundred and sixty-nine and two-
53 degrees thirty minutes west four hundred and sixty-nine and six-
54 degrees thirty minutes west four hundred and seventy-eight and
55 degrees thirty minutes west four hundred and sixty-nine and two-
56 degrees thirty minutes west four hundred and sixty-nine and six-
57 degrees thirty minutes west four hundred and seventy-eight and
58 degrees thirty minutes west four hundred and sixty-nine and two-
59 degrees thirty minutes west four hundred and sixty-nine and six-
60 degrees thirty minutes west four hundred and seventy-eight and
Provided, That before this act shall be effective it must be submitted by the council of said city of Philippi to a vote of the qualified voters of said city at the first city election after its passage and be approved by a majority thereof.

All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 23

(Photograph Bill No. 368—By Mr. Kyle)

AN ACT to amend and re-enact sections two, ten, sixteen and twenty-one of chapter six of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and twenty-one, municipal charters, relating to the city of Clarksburg, in the county of Harrison.

[Passed March 8, 1929; In effect from passage. Approved by the Governor.]

SEC. 1. The corporate limits and boundaries of said city shall be as follows: Beginning at the junction of Murphy’s run with Elk creek and running thence with Elk creek up said stream to the boundary line of the Clarksburg Industrial Company’s addition; thence with the northern and eastern lines of said addition to the line of the lands of the Union Land Company; thence in a southwestern direction with the line between the lands of the Union Land Company and of said addition to Elk creek; thence down...
12 of the town of Broad Oaks and with the corporation line of
13 the town Broad Oaks to the southwestern corner of Alta
14 Vista addition; thence in a straight line to the corner lands of L.
15 D. Jarvis' heirs, John J. Davis' heirs, and R. T. Lowndes in the
16 low gap at the head of Second street extended; thence southwest-
17 erly with the eastern lines of said John J. Davis' heirs and Maud
18 Duncan land, to the northern bank of Arnold's run; thence
19 down the north bank of said run to the west side of the
20 Clarksburg and Weston turnpike; thence with the western
21 side of same to the southern limits of the Clarksburg water
22 works pump station property; thence with the same by the
23 most direct line to the western bank of the West Fork river;
24 thence with the western bank of the same up the river to a
25 point opposite the southwestern corner of Hartland; thence
26 with the western line of Hartland to the West Milford turn-
27 pike; thence with a straight line northeasterly to the north-
28 east corner of the eastern abutment of the bridge across
29 Limestone creek on the Northwestern turnpike; thence with
30 the northern line of said turnpike to its intersection with
31 the western line of Cabell avenue; thence with the west line
31-a of Cabell avenue to its intersection with the northern line of
32 Brook street, which is the northern line of Glenwood; thence
33 with the northern line of said Glenwood to the northeastern
34 corner thereof; thence a straight line to the southeastern
35 corner of the southern abutment of the bridge across Lime-
36 stone creek on the Shinnston pike; thence a straight line to
37 the mouth of Limestone creek; thence across the West Fork
38 river by the most direct line to the east bank thereof; thence
39 down the river to the northern limits of the Riverside ad-
40 dition; thence with the northern line of same to the north-
41 eastern corner thereof; thence a straight line to the north-
42 western corner of Indiana and North Sixth streets in Glen
43 Elk addition number two; thence with the northern line of
44 said addition to the northeastern corner of Block "A" in
45 said Glen Elk addition number two; thence a straight line to
46 the northeastern corner of Montpelier addition; thence with
47 the eastern line of said addition southerly to the northern line
48 of the Baltimore and Ohio Railway company's right-of-way;
49 thence easterly with same to a point in the eastern line of the
50 Northwestern turnpike where same intersects with said right-
51 of-way line, this point being at the most western of the two
52 crossings known as the "double crossing"; thence a straight
53 line to the mouth of Murphy's run, the beginning.

Sec. 10. The council of said city shall have and are
2 hereby granted power to have said city surveyed; to open,
3 vacate, broaden, change grade of, grade and pave streets,
4 sidewalks and gutters for public use, and to alter, improve,
5 embellish and ornament and light the same, and to con-
6 struct and maintain public sewers and laterals, and shall in
7 all cases, except as to lighting, have power and authority to
8 assess upon and collect from the property benefitted thereby
9 all, or such part of the expense thereof, as shall be fixed by
10 ordinance, except as hereinafter provided; to have control
11 of all streets, avenues, roads, alleys and grounds for public
12 use in said city, and to regulate the use thereof and driving
13 thereon, and to have the same kept in good order and free
14 from obstruction, pollution or litter on or over them; to have
15 the right to control all bridges within said city and the
16 traffic passing thereover; to change the name of any street
17 avenue or road within said city, and to cause the renumber-
18 ing of houses on any street, avenue or road therein; to regu-
19 late and determine the width of streets, sidewalks, roads and
20 alleys; to order and direct the curbing and paving of side-
21 walks and footways for public use in said city to be done
22 and kept clean and in good order by the owners of adjacent
23 property; to enter into a contract with any internal im-
24 provement company for the joint ownership of any bridge
25 by the city and such company, upon such terms as may be
26 prescribed in the contract, but such bridge shall be a pub-
27 lic highway; to prohibit and punish the abuse of animals; to
28 restrain and punish vagrants, mendicants, beggars, tramps,
29 prostitutes, drunken or disorderly persons within the city,
30 and to provide for their arrest and manner of punishment;
31 to prohibit by ordinance the bringing into the city of any
32 person or animal afflicted with contagious or infectious disease,
33 and to punish any violator of said ordinance who knows or has
34 reason to believe such person or animal to be so afflicted;
35 to suppress disorderly houses of prostitution or ill-fame,
36 houses of assignation, and gaming houses or any part thereof,
37 and to punish gaming; to prohibit within said city or
38 within three miles thereof slaughter houses, soap or glue fac-
39 tories and houses of like kind; to control the construction and
repair of all houses, basements, walls, bridges, culverts and sewers, and to prescribe and enforce all reasonable regulations affecting the construction of the same, and to require permits to be obtained for such buildings and structures, and plans and specifications thereof to be first submitted to the city council; to control the opening and construction of ditches, drains, sewers, cess-pools and gutters and to deepen, widen and clear the same of stagnant water or filth, and to prevent obstructions therein, and to determine at whose expense the same shall be done; and to build and maintain fire station houses, police stations and police courts, and to regulate the management thereof; to acquire, lay off, appropriate and control public grounds, squares and parks, either within or without the city limits as herein defined; to purchase, sell, lease or contract for and take care of all public buildings, and structures and real estate, including libraries and hospitals, deemed proper for use of such city; and, for the protection of the public, to cause the removal of unsafe walls or buildings, and the filling of excavations; to prevent injury or annoyance to the business of individuals from anything dangerous, offensive or unwholesome; to prohibit the manufacture, transportation, possession, sale and keeping for sale of intoxicating liquors except as the same may be authorized or permitted under the general laws of this state; to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city and all nuisances and causes thereof, and to that end and thereabout to summon witnesses and hear testimony; to declare and enforce quarantine against the introduction of any contagious or infectious disease prevailing in any other state, county or place, and of any and all persons and things likely to spread such contagion or infection; to regulate the keeping of gun powder and other combustible or dangerous articles; to regulate, restrain or prohibit the use of fire-crackers or other explosives or fireworks, and all noises or performances which may be dangerous, annoying to persons or tend to frighten horses or other animals; to provide and maintain proper places for the burial of the dead and to regulate interments therein upon such terms and conditions as to price and otherwise as may be determined; to provide
80 for shade and ornamental trees and the protection of the same; to provide for the making of division fences; to make proper regulations for guarding against danger or damage from fires; to provide for the poor of the city, and to that end may contract with the proper authorities of Harrison county to keep and maintain the poor, or any number thereof, upon terms to be agreed upon; to make suitable and proper regulations in regard to the use of the streets and alleys for street cars, railroad engines and cars, and to regulate the running and operation of the same so as to prevent injury, inconvenience or annoyance to the public; to prohibit prize fighting, cock and dog fighting; to license, tax, regulate or prohibit theatres, circuses, the exhibition of showmen and shows of any kind and the exhibition of natural or artificial curiosities, caravans, menageries, pictures, motion pictures and musical exhibitions and performances; to regulate the construction, height and material used in all buildings and the maintenance and occupancy thereof; to regulate and control the use for whatever purpose of the streets and other public places; to create, establish, abolish and organize employments and fix the compensation of all employees, (except the employees of the water board); to organize and maintain fire companies and to provide necessary apparatus, engines and implements for the same; to regulate and control the kind and manner of plumbing and electric wiring for the protection of the health and safety of said city; to levy taxes on persons, property and licenses; to license and tax dogs and other animals and regulate, restrain and prohibit them and all other animals and fowls from running at large; to assess, levy and collect taxes for general and special purposes upon all the subjects or objects which the city may lawfully tax; to levy and collect assessments for local improvements; to borrow money on the faith and credit of the city by the issue and sale of bonds in the manner prescribed by law; to appropriate the money of the city for all lawful purposes; to create, provide for, regulate and maintain all things in the nature of public works and improvements; to adopt rules for the transaction of business and for its own regulation and government; to promote the general welfare of the city and to protect the persons...
121 and property of citizens therein; to regulate and provide
122 for the weighing of produce and other articles sold in said
123 city and to regulate the transportation thereof, and other
124 things through the streets, to have the sole and exclusive
125 right to grant, refuse or revoke any and all licenses for the
126 carrying on of any business within said city on which the
127 state exacts a license tax; provided, however, that nothing
127-a herein contained shall be construed as authorizing said city
127-b to impose any license or tax upon motor vehicles other
127-c than the regular property tax, to establish and regulate
128 markets and to prescribe the time for holding the same, and
129 what shall be sold in such market, and to acquire and hold prop-
130 erty for market purposes; to regulate or prohibit the placing
131 of signs, bill-boards, posters and advertisements, in, on, or
132 over the streets, alleys, sidewalks and public grounds of
133 said city; to preserve and protect the peace, order and safety
134 and health of the city and its inhabitants, including the right
135 to regulate the sale and use of cocaine, morphine, opium and
136 poisonous drugs; to make, enforce and provide local police,
137 sanitary and other regulations, and fully exercise all lawful
138 police powers; to appoint and fix the places of holding city
139 elections; to erect, own, lease, authorize or prohibit the erec-
140 tion of gas works, telephone plant or electric light works in
141 or near the city, and to operate the same and sell the pro-
142 ducts or services thereof, and to do any and all things neces-
143 sary and incidental to the conduct of such business; to pro-
144 vide for the purity of milk, meats and provisions offered
145 for sale in the said city, and to that end provide for a
146 system of inspecting the same and making and enforcing
147 rules for the regulation of their sale, and to prohibit the
148 sale of any unwholesome or tainted milk, meats, fish, fruit,
149 vegetables, or the sale of milk containing water or other
150 things not constituting a part of pure milk; to provide for
151 inspecting dairies and slaughter houses whether in or out-
152 side of the city, where the milk and meat therefrom are off-
153 ered for sale within said city; to prescribe and enforce or-
154 dinances and rules for the purposes of protecting the health,
155 property, lives, decency, morality and good order of the. city
156 and its inhabitants, and to protect places of divine worship
157 in and about the premises where held, and to punish viola-
158 tions of such ordinances even if the offence under and a-
159 against the same shall constitute offenses under the law of the
160 state of West Virginia or the common law; to provide for
161 the employment and safe keeping of persons who may be
162 committed in default of the payment of fines, penalties or
163 costs under this act, who are otherwise unable or fail to
164 discharge the same, by putting them to work for the bene-
165 fit of the city upon the streets or other places provided by
166 said city, and to use such means to prevent their escape
167 while at work as the council may deem expedient; and the
168 council may fix a reasonable rate per day as wages to be
169 allowed such person until the fine and costs against him are
170 thereby discharged; to compel the attendance at public meet-
171 ings of the members of the council; to prevent any person,
172 association or corporation from polluting in any manner any
173 pond, lake, basin, reservoir, stream, spring, creek or other
174 body of water from which the city shall take water to be
175 used for domestic purposes by the inhabitants thereof, or
176 from casting into any such body of water, or on the bank ther-
177 of in such proximity thereto that the same may enter therein
178 any filthy, unwholesome, or obnoxious substance, object or
179 liquid or anything whatsoever, injurious to the health of the
180 people of the city; to exercise all other powers that now are
181 or hereafter may be granted to municipalities by the con-
182 stitution or the laws of the state of West Virginia; and all
183 such powers, whether expressed or implied, shall be exercised
184 and enforced in the manner prescribed by this Charter, or
185 when not prescribed herein, in such manner as shall be pro-
186 vided by the ordinances or resolutions of the council.
187 The enumeration of particular powers of this charter
188 shall not be held or deemed to be exclusive, but in addition
189 to the powers enumerated herein, impliedly thereby, or ap-
190 propriate to the exercise thereof, the council shall have and
191 exercise all other powers, which under the constitution and
192 laws of the state of West Virginia, it would be competent
193 for this charter specifically to enumerate.
194 The council shall provide for the enforcement of all
195 ordinances by reasonable and proper penalties, consisting of
196 fines or imprisonment or fines and imprisonment, with suit-
197 able rules and regulations for the enforcement of such pen-
198 alties. For all such purposes the jurisdiction of the city
199 shall, when necessary, extend for one mile beyond the cor-
porate limits of said city, excepting any other municipal cor-
der to prevent the pollution of the waters from which the
people of the city take water for domestic uses, the jurisdic-
tion of the city shall be co-extensive with the location and
extent of the water from which supply is taken, except that
in no event shall such jurisdiction of the city of Clarksburg
exist within any other incorporated city or town; provided,
however, that in no event, except as hereinafter provided,
shall imprisonment for a longer period than sixty days or
a greater fine than one hundred dollars, or both, be imposed
for any one offense. Nothing herein shall limit or prevent
the council from providing penalties for violations of traffic
laws equal to the penalties provided by the general laws of
the State for like offenses constituting misdemeanors.

Sec. 16. The police court judge shall perform and dis-
charge all duties and exercise all powers which shall be con-
ted upon him by ordinance or resolution of the city coun-
cil, and in addition, he shall exercise the following powers:
(a) Enforce all ordinances and resolutions which shall
subject any person or corporation to any penalty.
(b) Issue warrants upon complaint under oath of any
person or officer for the arrest of any one charged with the
violation of any ordinance of the city.
(c) Try all offenders brought before him and punish by
fine or imprisonment or by fine and imprisonment any
person convicted for any offense, and his jurisdiction
in that regard shall extend one mile beyond the city
limits generally; and for the violation of any ordin-
ance or law prohibiting the pollution of the water or
waters from which the city of Clarksburg obtains water for
domestic use his jurisdiction shall be co-extensive with the
water or waters from which such supplies are drawn; pro-
vided, that he shall not exercise jurisdiction over any offense
committed within the corporate limits of any other city, town
or village:
(d) Keep a record of all warrants issued by him, of all
persons arrested and brought before him and of all trials,
fines or sentences imposed, or judgments entered by him, in a
well-bound book to be known as the police court docket. A
record of the entries made each day in said docket shall be
signed by the police court judge at the close of the day. An
appeal shall lie to the circuit court or to the criminal court
of Harrison county from all judgments of the police court
judge wherein and in the manner an appeal from the judg-
ment of a mayor of a city is allowed by law.

(e) Exercise the power to punish within the limits pre-
scribed by the ordinances of the city or by the laws of the
state of West Virginia applicable to the city and not in con-
flict with this act.

(f) Exercise all of the powers and discharge all of the
duties for the enforcement of the criminal or penal ordinances
and laws conferred or imposed upon the mayors of cities,
towns or villages by this act, or by any of the laws of the
state of West Virginia, or by any law which may here-
after be enacted by the law making body of said
state not in conflict with the provisions of this act, except
that he shall not be ex-officio a justice of the peace, or ex-
ercise the powers of a justice of the peace.

(g) The police court judge shall have charge of and pre-
side over the municipal court of said city. He shall have
power to summon witnesses for the trial of any case before
him; to compel the attendance of police officers of said city;
to require of said police officers the enforcement of any order
or judgment entered or rendered by him under the powers
herein given said police court judge; and to issue executions
for all fines, penalties and costs imposed by him. In the dis-
charge of his duties and in the trial of cases, the police court
judge shall insofar as practicable, follow the rules of pro-
ceedings of the courts of the state of West Virginia which
exercise jurisdiction in criminal cases and any person put up-
on trial for any offense shall be entitled to the assistance of
counsel. All cases shall be tried by the police court judge
without a jury.

(h) By and with the consent of the council, appoint all
members of the police force, except the chief of police; dis-
charge any members of the police force, except the chief of
police; provided, however, that council may re-instate any
member discharged by an affirmative vote of two thirds of all
members elected to the council.

(i) The city council may by resolution or ordinance pro-
vide that the police court judge shall be assistant to the city
manager and assistant to the city attorney, and that he shall devote all of his time to the discharge of the duties of his office, and shall not while holding said offices engage in any other business or employment or in the practice of law, except in assisting the city attorney in conducting the civil litigation and business in which the city as a party may be engaged.

Sec. 21. The chief of police shall discharge such duties as may be required of him by ordinance or resolution of council, and in addition shall exercise the following powers:

(a) See to the preservation of peace and order throughout the city, and the protection of property in and throughout the city and to that end cause all violators of city ordinances to be apprehended.

(b) Supervise and control the police department, except as to the powers herein given the police court judge, and require of all members of the police force the proper discharge of their respective duties.

All other acts and parts of acts in conflict with the provisions of this act are, for the purpose of this act only, hereby repealed.