

ACTS
of the
LEGISLATURE
of
WEST VIRGINIA
MUNICIPAL CHARTERS

REGULAR SESSION

1929



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. Mullens, Buffalo.
Doorkeeper—A. S. McDougal, Harrisville.

DISTRICT	NAME	POST OFFICE
First.....	Wright Hugus, (R).....	Wheeling
	*W. Edwin Wells, Jr., (R).....	Newell
Second.....	Walter R. Reits, (R).....	Sistersville
	*Evan G. Roberts, (R).....	Moundsville
Third.....	Albert B. White, (R).....	Parkersburg
	*Thomas J. Davis, (R).....	Harrisville
Fourth.....	Wm. E. Walker, (R).....	Ripley
	*Wm. Woodyard, (R).....	Spencer
Fifth.....	Dr. B. W. West, (R).....	Huntington
	*Jacob D. Smith, (R).....	Hamlin
Sixth.....	M. Z. White, (R).....	Williamson
	*L. E. Woods, (R).....	Welch
Seventh.....	T. H. Lilly, (R).....	Hinton
	*John Q. Hutobinson, (R).....	Beckley
Eighth.....	Walter S. Hallanan, (R).....	Charleston
	*M. T. Miller, (R).....	Madison
Ninth.....	A. B. Abbot, (D).....	Fayetteville
	*Perry N. Wiseman, (D).....	Summersville
Tenth.....	A. C. Herold, (D).....	Sutton
	*Albert G. Mathews, (D).....	Grantville
Eleventh.....	Ira L. Smith, (R).....	Fairmont
	*W. Merle Watkins, (R).....	Grafton
Twelfth.....	Blaine Engle, (R).....	Clarksburg
	*John R. Davis, (R).....	Weston
Thirteenth.....	B. H. Hiner, (D).....	Franklin
	*Harry B. Martin, (R).....	Elkins
Fourteenth.....	E. Bunker Reynolds, (R).....	Keyser
	*A. L. Helmick, (R).....	Thomas
Fifteenth.....	Frank B. Robinson, (R).....	Ranson
	*Harry P. Henshaw, (D).....	Bunker Hill

(R)..... Republican.
(D)..... Democrat.
(*)..... Holdover Senators.

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.

Messrs. Reitz (*Chairman*), Robinson, Helmick, Reynolds, Lilly, Engle, Hallanan, Woods, Davis (of Ritchie), West, Wells, Woodyard, Roberts, Hiner, Abbot, Henshaw and Mathews.

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.

Messrs. Davis (of Ritchie) (*Chairman*), Engle, Woods, Lilly, Watkins, Smith (of Lincoln), Wells, Henshaw and Mathews.

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.

Messrs. Watkins (*Chairman*), Reynolds, Woods, Robinson, Hugus, Walker, Smith (of Lincoln), Henshaw and Hiner.

ON CLAIMS AND GRIEVANCES.

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

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, Sistersville.
 Sergeant-at-Arms—W. H. Hutchison, Spencer.
 Doorkeeper—E. H. Knabenshue, Buckhannon.

COUNTY	MEMBERS	POST OFFICE
Barbour.....	Herman J. Poling, (D).....	Phlippli
Berkeley.....	Charles Beard, (R).....	Martinsburg
	Laoy I. Rice, (R).....	Martinsburg
Boone.....	E. E. White, (D).....	Madison
Braxton.....	L. T. Harvey, (D).....	Sutton
	J. C. Dean, (D).....	Frametown
Brooke.....	James L. Deuley, (R).....	Wellsburg
Cabell.....	R. Lee Beubring, (R).....	Huntington
	Ralph R. Robison, (R).....	Huntington
	M. F. Leonard, (R).....	Huntington
	R. F. Brammer, (R).....	Milton
Calhoun.....	George W. Hays, (D).....	Arnoldsburg
Clay.....	L. J. Reed, (R).....	Proclous
Doddridge.....	Ira E. Smith, (R).....	West Union
Fayette.....	R. L. Mathews, (D).....	Montgomery
	J. H. MacQueen, (D).....	Fayetteville
	W. H. Evans, (D).....	Ansted
	C. Lance Marshall, (D).....	Mount Hope
Gilmer.....	R. F. Kidd, (D).....	Glenville
Grant.....	J. L. Rexroad, (R).....	Lahmansville
Greenbrier.....	W. T. Sheppard, (D).....	Smoot
	John Raine, (R).....	Ralnelle
Hampshire.....	Caudy G. Davis, (D).....	Yellow Springs
Hancock.....	Thomas F. McKensie, (R).....	New Cumberland
Hardy.....	J. D. Chipley, (D).....	Moorasfeld
Harrison.....	Karl B. Kyle, (R).....	Clarksburg
	Harvey W. Harmar, (R).....	Clarksburg
	E. Leslie Long, (R).....	Clarksburg
	James W. Bartlett, (R).....	Clarksburg
Jackson.....	Harry Riley, (R).....	Ripley
	Earl M. McGlothlin, (R).....	Ravenswood
Jefferson.....	U. S. Martin, (D).....	Shepherdstown
Kanawha.....	Harold Mathews, (R).....	Charleston
	Edward Calderwood, (R).....	Charleston
	James O. Lakin, (R).....	Charleston
	T. J. Robson, (R).....	Charleston
	E. M. Keatley, (R).....	Charleston
	Chas. K. Payne, (D).....	Charleston
Lewis.....	J. W. Farnsworth, (R).....	Weston
Lincoln.....	Kyle Topping, (R).....	Atanville
Logan.....	Harry S. Gay, Jr., (R).....	Mount Gay
Marion.....	Rollo J. Conley, (R).....	Fairmont
	M. L. Brown, (R).....	Fairmont
	Ellsworth Morgan, (R).....	Fairmont, R. F. D. 3.
Marshall.....	Dr. Will F. Crow, (R).....	Glen Easton
	C. E. Hutchinson, (R).....	Moundsville
Mason.....	George A. Ralston, (R).....	Leon

MEMBERS OF THE HOUSE OF DELEGATES

COUNTY	MEMBERS	POST OFFICE
Mason	Russell Starkey, (R)	Glenwood
Marcer	F. M. Peters, (D)	Bluefield
	Roy A. Cole, (R)	Montcalm
	T. K. Massie, (R)	Princeton
Mineral	O. S. W. Fazenbaker, (R)	Keyser
Mingo	William B. Hogg, (R)	Williamson
Monongalia	James W. Hartigan, (R)	Morgantown
	Hu S. Vandervort, (R)	Morgantown
Monroe	I. H. Talbot, (D)	Union
Morgan	S. S. Buzzerd, (R)	Berkeley Springs
McDowell	J. W. Luther, (R)	Welch
	M. H. Tabor, (R)	Crumpler
	John D. Kennedy, (R)	Bradshaw
	T. Edward Hill, (R)	Keystone
	J. E. Brown, (D)	Summersville
Nicholas	John Ulrich, (R)	Wheeling
Ohio	John T. Carter, (R)	Elm Grove, Wheeling
	J. Wm. Cummins, (R)	Wheeling
	Milton McColloch, (R)	Wheeling, R. F. D.
	R. M. Hiner, (D)	Franklin
Pendleton	Charles E. Fogle, (R)	St. Marya
Pleasants	George F. Hull, (R)	Durbin
Preston	B. S. Rankin, (R)	Tunnelton
	James Henry Smith, (R)	Bruceeton Mills
Putnam	J. Stanley Stephens, (R)	Buffalo
Raleigh	A. C. Sutphin, (R)	Beckley
	Kyle D. Harper, (D)	Beckley
Randolph	Frank C. Baker, (D)	Elkins
	Cyrus H. Scott, (D)	Elkins
Ritchie	Harvey Cline, (R)	Pennaboro
Roane	Charles S. Meredith, (R)	Spencer
	Grover P. Hedges, (D)	Spencer
Summers	O. P. Vines, (D)	Hinton
Taylor	Guy D. Haymond, (R)	Grafton
Tucker	M. B. West, (D)	Parsons
Tyler	James T. Fonner, (R)	Middlebourne
Upshur	B. C. Radabaugh, (R)	Hall
Wayne	General H. Marcum, (D)	Crum
	W. B. Smith, (D)	Wayne, Route No. 1
Webster	W. S. Wyson, (D)	Webster Springs
Wetzel	Lee Cusack, (D)	New Martinsville
	W. O. Gallagher, (D)	Pine Grove
Wirt	Hugh Prather, (D)	Elizabeth
Wood	J. F. Bennett, (R)	Parkersburg
	Thayer M. McIntire, (R)	Parkersburg
	Frances I. Radenbaugh, (R)	Parkersburg
Wyoming	Joseph H. Cooper, (R)	Pineville

63 Republicans.
31 Democrats.

Standing Committees of the House of Delegates

ON ELECTIONS AND PRIVILEGES.

Messrs. Keatley (*Chairman*), Radabaugh, Hutchinson, McKenzie, Hull, Stephens, Gay, Long, Smith (of Doddridge), Rice, Kidd, Scott, Hays, Wysong and Poling.

ON THE JUDICIARY.

Messrs. Hogg (*Chairman*), Harmer, Keatley, Rice, Beuhring, McKenzie, Kyle, Long, Conley, Miss Radenbaugh, Messrs. Smith (of Preston), Buzzerd, Tabor, Wysong, Kidd, Hiner, Scott and Poling.

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.

Messrs. Mathews (of Kanawha), (*Chairman*), Raine, Cole, Robinson, Lakin, Stephens, Hartigan, Brown (of Marion), McColloch, Sutphin, Hutchinson, Bennett, Meredith, Hill, Smith (of Doddridge), Gay, Payne, Baker, Harvey, White, Cusack and Peters.

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

Messrs. Beuhring (*Chairman*), Carter, Starkey, Morgan, Lakin, Long, Tabor, Massie, Calderwood, Stephens, Kidd, Chipley, Dean, Talbott and Payne.

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.

Messrs. Beard (*Chairman*), Robson, Fonner, Fogle, McIntire, McGlothlin, Leonard, Morgan, Bartlett, Farnsworth, Marshall, Hedges, Prather, Harper and Martin.

ON HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.

Messrs. Lakin (*Chairman*), Radabaugh, Brammer, Miss Radenbaugh, 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, Buzzard, 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.

Messrs. Gay (*Chairman*), Robson, Sutphin, Lakin, Smith (of Preston), Conley, Bartlett, Cole, Tabor, Vandervort, McColloch, Baker, Peters, White and Harper.

ON AGRICULTURE.

Messrs. McGlothlin (*Chairman*), Massie, Miss Radenbaugh, Messrs. Vandervort, Beard, McColloch, Reed, Rankin, Topping, Rairden, Dean, Shepard, 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.

Messrs. Rice (*Chairman*), Conley, Luther, Raine, Kyle, Gay, Stephens, Hull, Calderwood, McCulloch, Cusack, Kidd, Vines, Talbott and Baker.

ON LABOR.

Messrs. Ulrich (*Chairman*), Rice, Kyle, Fazenbaker, Leonard, Crow, Haymond, Bennett, Deuley, Bartlett, Cusack, Harper, Marshall, Peters and MacQueen.

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.

Messrs. Luther (*Chairman*), Fonner, Gay, Robison, Robson, Bennett, Ulrich, McIntire, Leonard, Raine, Payne, Marshall, Baker, Harper and Peters.

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.

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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.
4. Council: election for, oath and term of office.
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

SEC.

- 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.

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(r)	Designation of person to receive ballots, etc.; special messenger.	(b)	Payments into and from city treasury.
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(t)	General election law to govern conduct of election.	21.	Certificate by county assessor to city clerk of assessment; rate of levy; correction of erroneous assessment.
(u)	Procedure for canvassing returns; recount; certificate of result; poll books and tally sheets.	22.	Procedure for collection of municipal taxes.
(v)	Determination of tie vote.	23.	Procedure for collection of taxes in case of neglect or refusal to pay.
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(x)	Qualification of voters; challenge.	25. (a)	Powers of council.
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8.	Mayor to be chief executive officer; selection of superintendents of departments; other appointive officers.	(d)	Prohibition or regulation of transaction of any business.
9.	Creating and discontinuing offices and prescribing duties and compensation of employees.	(e)	Licenses to be issued by city clerk.
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12.	Vacancy in council; how filled; removal for cause.	29.	Fiscal year; examination of books and accounts by accountant; publication.
13.	Meetings of council, time for regular and special meetings; mayor to preside; superintendent of department of accounts and finance to be vice president.	30.	Rules for construction of act.
14.	Procedure by council; ineligibility for office under or employment by city.	31.	Bonds of officers, surety, conditions and where filed.
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		(f)	Further powers as to streets and limitation on acceptance when donated.
		(g)	Plats for proposed subdivisions to be filed.

SEC.		SEC.	
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47. (a)	Powers of council as to waterworks, street railways, airports, etc.	(c)	Chairmen of board of trustees of pension fund.
(b)	Water rents, how expended.	(d)	Eligibility to participate in benefits of pension fund; gifts or bequests to pension fund; how funds invested; annual levies for fund.
48. (a)	Power as to paving streets, laying sewers, etc.; expense of; provisions as to street car or other railways; assessments for expense.	55.	Procedure to enlarge corporate boundaries; elections and form of ballot; certificate of result to show new boundaries and to be filed in office of clerk of county court.
(b)	Lien of assessments.	56.	Former incorporating acts repealed; power of public service commission over rates of public service corporations not affected; no tax except regular property tax will be imposed on motor vehicles.
(c)	Certificate by city clerk of assessments to be filed in office of county court.		
(d)	Procedure upon default in payment of assessments.		
(e)	Notice by clerk for property owners to appear before assessments become final.		
(f)	Rights conferred by section are cumulative.		
(g)	Bonds for paving, curbing or sewers.		
(h)	Vote of people on bonds.		
(i)	Specifications and estimates of proposed improvements to be filed in clerk's office; resolu-		

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 chuses 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-

12 tion therein; and may grant, sell, convey, transfer, lease, let,
13 assign, pledge, mortgage, charge and encumber any such prop-
14 erty in any case, and in any manner, in which it would be
15 lawful for a private individual so to do, subject to the limita-
16 tions and provisions of the constitution of the state; and may
17 have and use a common seal and alter and renew the same
18 at pleasure; and generally shall have all the rights, franchises,
19 capacities and powers appertaining to like corporations in this
20 state, and shall have and succeed to all powers, franchises and
21 immunities, rights and privileges, which were conferred upon
22 or belonged or appertained to said city of Parkersburg, by
23 virtue of any act or acts of the general assembly of the state
24 Virginia, or of the legislature of this state heretofore passed.
25 The enumeration of particular powers in this act shall not
26 be held or deemed to be exclusive, but in addition to the powers
27 enumerated herein, implied thereby, or appropriate to the
28 exercise thereof, the City of Parkersburg and the council there-
29 of shall have and exercise all other powers, privileges and
30 authority granted to or conferred upon municipalities and
31 city councils under the Constitution of the state of West Vir-
32 ginia under chapter forty-seven of the Code of West Virginia
33 of one thousand nine hundred and twenty-three, and under
34 any other law of the said state, as same now are and as same
35 may hereafter be amended.

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

6 (a). Beginning at a point in the ordinary water line on
7 the southern bank of the Little Kanawha River, and opposite
8 the center of the mouth of Worthington creek; thence across
9 the river to the center of Worthington creek; thence with
10 the center line thereof to a point under the center of the
11 bridge on the Staunton pike; thence in a straight line to a
12 point in the center of the Northwestern turnpike or Seventh
13 street, two hundred feet east of the eastern line of Fairview
14 avenue; thence parallel with said Fairview avenue and two
15 hundred feet therefrom to a point two hundred feet north of
16 the northerly line of Twenty-third street; thence in a westerly
17 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 of 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

61 Pond run; thence down Pond run, with the center line there-
62 of, to the northerly line of Twenty-sixth street, which street
63 runs between Anderson addition and what was formerly land
64 belonging to J. N. Camden; thence with the line of Twenty-
65 sixth street and said line extended towards and across the
66 Ohio river to a point in the West Virginia-Ohio state line
67 on the westerly side of said river; thence down the Ohio river
68 with the said state line to a point opposite a point on the
69 southern bank of the Little Kanawha river at the mouth
70 thereof in the ordinary water line thereof; thence to said
71 last named point; thence with the said ordinary water line
72 of said river in an eastern direction to a point where said
73 water line is intersected by the westerly line of Market street
74 extended; thence in a southwesterly direction to the north-
75 western corner of tract now owned by the City of Parkers-
76 burg and known as the old pest house lot; thence with the
77 western line of said lot to its southwestern corner; thence
78 with the southerly line of said lot, to a point one hundred
79 and fifty feet west of Lubeck avenue; thence with a line fol-
80 lowing Lubeck avenue and parallel therewith in a general
81 southwesterly direction and one hundred and fifty feet west
82 of Lubeck avenue to where said line intersects the westerly
83 line of the Lubeck road just south of the Nicelyville school;
84 thence at about a right angle and in a straight line in an
85 easterly direction to center of Neal's run, to a point midway
86 between the extension of the southerly line of Seventh avenue
87 in South Parkersburg and the northerly line of Eighth ave-
88 nue; thence continuing parallel with said southerly line of
89 Seventh avenue to the westerly side of Division street;
90 thence southerly with the westerly side of Division street
91 to a point opposite center of road now known as the easterly
92 extension of Seventh avenue; thence across Division street
93 following the center line of said easterly extension of Seventh
94 avenue and said line extended, crossing "A" street, to a point
95 one hundred and fifty feet east of the easterly line of Wood
96 street extended; thence parallel with the easterly line of Wood
97 street extended in a northerly direction to northerly line of
98 Merrick property, or the westerly extension thereof; thence
99 easterly with Merrick line and its extension to easterly line of
100 the Elizabeth pike; thence with the easterly line of the Eliza-
101 beth pike in a southerly direction to the point where said line
102 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

56 the city clerk with other records of the city. In said book
57 shall also be recorded the certificates of appointment of the
58 members of said board, and their oaths of office.

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

63 (i). Except as otherwise expressly provided in this act, or
64 as may be inconsistent with any provision hereof, the said
65 election board shall be charged with all the duties and responsi-
66 bilities which under the general election law of the state de-
67 velop upon the clerks of the county court and circuit court,
68 upon the board of ballot commissioners, upon the board of
69 canvassers and upon the county court; and they shall be sub-
70 ject to all the pains and penalties for breaches of law and
71 omissions of duty which are provided by general law, in chap-
72 ters three and five of the code of West Virginia, on the part
73 of the several officers, who, under the general election law,
74 perform in state and county elections, the duties hereby de-
74-a valued upon the election board.

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

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

90 The primary election for nomination of candidates for
91 municipal offices shall be held on the second Tuesday preced-
92 ing the general municipal elections. Any person desiring to
93 become a candidate for mayor or councilman, shall, at least
94 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-
102 ination to the office of (mayor or councilman) to be voted upon
103 at the primary election to be held on the second Tuesday pre-
104 ceding the Tuesday after the first Monday in April, 19.....,
105 and I hereby request that my name be printed upon the of-
106 ficial primary ballot for nomination by such primary election
107 for such office.

108 (Signed).....

109 Subscribed and sworn to before me by.....on this
110day of....., 19.....

111 (Signed).....

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-
119 tion 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-
125 tion for (name of office) at the primary election to be held on
126 the second Tuesday preceding the Tuesday after the first Mon-
127 day 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
129 character, and qualified, in our judgment, for the duties of
130 such office. Names of qualified electors, number, street, age,
131 length of residence in city.

132 (k). Immediately upon the expiration of the time for filing
133 the statements and petition of candidates with the city clerk,
134 the said clerk shall file all such statements and petitions with
135 the election board and the said election board shall cause to be

136 published in two daily newspapers published in, and of gen-
 137 eral circulation in, the said city, if such there be, the names
 138 of the persons who are to be voted for at the primary elec-
 139 tion, arranged for each office in alphabetical order, and as they
 140 are to appear upon the primary ballot; and the said election
 141 board shall cause the ballots to be used at said primary election
 142 to be printed and authenticated with the fac-simile signature
 143 of each member of said board. Upon said ballots, the names
 144 of the candidates for mayor shall be placed in alphabetical
 145 order immediately after the words, "vote for one," and at
 146 the left of each name there shall be printed a square, within
 147 which the voter may by mark indicate his choice. Following
 148 these names, shall be printed the names of the candidates for
 149 council in alphabetical order, and under the words, "vote for
 150 four," and at the left of each name shall be printed a similar
 151 square. The ballots shall be printed upon plain, substantial
 152 white paper, and shall be printed as hereinafter prescribed,
 153 and shall be in substantially the following form:

154 *Official Primary Ballot.*

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

158 For Mayor
 159 (Vote for One)
 160 (Names of Candidates)
 161 For Councilmen
 162 (Vote for four)
 163 (Names of candidates)

164 Official ballot—attest:

165
 166
 167

Election Board.

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

174 (l). When the ballots for any election hereunder have
 175 been printed they shall be delivered to the said election board,
 176 and the said board shall on the day preceding any election

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 muni-
193 cipal 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 hereinabove 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
232 offenses thereat, so far as the same may be applicable.

233 Before entering upon the discharge of their duties, each of
234 said election officers shall take and subscribe the same oath
235 required by law for the corresponding election officers ap-
236 pointed under the general election law of the state.

237 No person shall be eligible to appointment as a commissioner
238 of election or poll clerk, or shall act as such, at any election
239 hereunder who has anything of value bet or wagered on the
240 result of such election.

241 No person shall be appointed or shall serve as an election
242 officer at any election hereunder, who is a candidate to be
243 voted for at such election or who is not a qualified voter of the
244 city, is not of good standing and character, who is addicted to
245 the use of intoxicating liquors, of who is, or has been within
246 sixty days next preceding such election, an officer or employe
247 of the City of Parkersburg, and, in addition to these qualifi-
248 cations, each challenger must be a qualified voter of the elec-
249 tion precinct in which he serves.

250 Such election officers shall receive for their services as com-
251 pensation, to be paid by the city, such sum as may from time
252 to time be fixed by ordinance, not greater than the sum pro-
253 vided by law for the compensation of similar officers at state
254 and county elections; *provided*, that in the absence of any such
255 provisions by ordinance, they shall so receive the same com-
256 pensation as may be provided by state law for compensation for
257 such similar officers.

258 (q). The election officers for the several precincts shall be
259 selected and appointed as follows:

260 For a primary election: The election board shall meet in
261 the city building at ten o'clock a. m., on the Wednesday pre-
262 ceding a primary election to be held hereunder and each mem-
263 ber of the board shall nominate one qualified person as com-
264 missioner of election for each voting precinct in the city, and
265 the board shall thereupon appoint the persons so nominated,
266 together with two clerks and two challengers for each pre-
267 cinct; *provided*, that any group or groups of qualified voters
268 in any precinct may by petition or petitions, each signed by
269 not fewer than twenty-five *per centum* of the qualified voters
270 in such precinct, nominate to the election board qualified per-
271 sons for election officers for such precinct, and if any such pe-
272 tition is filed with the chairman or secretary of said board, at
273 or before the time fixed for such meeting above provided for,
274 then all the election officers for any such precinct shall be se-
275 lected from the nominations so made; all the signatures to
276 any such petition need not be upon the same paper, and such
277 petitions shall be signed and verified as provided in paragraph
278 (j) hereof; no person shall sign two such petitions, and if any
279 voter shall sign two such petitions, then his name shall be
280 stricken from both and not counted on either in determining
281 the number of signers, provided further, that if there be two
282 nominating petitions filed for any precinct, the board shall
283 select two commissioners, one clerk and one challenger from
284 the petition having the larger number of signers, and one
285 commissioner, one clerk and one challenger from the petition
286 having the smaller number of signers, and if there be three
287 such petitions filed for any precinct, the board shall select one
288 commissioner from each, and one clerk and one challenger from
289 each of those having a larger number of signers than the third
290 petition has; and provided further, that to fill any position not
291 covered by such nominations, the board shall appoint a quali-
292 fied person as above provided.

293 For a general election: The board shall meet in the council
294 chamber of the city building at ten o'clock, a. m. on the Wed-
295 nesday preceding a general election, at or before which time
296 each of the two candidates for mayor shall have the right to
297 submit in writing to the board, nominations of qualified per-
298 sons for one commissioner of election, one clerk and one chal-
299 lenger for each or any voting place in the city. Whereupon

300 the election board shall appoint as election officers the persons
301 so nominated and shall appoint one additional commissioner
302 of election for each precinct. In case no nominations, or an
303 incomplete list or lists of nominations are submitted, the board
304 shall select and appoint as above provided election officers to
305 fill the places for which no such nominations are made.

306 For a special election called for acting upon the authoriza-
307 tion of bond issues or authorizing of special levies, or for any
308 other purpose, at which no officers are to be elected, the officers
309 of election shall be appointed by the election board in the man-
310 ner which is hereinabove provided for the election of such of-
311 ficers for primary elections, and subject to the same right of
312 nomination by petition.

313 For a special election for the removal of an elective officer
314 or officers, as provided by section fifty-three of this act, if there
315 are but two candidates for mayor to be voted for, the officers
316 of election shall be selected and appointed as and in the man-
317 ner herein provided for general elections; if at such special
318 election there are more than two candidates for mayor to be
319 voted for, or if there are no candidates for mayor but only
320 candidates for council to be voted for, then, in the one case the
321 candidates for mayor and in the other case the candidates for
322 candidates for council, may each nominate in writing qualified
323 persons for one commissioner, one clerk and one challenger for
324 each and any voting precinct and from the nominations so
325 made, the election board shall appoint three commissioners,
326 two clerks and two challengers for each precinct; *provided*,
327 that said board shall select and appoint as above provided,
328 election officers to fill any places not covered by the nomina-
329 tions so made by the candidates.

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

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

339 In case any precinct election officer so appointed shall be-
340 fore three o'clock p. m. on the day preceding an election here-

341 under, notify the election board of his inability or unwilling-
342 ness to serve, or in case of a vacancy otherwise arising before
343 that time, as from death or removal, the election board shall
344 thereupon proceed to fill the resulting vacancy from nomina-
345 tions previously made, or then submitted, by the same person
346 or group upon whose nomination the nominee unable or un-
347 willing to serve was originally appointed, and in the absence
348 of any such nomination, the vacancy shall then be filled by the
349 said board, and in either event the said board shall immediate-
350 ly cause written notice of the appointment to be delivered to
351 the appointee in person.

352 (r). The commissioners of election for each precinct shall
353 designate in writing one of their number to receive from the
354 election board the ballots, ballot boxes and poll books for their
355 precinct. The person so designated shall, on the day preced-
356 ing any election attend at the council chamber in the city hall
357 for that purpose between the hours of ten o'clock a. m. and
358 four o'clock p. m. at the meeting of the board provided for in
359 paragraph (l) hereof, and shall receive the said ballots and
360 supplies and receipt to the board therefor. If any such com-
361 missioner has not appeared by four p. m. on said day, the
362 election board shall designate a special messenger, and shall
363 cause said ballots and supplies to be by said special messenger
364 delivered to one of the election commissioners for such precinct.
365 Such messengers shall be allowed and paid by the city the sum
366 of two dollars for his services in acting as such messenger.

367 (s). If any precinct election officer shall fail to appear at
368 the hour appointed for the opening of the polls, the commis-
369 sioners of election, or the remaining commissioners, may ap-
370 point a qualified person to serve in his stead, but if the quali-
371 fied voters of the precinct present at the polls, being at least
372 ten in number, shall nominate a qualified person such nominee
373 shall be appointed. If none of the commissioners of election
374 shall appear at any precinct at the hour appointed for the
375 opening of the polls, the qualified voters of the precinct pres-
376 ent, being at least ten in number, shall elect by *viva voca* vote
377 three commissioners to act in their stead.

378 (t). The conduct of any election hereunder, and the count-
379 ing of votes and ascertaining the result by the precinct elec-
380 tion officers herein provided for, shall, unless otherwise herein
381 expressly provided be governed (so far as the same may be ap-

382 plicable) by the general election laws of the state as contained
383 in chapters three and five and elsewhere in the code of West
384 Virginia.

385 The said precinct election officers shall make return of the
386 result of the election to the election board at the city building
387 within eight hours after the closing of the polls, at which time
388 they shall deliver to said board the sealed packages of ballots
389 cast at said election at their respective precincts, together with
390 one of the duplicate certificates, required by said general elec-
391 tion law showing results of the vote at such precinct, as well
392 as both sets of poll books and tally sheets; the other duplicate
393 certificates shall be delivered to the city clerk who shall post the
394 election be delivered to the city clerk who shall post the
395 same in his office for public inspection.

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

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

414 The certificate of result hereinabove referred to shall fol-
415 low the form prescribed in section sixty-nine of chapter three
416 of said code so far as the same may be applicable; one of such
417 certificates shall be recorded in the records of such board; one
418 of such certificates shall be transmitted to each person voted
419 for as a candidate at such election; one shall be delivered to
420 the city clerk by whom it shall be laid before the city council
421 at its next meeting.

422 Said election board shall cause the certificate showing the
423 result of said election to be published at least once in two daily
424 newspapers, if such there be, published and of general circula-
425 tion in said city beginning in the earliest issue practicable
426 after the completion of the canvass and of any recounts in con-
427 nection therewith.

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

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

444 (v). In the case of a tie vote resulting from any election
445 held in said city under this act, on any question submitted to
446 the voters of said city, or between two or more candidates
447 voted for at any election, the said election board shall de-
448 termine the said tie by declaring the nomination or election
449 of one of said candidates or by declaring the question voted
450 upon, carried or lost as the case may be.

451 (w). In the event of a contest between candidates over
452 nominations for, or elections to, an elective office under this
453 act, or in the event of a contest by any qualified elector of said
454 city over the result of any election held under the provisions
455 of this act, the said election board shall hear and determine
456 the said contest, and proceedings governing the same before
457 said board shall be the same as provided by law for the gov-
458 ernance of the county court in contests over the election of
459 county officers, save as herein otherwise provided.

460 In any matter of contest hereunder an appeal as a matter of
461 right shall lie direct from said election board to the circuit
462 court of Wood county. Upon such appeal being taken, the

463 circuit court shall try the contest *de novo*. Notice of such ap-
464 peal shall be given and the bond required by section three of
465 chapter six of the code shall be filed within the time therein
466 limited; whereupon, all ballot packages, poll books and tally
467 sheets in the custody of the election board or city clerk, and
468 pertaining to said election shall be transmitted to the circuit
469 court and shall, under the direction and subject to the orders
470 of the court, be preserved by the clerk thereof. The judg-
471 ment of said court shall be certified to said election board, who
472 shall enter the same upon their minutes as the judgment of the
473 board.

474 (x). Any person who is qualified to vote for members of
475 the state legislature in Wood county, and who has been a
476 resident of the city of Parkersburg for sixty days next pre-
477 ceding the election at which he offers to vote, shall be qualified
478 to vote in any election held under this act in the precinct in
479 which such person is on the day of the election a *bona fide*
480 resident; *provided*, that any person who will be qualified to
481 vote at any election shall also be qualified to vote at the pre-
482 ceding primary election to name candidates to be voted for at
483 such election. Until the City of Parkersburg shall have
484 adopted the provisions of the general registration law of the
485 state, as authorized by statute, no person shall be denied the
486 right to vote because such person's name does not appear on
487 the list or register of voters which the city council shall have
488 authority to cause to be made, and which may be provided for
489 by ordinance, but any person whose name does not appear,
490 as well as any person whose name does so appear, but whose
491 right to vote is challenged by any voter or election officer, shall
492 be required by the commissioners of election to make an affi-
493 davit showing that such person possesses all the necessary
494 qualifications for a voter at such election, and in general, giving
495 the information so far as applicable to municipal elections,
496 provided to be given to registrars under the general election
497 law, as contained in section ninety-eight-a of chapter three of
498 the code of West Virginia. This affidavit may be made before
499 one of the commissioners of election or before any person
500 authorized to administer oaths and shall contain the names of
501 two qualified voters of such precinct who shall be known to
502 said election commissioners to be reliable persons and who shall
503 state under oath that such person who desires to vote, and who

504 has made the affidavit herein required, is known to them and
505 that the statements therein made they believe to be true, which
506 affidavit shall be signed by said two persons and sworn to be-
507 fore one of the commissioners of election, or some other person
508 authorized to administer oaths. Upon such affidavit being
509 made, as provided, if a majority of said commissioners of
510 election believe the party applying to vote is a qualified voter
511 in that precinct, the said person shall be permitted to vote and
512 his name shall be added by the commissioners to the list of
513 voters of such precinct furnished to them by the election board,
514 as provided by paragraph (1) hereof, if his name is not already
515 upon such list. But if a majority of said commissioners do
516 not believe that such person is a qualified voter in such pre-
517 cinct, his vote shall be rejected. All affidavits taken pursuant
518 to this section shall be returned with the precinct returns, and
519 shall by the election board, be sealed and delivered to the clerk
520 of the circuit court of Wood county, to be dealt with as pro-
521 vided by section eighty-three of chapter three of the code of
522 West Virginia.

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

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

Sec. 7. The council shall have and possess, and the council
2 and its members shall exercise, all executive, legislative and
3 judicial powers conferred upon cities, towns and villages by the
4 general law of the state and by this act.

5 The executive and administrative powers, authority and du-
6 ties in said city shall be distributed into and among five de-
7 partments as follows:

- 8 1. Department of public affairs.
- 9 2. Department of accounts and finance.

10 3. Department of public safety.

11 4. Department of streets, parks, public improvements and
12 public property.

13 5. Department of water works and sewers.

14 The council shall determine the powers and duties to be
15 vested in and performed by the several departments and assign
16 same to the appropriate department, and may from time to time
17 change the same as may be deemed expedient for the better
18 transaction of the city's business, and shall prescribe the pow-
19 ers and duties of officers and employes, may assign particular
20 officers and employes to one or more of the departments; may
21 require an officer or employe to perform duties in two or more
22 departments; and may make such other rules and regulations
23 as may be necessary or proper for the efficient and economical
24 conduct of the business of the city.

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

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

16 The council may provide by ordinance for officers to be
17 elected by majority vote of the council, as hereinafter enumer-
18 ated: city clerk, city solicitor, city engineer, city physician,
19 chief of police, chief of fire department, and for such other
20 officers and assistants as may be deemed to be necessary to the
21 proper and efficient conduct of the affairs of the city, and may
22 fix and change their respective duties and compensation. Any
23 such officer or assistant so elected or appointed may be re-
24 moved at any time by a vote of a majority of the members of
25 the council, under such regulations as council may prescribe.

Sec. 9. The council shall have the power from time to time,
2 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 hereof 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.

20 In case charges are filed against any member of the council,
21 the council shall have the power, by the affirmative votes of a
22 majority of all the members elected to the council, to suspend
23 the accused councilman from the exercise of all his official
24 functions, pending the hearing and determining of the said
25 charges. For the period of said suspension the councilman
26 accused shall not be entitled to draw any salary, and in the
27 event such charges are sustained and the councilman is removed
28 from office, he shall not be entitled to any salary from and after
29 the date of such suspension, but in the event the charges are not
30 sustained and he is not removed from office, he shall be entitled
31 to receive his full salary for the entire period of suspension.

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

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

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

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

8 A majority of the whole number of councilmen shall consti-
9 tute a quorum to do business, but a smaller number may ad-
10 journ 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

5 works of public utility and service. No such franchise shall be
6 granted save by ordinance.

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

13 If any franchise which was granted before this act goes into
14 effect is not limited as to time, then any franchise granted by
15 way of amendment, extension or addition thereto shall never-
16 theless be made subject to the conditions hereof including the
17 time limit of not exceeding thirty years.

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

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

36 Every such franchise shall contain a provision that the
37 grantee shall indemnify the city against all damages caused by
38 construction and operation thereunder, which indemnification
39 shall be secured by bond in such penalty as may be provided in
40 the ordinance granting the franchise. Such ordinance shall
41 also contain such reasonable additional provisions and condi-
42 tions as may be requisite for the protection of the city and its
43 inhabitants from unnecessary damage or inconvenience by rea-
44 son of the construction and operation thereunder.

45 No such franchise shall be granted unless the ordinance
46 granting the same provides that the city shall receive in con-
47 sideration therefor, a compensation to be paid annually during
48 the lifetime of the franchise, *provided*, that when the principle
49 of competition is employed in the granting of a franchise, such
50 competition may be exercised in either of the following ways:

51 That the franchise with prescribed terms and conditions as
52 to its extent, and as to rates to be charged the public there-
53 under for services rendered, shall be given to the persons or
54 corporations agreeing to pay therefor to the city the highest
55 compensation; or

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

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

10 (b). If, within ten days from the passage of any ordinance
11 or franchise, a petition signed by qualified electors of said city
12 equal in number to at least twenty *per centum* of the entire
13 vote cast for all candidates for mayor at the last preceding
14 general election, protesting against the passage of said ordi-
15 nance or franchise, be presented to the council, the said ordi-
16 nance or franchise, shall thereupon be suspended from opera-
17 tion, and said petition shall be referred to the city clerk for
18 examination, verification and certification. The examination,
19 verification, authentication, inspection, certification and sub-
20 mission of said petition shall be governed by the same provi-
21 sions set up in section fifty-three hereof for the petition therein
22 provided for.

23 If the clerk should certify said petition to be insufficient, and
24 an amended and sufficient petition is not filed within the time
25 required by the provisions of said section fifty-three, then said
26 ordinance or franchise shall become operative. But if the clerk
27 shall have attached to said petition a certificate of sufficiency,

28 it shall be the duty of the council to reconsider said ordinance
29 or franchise, and if the same is not entirely repealed, the coun-
30 cil shall submit the same to a vote of the people at the next
31 general election, or a special election to be called for such
32 purpose, and such ordinance or franchise shall not go into effect
33 or become operative unless and until a majority of the qualified
34 voters voting for or against the same at said election, shall vote
35 in favor thereof. The ballot used when voting upon such ordi-
36 nance of franchise shall contain the words "For the Ordi-
37 nance" or "Against the Ordinance" (stating the nature of
38 the ordinance) and if a majority of the qualified electors vot-
39 ing thereon shall vote in favor thereof, said ordinance or fran-
40 chise shall thereupon become valid and binding. If a majority
41 of such voters shall vote against the same, it shall become of
42 no effect. More than one such ordinance or franchise may be
43 voted upon at the same election.

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

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

Sec. 19 (a). Council shall annually levy and collect taxes to
2 provide funds for the conduct of said city in the manner, and
3 after the estimates and within the limits prescribed in the gen-
4 eral law of the state of West Virginia, as contained in section
5 eight of chapter twenty-eight-a of the code of West Virginia of
6 one thousand nine hundred and twenty-three; *provided*, that
7 the laying of levies for Firemen's and Policemen's Pension
8 Funds shall be governed as to amounts thereof by section fifty-
9 four hereof relating to such funds. *Provided*, that if the coun-
10 cil is of the opinion that the maximum rate of levy authorized
11 in section eight of chapter twenty-eight-a of the said code of
12 West Virginia, will not, in addition to special levies, if any,
13 produce sufficient funds for the current or ensuing fiscal year
14 to cover the expenditures for said year, it may lay an addi-
15 tional levy and submit the same for ratification to the voters of
16 said city as provided by sections nine and ten of chapter twen-
17 ty-eight-a of the said code of West Virginia of one thousand
18 nine hundred and twenty-three. The election at which such

19 question is submitted shall be conducted under the provisions
20 of section five of this act.

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

39 (c). All receipts from the water works shall be apportioned
40 to the water works to provide for the expenses of the operation,
41 maintenance and extension thereof and for the payment of in-
42 terest upon, and the retirement of, water works bonds.

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

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

17 (c). The city treasury shall be one or more of the banks

18 of said city which shall be selected by, and which shall serve
19 as such, during the pleasure of the council. The money depos-
20 ited therein shall be disbursed only upon orders drawn against
21 the same signed and countersigned as hereinbefore prescribed.
22 Each bank so selected shall, before receiving any money on
23 deposit, give bond payable to said city, with security to be ap-
24 proved by the council, conditioned to safely keep and account
25 for such deposit and interest agreed to be paid thereon, and
26 otherwise as may be required by law, in such penalty as may
27 be prescribed by council; *provided*, that at no time shall there
28 be deposited in any such bank or left on deposit therein, a sum
29 equal to more than the penalty of the depository bond so given
30 by it.

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

Sec. 21. The officer whose duty it is to make out the land
2 and personal property assessment books for the county court
3 of Wood county, shall annually, not later than the twentieth
4 day of July, furnish to the city clerk of the city of Parkers-
5 burg, a certified statement showing in separate amounts the
6 aggregate value of all the personal property, and the aggregate
6 value of all the real estate and the aggregate value of all prop-
7 erty assessed by the board of public works, or other board in
8 lieu thereof, in said city, as ascertained from said land and
9 personal property books, and from the assessments furnished
10 by the state auditor to the county clerk, showing the value of
11 the property assessed in said city by the board of public works
12 for the current year. The statement so furnished shall be laid
13 by the city clerk before the council at its next meeting (not
14 later than the first day of August), and shall be taken by the
15 said council as the proper valuation of all property in said city
16 liable for taxation for municipal purposes for the purpose of
17 determining the rate of levy for municipal purposes for the
18 current fiscal year, as referred to in section nineteen of this act,
19 and in section eight of chapter twenty-eight-a of the code of
20 West Virginia; and as soon as the rate shall have been deter-
21 mined upon, the city clerk shall furnish the officer whose duty
22 it is to make out land and personal property books, a certified
23 copy of said order fixing the rate of such levy; and such officer

24 shall make and furnish to the city copies of those portions of
25 the land and personal property books of the county of Wood
26 showing all persons and property assessed within the city of
27 Parkersburg, and shall extend against said property and per-
28 sons the amount of taxes thereon based upon said levy, for
29 which said officer shall be paid by the city of Parkersburg, such
30 compensation as may be fixed by ordinance.

31 In case there has been made an erroneous or improper as-
32 sessment evidence submitted to the council of the correction of
33 such assessment upon the county's books, or the granting of
34 an exoneration or abatement by the county court, shall be taken
35 as the basis for the correction of the city's books and the grant-
36 ing by the council of the proper abatement or exoneration.

Sec. 22. Municipal taxes on real and personal property,
2 levied under this act shall be payable on the first day of De-
3 cember of each year in which the levy is made, but if the officer
4 charged with the collection of city taxes, who shall be the super-
5 intendent of the department of accounts and finance, or some
6 other officer appointed by the council for that purpose, shall
7 not be ready to receive such taxes by the first day of Decem-
8 ber, then as soon after that date as notice shall be given by such
9 officer by publication in one or more newspapers published in
10 said city that he is ready to receive such taxes. The bills for
11 such taxes shall be made out each year, and when paid, shall be
12 receipted by such officer and delivered to the person paying
13 the same. Any taxpayer may pay the whole amount of taxes
14 assessed against him, including capitation tax, within one
15 month after such first day of December, or within one month
16 after the collector has given notice that he is ready to receive
17 taxes, if he is not so ready by the first day of December, and
18 thereupon shall receive a discount of two *per centum* on the
19 amount of all real and personal property taxes so paid;

20 *Provided, however,* that for the period of five years after the
21 passage of this act, no tract of land containing more than five
22 acres situated within the limits of said city as prescribed by this
23 act used exclusively for gardening, grazing or agricultural pur-
24 poses, shall be taken and treated as a part of the territory of
25 said city without the consent of the owner thereof, unless said
26 owner shall have sold or leased the same, or some portion thereof,
27 in lots of five acres or less, or shall have laid off such tract in
28 town lots, and offered the same, or some of them, for sale.

Sec. 23. In case any person shall neglect or refuse to pay
2 in whole or in part any tax lawfully levied upon him for the
3 benefit of said city, on or before the first day of January, of
4 the year following that in which the levy is made, or on or be-
5 fore the first day of the month following the giving of the no-
6 tice by the collector, provided for in section twenty-two of this
7 act, if said notice be not given before the first day of January,
8 such person or persons shall be chargeable with interest upon
9 the amount of said taxes, at the rate of six *per centum* until the
10 same are paid, and the officer appointed to collect said taxes
11 shall be charged with said interest and required to account
12 therefor. And it shall be lawful for such officer to take reas-
13 onable distress of any personal property in said city belonging
14 to such delinquent or delinquents, or in which they shall have
15 any right or interest, and such officer is hereby invested with
16 all the rights, privileges and authorities in relation to distraint,
17 sale and garnishment concerning said city taxes, as are author-
18 ized and given to sheriffs and collectors by the laws of West
19 Virginia.

Sec. 24. All taxes assessed upon real estate within said city,
2 for the benefit of said city, shall remain a lien thereon from the
3 time the same are assessed, which shall have priority over all
4 other liens except for taxes due to the state, county or district,
5 and may be enforced by the council in the same manner now
6 provided by law for the enforcement of the lien for county taxes,
7 by a suit in equity in the name of the city, in any court having
8 jurisdiction, or in such other manner as the council may, by
9 ordinance, prescribe; and if not paid as provided by this act,
10 said lien and taxes shall bear interest at the rate of six *per*
11 *centum per annum* until the same are fully paid. And the per-
12 sonal property of every person to whom the said real estate
13 shall come by descent, purchase or gift, shall be subject to dis-
14 tress and sale in the same manner and to the same effect as if
15 he, she or they were originally chargeable with such taxes. And
16 in all cases in which any tax assessed upon real estate for the
17 benefit of said city shall be paid in whole or in part by the
18 tenant, or out of his or her property, he shall be entitled to
19 deduct the same out of the accruing rent, or to recover the
20 amount so paid from the owner of such real estate, unless it
21 shall have been otherwise especially agreed. The council shall,
22 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
17 thereon ; but no license shall be granted to permit the perman-
18 ent occupancy for private use of any street, alley, or public
19 square, or part thereof, or for any use of such street, alley, or
20 public square that will obstruct the free use thereof:

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

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

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

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

37 To require or revoke licenses for, and to grant or refuse
38 licenses to, theatrical exhibitions, public shows, musical per-
39 formances and all performances for which admission is obtained
40 by the payment of money or other reward and to levy and col-
41 lect license taxes on the same ; *provided*, that this paragraph
42 shall not apply to exhibitions, shows or performances given by
43 or for religious, charitable, educational, eleemosynary, patri-
44 otic or fraternal organizations, when the net proceeds are to be
45 devoted to charitable, religious, benevolent, educational or
46 patriotic purposes :

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

52 To impose license taxes upon, and to collect such taxes from,
53 corporations carrying on business within said city, which shall
54 be in addition to the special license tax, if any, applicable to
55 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 may incur such liability for the city in an amount not exceeding
10 twenty-five dollars without such previous authority.

11 (b). No money shall be appropriated and no debt shall be
12 created for any purpose whatever unless the funds to meet the
13 same shall have been first provided by levy duly laid in accord-
14 ance with the provisions of this act; save that this provision
15 shall not apply to the water works, or to any other utility which
16 may be operated by the city, so far as the expenditures in con-
17 nection therewith are met by the receipts therefrom, and not
18 by levy; and no contract shall be entered into involving or an-
19 ticipating future levies, unless all questions connected with the
20 same shall have been submitted to a vote of the people and shall
21 have received three-fifths of all the votes cast for and against
22 the same. *Provided*, that the council may make provision by
23 ordinance by appropriations for the temporary and necessary
24 needs of the city between the close of any fiscal year, June
25 thirtieth, and the laying of the levy, as above provided. Ap-
26 propriations for such short emergency periods to be at no
27 greater rate than those for the fiscal year then just closed, or
28 about to close.

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

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

Sec. 28. Council shall create by appointment, a civil service
2 board, consisting of three residents of the city, whose duty it
3 shall be to examine all applicants for positions in the depart-
4 ments of police, fire and water works, and such other depart-
5 ments as may be ordained, including the chiefs of such depart-
6 ments; and shall define the terms and prescribe the duties of
7 the members of such board and its general procedure. All per-

8 manent appointments to said departments (not including or-
9 dinary laborers) shall be made from applicants recommended
10 by said board, and when appointed, such persons shall be re-
11 moved only for cause. All appointments to the police depart-
12 ment shall be made by the mayor; all appointments to the fire
13 department shall be made by the superintendent of the depart-
14 ment of public safety; all appointments to the water works
15 department shall be made by the superintendent of the depart-
16 ment of water works and sewers; such appointments in each
17 case must be confirmed by the council before becoming per-
18 manent.

Sec. 29. The fiscal year of said city shall begin on the first
2 day of July, and end on the thirtieth day of June of the fol-
3 lowing year. At the end of each fiscal year, the council shall
4 cause a full and complete examination of all the books and ac-
5 counts of said city to be made by a competent accountant, and
6 shall publish the result of such examination in two daily news-
7 papers of the city of opposite politics, if such there be.

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

3 (a). When an officer or officers is named in any law re-
4 ferred to in this act, or in any general law of the state gov-
5 erning municipalities, said law shall, when applied to said city,
6 be construed to mean the officer or officers having the same
7 functions or duties under the provisions of this act, or or-
8 dinance passed pursuant thereto.

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

13 (c). The word "electors" shall be construed to mean per-
14 sons qualified to vote for elective officers at regular municipal
15 elections in said city.

Sec. 31. Where by this act or by any ordinance of said city,
2 any officer of said city, who receives a monthly salary of more
3 than fifty dollars, is required to give an official bond, it shall be
4 given with a surety company approved by the council; bonds
5 of other officers may be given with personal security, approved
6 by the council. All official bonds shall be payable to the city of
7 Parkersburg, and be with the condition that the officer shall
8 faithfully discharge the duties of his office, and faithfully ac-

9 count for and pay over, as required by law, all moneys which
10 may come into his hands by virtue of his office. Such bonds,
11 except that of the superintendent of the department of accounts
12 and finance, shall be filed in the office of the superintendent of
13 the department of accounts and finance, and shall be carefully
14 preserved by him. The bond of the superintendent of the de-
15 partment of accounts and finance shall be filed with, and pre-
16 served by the mayor.

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

27 (b). Every person sentenced by said police court to impris-
28 onment or to the payment of a fine of ten dollars or more (and
29 in no case shall a fine of less than ten dollars be imposed if the
30 defendant, his agent or attorney objects thereto) shall be al-
31 lowed an appeal to the circuit court of Wood county, *provided,*
32 notice of such appeal be given within forty-eight hours from
33 the rendition of the judgment, upon entering into and filing,

34 within such time, an appeal bond with surety deemed sufficient
35 and approved by the judge of said police court, in a penalty
36 double the amount of the fine and costs, with condition that
37 the person appealing will appear before the said circuit court
38 at its next term, and not depart thence without leave of the
39 court and will perform and satisfy any judgment which may
40 be rendered against him by the said circuit court upon such
41 appeal.

42 When any such appeal is taken, the warrant of arrest, a
43 transcript of the judgment, the appeal bond, and other papers
44 in the case shall be forthwith delivered by the judge of the
45 police court to the clerk of the circuit court, who shall place
46 the case upon the docket of said court, and the said court shall
47 proceed to try the case as upon indictment or presentment, and
48 shall render such judgment, including the costs, as the law and
49 evidence may demand. If the judgment be against the ac-
50 cused it shall include the costs incurred in the proceeding be-
51 fore the police court, as well as in said circuit court. In no
52 case shall a person convicted before the circuit court upon such
53 appeal for the violation of a city ordinance be sentenced to pay
54 a larger fine or sentenced to a longer term of imprisonment
55 than is provided in said ordinance, and such fine and the costs
56 incurred before the said police judge shall, when collected, be
57 paid over by the sheriff of Wood county to the judge of said
58 police court. *Provided*, that in case a fine only is imposed by
59 said police court, the party fined and desiring to appeal may,
60 in lieu of giving appeal bond, deposit the amount of fine and
61 costs in cash with the judge of said police court, which sum
62 shall be, by him, immediately paid over to the superintendent
63 of the department of accounts and finance, who shall keep the
64 same in a separate account until such time as said case is heard
65 and determined in said circuit court; and upon a certified
66 copy of the judgment of said circuit court being delivered to
67 him, the said superintendent shall pay the amount of such fine
68 and costs into the proper city fund, or to the party fined, ac-
69 cording as the said party is acquitted or convicted in said cir-
70 cuit court.

71 (c) The jurisdiction of said city for police and criminal
72 purposes shall extend one mile beyond the corporate limits of
73 said city in all directions, except to the westward, in which di-
74 rection, said jurisdiction shall extend to the West Virginia state

75 line. Such jurisdiction shall also include any grounds in the
76 county of Wood acquired, owned or leased by the city as a pub-
77 lic park or parks or for use in connection with water works, or
78 with any other project for which the city is authorized to hold
79 property outside the city limits.

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

94 (e). The presiding judge of said police court may, without
95 fees or other compensation, commit persons charged with
96 felony or misdemeanor to jail, and take bond for their appear-
97 ance before the grand jury of Wood county, and he shall have
98 power to issue execution for all fines, penalties and costs im-
99 posed by him.

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

Sec. 34 (a). The council shall have the authority to acquire
2 property for, and to maintain and regulate public parks, air
3 ports, sites for water works and ground to be used in connec-
4 tion therewith, sites for cemeteries, and for plants for produc-

5 tion of gas, light and power, incinerating plants and plants for
6 disposal of garbage and sewage, whether any of the same be lo-
7 cated within or without the city limits as herein defined; and
8 to operate all such plants; to acquire, use, lease, rent and sell
9 water power and water rights and sites whether within or
10 without the city limits; to acquire ground for and to erect city
11 hall, stations for fire departments and to regulate the same; to
12 establish and maintain free public libraries and reading rooms
13 and to purchase books, papers and magazines therefor; to re-
14 ceive donations and bequests of money and property for any
15 of said purposes and for other purposes, whether the same be
16 in trust or otherwise, and to provide by ordinance for the man-
17 agement of the same by officers of the city, or by such agents
18 or trustees as may be prescribed; to acquire property for and
19 to erect and maintain work house, jail, hospital, or infirmaries,
20 and all other places necessary for said city, whether the same
21 be within or without the city limits as herein defined.

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

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

Sec. 36. The council shall have the authority to regulate the
2 burying of the dead within the city, to preserve the peace and
3 order within the cemeteries therein, and within such cemeteries
4 as may be the property of the city situated outside of city lim-

5 its, if any such there be, and in general to have such control
6 over all such cemeteries as will promote the public good.

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

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

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

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

25 (d). In order to acquire the ground, if any is necessary, to
26 provide for opening, extending or widening any street, walk,
27 alley, market ground, public square or park, or site for hos-
28 pital, airport, water works, or any other structures author-
29 ized by this act, or by general law, or rights of way for streets,
30 alleys, water or sewer lines, the said city is hereby empowered
31 and is given the authority to condemn said property for such
32 purposes by a proper action in the circuit court of Wood
33 county in the manner prescribed by the general law of the

34 state governing such actions, and to acquire in such proceed-
35 ing either the fee simple title or the right of way or easement
36 as may be asked for in the application filed in such proceeding.

37 (e). In no case shall any street, road or alley be laid in,
38 across or upon lands used exclusively for gardening, farming,
39 grazing or agricultural purposes without the consent of the
40 owner thereof, until the said owner shall have sold or leased
41 the same in lots of five acres or less, or shall have laid off said
42 lands in lots, and offered the same, or some of them, for sale.

43 (f). The council may cause the streets, alleys and public
44 roads lying within said city to be kept in good order and con-
45 dition, but this provision shall not apply to any street or road
46 hereafter opened or dedicated to the public within the cor-
47 porate limits of said city by private persons unless the council
48 shall have first accepted such street, road or alley as a street,
49 road or alley of said city; and the council shall not accept any
50 such as a street or alley of said city which may hereafter be
51 opened and donated to the public by private persons in order
52 to extend any street or alley now established within the cor-
53 porate limits until the same shall have been made to conform
54 in width and direction to the street or alley so extended; and
55 where new streets or alleys are hereafter laid out and do-
56 nated to the public not in extension of streets or alleys al-
57 ready established, the council shall not accept any such street
58 until at least sixty feet in width of ground for a street, or
59 twenty feet for an alley, shall have been laid off and donated
60 to the city, unless the council shall, in the resolution accepting
61 the same, specifically authorize a less width and state the rea-
62 son why, in that particular case, such width is deemed proper
63 and sufficient.

64 (g) In case a proposed subdivision of any lot or parcel of
65 land is situated within the corporate limits of said city, or
66 abuts on said limits, it shall be the duty of the owner or his
67 legal representative (as required by section thirteen of chapter
68 seventy-three of the code of West Virginia of one thousand
69 nine hundred and twenty-three) to submit a plat or plan of
70 such sub-division to the council showing the street and alley
71 connections with the said subdivision makes with the said
72 city streets and alleys already established therein, and that
73 the said sub-division does not impede or prevent the further
74 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

6 cause the removal or repair as hereinafter provided of any
7 building, or other combustible material which may, in the
8 opinion of the council, endanger adjacent property by its
9 liability to take fire; (b) To regulate generally for the con-
10 struction, inspection and repair of all buildings within the city,
11 and to provide special regulations applicable to buildings with-
12 in such fire limits as may be established by ordinance; (c) to
13 provide for the establishment, organization, equipment and
14 government of a fire department and fire companies and for
15 the purchase of apparatus and appliances for extinguishing and
16 fighting fires; (d) to ordain regulations for the storage of gun
17 powder and other combustibles and dangerous articles and the
18 place and manner of keeping the same; and (e), generally
19 in addition to any power herein given, to exercise all the powers
20 bestowed upon councils in regard to fire fighting by section nine
21 of chapter forty-eight of the code of West Virginia of one
22 thousand nine hundred and twenty-three.

Sec. 40. The council shall have authority: (a) to ordain and
2 enforce such regulations within said city as shall be necessary
3 or proper to preserve the health of the inhabitants of said
4 city, and to secure them from contagious, infectious and other
5 diseases; (b) to require and compel the abatement and removal
6 of all nuisances within said city at the expense of the person
7 or persons causing the same, or of the owner or owners of the
8 grounds whereon the same shall be; (c) to prevent or regulate
9 slaughter houses within said city, or the exercise of any offen-
10 sive or unhealthy business, trade or employment therein, and
11 to ordain and enforce such regulations respecting the same as
12 the comfort, health or convenience of the inhabitants of said
13 city shall require; (d) to prevent the keeping or exposing or
14 offering for sale of any stale meats, fish, vegetables or other
15 such matter, or, the depositing the same, or any dirt, rubbish,
16 offal, or other substance upon any lot, street, alley, wharf or
17 square inside the city, or upon the banks of any river or stream,
18 within the limits of said city; (e) to prevent fowls, hogs, dogs,
19 or other animals from being kept in, or from running at large,
20 in said city, and to subject the same to such regulations as they
21 may deem proper; (f) to provide for the sanitary inspection of
22 all springs, dairies, slaughter houses and other places in said
23 city where food or drink are produced, prepared, sold or served
24 for human consumption, whether on or off the premises, and
25 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; (h) 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
18 given to the owner or occupier of said property or to his agent,
19 summoning him to appear before the council at a time stated,
20 not less than five days after the giving of such notice, and
21 show cause, if any he can, why the work required to be done,
22 or the nuisance required to be abated, as specified in said no-
23 tice, should not be so done or abated. If such owner or occu-
24 pier fails to appear or show cause, or if, upon appearing, the
25 council after hearing such owner or occupier, should be of the
26 opinion that such nuisance or other condition exists and should
27 be corrected or abated, the council may direct by resolution that
28 said work be done and the said nuisance abated, within such
29 time as under the circumstances of the case may be deemed
30 proper, and upon the failure of the owner or occupant to so do
31 the said work or abate the said nuisance, within the time named,
32 the council may direct the said work to be done, or the nuisance
33 to be abated by the city and shall render to the owner or occu-
34 pier of said premises, a statement of the cost thereof, which
35 cost shall be paid to the city by said owner or occupier, and in
36 the event of his failure to so pay the same, the city may recover
37 the amount from such owner, and the said amount shall con-
38 stitute a lien against said real estate, which may be enforced
39 by the city by suit in equity before any court having jurisdic-
40 tion, as other liens against real estate are enforced, or same
41 may be recovered by action at law before any court of justice
42 having jurisdiction. *Provided*, that such amount shall cease
43 to constitute a lien against said property as against creditors
44 of the owner thereof or purchasers thereof for value without
45 actual notice of the same, unless within six months a certified
46 statement, showing the nature of said work, the date and
47 amount thereof, the property affected and the name of the
48 owner thereof, be filed for record in the office of the clerk of the
49 county court of Wood county; and it shall be the duty of
50 such clerk to record the same in the trust deed books in the
51 name of the city and in the name of each owner of said prop-
52 erty, for which recordation he shall be paid by the city.

53 In the case of non-resident owners of real estate any notice
54 required to be given hereunder may be served upon any tenant,
55 occupier or rental agent, or by publication thereof twice a
56 week for two weeks in some newspaper published in said city.

57 Any expense incurred by the city as hereinabove provided

58 may be collected in the manner herein provided notwithstanding
59 ing the imposition of any fines or penalties upon any such
60 owner or occupier for the violation of the provisions of any
61 ordinance of the city relating to the same matter.

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

Sec. 42. The Council shall have authority: (a) To establish
2 and regulate markets in and for said city; to appoint the time
3 and place for holding the same; to provide suitable buildings
4 therefor; and to ordain and enforce such regulations respecting
5 the same as the convenience and interest of the inhabitants of
6 said city may require; (b) to construct and own landings,
7 wharves and wharf boats and docks and to operate, lease, re-
8 pair, alter or remove the same, to establish and collect rates
9 and fees for using in any manner the landings, wharves, wharf
10 boats or docks belonging to the city; and to pass and enforce
11 such ordinances as shall be proper and needful to keep the same
12 in order and repair and to regulate the use thereof; (c) to pro-
13 vide for the proper weighing and measurement of all hay,
14 animals, meat, provisions, coal and lumber offered for sale in
15 said city, and to provide for the inspection of weights and
16 measures; (d) to regulate or prohibit the firing in said city of
17 guns, crackers, fireworks or any combination of gunpowder
18 or other combustible or dangerous material or substance; and
19 (e) to aid or to assist in the aiding or relief of poor and indi-
20 gent persons in said city, and to provide or assist in providing
21 medical and surgical attention for such purposes.

Sec. 43. The council shall have authority to regulate the
2 speed at which horses or other animals, or vehicles of any kind,
3 may be ridden, driven or propelled upon or along any street,
4 alley or public place in said city, as well as to regulate the
5 weight and size of such vehicles; to regulate the progress of all
6 traffic at street intersections in congested districts of said city,
7 as may be designated as such by ordinance, and to control and
8 direct the same by signs or signals, or otherwise; to regulate
9 and forbid the parking of vehicles upon any designated streets,
10 and to declare any street to be a one way street or to be a
11 through street; *provided*, that the speed, size and weight of
12 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
37 intended to, authorize the council, in the establishment of such
38 district or zone or in any subsequent changes therein, to pro-
39 hibit the use of any building then existing therein, for any
40 purpose, or in any manner, authorized and lawful therein at
41 the time such district or zone is established or changed, save
42 that this proviso shall not apply to any regulation applicable
43 to the whole city; and save that permit shall not be given to
44 alter or remodel a building used for a purpose forbidden in the
45 zone in which it is situated though such use may have been
46 authorized when the zone was created, unless the purpose of the
47 alteration or remodeling is to change the use to an authorized
48 one.

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

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

60 If and when the State of West Virginia shall adopt a gen-
61 eral enabling act or acts for city zoning and planning, either
62 or both, the city of Parkersburg shall be invested with any and
63 all powers therein conferred upon municipalities in West Vir-
64 ginia in addition to the powers conferred by this section, and
65 council shall have the authority to adopt for the city of Parkers-
66 burg the procedure in whole or in part of such enabling act or
67 acts in lieu of, or in lieu of any part of, the procedure set forth
68 in this section.

Sec. 45. The council shall have authority to construct storm
2 and sanitary sewers in said city, and to require all owners,
3 tenants and occupants of improved property located or abutting
4 upon any street or alley along which may extend any sanitary
5 sewer which the city may construct, own or control, to connect
6 with such sewer all privies, water closets, cesspools, drains and
7 sinks located upon their respective premises, so that drainage
8 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-

32 ing lewd, lascivious and immoral acts and conduct and other
33 acts deleterious to such property, health, lives, decency,
34 morality and good order, and the assembling of persons for the
35 commission of any such acts; to regulate or prohibit the pos-
36 session within the city of Parkersburg by any person of
37 burglars' tools, or nitro glycerine or other explosives, or fuses,
38 such as are commonly used in the commission of burglary, save
39 that the possession of such explosives or fuses for legitimate
40 purposes under suitable regulations such as are authorized for
41 combustibles and dangerous articles by section thirty-nine here-
42 of shall not be prohibited; and to promote the general welfare
43 of said city and its inhabitants; (e) to open, vacate, widen,
44 change, grade and pave streets, alleys, sidewalks and gutters in
45 said city and to alter, improve, embellish and light the same;
46 and (f) to require sidewalks to be kept free from obstruction,
47 ice and snow, at the expense of the owners or occupiers of the
48 property abutting thereon.

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

14 (b). All receipts from water rents shall be deposited and
15 kept in a separate fund, and shall not be used for general pur-
16 poses of the city but solely for the expense of repairing, im-
17 proving, maintaining, operating and extending such water works
18 plant or system, the payment of interest on water works bonds
19 and the discharge of such bonds; and this provision shall like-
20 wise apply to and as to each and any of the other utility activi-
21 ties respectively, herein authorized, if and when the city shall
22 embark upon such activities.

Sec. 48 (a). The council of the city may cause any street,
2 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 sewerage 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

44 car or railway company shall be required, at its own expense,
45 to prepare and construct a base or bed of concrete or other
46 suitable material, for the support of its tracks, upon such
47 plans and specifications as may be approved by the city en-
48 gineer and by the council. Should the owner or operator of
49 such street car or other railway company fail or refuse to
50 perform such work after reasonable notice from the city so to
51 do, the city may do or cause said work to be done and assess
52 the cost thereof against such owner or operator, and such as-
53 sessment shall be in all respects like, and shall be treated in
54 all respects as are, assessments for street paving as herein-
55 after provided.

56 The owner or operator of a street car or other railway in
57 case he or it injures any paving in or through construction,
58 maintenance or operation of its tracks or cars shall repair or
59 restore the same to its former condition so far as is practic-
60 able; and in case of failure or refusal so to do, after reason-
61 able notice from the city, the city may make or cause such
62 repairs or restoration to be made, and may recover the cost
63 thereof from the said street car or other railway company, or
64 from the owner or operator thereof, by action at law before
65 any court or justice of the peace having jurisdiction thereof.

66 The amount so assessed against such abutting lots or frac-
67 tional parts of lots to the said abutting property owners, the
68 city and street car or other railway company, if any, as afore-
69 said, respectively, shall be paid in ten payments as follows;
70 that is to say, one-tenth of said amount, together with the
71 interest at the rate of six per centum per annum from the
72 acceptance of the work by the city on the whole assessment,
73 shall be paid to the city on or before the first day of May next
74 after the work is accepted, and a like one-tenth, together with
75 interest for one year upon the whole amount remaining un-
76 paid, on or before the first day of May in each succeeding year
77 thereafter until all has been paid, and each installment shall
78 bear interest at the rate of six per centum per annum from
79 the date of its maturity, and, moreover, to each installment re-
80 maining unpaid on the days herein specified for the payment
81 thereof a penalty of ten per centum of said installments shall
82 be added and collected by the city; *provided, however,* that
83 any abutting property owner, the city (the street car or other
84 railway company) against whom or against whose property

85 said assessments have been made, shall have the right at any
86 time after such assessments shall have been certified to the
87 superintendent of the department of accounts and finance for
88 collection, as hereinafter provided, to anticipate any or all of
89 such assessments and shall be allowed to pay the face of said
90 assessments with interest only to the time of payment.

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

107 (c). Immediately upon the acceptance of the work by the
108 city the clerk shall make out bills for the sums of money
109 assessed as aforesaid against the property owners aforesaid,
110 and shall at the same time make and certify a statement of the
111 assessments aforesaid in which shall be given the location of
112 the real estate affected, the name of the owner, the date of the
113 acceptance of said work by the city, and the amount of the
114 assessment, and it shall be sufficient description of the loca-
115 tion of said real estate to describe it as abounding or abutting
116 upon said improvement included between the termini of said
117 improvement, or by the description by which it is described
118 on the land books of Wood county, and shall cause said state-
119 ment to be immediately recorded in the office of the clerk of
120 the county court of Wood county, and it shall be, and it is
121 hereby made the duty of said county clerk, to record said
122 statement in the trust deed books in the name of the city and
123 also in the name of each person against whose property said
124 assessments appear therein, and said clerk shall be paid for
125 recording said statement a fee of ten cents for each item of

126 assessment appearing thereon. And said bills for said assess-
127 ments shall be charged to the superintendent of the depart-
128 ment of accounts and finance and immediately certified and
129 delivered to him for collection.

130 (d). Upon default being made in the payment of any in-
131 stallments of the assessments aforesaid, the same shall be im-
132 mediately reported to the council by the superintendent of the
133 department of accounts and finance, and the council shall forth-
134 with refer the same to such officer as it may deem expedient,
135 for collection; and payment of said delinquent installments,
136 with the interest and penalty aforesaid, may be enforced in
137 all respects as provided for the collection of city taxes, or the
138 lien aforesaid may be enforced by a suit in equity in the name
139 of the city in any court having jurisdiction thereof, and the
140 said delinquent assessments, or any installment thereof may
141 be collected from the person against whom the same were
142 assessed by action at law before any court or justice of the
143 peace having jurisdiction thereof.

144 (e). Immediately upon the completion and acceptance of
145 the work aforesaid, constructed by virtue of this section, the
146 council shall direct the clerk to cause to be prepared a notice
147 which shall name and describe the location of the street or
148 alley upon which said work shall have been constructed; give
149 the names of the known owners of each lot or fractional part
150 of lot abutting or abounding upon said street or alley (and
151 also the name of any street car or other railway company
152 having tracks upon said street or alley, where assessed for
153 paving), and if the name or names of the owner or owners of
154 any lot or fractional part of lot (or of such street car or other
155 railway company), are unknown, such lot or fractional part of
156 lot (and the location of the paving assessed to such street car
157 or other railway company), shall be described with reasonable
158 certainty so that the same may be identified. The number of
159 feet that each lot or fractional part of lots abuts upon said
160 street or alley, the street or alley intersections and all abutting
161 city property, and property not liable to assessments (and
162 the number of square feet or yards, if any, to be paid for by
163 said street car or other railway company), also the amount
164 assessed against each lot or fractional part of lot, and also the
165 amount assessed against the city (as well as the amount
166 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

208 thereupon the city shall be and is hereby empowered and
209 authorized to issue its bonds for the purpose of providing for
210 paving, laying sidewalks, curbing the streets and alleys of the
211 city, and of constructing sanitary sewers for the proper drain-
212 age of said city, in anticipation of special assessments to be
213 made upon the property abutting upon the streets and alleys
214 so improved (and upon street car and other railway companies
215 occupying the said streets or alleys with tracks), and such
216 bonds may be in such amount as shall be sufficient to pay the
217 entire cost and expenses of said improvements for which such
218 special assessments are levied; and said city is also authorized
219 to sell said bonds, *provided*, that the price for which they are
220 sold shall not be below the par value of said bonds; said bonds
221 shall be payable in not to exceed fifteen years from the date
222 of the issue thereof and shall bear interest at not to exceed six
223 per centum per annum, payable semi-annually, and in the
224 issuance and sale of said bonds the city shall be governed by
225 all the restrictions and limitations of the constitution of this
226 state, and, so far as not in conflict with the provisions of this
227 section, by the restrictions and limitations of other laws of this
228 state with respect to the issuance and sale of other bonds:

229 And said bonds may be either straight sinking fund bonds,
230 all of which shall bear the same date of maturity not to ex-
231 ceed fifteen years from the date of their issuance, or serial
232 bonds any number of which may be made to mature at such
233 times, not to exceed fifteen years from the date of their issu-
234 ance, as may be provided in the ordinance authorizing the
235 issue and sale of said bonds; and in the event that said bonds
236 so issued and sold are straight sinking fund bonds, the assess-
237 ments provided for in this section, as the same are paid, shall
238 be applied to a fund for the liquidation of said bonds and the
239 interest thereon, and to that end shall be paid to the state
240 sinking fund commission, or to the trustees of the sinking fund
241 of the city as per section fifty-one of this act, to be by them
242 invested for the best advantage of the city; and in the event
243 that said bonds so issued and sold are serial bonds, the assess-
244 ments provided for in this section shall, when paid, be de-
245 posited in one of the banks, designated by the council as city
246 treasury, in a special fund identified as fund for the redemp-
247 tion of the principal and interest of the particular bonds so
248 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, sewerage 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

290 principal thereof within and not exceeding fifteen years, then
291 the council shall collect so much of said levy as will pay an-
292 nually the interest on such debt and the principal thereof
293 within and not exceeding fifteen years.

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

322 When the council shall have been once authorized by a vote
323 of the people to issue bonds for the said purpose and to a sum
324 not to exceed the amount set forth in the ordinance calling the
325 said election, no further election shall be necessary for the
326 issuing of bonds up to the amount stipulated in said ordinance
327 calling said election, but the council shall from time to time
328 authorize the issue of said bonds, in such sums, and for the
329 improvement of such streets and alleys as to it may seem best;
329a providing, the requirements of this section are complied with.

329b Bond elections hereunder shall be conducted in accordance
329c with the provisions of section five of this act; otherwise the
329d provisions of chapter forty-seven-a of the code, concerning
329e bonds elections shall, so far as they are not in conflict with the
329f provisions hereof, apply to the bond elections herein pro-
329g vided for.

329h (i). Whenever it is deemed expedient by the council to
329i provide for paving, curbing, sidewalks or sewers, or any other
329j improvements on any of the streets or alleys of the city, in
330 whole or in part, whether by the issue of bonds theretofore
331 authorized as herein provided, or by the appropriation of
332 funds in the city treasury not otherwise appropriated, it shall
333 first, having on file in the city clerk's office plans, specifica-
334 tions, profiles and estimates of the proposed improvements,
335 showing the proposed grade of the street or alley after com-
336 pletion with reference to the abutting property, declare by
337 resolution the expediency of the work; and said plans, specifi-
338 cations, profiles and estimates shall be open to public in-
339 spection.

340 Said resolution shall determine the general nature of the
341 work, the method of paying for the same, whether by an ap-
342 propriation from the funds in the treasury not otherwise ap-
343 propriated or whether or not the bonds therefor as in this
344 section provided should be issued and sold; said resolution
345 shall be complete in the form in which it is finally passed and
346 remain on file with the city clerk for public inspection one
347 week before the final passage or adoption thereof. Immedi-
348 ately upon the filing of said resolution with the clerk, a copy
349 thereof shall be published once in two newspapers of general
350 circulation and of opposite politics, in the city, and affidavits
351 of the publishers of said newspapers, showing the publication,
352 with a copy of the notice attached, shall be spread upon the
353 minutes of the meeting of the council at which said resolution
354 is passed or adopted. In case two such newspapers will not
355 publish said resolution, or in case only one will so publish it,
356 it shall be published in the one and posted at the front door of
357 the building where the council holds its meetings on the day
358 it is filed as aforesaid, and affidavit thereof shall be recorded
359 in the minutes of the council at the next regular meeting.

360 Until such resolution is finally passed, the council shall
361 hear all persons interested in relation thereto at any regular

362 meeting and if it decided to proceed with the improvement, it
363 shall pass said resolution. And then said council may by
364 resolution correct or amend said plans, specifications, profiles
365 and estimates and approve and adopt them as so corrected, or
366 as they were in their original form, as to it may seem proper;
367 and said plans, specifications, profiles and estimates shall be
368 forthwith filed with the city clerk and by him recorded and
369 attested in a well bound and permanent record book to be kept
370 in his office. Both resolutions shall be in effect when finally
371 passed.

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

387 In any case where the council has determined to pay for
388 any of such improvements out of the funds in the city treasury
389 not otherwise appropriated, and not by the issuance and sale
390 of bonds, said ordinance shall be passed and become and be
391 effective as provided for other ordinances in this act; but in
392 the event it has been determined to issue and sell bonds for the
393 payment thereof, the said ordinance shall not be effective so
394 as to permit any contract to be made or work to be done there-
395 under until, in addition to the compliance with the provisions
396 hereof, the fact that the proceeds of the sale of said bonds
397 have been received by the city shall be certified by the super-
398 intendent of the department of accounts and finance and such
399 certificate entered upon the minutes of the council.

400 (j). When the whole or any portion of any improvement
401 authorized by this section passes through or by a public wharf,
402 market place or house, park, cemetery, structure for a fire

403 company, water works, school building, infirmary, workhouse,
404 hospital, bridge, gas works, public prison, court house, church
405 or any other public, religious, fraternal or eleemosynary in-
406 stitution or ground within said city, and belonging to the
407 county, state, board of education or any church, religious asso-
408 ciation or eleemosynary or charitable institution, the assess-
409 ment thereon for the proper proportion for the cost of such
410 improvement shall be laid as and under the same procedure as
411 hereinbefore provided and the council shall direct the proper
412 proportion of the cost and expense of such improvement to be
413 certified to the clerk of the county court of Wood county, and
414 the same shall thereupon be recorded as other assessments
415 hereunder are recorded and shall thereupon become a lien
416 against said proptry and collected as other assessments are
417 collected against individuals under this section, and it shall
418 be the duty of those persons having charge of the fiscal affairs
419 of any such property or institution to make arrangements for
420 the meeting of such assessments as and when the same become
421 due and payable.

Sec. 49. In addition to the provisions for laying sidewalks
2 as contained in section forty-eight of this act, the council shall
3 have the authority to cause the footways and sidewalks of the
4 streets and alleys of said city to be paved with such material
5 and of such width as the council may prescribe, or to have ex-
6 isting paving repaired by and at the expense of the owner or
7 occupier of the lots or parts of lots abutting upon said streets
8 or alleys and in case any such owner or occupant refuses to
9 pave, or repair, the same when so required, the council may
10 have the same paved or the paving repaired and the city may
11 recover the expense thereof, from said owner or occupier. The
12 sum or sums of money thus expended by the city for paving
13 or repairing shall be a lien upon the lots or fractional parts
14 of lots abutting upon the street or alley upon which said side-
15 walk or walkway is so paved or repaired, which lien may be
16 enforced by suit in equity in the name of the city in any court
17 having jurisdiction thereof, or the said sum may be recovered
18 by the city in an action at law before any court or justice of
19 the peace having jurisdiction thereof; *provided*, that before the
20 city shall do, or have such work done, ten days notice in writ-
21 ing shall be given to the owner or occupier or his agent, requir-
22 ing him to pave such footway or sidewalk, or to repair such

23 paving. And *provided, further*, that such sum shall cease to
24 constitute a lien against said property as against creditors of
25 the owner thereof or purchaser thereof for value without ac-
26 tual notice of the same, unless within six months a certified
27 statement, showing the nature of said work, the date and
28 amount thereof, the property affected and the name of the
29 owner thereof, be filed for record in the office of the clerk of
30 the county court of Wood county; and it shall be the duty of
31 such clerk to record the same in the trust deed books in the
32 name of the city and in the name of each owner of said prop-
33 erty, for which recordation he shall be paid by the city. In
34 case of a non-resident owner, who has no agent in said city,
35 such notice may be given by publication at least twice a week
36 for two weeks in some newspaper published in said city. In
37 case a tenant shall be required to pave or repair any such
38 paving abutting the property occupied by him, the expense of
39 such work may be deducted out of accruing rent or he may
40 recover the amount so paid from the owner, unless otherwise
41 especially agreed.

42 In case any owner or occupier shall have failed or refused
43 to repair any defective footway or sidewalk abutting upon said
44 property owned or occupied by him after having been given
45 the notice above provided for, and in case any person should
46 thereafter suffer damages by reason of such defective walkway
47 or sidewalk, and the city should be called upon to pay and
48 should pay any sum in settlement of such claim for damages,
49 the city shall have the right to recover such sum from the
50 owner or occupier in question by an action at law before any
51 court or justice of the peace having jurisdiction thereof.

Sec. 50. When it becomes necessary or expedient in the
2 opinion of the council in the prosecution of any work being
3 done under contract with the city, to make alterations or modi-
4 fications in the specifications or the plans therefor, or to omit
5 therefrom any portion, such alterations, modifications or omis-
6 sions may be made by order of the council, *provided*, that such
7 order shall be of no effect until the price to be paid for the
8 work under such altered or modified contract has been agreed
9 upon in writing, signed by the contractor and the surety upon
10 his bond and the mayor.

11 In no case shall allowance be made for work or material in
12 excess of the total amount appropriated for the original con-

13 tract; nor shall allowance be made or paid for extra work in
14 excess of an aggregate of twenty-five dollars in any one con-
15 tract, unless such allowances are provided for by separate
16 ordinances or resolutions.

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

11 *Provided*, that the city sinking fund trustees heretofore estab-
12 lished by law shall continue to administer sinking funds here-
13 tofore committed to their charge until the bond issues con-
14 cerned have been paid off and discharged, and, *provided further*,
15 that if the state sinking fund commission should be hereafter
16 abolished, the council shall have authority to provide by ordi-
17 nance for a sinking fund commission for the city of Parkers-
18 burg to perform for the city the duties now devolved upon the
19 said state sinking fund commission so far as the same may be
20 applicable to said city.

Sec. 52. In addition to the bonds provided for in section
2 forty-eight hereof, it shall be lawful for the said city of Parkers-
3 burg to issue and sell its bonds, serial or sinking fund, to mature
4 not less than three nor more than thirty years after date and,
5 save as to such maturities, as is provided in said section forty-
6 eight for the issuing of bonds thereunder; such bonds or the
7 proceeds thereof to be used to pay for the construction of storm
8 or sanitary sewers; for permanent improvements of streets and
9 alleys; for the leasing, purchase, erecting, maintaining, extend-
10 ing and operating a water works system or systems; for the
11 acquisition of ground for and/or for building or rebuilding
12 city hall or city building, hospital, stations for fire department,
13 or infirmary or work house and for equipping the same; for the
14 acquisition of ground for, and erection of, gas works, electric
15 light and power plants and water power rights and sites; for the
16 acquisition of ground for public parks, for the acquisition and
17 construction of bridges and ferries; for the acquisition of ground

18 for and/or the construction of an air port; for the acquisition
19 and/or construction of wharves, docks and landings. And the
20 council of said city shall have authority to levy taxes in ad-
21 dition to all other taxes authorized by law to pay the principal
22 of bonds issued hereunder and the interest thereon; *provided*,
23 that the total indebtedness of the city for all purposes shall not
24 exceed two and one-half per centum of the total value of all the
25 taxable property therein as assessed for taxation, subject to the
26 proviso in section forty-eight (g) hereof as to bonds authorized
27 by that section.

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

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

52 In the case of bonds in connection with the water works, the
53 council having provided for an annual tax sufficient to pay the
54 interest on such bonds and the principal within the time named,
55 shall provide that the net income from water rents shall be ap-
56 plied to the discharge of the interest on said bonds and the
57 principal thereof by maturity, and in the event that said net
58 income shall not amount to a sum sufficient to pay annually the

59 interest on said bonds and the principal thereof within the time
60 named, thence the council shall collect so much of said levy as
61 will pay such interest and principal as aforesaid.

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

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

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

25 Within ten days from the date of filing such petition, the
26 city clerk shall examine the same, together with the voters'
27 list or register, and from information derived from said reg-
28 ister, and from other sources, shall ascertain whether or not
29 said petition is signed by the requisite number of qualified
30 electors, and if necessary, the council shall allow him extra
31 help for that purpose, and he shall attach to said petition his
32 certificate showing the result of such examination. In the
33 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

75 without the intervention of a primary election by filing at
 76 least ten days prior to the date fixed for such special election,
 77 a statement of candidacy accompanied by a petition signed by
 78 electors entitled to vote at said special election equal in number
 79 to at least ten per centum of the entire vote for all candidates
 80 for the office of mayor at the last preceding general municipal
 81 election, which said statement of candidacy and petition shall
 82 be substantially in the form set out in section five of this act,
 83 so far as the same is applicable, substituting the word
 84 "special" for the word "primary," in said statement or peti-
 85 tion, and stating therein that such person is a candidate for
 86 election instead of nomination. On the tenth day prior to the
 87 day fixed for said special election the city clerk shall file with
 88 the election board all such statements and petitions which shall
 89 have been filed with him.

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

92 OFFICIAL BALLOT
 93 Special election for the balance of the unexpired term (or
 94 terms) of
 95 as(and of.....
 96 as :
 97 For Mayor
 98 (Vote for one)
 99 (Names of Candidates)
 100 For Councilmen
 101 (Vote for.....)
 102 (Names of Candidates)

103 Official ballot - attest:

104
 105
 106
 107 Election Board.

108 In any such special removal election the candidates receiv-
 109 ing the highest number of votes for any office shall be declared
 110 elected. If the incumbent receives the highest number of
 111 votes he shall continue in office; if some person other than the
 112 incumbent receives the highest number of votes, the incumbent
 113 shall thereupon be deemed removed from office upon the qual-
 114 ification of his successor. In case a candidate other than the
 115 incumbent, who receives the highest number of votes shall fail

116 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

29 of such numbers as the council may by ordinance prescribe.

30 (c) The mayor shall be chairman of the board of trustees of
31 the policemen's pension fund; the superintendent of the de-
32 partment of public safety shall be chairman of the board of
33 trustees of the firemen's pension fund; and the superintendent
34 of the department of water works and sewers shall be chair-
35 man of the board of trustees of the water works department
36 pension fund, if and when such fund is established.

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

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

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

45 (3) Who has not been regularly and permanently ap-
46 pointed to such department after examination and recom-
47 mendation by the civil service board provided for in sec-
48 tion twenty-eight of this act; or

49 (4) Who has not passed physical examination pre-
50 scribed by the trustees of such pension funds, respectively.

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

58 (f) In case any participant shall be retired or be discharged
59 from the service, by reason of physical or mental disability,
60 which renders him unfit or unable to discharge the duties inci-
61 dent to his employment, which disability shall have been cer-
62 tified to by a physician designated by the board of trustees of
63 the pension fund involved, the board shall authorize the pay-
64 ment to such disabled participant of a monthly allowance or
65 pension to be fixed according to the following rules:

66 (1) If such participant shall have served over one year
67 and the disability be certified to by a physician designated
68 by the board, the board shall pay to such disabled partic-
68 ipant a monthly allowance equal to one-half of the monthly

69 salary being received by the participant at the time of
70 retirement, *provided*, that if such disabled participant
71 shall, at the time of retirement, have served over ten years,
72 such allowance shall be eleven-sixteenths of such monthly
73 salary, and, *provided, further*, that if such disability arose
74 from injuries received in the performance of duty, the
75 participant shall be entitled to an allowance equal to one-
76 half of his monthly salary, even though he shall have
77 served less than one year.

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

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

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

101 (i) In case any participant who has been in service for one
102 year or over shall die, the appropriate board shall pay an allow-
103 ance to the dependent wife or dependent minor children or
104 dependent father or mother or brothers or sisters, if there be
105 any such, of such participant, the following sums, viz: (1) to
106 the widow, not less than twenty-five nor more than thirty-five
107 dollars per month, as under the circumstances of the case may,
108 in the judgment of the board, seem proper; such allowance
109 may, in the judgment of the board, be altered from time to

110 time, within the limits prescribed, as may seem proper; and all
111 such allowance shall cease upon the remarriage of such widow;
112 (2) for each dependent child the sum of five dollars per month
113 until such child shall have attained the age of sixteen years,
114 *provided*, that the total amount paid for the dependent chil-
115 dren of any one participant shall not exceed fifteen dollars
116 per month; (3) to a dependent father or mother the sum of ten
117 dollars per month to each; (4) for each dependent brother or
118 sister the sum of five dollars per month until such dependent
119 shall have reached the age of sixteen years, *provided*, that the
120 total amount paid for the dependent brothers and sisters of
121 any one participant shall not exceed ten dollars per month.

122 *Provided*, that the total amount paid for all dependents of
123 any one participant shall not exceed the sum of fifty dollars
124 per month.

125 The board shall determine, upon investigation, the facts as
126 to any dependency claimed.

127 *Provided, further*: That in case the death of participant
128 occurred as a result of injuries received in the performance of
129 duty the allowance provided for herein shall be paid regard-
130 less of the length of service of the participant.

131 (j) Any participant who shall be discharged from the ser-
132 vice without receiving any allowance or pension hereunder
133 shall be entitled to receive back from the appropriate pension
134 fund, without interest, the aggregate of the several monthly
135 amounts paid to him into, or deducted from his salary for, said
136 fund. If a participant resigns from the service, he shall not
137 be entitled to receive back any part of such amounts so paid or
138 deducted.

139 (k) The board of trustees of the said several pension funds
140 are authorized to receive funds by gift or bequest and from
141 any source in addition to the tax levies provided for by law,
142 for the benefit of said pension funds, respectively. Funds re-
143 ceived by said boards shall be invested in interest bearing
144 bonds of the United States, of the state of West Virginia, of
145 the county of Wood, of the independent school district of
146 Parkersburg, or of the city of Parkersburg or in notes secured
147 by deeds of trust upon real estate situated within said city of
148 Parkersburg to the amount of not more than fifty per cent. of
149 the value placed thereon by appraisers designated by said
150 board; and pending more permanent investment, such funds

151 may be placed in interest-bearing certificates of deposit of any
152 bank in Parkersburg, *provided*, that not more than five thou-
153 sand dollars shall be carried in the certificates of deposit of
154 any one bank at one time.

155 (l) The regular annual levies for each of said pension funds
156 shall not exceed seven and one-half mills on each one hundred
157 dollars of real and personal property listed for taxation in said
158 city, *provided*, that any of said boards may recommend to the
159 council the laying of a further levy for the pension fund under
160 its charge of not to exceed seven and one-half mills, which fur-
161 ther levy, or any part thereof, the council may levy in its dis-
162 cretion. All or any part of any such levies may be laid by
163 the council in addition to the regular city levy authorized by
164 law.

165 (m) Each of said board of trustees shall adopt rules and
166 regulations for their governance, *provided*, that such rules and
167 regulations shall not be inconsistent with any provision of
168 this act, or with any provision of the general pension fund law
169 which is not superseded by the special provisions of this act,
170 and, *provided*, that such rules and regulations, before becom-
171 ing effective, shall be approved by the city council.

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

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

5 Any two hundred or more freeholders residing in said city
6 may file their petition in writing with the city council, setting
7 forth the changes proposed in said boundaries, and which peti-
8 tion shall be accompanied by a plat of a survey showing the
9 proposed new boundaries, and asking that a vote be taken
10 thereupon; and if and when a petition to the same effect is so
11 filed, signed by twenty-five or more freeholders residing in the
12 territory proposed to be taken in (or by such number less than
13 twenty-five as may be equal to one-fourth of the freeholders
14 residing in said proposed new territory), the council shall within
15 thirty days after the filing of the second of these petitions, act
16 thereupon, and may order and call a special election to be held
17 within not less than sixty days nor more than one hundred and

18 twenty days from the date of such call, at which special elec-
 19 tion all qualified electors of the city of Parkersburg shall be
 20 entitled to vote at their proper voting places in said city, and at
 21 which all qualified electors of the territory proposed to be added,
 22 shall be entitled to vote at such place or places in said territory
 23 as the council shall provide. The call for such special election
 24 shall contain explanation of the purpose thereof and shall be
 25 published once a week for four weeks preceding such election
 26 in two newspapers of opposite politics, if such there be, pub-
 27 lished and of general circulation in said city. Said election
 28 shall be conducted as and in the manner prescribed by section
 29 five hereof, so far as the same may be applicable.

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

33 Official Ballot

34 Special election for enlargement of city boundaries:

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

37 () For enlargement of boundary.

38 () Against enlargement of boundary.

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

42 () For enlargement of boundary.

43 () Against enlargement of boundary.

44 Official Ballot—Attest :

45
 46
 47

48 Election Board.

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

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

57 The result of said election as reported to the council by the
 58 election board shall be spread at large upon the minutes of the

59 council and if a majority of all the votes cast within the city,
60 and a majority of all the votes cast within the territory to be
61 included by any proposed extension of boundaries, shall be in
62 favor of such extension, the corporate boundaries of the city of
63 Parkersburg shall be extended accordingly as of the twenty-
64 eighth day of the then next ensuing month of December or as
65 of the twenty-eighth day of the calendar month following the
66 expiration of ninety days from the recordation of said election
67 board's report upon the minutes of the council, whichever day
68 shall come first; and the council shall direct a certificate thereof
69 to be made, executed and certified by the mayor, which certifi-
70 cate shall bear the seal of the city, attested by the clerk, which
71 shall show the result of said election, and set forth the boun-
72 daries of the new territory added to the city, as approved by
73 said election; which certificate shall be at once filed in the office
74 of the clerk of the county court of Wood county, which officer
74a shall record the same in the deed books of said county, and
75 shall be paid by the city for his services for so doing at the
76 same rate at which he is paid for recording deeds and thereupon
77 from and after the time hereinbefore named in this section, the
78 territory embraced within the extension of said corporate limits
79 as shown on said certificate, and the inhabitants thereof, shall
80 become a part of the city of Parkersburg and be subject to all
81 the provisions and regulations of the charter of said city as em-
82 braced in this act, or any amendment thereof, and to all the
83 ordinances and laws of said city.

Sec. 56. All previous acts incorporating the said city of
2 Parkersburg, and all acts amending such acts of incorporation,
3 are hereby repealed; and all other acts or parts of acts in con-
4 flict with, or inconsistent with this act, so far as they are appli-
5 cable to the city of Parkersburg, and so far as, and only so far
6 as, they are so, inconsistent or in conflict with this act, are
7 hereby repealed.

8 *Provided*, that nothing in section sixteen or elsewhere in this
9 act shall be construed to derogate from the powers and rights
10 conferred by law upon the public service commission of this
11 state in the matter of regulating the rates of public service
12 corporations; and *provided, further*, that nothing herein con-
13 tained shall be construed as authorizing or empowering the said
14 city or its council, to impose any license or other tax upon
15 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.]

Sec.

16. Powers of council.

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
2 off, vacate, close, open, 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 or of the
5 public, and to improve and light the same, and to keep the
6 same free from obstructions of every kind; to regulate the
7 width of pavements and sidewalks on the streets and alleys,
8 and to order the pavements, sidewalks, footways, drains and
9 gutters to be kept in good order, free and clean, by the owners
10 or occupants of the real property next adjacent thereto; to
11 establish and regulate markets, prescribe the times of holding
12 the same, provide suitable and convenient buildings therefor,
13 and prevent the forestalling or regrating of such markets; to
14 prevent injury or annoyance to the public or to individuals
15 from anything dangerous, offensive or unwholesome; to pro-
16 hibit or regulate slaughter-houses and soap factories within
17 the city limits; or the exercise of any unhealthy or offensive
18 business, trade or employment; to abate all nuisances within
19 the city limits, or to require and compel the abatement or
20 removal thereof, by or at the expense of the person causing
21 the same, or at the expense of the owner or occupant of the
22 ground on which they are placed or found; to cause to be
23 filled up, raised or drained by or at the expense of the owner,
24 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

66 of the city, and to use such means to prevent their escape
67 while at work, as they may deem expedient; to erect, or
68 authorize or prohibit the erection of gas works, electric light
69 works or water works within the city limits; to prevent injury
70 to such works, or the pollution of any gas or water used or in-
71 tended to be used by the public or by individuals, and to do
72 all things necessary to adequately supply said city and the
73 inhabitants thereof with pure, healthful and wholesome water;
74 to use, generate, distribute, sell and control electricity and gas
75 for heat, light and power and to furnish light for the streets,
76 houses, buildings, stores, and other places in and about said
77 city; to provide a sewerage system for said city; to provide
78 for and regulate the weighing and measuring of hay, coal,
79 lumber and other articles sold or kept or offered for sale,
80 within said city; to establish and construct wharves and docks,
81 and to repair, alter or remove any landing, wharf. or dock
82 which has been or shall be so constructed and to establish and
83 collect rates and charges for the use thereof; to regulate the
84 running and speed of engines and cars within the said city,
85 except that the council of said city shall not interfere with the
86 speed of trains and engines beyond the corporation lines of
87 the city of Moundville as heretofore existing, until the said
88 new territory shall be laid out in lots, streets and alleys, and
89 opened and used by the public; to organize one or more fire
90 companies and provide necessary apparatus, tools, implements,
91 engines or any of them for their use, and in their discretion
92 to organize a paid fire department; to make regulations with
93 respect to the erection and location of all pipes, conduits, and
94 telephone, telegraph, electric light or other poles within said
95 city, and the extension of any wires, lines and poles by any
96 individuals or corporation; to create by ordinances such com-
97 mittees or boards, and delegate such authority thereto as may
98 be deemed necessary or advisable; to provide for the annual
99 assessment of the taxable property therein, including dogs
100 kept in said city, and to provide a revenue for the city for
101-2 municipal purposes, and to appropriate such revenue to its
103 expenses, and generally to take such measures as may be
104 deemed necessary or advisable to protect the property, public
105 and private, within the city; to preserve and promote the
106 health, safety, comfort and well being of the inhabitants
107 thereof.

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

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

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

CHAPTER 3

(Senate Bill No. 97—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.]

Sec.

1. City a body corporate.
2. Boundaries of city.
3. Boundaries of wards.
4. Power to change corporate limits and wards; establishment of voting precinct.
5. Council to be governing body.
6. Eligibility of mayor and councilmen.
7. Appointive officers.

Sec.

8. Corporate powers to be exercised by council.
9. Duties of mayor.
10. Duties of city clerk.
11. Duties and powers of police judge.
12. Duties of city attorney.
13. Duties of city manager.
14. Qualifications and duties of city engineer.
15. Qualification and duties of city health officer.

Sec.	SEC.
16. Board of health, how constituted; powers and duties.	37. Record books.
17. Policemen, how appointed and salaries; chief of police, how appointed and duties.	38. Auditing of books and accounts of city.
18. Officers may perform other duties; when.	39. City funds, receipts and disbursements.
19. Terms of office of elective and appointive officers.	40. Finance committee; budget.
20. Oath of office.	41. Taxes, levies for; poll tax; special levy.
21. Bonds of officers and employees.	42. Assessment and collection of taxes; lien for taxes.
22. Salaries of elective and appointive officers.	43. Licenses.
23. Removal of officer for cause, procedure; removal of appointive officers.	44. Bond issues.
24. Vacancies in elective and appointive offices.	45. Indebtedness prohibited.
25. Nominating conventions.	46. Street paving and improvements.
26. Qualification of voters.	47. Bonds for paving and other improvements; application of assessments to pay bonds.
27. Registration of voters; compensation of registrars.	48. Contracts for paving and other improvements; how cost assessed and collected; form of paving; assessment certificates and interest coupons.
28. Election of mayor and councilmen; how conducted and returned; tie vote; recount; appeal to circuit court in recount or contested election.	49. Construction of sewers; cost of, how paid; assessment certificates for cost.
29. Powers of council.	50. Release of assessment liens; payment of assessment certificates.
30. City to have right of eminent domain.	51. City bonds for paving and sewers; vote of people on.
31. Abatement of nuisances; restrictions on gas or oil tanks.	52. How lots abutting upon improvement to be described.
32. Establishment of jails and places for detention of prisoners.	53. When work completed, publication of notice of proposed assessment.
33. Franchises, for what purposes granted; restrictions on.	54. Additional method of street improvement.
34. Provisions concerning ordinances.	55. Procedure for construction or re- laying of sidewalks.
35. Meetings of council; presiding officer; tie vote.	56. Inconsistent ordinances and acts repealed.
36. Quorum to be a majority of mem-	

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-eight minutes west
13 three hundred forty-seven feet to a set rail; 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;

37 thence north twenty-two degrees east seven hundred feet to a
38 stake on the north bank of Tug river; thence north eighty-
39 three degrees thirty-six minutes west three hundred and
40 seventy-three feet to a point in Tug river; thence continuing
41 down Tug river north one degree forty minutes west four
42 hundred and ninety feet to a point in Tug river; thence still
43 continuing down Tug river north seventy degrees forty-four
44 minutes east nine hundred and twenty-eight feet to a point in
45 the line of the Central Pocahontas Coal Company's property;
46 thence with said line of the Central Pocahontas Coal Com-
47 pany, south thirty-two degrees twenty-three minutes east four
48 hundred and eighty feet to a hickory corner, on the top of the
49 spur; thence continuing with said line of the Central Poca-
50 hontas Coal Company south twenty-two degrees three minutes
51 west four hundred fifty-three and fourteen-one-hundredths
52 feet to a corner designated by two spruce pines and two red
53 oak stumps; thence continuing with said line of the Central
54 Pocahontas Coal Company south sixty-four degrees ten min-
55 utes one hundred feet to a point in the center of Tug river;
56 thence leaving said line of the Central Pocahontas Coal Com-
57 pany due south one hundred and seventy-eight feet, more or
58 less to the southern right of way line of the Oregon siding of
59 the Norfolk and Western Railway Company; thence with the
60 southern right of way line of said Norfolk and Western Rail-
61 way Company in an easterly direction a distance of approx-
62 imately one thousand one hundred and fifty feet to the inter-
63 section of said southern right of way line with the western
64 right of way line of the main line of the Norfolk and Western
65 Railway Company; thence with said western right of way line
66 of the Norfolk and Western Railway Company's main line in a
67 north-westerly direction to the intersection of said western
68 right of way line with the southern edge of the county road
69 from Welch to Davy; thence with the southern edge of said
70 county road in a westerly direction to the intersection of said
71 county road with the southern edge of the new concrete road
72 leading to the bridge across Tug river at Hemphill; thence with
73 the southern edge of said road in a southwesterly direction
74 to its intersection with the above mentioned south twenty-two
75 degrees three minutes west line; thence with the reverse call
76 of this line north twenty-two degrees three minutes east a
77 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 grees thirty minutes east four hundred and ninety-seven feet;
86 north forty-six degrees east two hundred twenty-four and six-
87 tenths feet; north thirty-seven degrees east ninety-six and six-
88 tenths feet; north seventy-six degrees east one hundred thirty-
89 four and five-tenths feet; south eighty-eight degrees east one
90 hundred and seventy-six feet; south thirty degrees east three
91 hundred and eighty-three and one-tenth feet; south fifty-seven
92 degrees east eighty-one and two-tenths feet; north eighty-nine
93 degrees east two hundred and sixty-three feet; north eighty-
94 eight degrees thirty minutes east two hundred and ninety-eight
95 feet to a stake on top of the ridge between Tug river and
96 Browns creek; thence leaving the top of said spur and ridge,
97 south seventy-four degrees thirteen minutes east two thousand
98 five hundred and thirty-three and six-tenths feet to a stake
99 near the mouth of Grave Yard hollow of Browns creek and
100 about twenty feet north of the county road; thence south fifty-
101 three degrees forty-three minutes east three thousand four
102 hundred and forty-nine feet, crossing Browns creek and the
103 ridge between Browns creek and Elkhorn to a point of in-
104 tersection between this line and the Pollard line; thence south
105 two degrees thirty-four minutes west one thousand three hun-
106 dred and fifteen feet, crossing the main line of the Norfolk
107 and Western Railway Company and Elkhorn fork of Tug
108 river, to the beginning, containing one thousand four hun-
109 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

9 Southwood addition to said city; thence with the corporate
10 lines of the said city in a northeasterly and northwesterly di-
11 rection to the center of Elkhorn creek about two thousand feet
12 below the mouth of Fish Trap branch; thence down Elkhorn
13 creek with its center line in a northwesterly and southwesterly
14 direction to its mouth or junction with Tug river; thence cross-
15 ing Tug river due west to the corporate lines of said city; thence
16 with the corporate lines of said city in a southerly, southeasterly
17 and northeasterly direction to the place of beginning.

18

Second Ward

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

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

30

Third Ward

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

33 Beginning at the junction of Elkhorn creek and Tug river,
34 a corner of the first and second wards; thence due west crossing
35 Tug river to the corporate line; thence with the corporate lines
36 of said city in a northerly, westerly and easterly direction to a
37 point due north from the western end of Central avenue of the
38 Westwood addition to the City of Welch; thence due south to
39 the center of Tug fork; thence up Tug fork to its junction with
40 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
2 and authority to change the corporate limits of the City of
3 Welch, and shall have the power and authority to change the
4 number of wards in said city, and to change the lines of the
5 respective wards from time to time.

6 No changes shall be made in the corporate limits of the City
7 of Welch, the number of wards or the lines of said wards until
8 at least three weeks notice of the proposed change shall have

9 been given by the council, by publication of notice thereof in
10 a newspaper of general circulation in said City of Welch, twice
11 each week for three successive weeks. Said notice shall give the
12 date on which the council will pass on the proposed changes
13 and a brief statement of the changes proposed.

14 Any changes made under the provisions of this section shall
15 be by ordinance passed and adopted in the manner hereinafter
16 set forth in this charter.

17 *Establishment of Voting Precincts*

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

Governing Body

Sec. 5. The municipal authorities of the city shall consist of
2 a mayor and five councilmen, who shall constitute and be
3 known as "the council of the City of Welch." One councilman
4 shall be elected by the voters of each of the respective wards
5 and two councilmen shall be elected by the voters at large.

Sec. 6. No person shall be eligible to the office of mayor or
2 councilman who is not at the time of his election entitled to vote
3 in the city election and who was not, for the preceding year,
4 assessed with taxes upon personal or real property, or both,
5 within the city, of an assessed valuation of five hundred dollars
6 and did not actually pay the taxes so assessed.

Sec. 7. In addition to the municipal authorities mentioned in
2 section five, the city may have a police judge, city manager,
3 city clerk, city auditor, city physician, health commissioner,
4 building inspector, city attorney, city engineer, city collector
5 and treasurer, jail keeper, humane officer or officers and such
6 number of policemen and firemen as the council, by ordinance or
7 resolution may direct.

8 The officers heretofore named in this section shall be ap-
9 pointed by the mayor, with the consent of the council, but none
10 of such officers shall be appointed and take office until the
11 council shall, by a majority of the full membership thereof,
12 authorize the filling of such office and confirm said appoint-

13 ment. All of the officers named in this section shall be paid
14 such salaries as are fixed by the council, except as herein other-
15 wise provided, and such salaries shall be within the limits pro-
16 vided for by this act.

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

Mayor—Duties

Sec. 9. The mayor shall be the chief executive officer of the
2 city and shall preside at all meetings of the council, and shall
3 have a vote in case of a tie. He shall have charge and control
4 of the police, except as herein otherwise provided; he shall see
5 that the laws and ordinances of the city are enforced and shall
6 keep and preserve a docket of all his proceedings in the trial of
7 criminal cases in like manner and with like effect as provided
8 by law in the case of a justice of the peace; he shall see that
9 the peace and good order of the city are preserved and that
10 persons or property therein are protected and to this end he
11 may cause the arrest and detention of rioters and disorderly
12 persons, and shall perform such other duties and services as
13 the council may ordain in addition to the duties prescribed by
14 this act and not inconsistent herewith. The city clerk, except
15 as herein otherwise provided, shall perform the duties of the
16 mayor whenever and so long as the mayor is, from any cause,
17 unable to perform his official duties, and he shall, in the ab-
18 sence of the mayor, perform any and all the duties of the mayor,
19 except he shall not preside over the council. In the absence
20 of the mayor at a meeting of the council, the council shall se-
21 lect one of its own members to preside over its meeting, who
22 shall have a vote as a councilman. If the mayor and clerk are
23 both absent from the city or otherwise disabled from perform-
24 ing the duties of the mayor, the council may elect a mayor *pro*
25 *tempore*. The mayor shall have the power at any time to ap-
26 point special policemen, who shall be sworn in, without con-
27 firmation of the council. The mayor shall have the power to
28 appoint all non-elective officials of the city, but said appoint-
29 ments so made by the mayor shall not become effective until
30 confirmed by a majority of the membership of the council. The
31 mayor shall be the official head of the city for all ceremonial

32 purposes, upon whom service may be had in civil process and
33 by the governor for military purposes.

City Clerk—Duties

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

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

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

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

38 The city clerk shall be *ex-officio* city treasurer and as such

39 shall be custodian of all monies of the municipality and shall
40 keep and preserve the same in such manner and in such place
41 or places as shall be designated by the city council. He shall
42 pay out money only on warrants issued and signed by him and
43 countersigned by the mayor.

Police Judge, Duties

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

5 The judicial power of the city shall be vested in a municipal
6 court. Said court shall have exclusive jurisdiction of all crim-
7 inal proceedings for the violation of any city ordinance, and
8 any act committed inside the corporate limits of the City
9 of Welch and made a misdemeanor under the laws of the state
10 of West Virginia shall be an offense against the laws of said
11 city, and the police judge, or the mayor until said police judge
12 is appointed, in addition to the other powers herein granted,
13 may try, convict and punish therefor, and in the absence of any
14 specific ordinance relating thereto, may inflict the same pen-
15 alties and collect the same fines for the benefit of said city as
16 are prescribed by the state laws for the same offense.

17 The police judge shall be *ex-officio* a justice of the peace and
18 a conservator of the peace, with authority to issue process for all
19 offenses committed within the jurisdiction of the City of Welch,
20 of which a justice of the peace has jurisdiction under the state
21 statutes, and shall perform all the duties vested by law in a
22 justice of the peace, except that he shall have no jurisdiction
23 in civil cases or causes of action arising outside of the cor-
24 porate limits of the city. He may commit persons charged with
25 felony or misdemeanor to jail or take bond for their appearance
26 before the grand jury or the criminal court of McDowell
27 county. He shall have authority to sentence an offender to
28 labor upon the streets or at other public work of the city, until
29 such time as their fines shall have been worked out, or until
30 the sentence imposed has been performed. Offenders sentenced
31 to work on the streets shall be allowed credit on their fines in
32 the amount of one dollar for each day of labor, and during
33 good behavior each prisoner shall be allowed five days good time
34 for every thirty days sentence, that is, labor on the streets for
35 twenty-five days shall be equivalent to service of thirty days.

36 The police judge shall keep a well bound book marked "PO-
37 LICE COURT DOCKET" in which there shall be kept a record
38 showing the style of each case and the desposition thereof,
39 which record shall be indexed and numbered.

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

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

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

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

City Attorney, Duties

Sec. 12. The city attorney shall be a member of the bar of
2 McDowell county in good standing and shall perform and dis-
3 charge all duties and exercise all powers which shall be con-
4 ferred upon him by any ordinance or resolution of the city
5 council, and, in addition, he shall exercise the following powers:

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

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

13. (c) Be prosecuting attorney of the police court and prose-
14 cute all cases brought before such court, and perform the same
15 duties so far as they are applicable thereto as are required of

16 the prosecuting attorney of the county, *provided, however*, that
17 it shall be necessary for said city attorney to appear in criminal
18 cases only when so requested by the mayor, police judge or
19 other proper authority.

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

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

29 (f) The city attorney shall receive for his services an annual
30 retainer fee not to exceed three hundred dollars, said fee to
31 be fixed by the council payable out of the city treasury; and
32 shall be entitled to reasonable fees, in addition to the annual
33 retainer, for the preparation of contracts, bonds, other writings
34 and special services rendered, for which said attorney shall
35 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
2 expedient and necessary for the welfare of the city to employ
3 the services of a city manager, he may be appointed in the
4 manner herein provided, and shall receive such salary as the
5 council by ordinance may prescribe; and he shall have the right
6 to employ such other help as the council may from time to
7 time allow.

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

18 Upon the appointment of a city manager the council shall
19 pass a proper ordinance setting forth the specific and general

20 duties of the city manager, prescribing the limits of his author-
21 ity, and fixing his salary.

City Engineer, Duties

Sec. 14. The city engineer shall be a competent mechanical
2 engineer and shall discharge all duties and exercise all powers
3 which shall be conferred upon him by any ordinance or reso-
4 lution of the city council, and in addition, he shall exercise the
5 following powers:

6 (a) Make surveys and fix grades when required by the city
7 council or city manager; prepare plats, plans and specifications
8 of all improvements which may be undertaken when required;
9 and inspect all work done by any contractor for the city while
10 the work is being performed.

11 (b) Supervise the construction of all buildings, bridges and
12 other structures, the erection of which is controlled or regulated
13 by the city.

14 (c) Furnish to any resident, street and sewer grades and
15 building lines whenever required on such terms as the council
16 may prescribe.

17 (d) Examine all applications for permits to erect buildings
18 and other structures, and approve the same in writing before
19 they are passed upon by the city council.

20 (e) Make complete maps of all streets, alleys, lanes, parks
21 and public property owned by the city and keep the same on
22 file in his office, and furnish a copy thereof to the city clerk or
23 city manager.

24 (f) Have general supervision of the streets and alleys in the
25 city and see that the pavements, sidewalks, gutters and sewers
26 are kept clean and repaired.

27 (g) General supervision of the work of repairing and keeping
28 in repair all pavements, sidewalks, curbs and sewers in the city.

29 (h) Attend all regular and special meetings of the council
30 and recommend improvements required or suitable for any
31 street, alley, land or locality in the city.

32 The city engineer shall receive a reasonable compensation
33 for his services, and may, in the discretion of the council, be
34 paid an annual retainer fee, not to exceed one hundred dollars,
35 payable out of the city treasury.

City Health Officer, Duties

Sec. 15. The city health officer shall be a member of the
2 medical profession in good standing and shall discharge all

3 duties and exercise all powers which shall be conferred upon
4 him by any ordinance or resolution of the city council; he shall
5 report all unsightly, unsanitary and obnoxious conditions exist-
6 ing within the corporate limits of the city; he shall examine all
7 restaurants, hot dog stands, refreshment places and lunch stands
8 within the city and report the sanitary condition thereof; he
9 shall have the right to close any places found to be in an un-
10 healthy and unsanitary condition, dangerous to the health of
11 the inhabitants of the city; supervise the sanitary inspection
12 of the production, transportation, storage and sale of food and
13 food stuffs; he shall provide rules for the collection and dis-
14 posal of garbage; in the time of epidemic or threatened epi-
15 demic he shall enforce such quarantine and isolation rules and
16 regulations as are appropriate for the emergency, and shall at
17 all times have supervision over all contagious and infectious
18 diseases; and perform any and all other duties necessary and
19 essential to promote a healthy and sanitary condition within
20 the city.

Board of Health

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

Policemen, Duties

Sec. 17. The mayor, with the approval of the council, shall
2 appoint a sufficient number of police officers to properly police
3 the city, and shall fix the salaries of said officers in such an
4 amount as they may deem proper.
5 One of the policemen, so appointed, shall be designated by
6 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 distrain 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

23 subject to on their bonds for enforcing the payment of the
24 county levies.

Salaries

Sec. 22. The salary of the mayor shall be fixed by the council
2 in an amount not to exceed six hundred dollars annually, pay-
3 able out of the city treasury. The salary of each councilman
4 shall be two hundred dollars annually, payable out of the city
5 treasury. The police judge, city manager, city clerk, city phy-
6 sician, city attorney, city engineer, policemen, firemen and other
7 appointive officers shall receive such compensation as the council
8 may prescribe by ordinance or order, unless said compensation
9 be fixed by this act, and the same shall not be increased or
10 diminished during the term for which the appointment was
11 made.

Removal of Officer, Cause

Sec. 23. 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 the following causes: Official misconduct, in-
4 competence, misappropriation of public funds, habitual drunk-
5 enness, neglect of duty or gross immorality. Such removal
6 shall not be made except upon charges regularly filed and acted
7 upon as follows: The charges against any officer shall be re-
8 duced to writing and entered of record by the council, and a
9 summons shall thereupon be issued by the city clerk containing
10 a copy of the charges and requiring the officer named therein
11 to appear and answer the same on the day named therein, which
12 summons may be served in the same manner as a summons com-
13 mencing an action may be served, and the service must be made
14 at least five days before the return day thereof, and it shall re-
15 quire the affirmative vote of a majority of all the members
16 elected to council to remove any such official. An officer pro-
17 ceeded against under the provisions of this section shall be tried
18 before the council and shall have the right to be represented
19 by counsel, and the circuit court of McDowell county shall have
20 concurrent jurisdiction with the council for any of the causes
21 herein mentioned.

22 The mayor, or any other official having the power of appoint-
23 ment, shall have the right to remove any of his appointees and
24 appoint another qualified person in his place, but such removal
25 shall be made by means of a writing served upon such official
26 so removed; and all the rights and powers of such official shall

27 cease and end from the time of such removal by said appointing
28 officer; *provided*, that the person so removed shall have the
29 right to appeal to the council, which shall hear the charges, and
30 may overrule the action of the mayor and re-instate such officer,
31 or sustain the ruling of the mayor and affirm the removal and
32 discharge.

Vacancies

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

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

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

Nomination of Officers

Sec. 25. Between the first and fifteenth day of May preced-
2 ing a municipal election for the purpose of electing city officials,
3 each political party shall at some convenient place, to be desig-
4 nated by the chairman of the city committee thereof, hold a
5 convention for the purpose of nominating a mayor, councilman
6 from each ward and two councilmen at large. Each of the
7 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

22 and purpose of said meeting by publication in some newspaper
23 of general circulation in said city.

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

37. *Compensation of Registrars*

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

Elections

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

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

13 In all elections by the people, the mode of voting shall be by
14 ballot, but the voters shall be left free to vote open, sealed or
15 secret ballots, as they may elect. The election in said city shall

16 be held and conducted, and the result thereof certified, returned
17 and officially determined under the laws in force in this state
18 relative to general elections, except that the persons conducting
19 said election shall, on the day after the election is held, deliver
20 the ballots, tally sheets and poll books to the city clerk, and
21 thereafter the council of said city shall within five days (Sun-
22 days excepted) after said election, canvass the returns of said
23 election and declare the results thereof, issuing certificates of
24 election to the persons elected, as shown by said canvass of the
25 returns thereof, and in all respects comply with the require-
26 ments of the laws of the state relating to elections in force at
27 that time. The corporate authorities of said city shall perform
28 all duties in relation to said elections required by general law
29 of the county court. And the provisions of the election laws
30 of the state of West Virginia in effect on the date of said elec-
31 tion, concerning elections by the people shall govern such elec-
32 tions and be applicable thereto, and the penalties therein pre-
33 scribed for offenses relating to elections shall be enforced against
34 the offenders of such corporate elections; and the said act shall
35 have the same force and effect as if it were specially applicable
36 in such corporate elections and was by this act re-enacted in
37 *extenso*; except as above modified as to the time in which the
38 returns of the election and canvass thereto shall be made.

39 Whenever two or more persons receive an equal number of
40 votes for mayor or councilman, the council in office at the time
41 the election is held shall choose by lot which of the two or more
42 persons receiving the same number of votes shall be entitled to
43 the office for which he received the votes.

44 In the event of a demand by any candidate for a recount of
45 the votes cast at said election or in event of the institution of a
46 proceeding to contest said election, the council in office at the
47 time of said election shall hold over and remain in office for the
48 purpose of passing upon and deciding such recount or contest of
49 election and for any other purpose; and nothing herein pro-
50 vided shall be construed to interfere with the duties, affairs and
51 authority of the new and incoming council. The re-count or
52 contest of election shall be made and conducted in the manner
53 provided for as in contests for county and district officers, and
54 the council by their proceedings in such cases shall, as nearly
55 as practicable, conform with like proceedings of the county
56 court in such cases.

57 The unsuccessful party in a recount or contested election
58 shall have the right to appeal from the decision of the city
59 council to the circuit court of McDowell county and upon an
60 appeal being taken as aforesaid, it shall be the duty of the
61 council to certify to the circuit court of said county, under the
62 seal of the city, all the proceedings had in said recount or con-
63 tested election.

Corporate Powers

Sec. 29. 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 laterals, and
8 shall, in all cases, have power and authority to assess upon and
9 collect from, the property benefited 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
14 free from obstruction, pollution or litter on or over them; to
15 have the right to control all bridges within said city, and the
16 traffic thereover; to change the name of any street, avenue or
17 road within said city, and regulate and cause the numbering
18 and re-numbering of houses on any street, avenue or road
19 therein; to regulate the naming of streets, avenues and public
20 places; to regulate and determine the width of streets, side-
21 walks, roads and alleys; to order and direct the curbing, re-
22 curbing, paving, re-paving and repairing of sidewalks and
23 footways for public use in said city to be done and kept clean
24 and in good order by the owners of adjacent property; to
25 prohibit and punish the abuse of animals; to restrain and
26 punish vagrants, medicants, beggars, tramps, prostitutes,
27 drunken or disorderly persons within the city, and to provide
28 for their arrest and manner of punishment; to prohibit and
29 punish by fine the bringing into the city by railroads or other
30 carriers, persons known to be paupers, dangerous or objection-
31 able characters or afflicted with contagious diseases; to control
32 and suppress disorderly houses of prostitution or ill-fame,
33 houses of assignation and gaming houses or any part thereof,

34 to punish those engaged in gaming and to suppress all gaming
35 or gambling houses, and all places where gambling or betting
36 is in any way connected therewith; to prohibit within the city
37 or within one mile thereof, slaughter houses, soap or glue fac-
38 tories and houses and places of like kind, and any other thing
39 or business dangerous, unwholesome, unhealthy, offensive, in-
40 decent or dangerous to life, health, peace or property; to
41 provide for the entry into the examination of all dwellings,
42 lots, yards, enclosures, buildings and structures, cars, and
43 vehicles of every description, and to ascertain their condition
44 for health, cleanliness or safety; to regulate the building and
45 maintenance of party walls, partition fences or lines, fire walls,
46 fire places, chimneys, boilers, smoke stacks and stove pipes; to
47 provide for and regulate the safe construction, inspection and
48 repairs of all public and private buildings, bridges, basements,
49 culverts, sewers, or other buildings or structures of any de-
50 scription; to take down and remove or make safe and secure,
51 any and all buildings, walls, structures or super-structures at
52 the expense of the owners thereof, that are or may become
53 dangerous, or to require the owners or their agents to take
54 down and remove them or put them in a safe and sound con-
55 dition at their own expense; to regulate, restrain or prohibit
56 the erection of wooden or other buildings within the city; to
57 regulate the height, construction and inspection of all new
58 buildings hereafter erected, and the alteration and repair of
59 any buildings already erected or hereafter erected in said
60 city, and to require permits to be obtained for such buildings
61 and structures, and plans and specifications thereof to be first
62 submitted to the city engineer; to regulate the limit within
63 which it shall be lawful to erect any steps, porticos, bay win-
64 dows, bow windows, show windows, awnings, signs, columns,
65 piers or other projection or structural ornaments of any kind
66 for the houses or buildings fronting on any street of said city;
67 to establish fire limits and to provide the kind of buildings and
68 structures that may be erected therein, and to enforce all
69 needful rules and regulations to guard against fire and danger
70 therefrom; to require, regulate and control the construction
71 of fire escapes for any building or other structures in said
72 city, to control the opening and construction of ditches, drains,
73 sewers, cess-pools, and gutters, and to deepen, widen and clear
74 the same of stagnant water or filth, and to prevent obstruction

75 therein, and to fill, close or abolish the same and to determine
76 at whose expense the same shall be done; and to build and
77 maintain fire station houses, crematories, jails, lockups, and
78 other buildings, police stations and police courts, and to regu-
79 late the management thereof; to acquire, establish, lay off,
80 appropriate, regulate maintain and control public grounds,
81 squares and parks, hospitals, market houses, city buildings,
82 libraries and other educational or charitable institutions,
83 either within or without the city limits, and when the council
84 determines that any real estate rights therein, or materials in
85 or out of the city is necessary to be acquired by said city for
86 any such city purpose, or for any public purpose, or is neces-
87 sary in the exercise of its powers herein granted, the power of
88 eminent domain is hereby conferred upon said city, and it
89 shall have the right to institute condemnation proceedings
90 against the owner thereof, whether said property be in or out
91 of said city, in the same manner, to the same extent, and upon
92 the same conditions as such power is conferred upon public
93 service corporations by chapter forty-two of the code of West
94 Virginia of the edition of one thousand nine hundred and six,
95 and is now or may be hereafter amended; to purchase, lease
96 or contract for and take care of all public buildings and struc-
97 tures and real estate deemed proper for the use of such city;
98 and for the protection of the public to cause the removal of
99 unsafe walls, structures or buildings, and the filling of excava-
100 tions; to prevent injury or annoyance to the business of indi-
101 viduals from anything dangerous, offensive or unwholesome;
102 to abate or cause to be abated all nuisances and to that end
103 and thereabout to summon witnesses and hear testimony; to
104 regulate or prohibit the keeping of gunpowder and other com-
105 bustible or dangerous articles and to regulate the transporta-
106 tion of same through the streets, alleys and public places; to
107 regulate, restrain or prohibit the use of firecrackers or other
108 explosives or fireworks, and all noises or performances which
109 may be dangerous, indecent or annoying to persons or tend
110 to frighten horses or other animals; to provide and maintain
111 proper places for the burial of the dead, in or out of the city,
112 and to regulate interments therein upon such terms and con-
113 ditions as to price and otherwise, as may be determined; to
114 provide for shade and ornamental trees, shrubbery, grass,
115 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 moneys
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,

197 cleanliness and good order of the city and its inhabitants, and
198 to protect places of divine worship in and about the premises
199 where held and to punish violations of all ordinances, if the
200 offense under and against the same shall also constitute offenses
201 under the laws of the state of West Virginia or the common
202 law; to provide for the employment and safe keeping of per-
203 sons who may be committed in default of payment of fines,
204 penalties or costs under this act, who are otherwise unable to
205 discharge the same, by putting them to work for the benefit
206 of the city upon the streets or other places in or out of the
207 city provided by said city, and to use such means to prevent
208 their escape while at work as the council may deem expedient;
209 and the council may fix a reasonable rate per day as wages
210 to be allowed such persons until the fine and costs against
211 him are thereby discharged; to compel the attendance at public
212 meetings of the members of the council; to have and exercise
213 such additional rights, privileges and powers as are granted
214 to municipalities by chapter forty-seven of the code of West
215 Virginia as amended.

216 For all such purposes, except that of taxation and for pur-
217 poses otherwise limited by this act, the council shall have juris-
218 diction, when necessary, for one mile beyond the corporation
219 within said one mile limit.

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

229 To carry into effect these enumerated powers and all other
230 powers conferred upon said city expressly or by implication
231 in this and other acts of the legislature, the council of said
232 city shall have the power in the manner herein prescribed, to
233 adopt and enforce all needful orders, rules and ordinances not
234 contrary to the laws and constitution of this state; and to pre-
235 scribe, impose and enforce reasonable fines and penalties,
236 including imprisonment in the city lock-up, jail or station-
237 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,

18 assignee, occupant, or tenant of any premises or structure where
19 such violation may occur.

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

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

39 After the notice aforesaid, and the hearing, if required, is
40 had, and upon the failure of the party responsible to abate and
41 remove said nuisance, then the council, by a proper order passed
42 and entered in the minutes of the meeting, shall abate and
43 remove said nuisance, and collect the expenses thereof from
44 the owner, occupant, tenant, agent, or assignee, by distress or
45 sale, in the same manner in which taxes levied upon real estate
46 for the benefit of said city are herein authorized to be collected.
47 In the case of non-resident owners of real estate, the notice
48 herein provided may be served upon any tenant, occupant,
49 assignee, or rental agent of the owner, or by publication thereof
50 once a week for two successive weeks in some newspaper of
51 general circulation in said city. The abatement or removal
52 of any such nuisance herein provided, shall be *prima facie* proof
53 that the said notice to the owner, occupant, tenant, agent or
54 assignee was given as herein prescribed.

55 The council may require all owners, tenants or occupants of
56 improved property which may be located upon or near any
57 street or alley along which may extend any sewer or system of
58 sewerage, which the said city may construct, own or control,

59 to connect with such sewer or system of sewerage, all privies,
60 ponds, water closets, cess-pools, drains, or sinks located upon
61 their respective properties or premises so that their contents
62 may be made to empty into such sewer or system of sewerage,
63 and shall have the right to charge a reasonable amount for the
64 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
3 any place within McDowell county, and all prisoners arrested
4 and imprisoned when awaiting trial or after conviction shall
5 be imprisoned in the jail so established and designated by the
6 council as the city jail, or such prisoners may be imprisoned
7 in the county jail of McDowell county, West Virginia, and the
8 jailer of said McDowell county is hereby required to receive
9 and safely keep any prisoners of said city who shall be sen-
10 tenced to the county jail under the provisions hereof. *Provided,*
11 *however,* that the said city shall reimburse the county for all
12 expenses sustained in keeping such prisoners.

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

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

Franchises

Sec. 33. Franchises shall be granted by the council, allow-
2 ing to persons or corporations, for a limited time, such occu-
3 pancy of portions of the street as may be necessary for works of
4 public utility and service, such as steam railway tracks, street
5 railway tracks, poles and trolley wires, telephone and telegraph
6 poles and subways, electric light and other electric poles, wires
7 and subways, and gas and steam pipe lines, water, water lines
8 and pipes. But no such franchise shall hereafter be granter
9 except under the following restrictions:

10 (1) No ordinance, granting any franchise for the use of the
11 streets, alleys or public grounds of the city for any of the pur-
12 poses of public utility above named, or for any other purpose
13 of like nature, shall be passed unless it shall have been first
14 proposed to the council, and notice of the object, nature and

15 extent of the franchise shall have been published for at least
16 thirty days by the applicant in some newspaper of general cir-
17 culation in the City of Welch, before being acted upon, and
18 shall have received a vote of the majority of the members of
19 the council at a regular meeting after said publication. The
20 votes thereon shall be taken by ayes and noes, and the same
21 entered upon the minute book.

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

27 (3) No grant of any such franchise shall be made without,
28 at the time of making it, providing that the grantee shall in-
29 demnify the city against all damages caused by the construc-
30 tion of such work. All reasonable additional provisions and
31 conditions may be made for the protection of the public from
32 unnecessary damage or inconvenience by reason of such works
33 and the operation thereof. The franchise, when granted and
34 reduced to writing, shall first be approved by the city attorney,
35 before being executed by the mayor and city clerk.

36 (4) No grant of a franchise or the extension of, or an addi-
37 tion to, any line of such work, over any additional street or
38 territory of the city, shall be made for a period extending be-
39 yond the time limited for the expiration of the franchise of the
40 principal work of which it is an extension; and if the franchise
41 of the principal company or work is one which was granted
42 before this act goes into effect, and is not limited as to time, the
43 franchise granted for the extension or addition shall neverthe-
44 less be made subject to the conditions hereof, including a time
45 limit of not exceeding fifty years. If a franchise be secured
46 from the city by an individual or by an independent or new
47 company, and the work constructed thereunder afterwards be-
48 comes a part of it, or be operated as a part of a larger work of
49 the same kind whose franchise was previously obtained and is
50 limited to expire earlier, such later franchise shall, by reason
51 of such annexation, merger, or single operation, expire simul-
52 taneously with such earlier franchise.

Ordinances

Sec. 34. The style or ordinances of the city shall be, "Be it
2 enacted and ordained by the council of the City of Welch".

3 All ordinances shall be presented in writing and no ordinance
4 shall be so amended in its passage as to change the general
5 purpose. No ordinance shall be considered for final passage
6 at the meeting at which it was introduced, but when said ordi-
7 nance is introduced it shall be laid over for a period of not less
8 than two weeks to be passed on at a special meeting to be called
9 for that particular purpose or at the next regular meeting,
10 during which time copies of the proposed ordinance shall be
11 posted in at least five conspicuous places in the City of Welch,
12 giving the date on which the council intends to finally pass
13 upon said ordinance or notice thereof may be given by publica-
14 tion in some newspaper of general circulation in the City of
15 Welch once a week for two successive weeks prior to the date on
16 which the council will consider said ordinance. No ordinance
17 shall contain more than one subject which shall be clearly ex-
18 pressed in its title, nor shall an ordinance be passed by a council
19 unless all members of said council shall concur therein by ayes
20 and nays when the question is put up for its passage. All ordi-
21 nances passed by the council shall be kept in a well bound book,
22 which ordinances so kept therein shall be compared with the
23 originals by the mayor and city clerk and signed by them. Such
24 books shall be indexed so as to show in brief form the substance
25 of the ordinance. It shall not be necessary to spread upon the
26 minutes of the meeting the ordinances, but the minutes shall
27 show the passage or rejection of an ordinance and the title
28 thereof and refer to the number of the ordinance book and the
29 page wherein said ordinance is recorded.

30 All ordinances, by-laws, resolutions and rules of the City of
31 Welch in force on the day preceding the passage of this act,
32 which are not inconsistent therewith, shall be and remain in
33 full force over the whole boundary of said City of Welch, as
34 established by this act, until the same are amended or repealed
35 by the council of said city, and the officers elected on the first
36 Tuesday in June, one thousand nine hundred and twenty-eight,
37 in the City of Welch, shall remain in office until their successors
38 under this act are elected and qualified as hereinbefore pro-
39 vided; and after this act takes effect, shall have jurisdiction over
40 all the territory embraced in the boundary specified in this act,
41 and shall perform all the duties of such respective officers under
42 this act; but nothing in this act shall be construed or held to
43 in any way, affect or impair any of the bonds, obligations or

44 indebtedness of the City of Welch issued or contracted prior to
45 the passage of this act; but, on the contrary, the said City of
46 Welch shall be liable for all the bonds, obligations and indebted-
47 ness of the City of Welch as though the same had been created
48 under this charter.

Meetings of Council

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

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

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

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

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

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

Quorum

Sec. 36. A majority of the whole number of members elected

2 to the council shall be necessary for the transaction of business,
3 but a smaller number may adjourn from time to time and may
4 compel the attendance of absent members, in such manner and
5 under such penalties as it may by rules provide. If a majority
6 of the whole number of members elected to the council be
7 present at a regular meeting they may proceed to business
8 although the mayor be not present. In the absence of the mayor
9 the councilmen present shall select one of their number as pre-
10 siding officer *pro tem* of the council.

Record Books

Sec. 37. The council shall cause to be kept by the city clerk
2 in a well bound book to be called the "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", accu-
5 rate copies of all general ordinances adopted by the council;
6 both of which shall be accurately indexed and open to the in-
7 spection of anyone required to pay taxes in the city, or who may
8 be otherwise interested therein.

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

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

Auditing Books

Sec. 38. The council shall by proper ordinance provide for
2 the auditing of all the books and accounts of the city, at least
3 once each year, and shall appoint or employ a reputable person
4 for such purpose, and such audit shall show the complete finan-
5 cial condition of the city at the time thereof, and the receipts
6 and disbursements of all monies during such year. The council
7 shall also provide by ordinance for the publication of such
8 audit of the financial condition of the city at least once each
9 year, and such audit shall be spread upon the records of the
10 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
2 to the city clerk who shall be *ex officio* treasurer of the city, and
3 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, curb-
14 ing, 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

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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

12 poll tax shall be used exclusively for opening, improving and
13 maintaining roads, streets and alleys of the city, and shall
14 designate the same as the "street taxes"; and the said council
15 may also impose such license tax upon dogs and other animals
16 as they may deem proper, and collect the same from the owners
17 of such animals as other taxes are collected, and prescribe such
18 rules, regulations and penalties governing the payment of such
19 tax on animals as they may deem reasonable. And the general
20 annual levy upon the taxable property within the corporate
21 limits of said city shall not exceed the sum of eighty cents upon
22 each one hundred dollars valuation. But in addition to said
23 levies above mentioned, and in addition to any levies provided
24 by the general law, with which these are not meant to conflict,
25 the council of said city is empowered to and shall lay a special
26 annual levy not to exceed ten cents on each one hundred dollars
27 valuation of the property in said city for the purpose of creating
28 a sinking fund with which to pay off the principal of the present
29 outstanding bonded indebtedness of said city when the same
30 becomes due and for the purpose of paying annually, when due,
31 the interest coupons of the said present outstanding bonded in-
32 debtedness of the said city, which said special levy shall be con-
33 tinued annually by the council for as many years as may be
34 necessary to pay off said present outstanding bonded indebted-
35 ness and the interest coupons that may become due thereon,
36 but no longer. Also, in addition to the above, the said council,
37 beginning with the year one thousand nine hundred and twenty-
38 five, is empowered to and shall lay a special annual levy not to
39 exceed five cents on each one hundred dollars valuation of the
40 property in the said city for the purpose of paying off any out-
41 standing orders issued against the treasury of said city prior
42 to July the first, one thousand nine hundred and twenty-four,
43 and for the purpose of paying off any debts contracted prior
44 to said date, or any judgment taken against the said city prior
45 to said date. And both of the aforesaid special levies, when
46 collected, shall be used for no other purpose than for the afore-
47 said purposes for which they shall be laid as aforesaid.

Assessment and Collection of Taxes

Sec. 42. For the purpose of taxation the assessed valuation
2 of real and personal property within the city, subject to taxa-
3 tion, shall be the same as the assessed valuation placed thereon
4 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 distrain and sell therefor in
34 like manner as the officer collecting state taxes may distrain
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

46 by this act, from the first day of January following the date
47 when said taxes are due and payable as herein provided. Said
48 lien may be enforced in any court of record in McDowell
49 county by proper suit, provided such suit be entered within
50 five years after said liens attach as herein provided, such suit
51 may either be by or in the name of the City of Welch as plain-
52 tiff or said city may intervene by petition in any suit to sell
53 or enforce the lien against real estate which is subject to such
54 liens for said taxes. The liens herein created shall have priority
55 over all other liens except those for taxes due the state and
56 county. It shall be the duty of the city clerk at the expiration
57 of the tax collection period to return to the auditor of the state
58 of West Virginia, real estate delinquent for the nonpayment
59 of taxes in the same manner as the sheriff of McDowell county
60 is authorized, empowered and directed to make return of real
61 estate delinquent for the nonpayment of taxes. And the laws
62 of the state of West Virginia in relation to delinquent taxes
63 and the sale of property therefor are hereby in all respects
64 adopted as to all proceedings in relation to taxes for city pur-
65 poses delinquent in said city. And the powers and duties
66 conferred by the laws of said state upon county courts and
67 their clerks and sheriffs in regard to delinquent taxes and their
68 collection, are hereby in all things conferred upon said city
69 council, its city clerk and other city officials whose duties are
70 of a similar nature as those of said county officials, in so far as
71 the same may be directly or by implication applicable in the
72 collection of delinquent taxes due said city.

Licenses

Sec. 43. Whenever anything for which state license is re-
2 quired is to be done within the city, the city council may require
3 a city license to be had for doing the same and may in any case
4 require from any person licensed a bond with surety in such
5 penalty and with such conditions as may be proper for the
6 protection of the public health, safety or morals. The council
7 shall prescribe by ordinance the time and manner in which
8 licenses of all kinds shall be applied for and granted and shall
9 require the payment of the taxes thereon to the city clerk be-
10 fore the delivery thereof to the person applying therefor, which
11 tax shall include the same fees for the issuance of such license
12 as are charged for similar services of state and county officers,
13 which fee shall be paid into the city treasury.

14 The council may refuse to grant license to any person or
15 corporation for good cause shown and shall have the right to
16 revoke any such license granted for a breach of any of the con-
17 ditions or for other good cause shown, but the person or cor-
18 poration holding such license shall first be given reasonable
19 notice of the time and place of hearing and adjudicating the
20 matter of the revocation of said license, as well as the cause
21 alleged for said revocation, and shall be entitled to be heard in
22 person, or by counsel, in opposition to such revocation. The
23 term for which license provided for in this chapter is granted
24 shall be governed by the general laws of the state relative to
25 state licenses.

Bond Issues

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

Indebtedness Prohibited

Sec. 45. The council of the said city shall not, at any time,
2 or for any purpose, create any indebtedness against the said
3 city except as provided in the next preceding section, exceeding
4 the available assets of the said city for the current year; and
5 if the said council shall create such indebtedness or issue orders
6 on the city for an amount exceeding the amount of money col-
7 lected for that year for said city from all sources, and the
8 amount of money then in the treasury appropriated, the mem-
9 bers of said council shall be severally and jointly liable for the
10 payment of the excess of such indebtedness or orders over the

11 amount of money applicable thereto, and the same may be re-
12 covered in any court having jurisdiction thereof. Any coun-
13 cilman violating the provisions of this section shall be deemed
14 guilty of malfeasance in office, and may be removed as such
15 councilman in pursuance of section twenty-three of this act.
16 *Provided, however,* this shall not be applicable to such members
17 who have voted against said excess; and, *provided, further,*
18 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
2 and cause any avenue, street, road or alley therein to be
3 graded, or curbed or recurbed with stone, concrete or other
4 suitable material, or paved or repaved, between curbs, with
5 brick, wooden blocks, asphalt or other suitable materials, or to
6 be graded and curbed or recurbed and paved or repaved as
7 aforesaid or to be macadamized or to be otherwise permanently
8 improved or repaired, under such supervision as may be
9 directed by ordinance or resolution, upon the best bid to be
10 obtained by advertising for proposals therefor, except the city
11 may do the work without letting it to contract as hereinafter
12 provided in (d) of this section; and may purchase or con-
13 demn land for opening or widening avenues, streets, roads and
14 alleys. The entire cost, or any part thereof, designated by the
15 council, of such grading, curbing and paving or macadamizing,
16 or other permanent improvements, of any of the avenues,
17 streets, roads and alleys as aforesaid, from and including the
18 curb of either side thereof to the middle thereof and the cost,
19 or any part thereof, of purchasing or condemning land as
20 aforesaid for street purposes, may be assessed to and required
21 to be paid by the owners of the land, lots or fractional parts
22 of the lots, fronting or bounding on such avenue, street, road
23 or alley so improved, except as otherwise provided in (c) and
24 (g) of this section.

25 (b) Payment is to be made by all land owners on either side of
26 such portion of any avenue, street, road or alley so paved,
27 opened, widened, or improved in such proportion to the total
28 cost (less the portion, if any, chargeable to the street or other
29 railway company) as the frontage in feet of his abutting land
30 bears to the total frontage of all the land so abutting on said
31 avenue, street, road or alley or portion thereof opened,
32 widened, paved or improved as aforesaid; but the cost of such

33 paving or improvement on said avenue, street, road or alley
34 (not including opening or widening), shall not include any
35 portion or amount paid for the paving or improvement of in-
36 tersections of avenues, streets, roads or alley, unless the work
37 be done, and the payment made therefor, as especially provided
38 in (c) and (g) of this section.

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

48 *Provided, further*, that if the said council propose, order
49 and cause such improvements to be made under this clause of
50 this section they shall first enact an ordinance or resolution
51 setting forth the work and improvements to be done, the ex-
52 tent of said improvement and manner of paying for the same,
53 which ordinance or resolution shall be published once a week
54 for two consecutive weeks in two newspapers of opposite poli-
55 tics, published and of general circulation in said city. In such
56 publication the council shall set a time of at least ten days
57 from the date of the first publication in which objection and
58 protest may be made against the proposed improvement as
59 aforesaid by the owners of the property against which said
60 assessment is proposed to be made, and if, at or before such
61 time so set by the directors, the *bona fide* owners of more than
62 three-fifths in lineal feet of the property abutting upon the
63 avenue, street, road or alley proposed to be improved as afore-
64 said, shall file separately or jointly their written protest set-
65 ting forth the fact, under oath, that they are the *bona fide*
66 owners of said property, with the council, objecting to and
67 protesting against the work to be done and the improvement to
68 be made under this clause in this section, the council shall pro-
69 ceed no further hereunder and shall make note of the dis-
70 continuance of such proposed work and improvement under
71 this clause of this section in their minute book. If the owners
72 of more than three-fifths of said property do not file objection
73 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.

155 (h) When the council shall deem it expedient and proper to
156 cause any avenue, street, road or alley, or any portion thereof,
157 in such city, to be graded, or graded and paved, curbed, or
158 macadamized, or otherwise permanently improved, or land to
159 be acquired or taken for street purposes, as provided in (a)
160 of this section, or shall deem it expedient and proper to cause
161 the construction of any public sewer in or under such avenue,
162 street, road or alley or land or easement therein to be acquired
163 or taken therefor, or elsewhere, or cause any other permanent
164 improvements to be undertaken, contemplated by this or any
165 other section, or sections, they shall, by ordinance or resolu-
166 tion, order the work done, stating the method of payment
167 thereof, and, if it be let to contract, notice shall be in the fol-
168 lowing manner, to-wit:

169 (i) The notice for the bids or proposals for doing such
170 work and making such improvements, shall be published for at
171 least fifteen days in two newspapers of opposite politics, or in
172 one newspaper, if two such newspapers be not published in the
173 city. If the publication of the notice cannot be procured in
174 any newspaper in said city at reasonable rates, then said notice
175 may be given in the manner directed by the council. Said
176 notice shall state, when, where and how the bids or proposals
177 shall be made; and whether so stated in the notice or not, the
178 city may reject any and all bids for such proposed work. Be-
179 fore advertising for bids on the work, the city shall approve
180 and adopt plans and specifications therefor, and the advertise-
181 ment for bids, and the contract awarded thereon, shall refer
182 to such plans and specifications. The fact that such contract
183 shall be let for said work shall be *prima facie* proof that the
184 notice mentioned above was given as required herein.

185 (j) The cost of said paving, macadamizing or otherwise per-
186 manent improvement may be paid in either one of the two
187 ways provided for in this act (to be specified by ordinance by
188 the council).

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

Sec. 47. Said city of Welch is hereby authorized to issue 2 its bonds for the purpose of providing for the costs of grading, 3 paving and curbing, or macadamizing, or otherwise per- 4 manently improving the avenues, streets, roads and alleys of 5 said city, or acquiring ground for opening public avenues, 6 streets, roads, alleys or parks, or constructing main and lateral 7 sewers, or both in anticipation of special assessments to be 8 made upon the property abutting upon the avenues, streets, 9 roads and alleys so improved or benefited. Said bonds may be 10 in such an amount as shall be sufficient to pay the entire costs 11 and expenses of said improvements for which such special 12 assessment are to be levied; and said city is authorized to sell 13 said bonds, but not below the par value thereof. The amount 14 for which said bonds are to be issued may be made of five 15 bonds, payable in two, four, six, eight and ten years, respec- 16 tively, from the date of their issue, and shall bear interest not 17 to exceed six per cent *per annum*, payable annually; or may 18 be of four bonds, payable in one, two, three and four years, 19 respectively from the date of their issue, and shall bear in- 20 terest not to exceed six per cent *per annum*, payable annually, 21 and the date of said four year bonds, when issued, shall con- 22 form, as near as can be, to the date of assessment laid against 23 real estate for the purpose of procuring revenue to retire said 24 bonds; *provided*, the city shall have the right to redeem and 25 pay off, at any interest paying period, all or any number of 26 said undue bonds of the said four year issue of bonds provided 27 for in this section. In the issuance and sale of said bonds the 28 said city shall be governed by the restriction and limitations 29 of the constitution of this state and the restriction and limita- 30 tions of the state laws of this state relating to the issuance and 31 sales of bonds, so far as such state laws are not in conflict with 32 the provisions of this act; and the assessments as provided for 33 and required to be paid herein shall be applied to the liquida- 34 tion of said bonds and interest thereon, and if, by reason of 35 the penalties collected with the delinquent assessments there 36 be any balance after the payment of the bonds and all accrued 37 interest and costs, it shall be turned into the city treasury to 38 the credit of the interest and sinking fund of the city.

39 (b) And it shall be the duty of the council to immediately
40 certify such assessments to the treasurer for collection, as here-

41 in provided; and for the purpose of facilitating the collection
42 of such assessments against the properties herein, the
43 council may issue assessment certificates, with the interest
44 coupons attached thereto, to be delivered to and charged
45 against the city treasurer who shall collect the same and as
46 such certificates and coupons are paid he shall deliver the
47 cancelled certificates to the party paying the same. A copy
48 of the said order shall be certified by the city clerk to the clerk
49 of the county court of the county, who is hereby required to
50 record and index the same in the proper trust deed book in
51 the name of each person against whose property assessments
52 appear therein.

53 (c) The amounts so assessed against said lots and owners
54 thereof, respectively, if assessed for the liquidation of the five
55 bonds payable in two, four, six, eight and ten years, respective-
56 ly, after date, shall be paid in ten payments as follows: that
57 is to say, one-tenth of said amount, together with the interest
58 on the whole assessment for one year, shall be paid into the
59 treasury of the city before the first day of the following Jan-
60 uary; and a like one-tenth part, together with the interest for
61 one year on the whole amount remaining unpaid, shall be paid
62 before the first day of January of each succeeding year there-
63 after, until all shall have been paid; and the amount so
64 assessed against said lots and owners thereof, respectively, if
65 for the liquidation of the four bonds payable in one, two, three
66 and four years, respectively, after date, shall be paid in five
67 payments, as follows: that is to say, one-fifth of said amount,
68 with interest, shall be paid in thirty days from date of assess-
69 ment; and one-fifth of said amount, together with interest on
70 the whole unpaid assessment, shall be paid into the treasury
71 of the city before one year from date of such assessment; and
72 a like one-fifth part together with the interest on the whole
73 amount remaining unpaid, before two years from the date of
74 such assessment, and a like amount in each succeeding year
75 thereafter, until all shall have been paid. All of said install-
76 ments shall bear interest at six *per centum per annum*, pay-
77 able annually from the date of assessment. *Provided, however,*
78 that the owner of any land, so assessed for the cost of any of
79 the permanent improvements herein mentioned, shall have the
80 right at any time to anticipate and pay the whole of such
81 undue assessment and interest thereon until the day on which

82 the next undue assessment shall become due, and have the lien
83 against the property so assessed released as hereinafter pro-
84 vided.

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

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

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

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

Sec. 48. The council may contract for such paving (in-
2 eluding grading and curbing), or other said improvements, to
3 be done as aforesaid, and may acquire or take land for street
4 and park purposes, as aforesaid, and may, if the council so
5 elect stipulate that the cost thereof, in whole or in part, shall

6 be paid in installments by the abutting property owners, as
7 provided in (a) and (c) of section forty-six, or specially bene-
8 fitted property owners, as provided in (g) of said section, in
9 five equal or nearly equal installments (making four in terms
10 of dollars only and when practicable in multiples of ten, the
11 cents and odd amounts to be covered by the first installment),
12 except as hereinafter provided in this section, to be evidenced
13 by a certificate issued therefor against each separate lot or
14 tract of land, setting out the total amount of such assessment
15 against the same, payable in five installments except as here-
16 inafter provided, as follows: The first in thirty days after
17 date of certificate, the second on the first day of May of the
18 year following the year in which the certificate is issued, and
19 the remaining three on the first day of May of the three fol-
20 lowing years respectively. The date of certificate in case of
21 permanent improvement of streets or other roadways shall be
22 the day on which the city received said work from the con-
23 tractor, and it shall bear interest at the rate not to exceed six
24 per cent *per annum*, payable on the due date of each principal
25 installment, which certificates are to be signed in person by
26 the mayor and clerk, or other person or persons designated of
27 record by the council. Said certificates shall bear coupons
28 designated "principal installment coupons," representing the
29 respective amounts of the installments to be paid under the
30 same, and which coupons shall be due and payable on the dates
31 provided for the payment of the installments in this section,
32 and said certificate shall also bear interest coupons represent-
33 ing the interest to be paid on said assessment and which said
34 interest coupons shall be due and payable at the same time
35 the principal installment coupons are due and payable. Upon
36 the due date of any principal installment coupons excepting
37 the first, the accrued interest on so much of said assessment,
38 as remains unpaid shall be due and payable and shall be rep-
39 resented by interest coupons as hereinabove set out. The in-
40 terest on the first principal installment coupon shall be paid
41 when the said principal installment coupon is paid, both the
42 principal installment and interest coupons shall be signed by
43 the mayor and clerk, or other person or persons designated, of
44 record by the council, either in person or by stamp bearing a
45 *fac simile* of the written name of person signing or lithographed
46 in *fac simile* on said principal installments and interest cou-

47 pons.

48 The certificates herein provided for may be sold either to
49 the contractor doing the paving or other improvements, or to
50 any other person, and which shall cover the entire cost of such
51 work provided for in the ordinance or resolution, including
52 the cost of acquiring or taking land for street or park pur-
53 poses, the cost of surveys, notices and other things pertaining
54 thereto; *provided*, when the entire amount to be assessed
55 against any lot or piece of ground under the provisions of this
56 section does not exceed fifty dollars, then such amount shall be
57 covered by only one set of said coupons, payable in thirty days
58 after date of its issue; if only fifty and not more than one
59 hundred dollars, then such amount shall be covered by only
60 two principal installment and interest coupons, payable in
61 thirty days after date of certificate and on the first day of
62 May of the year succeeding the year in which the certificate
63 was issued, respectively; if over one hundred and not more
64 than one hundred and fifty dollars, then such amount shall
65 be covered by only three principal installment and interest
66 coupons, payable in thirty days from date of certificate and
67 on the first day of May of the year succeeding the year in
68 which the certificate was issued and on the first day of May
69 in one year thereafter, respectively; if over one hundred and
70 fifty dollars and not more than two hundred dollars, then such
71 amount shall be covered by only four principal installment
72 and interest coupons payable in thirty days after date of cer-
73 tificate and on the first day of May of the year succeeding
74 the year in which the certificate was issued and on the first
75 day of May in one and two years thereafter, respectively; if
76 more than two hundred dollars, then such amount shall be
77 covered by five principal installment and interest coupons
78 payable in thirty days after date of certificate and on the first
79 day of May of the year succeeding the year in which the cer-
80 tificate was issued and on the first day of May in one, two and
81 three years thereafter, respectively; *provided, further*, the city
82 in negotiating and selling such certificates. shall not be held
83 as guarantor or in any way liable for payment thereof, except
84 upon the direct action of the council as expressed by resolu-
85 tion of record. And the certificate and coupons covering the
86 amount of the assessment and interest shall be paid by the
87 owner of the land, lot or fractional part thereof, so assessed

88 for the cost of said improvement on such avenue, street, road
89 or alley so paved or improved, or land acquired or taken as
90 aforesaid. The amount specified in said assessment certificates
91 shall be a lien in the hands of the holder thereof upon the
92 lands, lots or parts thereof so assessed, and shall also be a debt
93 against the owner of such real estate, and said amount shall
94 draw interest from the date of said certificates, payable on
95 the due date of each principal installment coupon; and the
96 payment of any debt may be enforced as provided by law for
97 the collection of other debts or such lien may be enforced in
98 the name of the holder of such certificate in the manner pro-
99 vided by law for the enforcement of other liens against real
100 estate, and accrued interest shall be a lien the same as amount
101 set out in assessment certificate.

102 After a contract has been made by the council to pave or
103 otherwise permanently improve any public road, avenue, street
104 or alley in said city under this act, and the paving or other
105 permanent improvement, or stipulated part thereof, has been
106 completed, or the cost of acquiring or taking land as aforesaid,
107 has been ascertained, the council shall assess the amount each
108 lot shall bear and shall make a written report, stating the
109 number of lots and the blocks or tracts of land, when not laid
110 off into lots, the names of the owners of such lots or land when
111 known, and the amount assessed thereon; and when the said
112 council approves said report, or modifies it and then approves
113 it, a copy of said report, so adopted by the council, when certi-
114 fied to by the city clerk of said city, shall be recorded in the
115 clerk's office of the county court of McDowell county, in a
116 trust deed book and shall be a continuing tax lien upon the
117 lot or ground against which the assessment is made until the
118 certificates as aforesaid are paid, except as otherwise provided
119 in this act, and the clerk shall index the same in the name of
120 each lot or land owner mentioned therein. *Provided*, any
121 property owner shall have the right to pay the whole amount
122 of any such assessment against his property as soon as the
123 same shall have been ascertained, but before the day on which
124 the city enters such assessments of record after the two weeks'
125 notice provided in section forty-six; and such payment shall
126 be made to the city clerk, who shall give the proper receipt
127 therefor, and such assessment, so paid, shall not be included
128 in the report to be recorded in the office of the county clerk

129 as set out in this section; and the amount so paid to the clerk
130 shall forthwith be paid to the contractor or other person en-
131 titled thereto, which shall operate as full discharge of the
132 amount of such indebtedness of such property owner. The
133 certificates and principal installment and interest coupons
134 herein provided for may be made in the following form or to
135 the same effect:

136 No..... STATE OF WEST VIRGINIA \$.....
137 (State Coat of Arms)

138 PAVING ASSESSMENT CERTIFICATE:

139 This certifies that.....as the owner
140 of a lot, piece or parcel of real estate, situate in the City of
141 Welch, known and designated as Lot No.....in Block
142 No....., has been duly assessed the sum of.....
143dollars, with interest from this date at
144 the rate of six *per centum per annum*, payable on the due
145 date of each principal installment coupon as hereinafter set
146 out, which assessment has been made to pay the cost of the
147 public improvement hereinafter recited.

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

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

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

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

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

168 (d) If more than one hundred and fifty dollars and not
169 more than two hundred dollars, in four installments, due in

170 thirty days, and on the first day of May of the year succeeding
171 the year in which the certificate was issued, and on the first
172 day of May in one and two years thereafter, respectively.

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

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

181 Installments of this certificate, therefore, are evidenced by
182principal installment coupons hereunto
183 attached, which show the amounts of such installments, the
184 due date thereof, and are signed by the mayor and the clerk
185 of the City of Welch, West Virginia.

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

191 Upon the due date of any principal installment coupon, ex-
192 cepting the first, the accrued interest on so much of said as-
193 sessments as remains unpaid, shall be due and payable in ac-
194 cordance with, and as evidenced by interest coupons hereto
195 attached. The interest on the first principal installment cou-
196 pon shall be paid when the said principal installment coupon
197 is paid.

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

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

208 It is hereby certified and recited that all the acts, conditions
209 and things required to be done precedent to and in the letting
210 of the contract for said improvement, the equalization and

211 making of said assessment, and the issuing of this certificate,
 212 have been done and performed in regular and due manner and
 213 form, as required by the charter of the City of Welch, West
 214 Virginia, and the constitution and laws of the state of West
 215 Virginia.

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

222
 223 Clerk. Mayor.
 224 No..... \$.....

PRINCIPAL INSTALLMENT COUPON

226 On the.....day of....., 19.....,
 227 there will be due and payable to the bearer hereof, from
 228the sum of.....
 229 dollars, being the.....installment on certificate
 230 No....., of the City of Welch, West Virginia, for
 231 the curbing, grading and paving of.....
 232 from..... to.....

233
 234 Clerk. Mayor.
 235 No..... INTEREST COUPON \$.....

236 On the.....day of....., 19.....
 237 there will be due and payable to the bearer hereof, from
 238the sum of.....
 239 dollars, representing interest at six *per centum* from.....
 240to..... of cer-
 241 tificate No.....on installment No.....of the
 242 City of Welch, West Virginia, for curbing, grading and paving
 243 of..... from.....
 244 to.....

245
 246 Clerk. Mayor.

Sec. 49. The council of said city is authorized and empow-
 2 ered to order and cause to be constructed, in said city, or part
 3 within and part outside of the limits of said city, a public
 4 sewer or sewers, either main or lateral, or both, by contract or
 5 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 collec-
42 tion; 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

47 and coupons in section forty-eight to be delivered to and
48 charged against the city treasurer, who shall collect the same,
49 and as such coupons and certificates are paid he shall deliver
50 the cancelled coupons and certificates to the party paying the
51 same:

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

70 The amounts so assessed against said abutting lots or land,
71 or lots or lands specially benefitted, and which shall be a lien
72 there against, shall be collected in the manner provided in this
73 act for the collection of paving liens.

74 Said assessments shall be divided into five installments each
75 for one-fifth of the amount thereof, as near as practicable
76 (making four in terms of dollars only, and when practicable,
77 in multiples of ten, the cents and odd amounts to be covered
78 by the first installment), the first due and payable in thirty
79 days, the second on the first day of May of the year succeeding
80 the year in which said certificates were issued and a like
81 amount on the first day of May for each succeeding year there-
82 after from the time of receiving said sewer (except as herein-
83 after provided in this section), all bearing interest at six *per*
84 *centum per annum* from such date, interest payable on the due
85 date of each principal installment; and the council may issue
86 sewer certificates, and principal installment and interest cou-
87 pons thereon as of such date, as provided in section forty-

88 eight of this act for street improvement assessments, as fur-
89 ther evidence of said indebtedness and lien therefor, and said
90 certificates may be sold or negotiated, at not less than par and
91 without any kind of discount to the contractors doing such
92 work, or other person, if the council deem it expedient; *pro-*
93 *vided*, the city, in negotiating and selling such certificates,
94 shall not be held as guarantor or in any way liable for pay-
95 ment thereof, except upon the direct action of the council as
96 expressed by resolution of record. But the owner of the land
97 or lot so assessed may, at any time, anticipate and pay such
98 assessment or certificates with interest thereon until the day
99 on which the next undue assessment shall become due. And
100 if such assessment shall not exceed fifty dollars, then such
101 amount shall be covered by only one set of said coupons, pay-
102 able thirty days after date of its issue of certificate. If over
103 fifty dollars and not more than one hundred dollars, then such
104 amount shall be covered by only two principal installments
105 and interest coupons, each, payable in thirty days and on the
106 first day of May of the year succeeding the year in which the
107 certificate was issued, respectively; if over one hundred dol-
108 lars and not more than one hundred and fifty dollars, then
109 such amount shall be covered by only three principal install-
110 ments and interest coupons, each, payable in thirty days and
111 on the first day of May of the year succeeding the year in which
112 the certificate was issued, and on the first day of May one year
113 thereafter respectively; if over one hundred and fifty dollars
114 and not more than two hundred dollars then such amount shall
115 be covered by only four principal installments and interest
116 coupons, each payable in thirty days, and on the first day of
117 May of the year succeeding the year in which the certificate
118 was issued, and on the first day of May in one and two years
119 thereafter, respectively; and if more than two hundred dol-
120 lars, then such amount shall be covered by five principal in-
121 stallment and interest coupons payable in thirty days and on
122 the first day of May of the year succeeding the year in which
123 the certificate was issued, and on the first day of May in one,
124 two and three years thereafter, respectively; and the term
125 equal amounts herein shall mean as nearly equal as practic-
126 able, that is, four installments being expressed in terms of
127 dollars only, and, when practicable, in multiples of ten, the
128 cents and odd amounts being covered by the first installment.

129 All assessments along with accrued interest thereon, made
130 under this section shall constitute and be a lien upon said lots
131 or lands, respectively, which shall have priority over all other
132 liens except for state, county and municipal taxes.

133 The certificates and principal installment and interest cou-
134 pons provided for in this section may be made and issued in
135 form or to the same effect as provided for certificates and prin-
136 cipal and interest coupons for street improvements in section
137 forty-eight.

138 If two newspapers of opposite politics are not published in
139 the city at the time of the passage of any of the ordinances
140 provided in this act to be published, then the same may be
141 published in one newspaper of general circulation in the city,
142 as provided by this act, and if the publication of the ordi-
143 nance cannot be procured in any newspaper in said city at
144 reasonable rates or for any other cause, then the same may be
145 posted for the period provided in this act for publication, at
146 the front door of the city hall, and such posting shall be equiv-
147 alent to publication as herein provided.

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

Sec. 50. In addition to the provisions for the release of said
2 assessment liens, either for street paving or other permanent
3 street improvements, or construction of sewers, or elsewhere set
4 out in this act, on the presentation by the land or lot owner of
5 any of the certificates issued as aforesaid against him or his
6 predecessor in the title to such lot or land, the clerk of the
7 county court shall mark upon the margin of the trust deed book
8 at which said certified report is recorded, that the lien is re-
9 leased as to the land or lot mentioned in such certificate to the
10 extent of the amount of the certificates thus exhibited; and the
11 county clerk shall thereupon write across the face of said cer-
12 tificates the date of their production to him for the release of
13 lien, and shall sign his name thereto in his official capacity, for
14 which he shall receive in advance a fee of twenty-five cents for
15 each certificate so marked, from the person demanding the re-
16 lease of the lien aforesaid; but if more than one of the serial
17 certificates against the land or lot or lots shall be produced at
18 the same time, the fee to the county clerk shall not exceed
19 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

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-

29 withstanding any other provisions of law it shall be sufficient
30 description of the purpose for which said election is held for
31 the ordinance calling the same or submitting said question to a
32 vote at any general election, if it shall recite that it authorized
33 the council to issue bonds for the purpose of grading, paving,
34 curbing, sewerage or otherwise permanently improving the
35 streets, roads and alleys of said city.

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

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

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

22 If the publication in the newspapers aforesaid cannot be had
23 at reasonable rates, or for any other cause, the notice may be

24 given in some other manner designated of record by the council.
25 The fact that said assessments shall have been entered of record,
26 as provided by this act, shall be *prima facie* proof that the
27 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
2 construction and improvement of streets and sewers, the city
3 council shall have the power, upon the petition in writing of
4 the owners, of the greater amount of frontage of the lots abut-
5 ting on any street or alley or between any two cross streets, or
6 alleys, to provide for the construction, reconstruction, repair
7 and maintenance of all local improvements including the grad-
8 ing, paving, sewerage and otherwise permanently improving of
9 streets and alleys of the city, and to provide for the assessment
10 of the cost thereof, including all incidental expenses and the
11 cost of intersections of streets, with interest payable annually,
12 against the abutting or other specially benefitted properties,
13 according to their frontages, on each side of such streets or al-
14 leys, and against the owners thereof, upon the following condi-
15 tions:

16 (a) Plan and resolution. The city council, when deemed ex-
17 pedient by it, shall cause plans, specifications, profiles and esti-
18 mates of the proposed improvements by grading, paving, curb-
19 ing, sewerage or otherwise locally improving any streets or
20 alleys, to be made and filed in the office of the mayor, and shall
21 by ordinance and resolution prescribe generally the location and
22 character of the proposed improvement and refer to such plans,
23 specifications, profiles and estimates.

24 (b) Notice and hearing. The city council shall then cause
25 notice thereof to be published once in some newspaper published
26 in said city, fixing the date for a hearing thereon not less than
27 one week after the adoption of such resolution. At the date
28 stated in such resolution and notice, or at any adjourned meet-
29 ing, the city council shall hear objections to the proposed im-
30 provement and may correct, amend or modify such plans, spec-
31 ifications, profiles and estimates, not extending such improve-
32 ment to any other street or part of street, and may pass or adopt
33 a resolution or ordinance providing for such improvement, by
34 direct employment of labor or by contract with the lowest re-
35 sponsible bidder, and for the assessment of the cost thereof

36 against the abutting or specially benefitted properties on each
37 side of such street or alley.

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

Sidewalks

Sec. 55. The council may cause any sidewalk to be con-
2 structed, laid, relaid or otherwise permanently improved in the
3 City of Welch in the following manner and upon the following
4 terms: Notice shall first be given to the abutting property own-
5 ers by publication in one newspaper by giving location, esti-
6 mated frontage and depth, but no error in said publication shall
7 in any way affect the validity of the certificate hereinafter pro-
8 vided for, or any of them. The contract for same shall, after
9 due advertisement in which the council shall reserve the right
10 to reject any and all bids, be let to the lowest bidder and upon
11 completion and acceptance of the work the council shall order
12 the mayor and city clerk to issue to the contractor doing the
13 work a certificate for the amount of the assessment to be paid by
14 the owner of any lot or fractional part thereof fronting on such
15 sidewalk, and the amount specified in said assessment certificate
16 shall be a lien in the hands of the holder thereof upon the lot or
17 part of a lot fronting on such sidewalk, and such certificate
18 shall draw interest from the date of said assessment, and the
19 payment may be enforced in the name of the holder of such
20 certificate by a proper suit in equity in any court having proper
21 jurisdiction to enforce such liens and the council shall fix the
22 amount of such assessment and do all things in connection there-
23 with necessary as is provided for paving and improving streets
24 and alleys and such certificate shall be issued for each abutting
25 lot or portion thereof payable six months from the date of the
26 completion and acceptance of the work and shall be a lien in
27 the hands of the holder thereof upon the particular lot against
28 which they are assessed in the same way and manner as assess-
29 ments for street paving liens. Nothing herein shall be con-
30 strued to prevent any abutting lot owners from having his own
31 sidewalk put in if done before the advertising hereinbefore men-
32 tioned and provided same is done according to the lines, grades
33 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.]

SEC.	City a body corporate.	SEC.	precincts changed or new precincts established; reg- istrars, qualification and duties.
2.	Corporate limits.	10.	How candidates to be nomi- nated.
3.	Ward boundaries.	11.	When county and city voting pre- cincts to be the same.
4.	Number and qualification of elective officers.	12.	General law to govern ballot and method of voting.
5.	Elective officers.	13.	Council, how constituted.
6.	Corporate powers vested in council.	14.	Councilmen, qualifications; failure to qualify.
7.	Powers of council.	15.	Mayor as presiding officer; city clerk as clerk of coun- cil; president <i>pro tempore</i> .
7. (a)	Powers of council to grant or revoke licenses; injunction for failure to secure license or pay tax.	16.	Representation when a ward is created.
7. (b)	Council to regulate operation of motor vehicles.	17.	Council to exercise legislative functions.
8.	Qualification of voters.		
9.	Boundaries of voting pre- cincts; registration of voters; city registrars.		
9. (a)	When boundaries of voting		

Sec.		Sec.	
18.	Auditing of books and accounts.	54.	Distrain for collection of taxes.
19.	Removal of elective or appointive officer for cause; removal of appointee upon notice.	55.	Lien of taxes upon real estate.
20.	Rules and regulations to govern council.	56.	How lien for taxes enforced.
21.	Regular meetings of council.	57.	When taxes not to be assessed; 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.
22.	Special meetings of council.	58.	City depository.
23.	Contested elections.	59.	Provisions concerning bond issue.
24.	Oath of officers.	59. (a)	Bond issues for streets and sewers; improvement certificates for cost.
25.	Bond of officers or employees.	60.	Bond issues for street and sewer improvements in anticipation of special assessment; limitation on aggregate indebtedness.
26.	Quorum of council.	61.	Contract for paving; how paid by land owners; assessment for.
27.	Voting in council.	62.	Construction of sewers, how paid by abutting property owners.
28.	Minutes of council meetings.	62. (a)	Sewer system; assessment against abutting property owners; definition of sewers; notice of assessments; notice to connect the sewer.
29.	Consent of council necessary for officer to hold two offices at the same time.	63.	Resolution declaring necessity of improvements; publication of resolution.
30.	When office of mayor or other officer having power of appointment, may be declared vacant.	64.	Service of copy of resolution upon owner of property to be assessed.
31.	Filling vacancy in office of mayor, treasurer or appointive office.	65.	City executive committees.
32.	Penalty for corruption in office.	66.	City may issue bonds to pay city's part of improvements.
33.	Powers of council to enforce attendance of witnesses, etc.	67.	Hearing with reference to proposed improvements; what ordinance concerning improvement to show.
34.	President <i>pro tempore</i> to act as mayor in mayor's absence; temporary filling of appointive office.	68.	Special assessments binding on property assessed.
35.	Election, when held; mayor's salary; term of municipal judge; appointments by mayor; council to appoint city clerk; duties of mayor and city solicitor.	69.	When cost of public improvement is to be assessed against abutting property, two-third vote of council required.
36.	Appointment, salary and duties of manager.	70.	Procedure when improvement passes through public wharf, hospital, etc.
37.	Granting of franchises; provisions concerning.	71.	Cost of improvement to include surveys and cost of notices.
38.	Publication of application for franchise.	72.	Limitation on action for damages arising out of improvements.
39.	Council may appoint committees of its own body.	73.	Proceedings with respect to improvements to be liberally construed.
40.	Style of ordinances.	74.	Vote of people on bond issues required.
41.	Provisions as to passage of ordinances; publication of caption or title.	75.	Levy for trunk and branch line sewers; payment for cost of ramp; levy for municipal cemetery; designa-
42.	Ordinance record.		
43.	Officers as conservators of the peace.		
44.	Duties and powers of municipal judge.		
45.	Qualifications of municipal judge.		
46.	Bond for appearance at police court.		
47.	Authority of manager as to nuisances.		
48.	Authority to require connection with sewer, etc.		
49.	Authority of council as to sidewalks, curbs, gutters, etc.; collection of costs from owner.		
50.	Estimate for levy by council.		
51.	Authority of council to levy and collect taxes.		
52.	Collection of taxes.		
53.	Power of city collector to collect taxes.		

<p>SEC.</p> <p>76. Power of council as to city buildings, public hospitals, etc.</p> <p>77. Civil service board for fire department; procedure by.</p> <p>78. Provision as to removal of members of fire department.</p> <p>79. Hearing of charges against by council.</p> <p>80. Political activities by members of fire or police department prohibited.</p> <p>81. Service of summons, warrants, etc.</p> <p>82. Contested elections for council.</p> <p>83. Duties of clerk as to municipal elections.</p> <p>84. Valid ordinances to remain in force.</p> <p>85. Power of mayor and chief of police over policemen; duties of policemen.</p> <p>86. Compensation of members of council.</p> <p>87. Detailed report to council by manager.</p> <p>88. Additional method for paving streets; assessment certificates.</p> <p>88. (a) Void or irregular assessments; lien of assessments.</p> <p>88. (b) Additional method for payment of cost of sewers and sewer system; assessment certificates; lien of; negotiation of certificates.</p> <p>88. (c) When abutting land not laid off in lots, council may subdivide into lots.</p> <p>89. Procedure on ordinance proposed by petition of voters.</p> <p>90. Reconsideration of ordinance protested by petition; submission by council, without</p>	<p>SEC.</p> <p>petition, of ordinance to vote of people.</p> <p>91. Procedure for recall of elective officer.</p> <p>92. Requirements as to petitions filed under last three sections.</p> <p>93. Additional method for construction of sidewalks; assessment certificates for cost.</p> <p>93. (a) Duty of county assessor to furnish transcript of real and personal property.</p> <p>94. Who may issue warrants.</p> <p>95. Limitation on action against city for damages for personal injuries.</p> <p>96. Qualification and duties of health commissioner.</p> <p>97. Qualification and salary of police matron.</p> <p>98. Codification and indexing of city ordinances.</p> <p>99. City to provide burial places; right of condemnation for land for cemetery.</p> <p>100. Qualification and duties of building inspector.</p> <p>101. Council to have power to buy, sell or exchange real estate.</p> <p>102. Council may regulate height and size of buildings, etc.</p> <p>102. (a) Zoning of city.</p> <p>102. (b) Zoning regulations to be made in accordance with a comprehensive plan.</p> <p>102. (c) Public hearing as to regulation, restriction or boundary.</p> <p>102. (d) Regulations, etc., may be amended, changed or repealed; protest against change.</p> <p>102. (e) Appointment of building commissioner.</p>
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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
34 corner of the Sunset view addition; thence in a northeast
32 corner of the Littlepage hill addition; thence south fifty-six
33 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-

45 grees east with the south line of an alley extended to the
46 east side of Chandler road; thence south forty-four degrees
57 forty-five minutes west eighty feet more or less to a point
48 marked three hundred and ninety-six on said Fairview map;
59 thence south sixty-two degrees fifteen minutes west eighty
50 feet; thence south seventy-one degrees twenty-five minutes
51 west seven and twenty-one one-hundredths feet; thence
52 south sixty-two degrees east two hundred and thirty and
53 seventy-four one hundredths feet to the west line of lot
54 one hundred and fourteen; thence north twenty-eight degrees
55 east one hundred and seventy-seven and five-one hundredths
56 feet to the northwest corner of lot one hundred and seven-
57 teen; thence south sixty-two degrees east one hundred and
58 fifty feet to the northeast corner of lot one hundred and
59 seventeen; thence by a straight line to the southeast corner
60 of lot 208; thence north twenty-eight degrees east one hun-
61 dred and twenty feet to the northwest corner of lot two
62 hundred and eight; thence south sixty-two degrees east one
63 hundred and forty-two and six one-hundredths feet with the
64 north lines of lots two hundred and eight and two hundred
65 and seven to the northeast corner of lot two hundred and
66 seven; thence by a straight line to the northwest corner of
67 lot two hundred and four; thence south sixty-two degrees
68 east one hundred and twenty feet to the northeast corner of
69 lot two hundred and four; thence by a straight line to the
70 north corner of lot two hundred and fifty-three of Fairview;
71 thence north twenty-eight degrees east with the east side of
72 Wilton avenue three hundred and eighty-nine and eighty-
73 four one-hundredths feet to a point; thence by a line curving
74 to the right with a radius of two hundred and twenty-nine
75 and two one-hundredths feet to the northeast corner of lot
76 sixt hundred and sixty-five Fairview; thence with the south
77 side of Wood road in Edgewood park to the northeast cor-
78 ner of lot three of Edgewood park; thence with the east line
79 of lot three south thirteen degrees ten minutes east one
80 hundred and seventy-one and eight one-hundredths feet to
81 the southeast corner of lot three; thence with the south line
82 of lot two south forty-four degrees one minute east twenty-
83 two and four one-hundredths feet; thence south twenty-
84 nine degrees twenty-eight minutes east twenty feet; thence
85 south forty-one degrees forty-four minutes east nine and
86 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

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
142-152 of Wilson way to the southeast corner of lot fifty of the
153 Riverview addition; thence in a southeasterly direction to
154 the northwest corner of lot sixty-five of the Riverview addi-
155 tion; thence following the south line of Midway easterly, to
156 the northeast corner of lot seventy; thence following the east
157 line of lot seventy extended to low water mark of the Ka-
158 nawha river; thence with low water mark of Kanawha river
159 to a point opposite the east line of Twenty-seventh street,
160 Kanawha City; thence across said river to the east
161 side of Twenty-seventh street, Kanawha City in Loudon dis-
162 trict; thence with the east side of Twenty-seventh street ex-
163 tended to a point in the south line of the county road; thence
164 easterly with the south line of the county road to the east
165 line of the school lot; thence with the east line of the school
166 lot extended to a point five hundred feet south of the Ches-
167 peake and Ohio railroad right of way; thence westerly five
168 hundred feet from and parallel to the Chesapeake and Ohio
169 right of way to a point in the west line of the Loudon
170 Heights addition; thence in a southerly direction with the
171 west line of the Loudon Heights addition to the south corner
172 of lot twenty of said Loudon Heights addition; thence with
173 a straight line to the east corner of block one in the sub-
174 division of South Charleston; thence in a southwesterly di-
175 rection with the southerly lines of blocks one, two, three and
176 four of the subdivision of South Charleston to the southeast
177 corner of block four of the said subdivision; thence with the
178 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: ,

3 *First Ward*

4 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 Kana-
38 wha 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

Second Ward

42 The Second ward shall include the following territory:
43 Beginning at the low water mark on the South side of
44 Kanawha river at the end of Florida street extended; thence
45 with Florida street to Charleston street; thence in a north-
46 eastern direction following the west line of the Holly Hunt
47 addition and the west line of the Parsons-Poling addition to
48 the northwest corner of Parsons-Poling addition; thence east
49 following the northeast line to the northeast corner of said
50 addition; thence east following the north line of the Valley

51 View addition to the west line of the Fairview addition;
52 thence south 28 degrees 00' west to the North line extended
53 of lot two hundred and sixty-one of the second subdivision
54 of Fairview addition; thence south sixty-two degrees east
55 with the south line of an alley extended to the east side of
56 Chandler road; thence by a straight line to a point where
57 West avenue is intersected by the line of Park avenue;
58 thence following the line of Park avenue extended to low
59 water mark on the south side of the Kanawha river; thence
60 with the low water mark to the place of beginning.

61

Third Ward

62 The third ward shall include the following territory; Be-
63 ginning at low water mark on the South side of Kanawha
64 river on the line of Park avenue extended; thence
65 with the line of Park avenue to its intersection with West
66 avenue; thence by a straight line to the corporation line on
67 the north where an alley extended intersects with the east side
68 of Chandler road; thence south 44 degrees forty-five minutes
69 west eighty feet more or less to a point marked three hun-
70 dred and ninety-six on said Fairview map; thence south
71 sixty-two degrees fifteen minutes west eighty feet; thence
72 south seventy-one degrees twenty-five minutes west seven
73 and twenty-one feet; thence south sixty two degrees east
74 two hundred and thirty and seventy-four one-hundredths
75 feet to the west line of lot one hundred and fourteen; thence
76 north twenty-eight degrees east one hundred and seventy-
77 seven and five one-hundredths feet to the northwest corner of
78 lot one hundred and seventeen; thence south sixty-two de-
79 grees east one hundred and fifty feet to the northeast
80 corner of lot one hundred and seventeen; thence by a straight
81 line to the southeast corner of lot two hundred and eight;
82 thence north twenty-eight degrees east one hundred and
83 twenty feet to the northwest corner of lot two hundred and
84 eight; thence south sixty-two degrees east one hundred and
85 forty-two and six feet with the north line of lots two hundred
86 and eight and two hundred and seven to the northeast corner of
87 lot two hundred and seven; thence by a straight line to the
88 northwest corner of lot two hundred and four; thence south
89 sixty-two degrees east one hundred and twenty feet to the
90 Northeast corner of lot two hundred and four; thence by a
91 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-east corner of lot two hundred and seven; 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 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 one minute east twenty-two and four one hundredth feet; thence south twenty-nine degrees twenty-eight minutes east twenty feet thence south forty-one degrees forty-four 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.

122

Fourth Ward

123 The Fourth Ward shall include the following territory:
124 Beginning at the low water mark on the South side of
125 Kanawha river at the end of Delaware avenue extended;
126 thence with low water mark of Kanawha river to the mouth

127 of Ferry branch; thence across Kanawha river to the mouth
128 of Elk river; thence up Elk River to Lovell street bridge
129 and Charleston street; thence with Charleston street to
130 Pennsylvania avenue; thence with Pennsylvania avenue to
131 Roane street; thence with Roane street to Delaware avenue;
132 thence with Delaware avenue extended to the low water mark
133 on the south side of Kanawha river, the place of beginning.

134

Fifth Ward

135 The Fifth Ward shall include the following territory; Be-
136 ginning at low water mark in Elk river at the Lovell street
137 bridge; thence with Charleston street to Pennsylvania ave-
138 nue; thence with Pennsylvania avenue to Roane street;
139 thence with Roane street to Delaware avenue; thence with
140 Delaware avenue to the Kanawha and Michigan Railway;
141 thence with the Kanawha and Michigan Railway to Charles-
142 ton street; thence with Charleston street to Carr street;
143 thence with Carr street to a stake at the extreme northern
144 end of Carr street; thence with a straight line to the north-
145 west corner of lot sixteen of block D of the Sunkist Heights
146 addition; thence with the north line of the Sunkist Heights
147 addition to Magazine road; thence with the east line of the
148 Sunkist Heights addition to Pine street; thence with Pine
149 street to the Kanawha and Michigan railway; thence with
150 the Kanawha and Michigan railway to low water mark of
151 Elk river thence with low water mark of Elk river to the
152 place of beginning.

153

Sixth Ward

154 The Sixth Ward shall include the following territory: Be-
155 ginning at the low water mark in Elk river at the Kanawha
156 and Michigan bridge; thence with the Kanawha and Michi-
157 gan railway to Pine street; thence with Pine street to the
158 East side of the Sunkist Heights addition; thence with the
159 east side of the Sunkist Heights addition to Magazine road;
160 thence with Rockway road to a point two hundred feet from
161 Magazine Road, thence with the line parallel to and two hun-
162 dred feet from Magazine road to the south line of Hope pro-
163 perty; thence with a straight line to the west corner of lot
163-a thirty-one block F, of the Allen addition; thence following the
164 back line of the Allen addition to the Hillsdale addition;
165 thence with the north line of the Hillsdale addition to the
166 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.

172

Seventh Ward

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

185

Eighth Ward

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

200

Ninth Ward

201 The Ninth Ward shall include the following territory: Be-
202 ginning at the low water mark in Elk river at the Lovell
203 street bridge; thence with Elk river to the Kanawha river;
204 thence with Kanawha river to low water mark at the end of
205 Capitol street; thence with Capitol street to Washington
206 street; thence with Washington street to Lovell street; thence

207 with Lovell street to the low water mark in Elk river, at
208 Lovell street bridge, the place of beginning.

209

Tenth Ward

210 The Tenth Ward shall include the following territory:
211 Beginning at the low water mark in Kanawha river at the
212 end of Capitol street; thence with Kanawha river to the low
213 water mark at the end of Ruffner avenue; thence with
214 Ruffner avenue to its intersection with Lee street; thence
215 with Lee street to its intersection with Capitol street; thence
216 with Capitol street to the low waer mark in Kanawha river,
217 the place of beginning.

218

Eleventh Ward

219 The Eleventh Ward shall include the following territory:
220 Beginning at the intersection of Lee street and Capitol
221 street; thence with Capitol street to its intersection with
222 Slack street and Piedmont road, and in a continuous straight
223 line to Upper Sunset drive in the Capitol Hill properties;
224 thence with Upper Sunset drive in as easterly direction, to a
225 point in the east line of the Capitol Hill property near the
226 Southeast corner of lot one, block one Capitol hill; thence
227 Southerly with the east line of the Capitol Hill property to
228 Piedmont road; thence with Piedmont road to Brooks street;
229 thence with Brooks street to the intersection of Brooks and
230 Lee streets; thence with Lee street to Capitol street, the
231 place of beginning.

232

Twelfth Ward

233 The Twelfth Ward shall include the following territory:
234 Beginning at the intersection of Lee and Brooke streets;
235 thence with Brooks street to Piedmont road; thence with
236 Piedmont road to the east line of the Capitol Hill property;
237 thence with the east line of the Capitol Hill property to the
238 northeast corner of lot one, block one Capitol Hill; thence
239 in a straight line to the southwest corner of lot thirteen of
240 the Jeffries Hill land; thence by a straight line to the inter-
241 section of Piedmont road and Richard street; thence with
242 Piedmont road to the east line of the Richard addition;
243 thence with the east line of the Richard addition and an
244 alley to Hansford street; thence with Hansford street to
245 Beauregard street extended; thence with Beauregard street
246 to Lee street; thence with Lee street to Brooks street, the
247 place of beginning.

248

Thirteenth Ward

249 The Thirteenth Ward shall include the following territory:
250 Beginning at the intersection of Beauregard and Lee streets;
251 thence with Beauregard street extended to Hansford street;
252 thence westerly with Hansford street to an alley; thence
253 with an alley and the east side of the Richard addition to
254 Piedmont road; thence with Piedmont road to Richard
255 street; thence in a straight line to the southwest corner of
256 lot thirteen of the Jeffries Hill land; thence with a straight
257 line to the southeast corner of lot two of the Jeffries Hill
258 land; thence in a straight line to the northwest corner of
259 the East Woodland addition; thence with the north line of
260 the East Woodland addition to East Woodland drive; thence
261 with East Woodland drive to a point in the line between
262 lots twenty-four and twenty-five, of the Bowen addition, ex-
263 tended; thence with the line between lots twenty-four and
264 twenty-five and between lots six and seven of the Bowen
265 addition to Piedmont road and Elizabeth street; thence with
266 Elizabeth street to Lee street; thence with Lee street to
267 Beauregard street, the place of beginning.

268

Fourteenth Ward

269 The Fourteenth Ward shall include the following terri-
270 tory: Beginning at the intersection of Ruffner avenue and
271 Lee street; thence following Lee street to Elizabeth street;
272 thence with Elizabeth street to Piedmont road; thence with
273 the line, between lots six and seven and twenty-four and
274 twenty five of the Bowen addition, extended to East Wood-
275 land drive; thence with East Woodland drive to the north
276 line of the East Woodland addition; thence with the north
277 line of the East Woodland addition to the northeast corner
278 thereof; thence east crossing Ruffner hollow drive to a point
279 two hundred feet east of Ruffner hollow drive; thence in a
280 southerly direction two hundred feet east of and parallel
281 to Ruffner hollow drive to a point two hundred feet from
282 Piedmont road; thence in an easterly direction parallel with
283 the Piedmont road and two hundred feet northeast of same
284 to a point in the west line extended of lot forty-four of the
285 Floyd addition to the City of Charleston; thence in a north-
286 easterly direction to the southwest corner of lot two of the
287 Floyd addition; thence in a northerly direction following
288 the back line of lots two to thirty-six inclusive of the Floyd

289 addition to the northwest corner of lot thirty-six of the
290 Floyd addition; thence in a southeasterly direction follow-
291 ing 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.

308

Fifteenth Ward

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

321

Sixteenth Ward

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

330 of the Loudon Heights addition; thence northerly with the
331 west line of the Loudon Heights addition to the south side
332 of the Chesapeake and Ohio right of way; thence westerly
333 with the Chesapeake and Ohio right of way to Porter's hol-
334 low; thence northerly with the branch in Porter's hollow to
335 low water mark of Kanawha river at the mouth of Porter's
336 hollow, the place of beginning.

337

Seventeenth Ward

338 The Seventeenth Ward shall include the following terri-
339 tory: Beginning at low water mark of the Kanawha river
340 in the east line of Twenty-Seventh street Kanawha City;
341 thence with the east line of Twenty-Seventh street extended
342 to a point in the south line of the county road; thence
343 easterly with the south line of the county road to the east
344 line of the school lot; thence with the east line of the school
345 lot extended to a point five hundred feet south of the Chesa-
346 peake and Ohio railroad right of way; thence westerly five
347 hundred feet from and parallel to the Chesapeake and Ohio
348 right of way to a point in the line of Ninth street extended;
349 thence with the line of Ninth street to low water mark on
350 the south side of Kanawha river; thence up Kanawha river
351 at low water mark to the place of beginning.

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

Sec. 5. In addition to the municipal authorities mentioned
2 in section four of this act, the city shall have a manager, city
3 clerk, municipal court clerk, city auditor, collector, chief of
4 police, city solicitor, assistant city solicitor, chief of fire de-
5 partment, 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 leterals, 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

32 punish vagrants, medicants, beggars, tramps, prostitutes, for-
33 tune tellers, palmists, drunken or disorderly persons within the
34 city, and to provide for their arrest and manner of punish-
35 ment; to prohibit and punish by fine the bringing into the city
36 by steamboats, railroads or other carriers of persons known to
37 be paupers, dangerous or objectionable characters or afflicted
38 with contagious diseases; to control and suppress disorderly
39 houses of prostitution or ill-fame, houses of assignation and
40 gaming houses or any part thereof, to punish those guilty of
41 possessing, transporting or selling intoxicating liquors and to
42 confiscate all automobiles, cars, wagons, boats, water and air-
43 craft, beasts of burden and vehicles of any kind in connection
44 with which intoxicating liquors are had, kept or possessed for
45 the purpose of transportation or carrying in any way within
46 the city, to punish those engaged in gaming and to suppress
47 all gaming or gambling houses, and all places where gambling
48 or betting is in any way carried on or permitted, and to punish
49 all persons in any way connected therewith; to prohibit within
50 the city or within two miles thereof, slaughter houses, soap or
51 glue factories and houses and places of like kind, and any
52 other thing or business dangerous, unwholesome, unhealthy,
53 offensive, indecent or dangerous to life, health, peace or
54 property; to provide for the entry into and the examination of
55 all dwellings, lots, yards, enclosures, buildings and structures,
56 cars, boats and vehicles of every description, and to ascertain
57 their condition for health, cleanliness or safety; to regulate
58 the building and maintenance of party walls, partition fences
59 or lines, fire-walls, fire places, chimneys, boilers, smoke stacks
60 and stove pipes; to provide for and regulate the safe construc-
61 tion, inspection and repairs of all public and private buildings,
62 bridges, basements, culverts, sewers, or other buildings or
63 structures of any description; to take down and remove, or
64 make safe and secure, any and all buildings, walls, structures
65 or super-structures at the expense of the owners thereof, that
66 are or may become dangerous, or to require the owners or their
67 agents to take down and remove them or put them in a safe
68 and sound condition at their own expense; to regulate, re-
69 strain or prohibit the erection of wooden or other buildings
70 within the city; to regulate the height, construction and in-
71 spection of all new buildings hereafter erected, and the altera-
72 tion and repair of any buildings already erected or hereafter

73 erected in said city, and to require permits to be obtained for
74 such buildings and structures, and plans and specifications
75 thereof to be first submitted to the building inspector; to regu-
76 late the limit within which it shall be lawful to erect any steps,
77 porticos, bay windows, bow windows, show windows, awnings,
78 signs, columns, piers or other projection or structural orna-
79 ments of any kind for the houses or buildings fronting on any
80 street of said city; to establish fire limits and to provide the
81 kind of buildings and structures that may be erected therein,
82 and to enforce all needful rules and regulations to guard
83 against fire and danger therefrom; to require, regulate and
84 control the construction of fire escapes for any building or
85 other structures in said city, to control the opening and con-
86 struction of ditches, drains, sewers, cess-pools and gutters, and
87 to deepen, widen and clear the same of stagnant water or
88 filth, and to prevent obstruction therein, and to fill, close or
89 abolish the same and to determine at whose expense the same
90 shall be done; and to build and maintain fire station houses,
91 crematories, jails, lockups, and other buildings, police stations
92 and police courts, and to regulate the management thereof;
93 to acquire, establish, lay off, appropriate, regulate, maintain
94 and control public grounds, squares and parks, hospitals,
95 market houses, city buildings, airports, libraries and other
96 educational or charitable institutions, either within or without
97 the city limits, and when the council determines that any real
98 estate rights, or materials in or out of the city is necessary to
99 be acquired by said city for any such city purpose, or for any
100 public purpose, or is necessary in the exercise of its powers
101 herein granted, the power of eminent domain is hereby con-
102 ferred upon said city, and it shall have the right to institute
103 condemnation proceedings against the owner thereof, whether
104 said property be in or out of said city, in the same manner, to
105 the same extent, and upon the same conditions as such power
106 is conferred upon public service corporations by chapter forty-
107 two of the code of West Virginia of the edition of one thousand
108 nine hundred and twenty-three, and is now or may be here-
109 after amended; to purchase, sell, lease or contract for and
110 take care of all public buildings and structures and real estate
111 deemed proper for the use of such city; and for the protection
112 of the public to cause the removal of unsafe walls, structures or
113 buildings, and the filling of excavations; to acquire or assist in

114 acquiring land to be donated, dedicated or conveyed to, or
115 otherwise vested in, the state of West Virginia as a site for a
116 state capitol or other public buildings, and to donate, dedicate
117 and convey the same to said state or otherwise procure the
118 title to the same to be vested in said state; to prevent injury or
119 annoyance to the business of individuals from anything danger-
120 ous, offensive or unwholesome; to abate or cause to be abated
121 all nuisances and to that end and thereabout to summon wit-
122 nesses and hear testimony; to regulate or prohibit the keeping
123 of gunpowder and other combustible or dangerous articles, and
124 to regulate the transportation of same through the streets,
125 alleys and public places; to regulate, restrain or prohibit the
126 use of fire-crackers or other explosives or fireworks, and all
127 noises or performances which may be dangerous, indecent or
128 annoying to persons or tend to frighten horses or other animals;
129 to provide and maintain proper places for the burial of the
130 dead, in or out of the city, and to regulate interments therein
131 upon such terms and conditions as to price and otherwise as
132 may be determined; to provide for shade and ornamental
133 trees, shrubbery, grass, flowers and other ornamentation, and
134 the protection of the same; to provide for the poor of the city;
135 to make suitable and proper regulations in regard to the use
136 of the streets, public places, sidewalks and alleys by street
137 cars, foot passengers, animals, vehicles, motors, automobiles,
138 traction engines, railroad engines and cars, and to regulate the
139 running and operation of the same so as to prevent obstruc-
140 tion thereon, encroachment thereto, injury, inconvenience or
141 annoyance to the public; and to regulate fares and operation
142 of motor vehicles other than motor vehicles operating on a fixed
143 route used in the public transportation of passengers or prop-
144 erty; to purchase or otherwise secure life, health or accident
145 policies on the group or other convenient plan upon the mem-
146 bers of the city police force and fire department, and as an ele-
147 ment of compensation of such members may appropriate the
148 money necessary to defray the cost thereof; whenever in its
149 opinion the safety of the public so requires to authorize or re-
150 quire by ordinance any railroad company operating railroad
151 tracks upon or across any public street or streets of the city, to
152 construct and maintain overhead or undergrade crossings wher-
153 ever the tracks of said company are laid upon or across the
154 public streets of such city, and to apportion according to gen-

154-a eral law between any such railroad company and city the cost
155 of such construction and maintenance and the cost of the
156 acquisition of the necessary property and rights of way and the
157 damages to abutting properties between any such railroad com-
158 pany and city; to prohibit prize fighting and cock and dog
159 fighting; to license, tax, regulate or prohibit theaters, moving
160 pictures, circuses, and exhibition of showmen and shows of any
161 kind, and the exhibition of natural or artificial curiosities,
162 carnivals, menageries and music exhibitions and performances,
163 and other things or business on which the state does or may
164 exact a license tax; to organize and maintain fire companies
165 and departments, and to provide necessary apparatus, engines
166 and implements for the same and to regulate all matters per-
167 taining to the prevention and extinguishing of fires; to make
168 proper regulations for guarding against danger and damage
169 from fires, water or other elements; to regulate and control the
170 kind and manner of plumbing and electric wiring, the opera-
171 tion and height of flying of aeroplanes, airships and balloons;
172 to regulate wireless stations, radio stations and other ap-
173 pliances for the protection of the health and safety of said
174 city; to levy taxes on property, property and licenses, to license
175 and tax dogs and other animals and regulate, restrain and pro-
176 hibit them and all other animals and fowls running at large;
177 to provide revenue for the city and appropriate the same to
178 its expenses; to adopt rules for the transaction of business of
179 its own regulation and government; to promote the general
180 welfare of the city, and to protect the persons and property
181 of citizens therein; to regulate and provide for the weighing of
182 produce and other articles sold in said city and to regulate the
183 transportation thereof and other things, through the streets,
184 alleys and public places; to have the right to grant, refuse or
185 revoke any and all licenses for the carrying on of any business
186 within said city on which the state exacts a license tax; to
187 establish and regulate markets and to prescribe the time for
188 holding the same, and what shall be sold in such market, and
189 to let stalls or apartments and regulate the same; to acquire
190 and hold property for market purposes; to regulate the placing
191 of signs, billboards, posters and advertising on or over the
192 streets, alleys, sidewalks and public grounds of said city; to
193 preserve and protect the peace, order and safety and health of
194 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-

236 vide for the employment and safe keeping of persons who may
237 be committed in default of payment of fines, penalties or costs
238 under this act, who are otherwise unable to discharge the
239 same, by putting them to work for the benefit of the city upon
240 the streets or other places in or out of the city provided by
241 said city, and to use such means to prevent their escape while
242 at work as the council may deem expedient; and the council
243 may fix a reasonable rate per day as wages to be allowed such
244 persons until the fine and costs against him are thereby dis-
245 charged; to compel the attendance at public meetings of the
246 members of the council; to have and exercise such additional
247 rights, privileges and powers as are granted to municipalities
248 by chapter forty-seven of the code of West Virginia as
249 amended.

250 For all such purposes, except that of taxation and for pur-
251 poses otherwise limited by this act, the council shall have juris-
252 diction for one mile beyond the corporate limits.

253 And the council shall have the right to establish, construct
254 and maintain public markets, landing ferries, wharves, park-
255 ing places and docks on any ground which does or shall belong
256 to said city, or which it shall acquire, by purchase or other-
257 wise, and to sell, release, repair, alter or remove any public
258 markets, landings, ferries, wharves, dikes, buildings or docks
259 which have been or shall be so constructed, and to levy and
260 collect reasonable duty on vessels and other craft coming to or
261 using said landings, ferries, wharves, dikes, docks, parking
262 places and buildings, and to preserve and protect the peace
263 and good order at the same, and regulate the manner in which
264 they shall be used; and to have the sole right, under state laws
265 and in the same manner as now control county courts, to
266 establish, construct, maintain, regulate and control all such
267 wharves, docks, ferries and landings within the corporate
268 limits of said city.

269 To carry into effect these enumerated powers and all other
270 powers conferred upon said city expressly or by implication in
271 this and other acts of the legislature, the council of said city
272 shall have the power in the manner herein prescribed, to adopt
273 and enforce all needful orders, rules and ordinances not con-
274 trary to the laws and constitution of this state; and to
275 prescribe, impose and enforce reasonable fines and penalties,
276 including imprisonment in the city lock-up, jail or station-

277 house, and to work prisoners found guilty, as the council may
278 prescribe, and market the products of such labor, and with
279 the consent of the county court of Kanawha county, entered of
280 record, shall have the right to use the jail of said county for
281 any purpose necessary to the administration of its affairs.

Sec. 7-a. The council of the City of Charleston shall have full
2 discretion in the matter of granting, refusing and revoking
3 licenses for keeping hotels, eating houses and restaurants, ga-
4 rages, taxi-cab stands, bowling alleys, pool and billiard tables
5 and like tables, and for selling soft drinks, as in the case of
6 other licenses, and shall supervise, regulate and control all
7 places licensed for said purposes, and the municipal judge shall
8 have jurisdiction when such city license and regulation is sought
9 to be evaded and may prevent such evasion, *provided*, that no
10 such license, regulation or control shall apply to any fraternal
11 beneficiary society permitted under the state laws. The council
12 shall make no provision for the licensing of automobiles or other
13 motor vehicles, except that in the case of motor vehicles used in
14 the transportation of passengers or property for hire the coun-
15 cil may require from the owner or operator of any such vehicle
16 a bond, with sureties, and in such penalty, and with such condi-
17 tions as it may deem proper. The council shall have power to
18 enact and enforce proper ordinances for the purpose of carry-
19 ing into effect the powers hereby granted.

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

Sec. 7-b. The council of the City of Charleston is hereby
2 granted power, in addition to the powers heretofore granted it,
3 to regulate by ordinance the operation of motor vehicles and
4 other vehicles in said city, and the speed at which the same may
5 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,

30 being the last two Saturdays and the last Monday preceding
31 any special election, for the purpose of registering voters who
32 shall not have been already registered in the various precincts,
33 and for issuing transfers to any voter who has moved from one
34 precinct to another, and for striking off the name of any voter
35 from the registration books when it shall be shown by the
36 affidavits of two persons that he is no longer a voter in said
37 city, and they shall strike off from such registration books the
38 names of any person known by or proved to them to be dead.
39 It shall be the duty of the city clerk to make or have made
40 copies of the registration books on file in the office of the clerk
41 of the county court of Kanawha county at least sixty days before
42 any regular city election, and such copies, with such additions
43 and changes as may be made by the city registrars, shall be used
44 for all special elections that may be held between said regular
45 elections as well as the regular elections. Notice of the time and
46 place of sittings of said city registrars shall be given by the pub-
47 lication thereof by the city clerk in two newspapers of opposite
48 politics printed and circulated in said city, once a week for six
49 successive weeks before any general election, if there is a suffi-
50 cient space of time for such purpose and if not, then for such
51 time as there may be before any special or general election. Be-
52 fore the registrars shall register the name of any person as a
53 qualified voter they must be satisfied of his qualifications and
54 shall have the right and power to require of such persons all the
55 things that may be required of him by the registrars under the
56 state law, and such registrars shall, as to the qualifications of
57 persons to vote be governed by the state laws on such subject
58 in existence at the time of such registration.

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

See. 9-a. In the event that the county court of Kanawha
2 county changes the boundary lines of any voting precincts in
3 the City of Charleston so that any of said voting precincts as
4 changed include any of the territory of two or more wards as
5 fixed by law, or if subsequent to the last preceding general
6 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 ginia 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

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

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

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

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

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

Sec. 11. Whenever the county court of Kanawha county
2 shall arrange the voting precincts in the City of Charleston
3 for state and county elections, according to the lines of the
4 city wards, then such precincts with the same boundaries and
5 the same voting places as provided for such state and county
6 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 therefor 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 bound-
2 aries 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-

11 mons commencing an action may be served, and the service must
12 be made at least five days before the return day thereof, and it
13 shall require the affirmative vote of two-thirds of all the mem-
14 bers elected to council to remove any such official. The circuit
15 court of Kanawha county shall have concurrent jurisdiction
16 with the council to try, hear and determine any proceedings for
17 the removal of any city official for any of the causes herein
18 mentioned.

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

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

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

Sec. 22. Special meetings of the council shall be held when
2 called by the mayor or ten members thereof. In either case, the
3 call therefor shall be in writing and signed by the mayor or
4 members issuing it, and shall state the time, place and business
5 to be considered thereat, and a copy thereof shall be served upon
6 each member of the council then in the city, and also be pub-
7 lished on two successive days in two daily newspapers printed

8 and circulated therein. No business, other than that stated in
9 such call, shall be considered at such meeting.

Sec. 23. All contested elections shall be heard and determin-
2 ed by the council and such contests shall be made and con-
3 ducted in the same manner as provided for in the case of con-
4 tests for county and district officers; and the council shall con-
5 duct its proceedings in such cases as nearly as practicable in
6 conformity with the proceedings of the county court in such
7 cases, and there shall be the same right of appeal, in the same
8 way, to the circuit court of Kanawha county.

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

Sec. 25. The mayor, manager, city clerk, municipal court
2 clerk, treasurer, city solicitor, city collector, municipal judge,
3 health commissioner, chief of police and chief of fire depart-
4 ment, each shall, before entering upon the discharge of their
5 respective duties, give an official bond, conditioned for the faith-
6 ful performance of such duties as are prescribed in this act
7 or any ordinance now or hereafter passed, in amounts as fol-
8 lows: The mayor, one thousand dollars; manager, ten thousand
9 dollars; city collector, ten thousand dollars; the treasurer, sixty
10 thousand dollars; the city clerk, municipal court clerk, muni-
11 cipal judge and city solicitor, three thousand dollars, respective-

12 ly; health commissioner, chief of police and chief of the fire
13 department, one thousand dollars respectively.

14 The council may require additional bond from any of said
15 appointive officers, and may likewise require bond, in whatever
16 sum they may fix, of any other appointive officer or employee.
17 All bonds of officers or employees shall, before their acceptance,
18 be approved by the council. The minutes of the meeting of
19 council shall show all matters touching the consideration or ap-
20 proval of all bonds, and when said bonds are approved and ac-
21 cepted, they shall be recorded by the city clerk in a well bound
22 book kept by him at his office for that purpose, which book shall
23 be open to public inspection; and the recordation of such bonds
24 as aforesaid shall be *prima facie* proof of their correctness, and
25 they, as so recorded, as well as copies thereof duly attested by
26 the city clerk under the seal of the city, shall be admitted as
27 evidence in all courts of this state. The city clerk shall be the
28 custodian of all bonds, except that given by him, and as to it,
29 the city treasurer shall be custodian. All bonds, obligations or
30 other writings taken in pursuance of any provisions of this act,
31 shall be made payable to "the City of Charleston," and the
32 respective persons, and their heirs, executors, administrators
33 and assigns bound thereby shall be subject to the same proceed-
34 ings on said bonds, obligations and other writings, for the pur-
35 pose of enforcing the conditions of the terms thereof, by motion
36 or otherwise, before any court of record held in and for the
37 county of Kanawha, that collectors of county levies and their
38 sureties are or shall be subject to on their bonds for enforcing
39 the payment of the county levies.

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

Sec. 27. Unless otherwise herein provided, the vote upon
2 any question or motion before the council may be *viva voce*
3 when unanimous; but if the question or motion does not re-
4 ceive the unanimous vote of the members present, the vote shall
5 be taken by roll call of the members and made a part of the
6 minutes of the meeting, and when the vote is unanimous the
7 minutes shall so state.

Sec. 28. The city clerk shall be *ex-officio* clerk of the council
2 and shall keep detailed minutes of its meetings and proceedings
3 in a well bound book for that purpose, which shall remain in
4 the custody of the city clerk at his office and open to public in-
5 spection. The minutes of every meeting after being corrected,
6 shall be signed by the mayor and city clerk, and, if thus re-
7 corded and signed, they shall be admitted as evidence in any
8 court of record in this state.

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

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

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

Sec. 32. Any member of council or any officer of, or con-
2 nected with, the city government pursuant to any law of this
3 state or ordinance of the city now or hereafter passed, who shall,
4 in his official capacity or under color of his office, knowingly
5 or wilfully, or corruptly vote for, assent to or report in favor
6 of, or allow, or certify for allowance, any claim or demand
7 against the city, which claim or demand shall be on account or
8 under color of any contract or agreement not authorized by
9 or in pursuance of the provisions of this act, or the ordinances
10 of the city, or any claim or demand against the city and which
11 claim or demand or any part thereof shall be for work not per-
12 formed for and by authority of said city, or for supplies or
13 materials not actually furnished thereto pursuant to law or

14 ordinance, and every such member or officer as aforesaid who
15 shall knowingly vote for, assent to, assist or otherwise permit,
16 or aid in the disbursement or disposition of any money or prop-
17 erty belonging to the city to any other than the specific use or
18 purpose for which such money or property shall be or shall have
19 been received or appropriated or collected or authorized by law
20 to be received, appropriated or collected, shall, upon convic-
21 tion thereof, be punished by imprisonment in the county jail
22 for a period of not less than sixty days nor more than one year
23 or by fine of not less than five hundred dollars, nor more than
24 two thousand dollars, or by both. But the council shall pay
25 any just obligations made by the city and keep and perform
26 all contracts, agreements and obligations made under the law
27 as it was the day before this act goes into effect, and for which
28 and on which the city is liable or obligated.

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

Sec. 34. Whenever for any reason the mayor shall be absent
2 from the city, or unable to attend to the duties of his office
3 temporarily, the president *pro tempore* of the council shall per-
4 form them during such absence or inability, and in the absence
5 or inability of the manager to attend to the duties of his office
6 temporarily, the mayor shall designate someone to perform such
7 duties, *provided*, that such temporary absence or inability shall
8 not exceed thirty days, but if such absence or inability shall
9 exceed thirty days, then such appointment or designation shall
10 be submitted to the council, for confirmation or rejection. In
11 the absence or inability of any other appointive city official to
12 perform the duties of his office, the person or body making the
13 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. Tho 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.

39 All such officers shall be appointed for the term of four years
40 and until their successors are appointed and qualified, unless
41 they are removed in the way and manner in this act provided.

42 It shall be the duty of the mayor to attend all meetings of
43 the council and preside over that body.

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

48 The duties of the city solicitor or assistant city solicitor shall
49 be to attend the sessions of council to prosecute all suits in
50 behalf of the city and defend all suits against the city, to ad-
51 vise the council and all of the departments of the city and in
52 general to look after the interests of the city when it shall need
53 legal services. The salary of the solicitor shall be not less than
54 three thousand nor more than five thousand dollars *per annum*.

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

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

8 The manager shall devote his entire time and attention to the
9 duties of his office, and shall have supervision and control of
10 the executive work and management of the heads of all depart-
11 ments under his control as directed by the mayor. He shall
12 make all contracts for labor and supplies, and generally per-
13 form all of the administrative work of the city, and such other
14 duties as council may require of him, and shall possess such
15 other powers and perform such other duties as council shall
16 prescribe.

Sec. 37. Franchises or permits granting the right of occu-
2 pancy of any portion of the streets or alleys for works of public
3 utility or other use, or granting any right or privilege, which
4 the city has the power to grant to individuals, firms or corpora-
5 tions, in order that the latter may serve the public, may be
6 made only upon the following restrictions and conditions: Such

7 franchises, rights and privileges shall be granted only by or-
8 dinance duly passed by the council.

9 No grant of any such franchise shall be made without, at the
10 time of making it, providing that the grantee shall indemnify
11 the city against all damages caused by construction, mainten-
12 ance or operation of such works. Additional provisions and
13 conditions shall be made for the protection of the public against
14 damage or inconvenience by reason of the construction, main-
15 tenance or operation thereof.

16 No grant of a franchise for the extension of or an addition to
17 any line or work of public service through, over or under any
18 additional street or territory of the city, shall be made for a
19 period extending beyond the time limit for the expiration of
20 franchise of the principal work of which it is an extension and
21 if the franchise of the principal work is one granted before this
22 act goes into effect and not limited as to time, any franchise
23 granted for an extension or addition thereto shall nevertheless
24 be made subject to the conditions thereof, including a time
25 limit for a period not exceeding twenty-five years. All fran-
26 chises hereafter granted shall embody therein a plainly ex-
27 pressed condition, where the franchise is for work to be useful
28 chiefly to the citizens of the city, that at the expiration of such
29 franchise or certain periods therein mentioned, the grantee
30 shall, if required by the governing body of the city, sell to the
31 city the plant at its actual value, exclusive of any value
32 for the franchise granted by the city or its earning capacity or
33 productive worth, and no exclusive franchise shall be granted.

34 If the city and the owner of the plant cannot agree upon its
35 worth, then the value shall be ascertained by an impartial arbi-
36 tration, one arbitrator to be selected by the city, one by such
37 owner of the plant, these two to select a third and the decision
38 of any two to be binding upon both parties, and if they shall
39 fail for a period of thirty days to select such third arbitrator,
40 then either party may apply to the judge of the circuit court
41 of Kanawha county who shall then appoint such third ar-
42 bitrator.

43 No franchise shall be granted without the affirmative vote of
44 two-thirds of all the members elected to said council.

Sec. 38. When any franchise, permit or license granting the
2 right to use the streets, alleys, or public grounds, shall be ap-
3 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

17 meeting at which the bill is reported or a subsequent meeting,
18 the bill may be considered for final action. No bill shall be-
19 come an ordinance unless on its final passage the vote be taken,
20 the names of the members voting for and against the same be
21 entered of record in the minutes of council, and a majority of
22 all members elected recorded thereon as voting in its favor. Bills
23 referred to a committee may be withdrawn therefrom at any
24 subsequent meeting for present consideration by an affirmative
25 vote of a majority of the members of council present. No bill
26 except general appropriation bills, which may embrace the
27 various subjects and accounts for and on account of which
28 moneys are appropriated, and bills fixing the annual salaries of
29 officers and employees of the city, and bills, providing for the
30 paving or improving of streets, or construction of sewers, shall
31 contain more than one object and that shall be expressed in the
32 title, but if any object shall be embraced in an ordinance which
33 is not so expressed the ordinance shall be void only as to so
34 much thereof as shall not be so expressed. No ordinance shall
35 be revised or re-enacted by mere reference to the title thereof,
36 but the same shall be set forth at length as if it were an original
37 ordinance, nor shall any ordinance be amended by providing
38 that designated words thereof be stricken out and others in-
39 serted in lieu thereof, but the ordinance or sections amended
40 shall be set forth in full as amended. All ordinances in force at
41 the time this act goes into effect, not inconsistent herewith, shall
42 remain in full force until altered or repealed as herein provided.
43 and all rights, actions, prescriptions and contracts of the city
44 not inconsistent therewith shall continue to be valid as if this
45 act had not been passed.

46 Any ordinance heretofore passed which may be void on ac-
47 count of failure of council to properly observe any provisions of
48 the charter of the City of Charleston or ordinances in force at
49 the time said ordinance was passed shall so far as it may affect
50 the validity of any paving or sewer assessments heretofore laid,
51 be in full force and effect until repealed or amended, the same
52 as if legally passed. No ordinance of the council shall take
53 effect until the expiration of five days after its final passage,
54 unless the council shall by a vote of three-fifths of its members
55 elected, taken by yeas and nays, otherwise direct. It shall be
56 the duty of the city clerk to make publication of the caption or
57 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

10 other courts of Kanawha county; he shall keep an accurate
11 record of all his judicial proceedings in said court, showing the
12 style of each case, which record shall be indexed and numbered.
13 It shall be his duty to hold daily sessions of his said court,
14 Sunday excepted. Before trying any person charged with any
15 violation of any state law or ordinance a warrant specifying
16 the offense or violation charged shall be issued as herein pro-
17 vided and the municipal judge shall render judgment in any
18 case as the law of the state or the ordinance of the city applying
19 thereto may require; he shall also have the power to issue exe-
20 cutions for all fines, penalties and costs imposed by him and he
21 may require immediate payment thereof, and in default of such
22 payment, may commit the party so in default to the jail of the
23 City of Charleston or of the county of Kanawha, or other place
24 of imprisonment in said city, until the fine and penalty and
25 costs shall be paid or satisfied, to be employed during the term
26 of imprisonment as hereafter provided, but for the violation of
27 city ordinance the term of imprisonment in any such case shall
28 not exceed thirty days, and in all cases where a person is sen-
29 tenced to imprisonment or to the payment of a fine of ten dollars
30 or more, such person shall be allowed an appeal from such
31 decision to the intermediate court of said Kanawha county upon
32 the execution of an appeal bond, with surety deemed approved
33 by the said municipal judge or municipal court clerk in a
34 penalty double the amount of the fine and costs imposed by said
35 judge, conditioned that the person proposing to appeal will
36 appear before the intermediate court of Kanawha county on the
37 first day of the next term thereof to answer for the offense
38 wherewith he is charged and not depart thence without leave
39 of the court and to satisfy all costs and fines imposed against
40 him; and in no case shall judgment for a fine of less than ten
41 dollars be given by the municipal judge if the defendant, his
42 agent or attorney object thereto. When the judgment on appeal
43 is against the appellant for any sum of money, judgment shall
44 be rendered by the intermediate court against the appellant and
45 those who signed the appeal bond as surety thereon. Before
46 said municipal judge or clerk shall accept any natural person
47 as surety upon any bond or recognizance under the provisions
48 of this section, such surety shall furnish a certified statement
49 of the clerk of the county court of any county in this state in
50 which such surety owns real estate, and shall also file an affi-

51 davit, the form of which may be prescribed by the municipal
52 judge, showing the bonds and recognizances upon which he is
53 then surety and the amount of each bond or recognizance. If
54 the amount of such bond or recognizances, together with other
55 bonds and recognizances as shown by the affidavit aforesaid,
56 exceeds in amount the assessed value of the surety's property
57 as shown by the certificate of the clerk of the county court, or
58 if any such bond or recognizance theretofore given, by such
59 surety be forfeited and unsatisfied, then such surety shall be
60 disqualified; and if any bond or recognizance be accepted and
61 it subsequently appears that the surety thereon is disqualified
62 then such bond shall be declared void by the municipal judge
63 and the person whose appearance in the intermediate court of
64 Kanawha county and whose payment of fine and costs are
65 thereby secured may be forthwith apprehended and held in the
66 city jail until a proper bond of recognizance is given; *provided*,
67 *however*, that whenever any surety is offered less than one hour
68 before the county clerk's office is closed or after it is closed,
69 surety shall make an affidavit that he owns real estate in Kan-
70 awha county to an assessed value above encumbrances thereon,
71 of at least double the amount of bond required. Any person
72 making or procuring to be made a false statement in any such
73 affidavit, with intent to deceive said municipal judge, shall be
74 guilty of perjury. If such appeal be taken, the warrant of
75 arrest, the transcript of the judgment, the appeal bond and
76 other papers of the case shall be forthwith delivered by the said
77 judge to the clerk of the intermediate court and the court shall
78 proceed to try the case as upon indictment or presentment and
79 render such judgment, including that of costs, as the law and
80 the evidence may require.

81 On appeals from said municipal court the intermediate court
82 of Kanawha county shall be governed by the same principles
83 with respect to the forfeiture of bonds and recognizances, and
84 the issuance and execution of *capiases* and writs of *feiri facias*
85 as prevail in cases in which the state is a party.

86 The expense of maintaining persons committed to the jail of
87 the county by such municipal judge shall be paid by the city.
88 The municipal judge shall account for and pay over the amount
89 of all fines collected by him weekly to the treasurer of the city
90 and shall make monthly reports thereof, and of all other matters,
91 pertaining to his office to the council of said city.

Sec. 45. The municipal judge shall be an attorney-at-law
2 and shall have attained the age of twenty-eight years at the date
3 of the beginning of his term of service and shall have been a
4 resident of this state for the period of five years and of the
5 City of Charleston previous to the beginning of his term of
6 service for the period of five years. He shall not appear as
7 counsel in any criminal case in any court during his term of
8 service. In the absence of, or in case of the inability of the
9 municipal judge to perform his duties, the municipal court
10 clerk shall act as municipal judge in his stead, and in the event
11 that neither the municipal judge nor the municipal court clerk
12 can for any cause perform such duties, then the mayor shall
13 act as municipal judge. The official bond of a justice of the
14 peace shall not be required of the municipal judge.

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

Sec. 47. The manager of said city shall have authority to
2 abate and remove all nuisances in said city. He may compel
3 the owners, agents, assignees, occupants or tenants of any lot,
4 premises, property, building or structure, upon or in which any
5 nuisance may be, to abate and remove the same by orders
6 therefor, and the council shall by ordinance provide a penalty
7 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-
45 ducted 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.

49 Any expense incurred by the manager as herein provided, in
50 the manner aforesaid, may be collected in the manner herein
51 provided, notwithstanding the imposition of any other penalty
52 or penalties upon any of the persons named herein, under any
53 of the provisions of this act. The abatement or removal of any
54 such nuisance by the city at the expense of said city, as herein
55 provided, shall be *prima facie* proof that the said notice to
56 the owner, occupant, agent or assignee was given as herein
57 prescribed.

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

Sec. 49. The council shall have the right and authority to
2 establish the width of any sidewalk on any street, alley or public
3 square, or any portion thereof in said city, to cause to be put
4 down a suitable curb of brick, stone or other material along for
5 the footways and sidewalks of the streets, alleys or public squares
6 or portion thereof, and to order the construction, re-laying and
7 repair of sidewalks and gutters of such material and width, and
8 in such manner, as the council may reasonably prescribe by the
9 owners or occupiers of the lots or parts of lots facing upon said
10 streets, alleys and public squares; and in case of a failure or
11 refusal of any such owner or occupiers of the lots or parts of
12 lots to construct, re-lay or repair such sidewalks and gutters,
13 when required, it shall be lawful for the council to have such
14 sidewalks and gutters constructed, re-laid or repaired, and levy
15 and collect the expense thereof, with one *per centum* per month
16 interest added after a demand of thirty days has been made by
17 the treasurer of the city from the said owner, owners, occupier,
18 occupiers or any of them; and in all cases of such assessment,
19 whether for the construction, re-laying or repairing of sidewalks
20 or gutters, payment thereof shall be made to the treasurer within
21 thirty days after the completion of the work and demand made,
22 and if not so paid the city is hereby authorized to collect or
23 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, con-
10 tingent expenses and other expenses, together with an itemized
11 statement of the estimated receipts other than that to be derived
12 by the annual levy, and after receiving such estimates, and
13 before making the levy, it shall apportion the rate thereof, in-
14 cluding the estimated receipts from licenses and all other sources
15 among the several funds so ascertained and provided for, which
16 apportionment shall be spread upon the records of this city,
17 and in making said estimate, providing for the revenue for the
18 fiscal years, etc., it shall be the duty of the council to strictly
19 observe all the provisions of chapter nine of the acts of the
20 legislature, one thousand nine hundred and eight, entitled,
21 "An act to regulate the rate and manner of laying levies for
22 taxation in counties, magisterial and school and independent
23 school districts, and municipal corporations, and to provide pen-
24 alties for the illegal expenditure of public moneys, incurring
25 of illegal obligations and the laying of illegal levies by any tax
26 levying body, and for the distribution of a portion of the school
27 fund," and all amendments thereto, except where said last
28 named act shall be inconsistent with this act as to limit of
29 taxation.

Sec. 51. The council shall have authority to levy and
2 collect an annual tax on real estate and personal property
3 in said city and to impose a license and assess a tax on
4 all dogs kept within the city and to impose a tax upon
5 all other subjects of taxation under the several laws of
6 the state, which shall be uniform with respect to per-
7 sons and property within the jurisdiction of said city, and
8 shall only be levied on such property, real, personal and mixed,
9 on which the state imposes a tax; *provided*, that with the excep-
10 tion of the special levies authorized by law, no greater
11 levy shall be laid by said council on the taxable property of said
12 city than fifty cents upon each hundred dollars of the assessed
13 valuation of the property of the municipality; and, *provided*,
14 *further*, that the council shall, in making such levy, be subject
15 to all provisions of chapter nine of the acts of the legislature of
16 one thousand nine hundred and eight and any and all amend-
17 ments thereto, except as herein provided. There shall be a tax
18 of two dollars annually assessed on each and every male inhab-
19 itant of said city over the age of twenty-one years who is sub-
20 ject to a capitation tax under the laws of the state of West

21 Virginia. The same shall be set out and included in the per-
22 sonal property book against every such inhabitant, and shall be
23 collected under the authority of the city at the time of collecting
24 other levies and taxes.

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

23 The one-half ticket designated "first" may be paid to the
24 treasurer of the city any time before the first day of November
25 next succeeding said levy; the one-half ticket designated
26 "second" may be paid to the treasurer of the city at any time
27 before the first day of May next succeeding said levy. To all
28 the half tickets designated "first" remaining unpaid in the
29 treasurer's hands on the said first day of November succeeding
30 said levy, a penalty of ten per cent shall be added and collected
31 from the taxpayers. To all half tickets designated "second"
32 remaining unpaid in the treasurer's hands on the first day of
33 May succeeding said levy a penalty of ten per cent shall be
34 added as a penalty and shall be collectible from the taxpayers.
35 On said first day of November succeeding said levy all such
36 half tickets designated "first" and on said first day of May
37 succeeding such levy all such half tickets designated "second"

38 remaining unpaid in the treasurer's hands shall be taken up by
39 the council and settlement had with said treasurer on said
40 days respectively, or on the next succeeding days, respectively,
41 if said days shall fall upon Sunday, and thereupon the council
42 shall place said tickets in the hands of the city collector for col-
43 lection and shall take his receipt therefor; *provided, however,*
44 that the council shall have the power any year, by resolution, to
45 extend the time within which the tickets may remain in the
46 treasurer's hands and be paid to him without adding the pen-
47 alty, for a period named therein not exceeding, however, a total
48 of fifteen days.

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

54 The city collector shall be charged with the gross amount of
55 said tax tickets so delivered to him for collection, including the
56 penalties accrued thereon so delivered, and no deduction there-
57 from shall be allowed, unless on or before the first day of August
58 of each year he makes out and returns to the council a delin-
59 quent list of taxes uncollected for such year, with his oath at-
60 tached hereto, stating that such list is correct and just and that
61 he has received no part of the taxes mentioned therein, and that
62 he has used due diligence to find property liable to distress for
63 taxes, has found none, and that he could not collect the same.

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

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

Sec. 54. All goods and chattels belonging to a person, firm,
2 corporation or estate, assessed with any city taxes, whether the
3 same be a capitation tax or a tax upon real estate or personal
4 property or an assessment for paving or other improvements,
5 shall be liable for said tax, and may be distrained therefor in
6 whosoever's possession they may be found, and the city collector
7 shall have the same power to collect said tax or assessment from

8 any person owing a debt to or having in his possession any
9 estate belonging to a person assessed with any tax or assess-
10 ment of any kind that the sheriff has to collect state taxes in
11 such cases. The city collector may distrain and sell for all city
12 taxes and assessments and in all respect have the same power to
13 enforce the collection thereof as the sheriff has to enforce the
14 collection of state taxes.

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

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

Sec. 57. No taxes or levies shall be assessed upon or collected
2 from the taxable persons or property within the corporate
3 limits of said city, for the construction, improvement or keeping
4 in repair of roads, or the building, leasing or repairing of school
5 houses, or the purchase of lands for the same, or for the sup-
6 port of schools, or for the support of the poor of Kanawha
7 county, outside of said corporate limits, for any year in which
8 it shall appear that said city shall at its own expense provide
9 for its own poor and keep its own roads, streets, sewers and
10 bridges in good order. And neither the county court of Ka-

11 nawha county, nor the authorities of the district in which said
12 city is situated, shall have or exercise jurisdiction within the
13 corporate limits with relation to the roads, streets, alleys,
14 bridges, wharves, docks, ferries, schools or school houses, but the
15 same shall be and remain under the exclusive jurisdiction and
16 control of the municipal authorities of said city, except that
17 the board of education in the independent school district of the
18 city of Charleston shall have jurisdiction, supervision and con-
19 trol of the schools and school houses in said district; and said
20 city shall be liable only for the constructive, improvement, re-
21 pair and good order of the roads, streets, sewers, alleys, wharves
22 and bridges in its corporate limits, except that the county of
23 Kanawha may become a joint owner and controller with the
24 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
2 keep all funds of the city in some bank or banks within said
3 city, which shall pay interest on such deposits and which shall
4 pay interest on the average daily balance of such funds in all
5 accounts of the per cent equal to that paid by state depositors
6 on all funds of the state of West Virginia and in the same man-
7 ner and at the same time. If no bank within the city is willing
8 at any time to receive deposits of the treasurer and to pay such
9 interest thereon, the treasurer shall report this fact to the coun-
10 cil, who shall thereupon designate a bank or banks in which he
11 shall deposit said funds for the time being and until some
12 bank in said city will receive such deposits on such terms. Be-
13 fore receiving any such deposits such bank or banks shall give
14 bond in such penalty as the council shall prescribe, and with se-
15 curities to be approved by said council, conditioned for the
16 prompt payment, whenever lawfully required, of all the city
17 moneys or parts thereof which may be deposited with them,
18 which bond shall be renewed at such times as the council may
19 require.

Sec. 59. The City of Charleston is hereby authorized to issue
2 and sell bonds of said city, for the purposes of buying and
3 building bridges, electric light plants, water works, gas lines
4 and fields, and other public utilities; and for the purpose of
5 acquiring and providing land for public parks, public streets,
7 avenues and alleys, airports and other public grounds, and ac-
8 quiring or assisting in acquiring property to be donated, de-
9 dicated or conveyed to, or otherwise vested in, the state of West

10 Virginia, as a site for a state capitol and other public buildings,
11 which donation, dedication and conveyance are hereby author-
12 ized to be made, and also to provide ground for and erect an
13 incinerator plant or garbage crematory, or other plant or means
14 for the disposal of garbage and refuse; and such bonds shall be
15 sold for not less than par, and payable in a period not to exceed
16 thirty-four years, and shall bear interest, not to exceed *six per*
17 *centum per annum*; and in the issuance and sale of said bonds
18 the city shall be governed by all the restrictions of the consti-
19 tution of this state and the statutes of this state, with respect
20 to the issuance and sale of other bonds; *provided*, that said city
21 shall not, by the sale or issue of bonds for the purposes above
22 mentioned, cause the aggregate of its indebtedness, of every
23 kind whatever, to exceed five *per centum* of the value of the
24 taxable property therein, but may for the above purposes issue
25 bonds to the maximum limit of said five per cent; nor shall
26 said city make such issue and sale of bonds without, at the same
27 time, providing for the collection of a direct annual tax suffi-
28 cient to pay annually the interest on the same, and a sinking
29 fund to pay the principal within the time for which said bonds
30 shall be issued.

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

19 The proceeds of any bond issue, authorized under this sec-
20 tion, shall be set aside as a separate fund, and all special assess-

21 ments covering improvements, the cost whereof has been ad-
22 vanced out of this fund, shall be paid into and become a part
23 of said special fund and be used for the same purpose and in the
24 same manner as the proceeds of said original fund.

25 This fund shall continue to be used for the purposes men-
26 tioned herein, until such time as the city's part of the cost of
27 grading, curbing, paving, sewerage or otherwise improving the
28 avenues, streets, roads or alleys of the city equals the original
29 proceeds of the bond issues authorized for the purposes men-
30 tioned herein. The issuance and sale of bonds, authorized by
31 this section, shall be governed by all of the restrictions of the
32 constitution of this state and statutes of this state with respect
33 to the issuance and sale of other bonds of said city. No issuance
34 and sale of bonds, under this section, shall be made, unless at
35 the same time provision is made for the collection of a direct
36 annual tax, sufficient to pay the annual interest on the same and
37 create a sinking fund to pay the principal within the time for
38 which said bonds shall be issued. The direct annual tax, pro-
39 vided for in this section, shall be set aside as a separate fund,
40 to be known as an interest and sinking fund. All interest col-
41 lected on special assessments authorized or referred to in this
42 section shall be placed in and become a part of said special in-
43 terest and sinking fund, until the principal and interest of said
44 bonds are paid.

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

Sec. 60. The City of Charleston is hereby authorized to issue
2 and sell the bonds of the said city for the purpose of providing
3 for grading, paving and otherwise improving the streets and
4 alleys of said city or constructing sewers for the proper drain-
5 age of same in anticipation of special assessments to be made
6 upon the property abutting upon the streets and alleys so im-
7 proved, or property so sewerage or drained, and such bonds may
8 be in such an amount as shall be sufficient to pay the entire es-
9 timated cost and expense of said improvements, for which such
10 special assessments are levied; *provided*, that the price for
11 which said bonds are sold shall not be below par value thereof;
12 said bonds may be payable in groups of one-fifth of the whole

13 issue payable in two, four, six, eight and ten years respectively,
14 and all payable in not to exceed ten years from the date of
15 issue thereof, and shall bear interest at a rate not exceeding
16 six *per centum per annum*, payable annually; and in the is-
17 suance and sale of said bonds, the city shall be governed by
18 all the restrictions and limitations of the constitution of this
19 state and the restrictions and limitations of the statutes of this
20 state with respect to the issuance and sale of other bonds, and
21 the assessments as paid and provided for in this act shall be
22 applied to the liquidation of said bonds and the interest thereon;
23 and if by reason of the penalties collected with the delinquent
24 assessments, there be any balance after the payment of said
25 bonds and all accrued interest and costs, the said balance shall
26 be turned into the city treasury to the credit of the interest
27 and sinking fund of the city.

28 *Provided*, that said city shall not by the sale or issue of such
29 bonds cause the aggregate of its debt of every kind whatsoever
30 to exceed five *per centum* of the value of the taxable property
31 therein; and, *provided, further*, that nothing herein contained
32 shall be construed as authorizing said city to become indebteded
33 in any other manner or for any other purpose, to an amount in-
34 eluding the existing indebtedness in the aggregate exceeding
35 two and one-half *per centum* on the value of the taxable prop-
36 erty therein (as provided in chapter fifty-one of the acts of one
37 thousand nine hundred and five) except for the purpose of
38 grading, paving, sewerage and otherwise improving the streets
39 and alleys of said city and as provided for in this act, and ex-
40 cept for the purpose of buying or building bridges, electric
41 light plants, water works, gas lines and fields and other public
42 utilities; nor shall they make such issue and sale of bonds for
43 grading, paving, sewerage and improving the streets and alleys
44 of said city without, at the same time, providing for the col-
45 lection of a direct annual tax sufficient to pay annually the in-
46 terest on such debt and principal thereof within a period not
47 exceeding ten years.

48 All assessments, interest and penalties thereon, collected from
49 the abutting property owners, on account of grading, paving,
50 sewerage or otherwise improving the streets and alleys of such
51 city under the provisions of this act, shall annually be applied
52 to the annual tax required to pay the interest on such debt and
53 such principal within and not exceeding said period of ten

54 years and in the event that the assessments, interest and pen-
55 alties so called do not amount to a sum sufficient to pay annually
56 the interest on such debt, said city shall collect so much of said
57 levy as will pay annually the interest on such debt, and the
58 principal thereof within and not exceeding ten years.

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

30 When the paving of any street, or alley, or portion thereof
31 shall have been let to contract and the work done as herein-
32 before provided, it shall be the duty of the engineer of said
33 city to cause the several frontages abutting thereon to be
34 measured, and to calculate the assessment upon each and every
35 land owner so abutting and to certify the same to the council,
36 showing the proper amount to be determined, as provided in the

37 foregoing plan. It shall be the duty of the council to examine
38 and compare such assessment, amounts and names so certified
39 to it, and thereupon give notice by publication once a week for
40 two successive weeks in a newspaper of general circulation
41-4 published in said city, that an assessment under this act is
45 about to be laid against the abutting property for paving or
46 improvements done on said streets, or alleys, describing the
47 location of such paving or improvements, and any owner or
48 owners thereof shall have the right to appear before said coun-
49 cil, within two weeks from the first publication thereof, and
50 move to correct an apportionment or assessment excessive or
51 improperly made as charged, which correction said council
52 shall have the power to make according to the intent of this
53 act, and if found to be correct or when corrected by the coun-
54 cil aforesaid, it shall enter the same, together with a descrip-
55 tion of the lots of land as to location, frontage, depth and
56 ownership, so far as the same may be ascertained, upon its
57 records and to enter in its records that such owners and lots
58 be assessed and chargeable with the amount so ascertained to
59 be borne by them respectively; and when so approved, cer-
60 tified and entered on record, the same shall be and constitute
61 an assessment against said owners and lots for such respective
62 amounts. And it shall be the duty of the council to im-
63 mediately certify such assessment to the treasurer for collection
64 as herein provided, and a copy of said order shall be certified
65-6 by the city clerk to the clerk of the county court of Kanawha
67 county, who shall record and index the same in the proper
68 trust deed book in the name of each person against whose
69 property assessments appear therein. The amount so assessed
70 against said abutting land owners shall be paid in ten pay-
71 ments, as follows: That is to say, one-tenth of said amount,
72 together with interest on the whole assessment, shall be paid
73 into the city treasury, before the first day of May next after
74 said work is completed and said assessments have been cer-
75 tified to the county clerk. And a like one-tenth, together with
76 interest for one year upon the whole amount remaining up-
77 paid on or before the first day of May in each succeeding year
78 thereafter until all has been paid, and each of said install-
79 ments of one-tenth beginning with the first, shall bear interest
80 on the amount of said installments at six *per centum per annum*
81 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

48 so fixed therein against such respective owners and lots, and if
49 after such advertisements, notice and hearing, said council shall
50 find that such apportionment at such rate is unjust or inequit-
51 able, and contrary to the intent of this act, it shall ascertain,
52 fix and assess the cost thereof among and upon the abutting
53 owners respectively, justly and equitably and according to the
54 intent hereof, and in like manner, assess and enter the amount
55 so fixed respectively upon its records, and the council shall, in
56 either event, thereupon certify the same to the treasurer for col-
57 lection, and certify a copy of such order to the clerk of the
58 county court of Kanawha county, who shall record the same in
59 the proper trust deed book, and index the same in the name of
60 each owner of any such lot so charged with such assessment, and
61 such assessment so made shall constitute and be a lien upon
62 said lots respectively, which shall have priority over all other
63 liens, except those for taxes due the state, and shall be on a
64 parity with other taxes and assessments due the city. Said
65 amounts so assessed against the said several land owners shall
66 be paid by the parties liable therefor to the said treasurer at
67 all times, in the manner and with the attendant penalties for
68 failure to pay promptly at the time prescribed in all respects as
69 hereinbefore provided in the case of assessments for paving
70 streets and alleys in a permanent manner, and the parties liable
71 therefor shall, in the same manner, and to the same extent, have
72 the right and be entitled to anticipate any or all of such install-
73 ments thereon as in such case provided. The owners of, or the
74 tenants, occupants or agents in control of any lot abutting on or
75 near or adjacent to any street, avenue, alley, right of way or
76 easement in said city, in which a public sewer is or may here-
77 after be laid and constructed, upon which lot any business or
78 residence building is or may hereafter be erected, or upon which
79 any water stands not connected with a public sewer, may be re-
80 quired and compelled to connect any such building or lot with
81 such sewer. Notice to so connect may be given to the owner,
82 lessee, or occupant of such building. Each day's failure to com-
83 ply with such notice and connect with such sewer by such owner
84 or owners, ten days after such notice is given, shall be a mis-
85 demeanor and a separate and new offense under this section, and
86 every such offense shall be punishable by fine of not less than
87 five nor more than twenty-five dollars. The expense incurred by
88 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 abutments 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

31 the sewage from two or more lateral sewers is discharged, in-
32 cluding storm and surface water sewers.

33 A trunk sewer shall be deemed to be a sewer into which the
34 sewage from two or more branch sewers is discharged.

35 A combined sewer shall be deemed to be a sewer intended to
36 receive domestic sewage and industrial wastes.

37 When said sewer or sewer system is completed the engineer
38 of said city shall report to the council in writing the total cost
39 of such sewer or sewer system, and a description of the lots
40 and lands as to the location, frontage, depth and ownership
41 liable for such sewer assessment, so far as the same may be
42 ascertained, together with the amount chargeable against each
43 lot and owner, calculated in the following manner: the total
44 cost of constructing and laying the sewer or sewer system, in-
45 cluding the portions thereof laid in the intersections of streets
46 and alleys, shall be borne by the owners of the land abutting
47 upon the streets, avenues, alleys, rights of way or easements or
48 portions thereof in which the sewer or some part of the sewer
49 system, is constructed and laid; payment is to be made by each
50 land owner on either side of such portion of a street, alley,
51 right of way or easement in which a common sewer is laid, in
52 the proportion that the frontage of his land upon such portion
53 of said street, alley, right of way or easement in which such
54 sewer or sewer system is laid bears to the total frontage of all
55 lands so abutting on such street, alley, right of way or ease-
56 ment; in which the sewer or some part of the sewer system is
57 laid; *provided*, that the charge laid against any owner of
58 property shall not exceed three dollars per linear foot of front-
59 age on each side of such street, alley, right of way or easement
60 in which any such sewer or part of a sewer system is laid.
61 In case of a corner lot, frontage is to be measured along the
62 longest dimension thereof abutting on such street, alley, right
63 of way or easement in which such sewer is laid, but if sewer
64 on both sides then such a corner lot is to be charged only with
65 the side first sewered. Any lot having a depth of two hundred
66 feet or more and fronting on two streets, alleys, rights of way
67 or easements, one in the front and one in the rear of said lot
68 shall be assessed on both of said streets, alleys, rights of way
69 or easements, if a sewer is constructed on both such streets,
70 alleys, rights of way, or easements. Where a corner lot has
71 been assessed on either or both ends, it shall not be assessed

72 on the side, and where it has been assessed on the side, it shall
73 not be assessed on the end.

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

81 Thereupon said council shall give like notice by publication
82 as is required in case of street paving assessments, and the same
83 rights shall exist as to the persons and property affected and
84 the same duty as to corrections by said council as are prescribed
85 with reference to paving. The report of the city engineer
86 shall in like manner be examined by the council, and if found
87 to be correct or corrected as aforesaid, and such estimated
88 assessments to be a fair and equitable apportionment of the
89 cost of such sewer or sewer system upon the basis hereinbefore
90 described, it shall enter an order upon its records, setting forth
91 such location, depth, ownership and said amount of such sewer
92 assessments, against each respectively, calculated as aforesaid,
93 and the entry of such order shall constitute and be an assess-
94 ment for such proportion and amount so fixed therein against
95 such respective owners and lots; and, if after such advertise-
96 ment, notice and hearing, said council shall find that such
97 apportionment at such rate is unjust or inequitable, and con-
98 trary to the intent of this act, it shall ascertain, fix and assess
99 the cost thereof among and upon the abutting owners respect-
100 ively, justly and equitably and according to the intent hereof,
101 and in like manner assess and enter the amount so fixed re-
102 spectively upon its records; and, the council shall, in either
103 event, thereupon certify the same to the treasurer for collection
104 and certify a copy of such order to the clerk of the county
105 court of Kanawha county, who shall record the same in the
106 proper trust deed book, and index the same in the name of
107 each owner of any such lot so charged with such assessment,
108 and such assessment so made shall constitute and be a lien
109 upon said lots respectively, which shall have priority over all
110 other liens, except those for taxes due the state, and shall be
111 on a parity with other taxes and assessments due the city. Said
112 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, sewerage, 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

15 or other public place to be improved, as well as the grade or
16 elevation of the curb, and said council shall approve the plans,
17 specifications, estimates and profiles for the proposed improve-
18 ment. The council shall also determine in said resolution the
19 method of paying for the work contemplated in said plans and
20 specifications whether by an appropriation from funds in the
21 treasury unappropriated, or whether or not bonds shall be issued
22 in anticipation of the collection of special assessments, to be
23 made against the abutting property owners as provided for in
24 section sixty-one of this act. Said resolution shall further show
25 the approximate estimated cost of said proposed improvement
26 per front foot of the property abutting thereon, and shall fix a
27 date, at some regular or special meeting of the council, on
28 which the owners of property to be assessed for such improve-
29 ment may appear before council and protest against the same
30 or be otherwise heard in reference thereto. Assessments shall
31 be payable in ten installments as provided for in said sixty-
32 first section. The resolution herein provided for, declaring the
33 necessity for said improvement, shall be published at least once
34 a week for two successive weeks after its adoption, in a news-
35 paper of general circulation published in the city, and
36 an affidavit of the publisher showing publication for such time,
37 together with a copy of said notice attached, shall be filed with
38 the city clerk of the said city and spread upon the record of the
39 minutes of the next meeting of the council. Said resolution
40 shall be in effect from and after the first publication thereof as
41 herein provided for.

Sec. 64. A notice of the passage of the resolution required
2 in the last preceding section, embodying a copy of said resolu-
3 tion, shall be served upon the owner of each picce of property
4 to be assessed, said service to be made in the manner provided
5 by this act for serving notices herein required or in other lawful
6 manner; *provided*, that if any of the owners or persons be not
7 residents of the City of Charleston, or if it appears by the
8 return in any case, that the owner can not be found, then a
9 notice of the passage of said resolution shall be published in
10 some newspaper of general circulation in said city once a week
11 for two successive weeks, which notice shall be deemed completed
12 on the day of the second publication thereof, and such notice
13 whether by service or publication, shall be completed at least
14 three days before the date fixed for hearing thereon, as afore-

15 said, and before the introduction of any ordinance providing
16 for said improvement, as hereinafter provided for; and the re-
17 turn of the officer, or sworn return of any other person, serving
18 such notice or a certified copy of said return, or when pub-
19 lished, the certificate of the publisher of said newspaper, shall
20 be *prima facie* evidence of the service of the notice as herein
21 required. Notice upon infants may be served on their guar-
22 dian, and upon insane persons by service upon their committee.
23 It shall be the duty of the city manager to cause such notice
24 to be served upon said property owners as aforesaid.

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

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

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

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

Sec. 68. In any case in which special assessments have been
2 made, or shall hereafter be made, upon property for the con-
3 struction of any improvement authorized by this act or previous
4 statutes and several kinds of materials have been named in the
5 ordinance or ordinances providing for the same, and on which
6 bids have been received for the construction of said improve-
7 ments with any, either or all of said material, said assessments
8 shall be valid and binding assessment on the property so as-
9 sessed. In the case of the construction of sewers required under
10 the provisions of this act, notice of the passage of said resolu-
11 tion therefor, as provided for in section sixty-four, of this act,
12 shall be given in the manner provided for in said section of
13 this act.

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

Sec. 70. When the whole or any portion of the improvement
2 authorized by this act passes through or by a public wharf,
3 market space, park, cemetery, structure for the fire department,
4 water works, school building, infirmary, market house, work
5 house, hospital, house of refuge, bridge, gas works, public pris-

6 ons, court house, church or any other public structure or public
7 grounds within said corporation, and belonging to said corpora-
8 tion, or to the county, state, or any church, association, eleemosy-
9 nary institution, the council may authorize the proper propor-
10 tion of the estimated cost and expense of the improvement to be
11 certified to the clerk of the county court of Kanawha, and it
12 shall be the duty of those persons having charge of the fiscal
13 affairs of any such property or institution to make proper
14 arrangements for the payment of such assessments when due
15 and payable.

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

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

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

Sec. 74. It is especially provided that no bonds shall be
2 issued under the provisions of this act unless and until the
3 question of issuing said bonds shall have first been submitted
4 to a vote of the people of the city and shall have received three-
5 fifths of all votes cast at said election for or against the same.
6 The council may provide by ordinance for an election every
7 year, at which the question shall be submitted to the people,
8 as to whether the city shall be authorized to issue bonds for
9 the purpose and under the provisions of this act, to an amount
10 not to exceed in the ensuing year the amount recommended by

11 said ordinance for said ensuing year; but the ordinance pro-
 12 viding for said election need not specify in detail the location
 13 of the improvements contemplated to be paid for during the
 14 ensuing year out of said aggregate issue authorized for said
 15 year, but before issuing any bonds the council shall pass sep-
 16 arate ordinances for such street or alley to be improved, deal-
 17 ing with all the requirements set forth in section sixty-seven
 18 of this act, and notwithstanding the provisions of section two,
 19 three and six of chapter forty-seven of the code, it shall be
 20 sufficient description for the purpose for which said election is
 21 held if the ordinance providing for said election shall recite that
 22 it authorized the council of said city to issue bonds for the
 23 purpose of grading, paving, sewerage or otherwise improving
 24 the streets and alleys of said city, at such time as to the coun-
 25 cil shall seem fit during the ensuing year ending on the
 26 day of, 19....., to an amount not ex-
 27 ceeding in the aggregate during the said year the sum of
 28 ;
 29 and when the council shall have been once authorized by a vote
 30 of the people to issue bonds for the purpose and in a sum not
 31 to exceed the amount set forth in the ordinance providing for
 32 the said election, no further election shall be necessary for the
 33 issuing of bonds during said ensuing year up to the amount
 34 stipulated in said ordinance providing for said election, but
 35 the council shall from time to time during said ensuing year,
 36 by ordinance authorize the issue of said bonds, in such sums
 37 and for the improvement of such streets or alleys as to it may
 38 seem best, providing the requirements of this act are complied
 39 with. The aggregate amount of bonds authorized by said an-
 40 nual election shall not be exceeded during said ensuing year,
 41 unless and except the same be authorized by special election
 42 held at a subsequent time in said year and duly called as pro-
 43 vided for the calling of the annual bond election.

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

Sec. 75. The council may provide for the building of trunk
 2 and branch line sewers within the city, and for that purpose
 3 may, if necessary, lay a levy of not to exceed two and one-half
 4 cents for the year one thousand nine hundred and twenty-nine

5 and not to exceed two and one-half cents for the year one thou-
6 sand nine hundred and thirty, in addition to all other levies for
7 each year authorized by law.

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

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

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

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

Sec. 77. For the purpose of making examinations of persons
2 applying for offices or positions in the fire department, and pre-
3 scribing rules for their conduct, the council may appoint three
4 discreet persons, who need not be members of council, who

5 shall act and be known as a civil service board, and the city
6 clerk shall be *ex-officio* clerk of said board.

7 The civil service board shall adopt rules for its own govern-
8 ment and cause the minutes of its meetings to be recorded in a
9 book especially provided for that purpose, which shall be kept
10 by the city clerk at his office, and open to public inspection.
11 The civil service board, at least every six months in each year
12 and oftener if it deem it necessary, after ten days notice pub-
13 lished in two daily newspapers of opposite politics, giving the
14 time and place of meeting, shall hold examinations for the pur-
15 pose of determining the fitness and qualifications of applicants
16 for offices and positions in the fire department, which examina-
17 tions shall be practical and shall fairly test the fitness of the
18 persons examined to discharge the duties of the position to which
19 they seek appointment and such examinations shall be made
20 with the aim to secure and maintain an honest and efficient fire
21 department. Said board shall at once, after each of said ex-
22 aminations, place on record in the journal of the civil service
23 board the results of said examination, giving the name of appli-
24 cants and the position sought by them and their respective
25 percentages. In making such examination the seize, weight,
26 intelligence, health, physical appearance, habits and moral
27 standing and surroundings shall be taken into consideration.

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

Sec. 78. The members of the fire department under and by
2 virtue of the ordinances and regulations adopted in pursuance
3 of the provisions of the charter of the City of Charleston as it
4 was on January first, one thousand nine hundred and twenty-
5 five, now in office in the City of Charleston shall remain in
6 office during good behavior and shall not be removed from their
7 said offices or positions except for misconduct, or failure, in-
8 ability 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

5 executed by an officer of the police department or other employee
6 of said city in the same way or manner in which the laws of
7 the state prescribe for executing summonses and subpoenas by
8 state officers, unless otherwise provided by this act.

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

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

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

Sec. 85. The mayor shall appoint such number of police-
2 men as are or may be hereafter prescribed by the city council
3 by ordinance, and the mayor shall have at his discretion, the
4 absolute right and power to dismiss any policeman and appoint

5 another in his stead. The policemen shall be under command
6 of the mayor and the chief of police, to be appointed as in this
7 act provided for, and shall perform any and all duties incident
8 to the office of policeman under the instructions and command
9 of the mayor and the chief of police, and, in addition to the
10 usual and customary duties prescribed by the laws of this state
11 and under the provisions of this charter required of them, it
12 shall specially be the duty of each police officer to report to the
13 chief of police, or some one designated by said chief of police
14 to receive such report, daily and oftener if occasion demands,
15 the condition of all streets, sidewalks, alleys, basements, back-
16 yards, buildings, unimproved lots and all other things and
17 matters within the limits of said city that may come under
18 the notice of such policemen which may relate to the health of
19 the citizens thereof, the sanitary conditions, the necessity of
20 the removal of any obstructions upon any of the streets, alleys
21 or sidewalks, and it shall be the duty of the policemen under
22 their instructions to perform all the duties and exercise all the
23 powers ordinarily imposed upon or given to the officers now
24 known as health officers. It shall also be the duty of each
25 police officer to perform all the duties of humane officer and to
26 exercise all the functions, power and authority relating thereto
27 which are or may be prescribed by any law of this state or
28 ordinance of the city. A police officer in making arrests shall
29 have all of the power and authority of a constable under the
30 laws of the state of West Virginia.

Sec. 86. Each member of the city council shall be paid dur-
2 ing his term of office the sum of two dollars and fifty cents for
3 each meeting of the council that he shall attend, *provided*, that
4 the aggregate amount to be paid to each member of the council
5 shall not exceed the sum of one hundred dollars *per annum*.
6 The roll of the members of the council shall be called at the
7 beginning and at the end of each meeting thereof, and those
8 members only who answer in person at each roll call shall be
9 entitled to receive their pay for such meeting. The names of
10 those members present at each roll call shall be entered upon the
11 record. If there should not be a quorum present at the first
12 roll call and the meeting be adjourned for that reason, then
13 it shall not be a meeting that will entitle those present to the
14 payment of the sum of two dollars and fifty cents as provided
15 in this section. It shall be the duty of all councilmen to attend

16 all of its meetings, and if any councilman shall be absent from
17 the meetings of council as shown by its records for three con-
18 secutive meetings, then his office shall *ipso facto* become vacant,
19 unless the council shall authorize or excuse such absence. If
20 the office of any councilman shall become vacant under the
21 provisions of this section, then the council shall proceed to fill
22 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
2 the tenth day of any month after his appointment, to make a
3 detailed report to the council for the preceding month. Such
4 report shall show under distinct heads, first, the names and
5 salaries of all employees under the control and supervision of
6 manager; second, all expenditures or disbursements in the
7 several departments under the supervision of the manager;
8 third, an itemized statement of all purchases, together with the
9 cost thereof, for each and every such department; fourth, all
10 such other matters and things as the council may by proper
11 ordinance or resolution require of said manager. Such report
12 shall be entered of record in the minutes of the council and be
13 a public record, open to the inspection of all persons. All
14 officers or employees in any of the departments under the super-
15 vision of the manager shall, whenever required by said manager,
16 make full and complete reports of all things done by them as
17 such officers or employees in connection with the business of
18 the city.

Sec. 88. In addition to the method provided for paving
2 streets, by section sixty-one of the charter of the City of Charles-
3 ton, the council may order any street, avenue, public alley, or
4 portion thereof, to be graded and paved, re-paved, or otherwise
5 permanently improved, and the council may order the mayor
6 and city clerk to issue a certificate for each installment of the
7 amount of the assessment to be paid by the owner of any lot or
8 fractional part thereof fronting on such street, avenue, or alley.
9 The amount specified in said assessment certificate shall be a
10 lien as aforesaid in the hands of the holder thereof upon the lot
11 or part of a lot fronting on such street, avenue, or alley, and
12 such certificate shall draw interest from the date of said assess-
13 ment and the payment may be enforced in the name of the
14 holder of said certificate by proper suit in equity in any court
15 having proper jurisdiction to enforce such lien; the council shall
16 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-
45-6 lect all of such unpaid certificates in the manner hereinbefore
47 provided. Certificates issued in pursuance of this section shall
48 be negotiable at any bank in the City of Charleston.

49 The owner of the land or lot of land assessed under this sec-
50 tion may at any time anticipate and pay such assessment or cer-
51 tificate with accrued interest thereon.

52 *Provided*, that no street, avenue or alley shall be paved or
53 otherwise permanently improved pursuant to this section except
54 and unless two-thirds of all the members elected to the council
55 shall concur in the passage of the ordinance providing there-
56 for, and the vote thereon shall be taken by ayes and noes, and
57 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.

50 Every such certificate shall be a lien in the hands of the
51 holder thereof upon the particular lot against which it is as-
52 sessed in the same way and manner that assessments are liens
53 under sections sixty-two and sixty-two-a of this act. And
54 nothing in this act, or in the charter of the City of Charleston
55 shall be construed as imposing a time limit upon the enforce-
56 ment by appropriate suit of any lien for public improvements
57 heretofore or hereafter created.

58 Certificates authorized by this section may be issued, sold or
59 negotiated to the contractor doing the work, or to any other
60 person if the council deem it expedient; and shall be negotia-
61 ble at any bank in the City of Charleston; *provided*, the city
62 in issuing such certificates shall not be held as guarantor or in
63 any way liable for the payment thereof. Certificates so issued
64 shall contain a provision to the effect that in the event of default
65 in the payment of any one of said certificates when due, said
66 default continuing for a period of sixty days, unpaid certifi-
67 cates shall become due and payable and the holder of said cer-
68 tificates may proceed to collect all of such unpaid certificates in
69 the manner hereinbefore provided.

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

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

Sec. 89. Any proposed ordinance, or amendment to any or-
2 dinance already in effect, may be submitted to the city council
3 by the petition of qualified voters in said city, but such petition
4 must be signed by such number of voters as shall amount to at
5 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

47 the respective ordinance, or amendment to an ordinance, receiv-
48 ing the largest affirmative vote at such election shall prevail,
49 and the form of submission of inconsistent ordinances, or parts
50 thereof, or amendments to ordinances, shall be in such form that
51 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
9 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-
12 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
28 council may, on its own motion, without any petition being re-
29 quired therefor, submit at a regular or special municipal election
30 any ordinance passed by it in the same manner and with the
31 same force and effect as hereinbefore provided. No ordinance,
32 or part of an ordinance, rejected at any election shall be enacted
33 or passed by the city council within the period of twelve months
34 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

3 the office declared vacant as provided in this act. Such officer
4 may be removed from office by a recall election held thereunder,
5 but no such officer shall be removed from office within the period
6 of four months after he enters upon the discharge of his duties
7 as such. Before any such recall election shall be held a peti-
8 tion, stating the name or names and the office or the officer or
9 officers sought to be recalled, and signed by sufficient qualified
10 voters of the said city as shall equal in number the quantity of
11 twenty-five per cent of the votes in the whole city or in the
12 ward, as the case may be, for all the candidates for the office of
13 mayor at the last preceding regular municipal election, and
14 containing a sworn statement of the grounds upon which it is
15 sought to remove the said officer or officers, shall be filed with
16 the city clerk. No such petition shall be filed within the period
17 of six months before the end of the term of such officer. The
18 city council shall immediately, upon the filing of said petition,
19 call a special election in the manner in this act provided for
20 calling special elections and submit to the voters the question of
21 recalling such officer or officers. The ballot at such election,
22 with respect to each person whose recall is sought, shall be sub-
23 stantially as follows: "Shall (name of person) be removed
24 from the office (name of office) by recall." Immediately fol-
25 lowing such question there shall be on the printed ballot the two
26 propositions in the order set forth:

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

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

29 Immediately to the left of said proposition shall be printed a
30 square in which the voters, by making a cross mark (X), or in
31 some other way declaring their intention, may vote for either of
32 such propositions. If sixty per cent of the voters registered
33 voting on said propositions vote in favor of the recall of such
34 officer or officers, then he or they shall thereby be forthwith
35 removed from such office and such vacancy or vacancies shall
36 be filled as provided in this act; *provided, however*, that within
37 fifteen days after the returns of such recall election shall have
38 been canvassed by the city council, a petition signed by sufficient
39 qualified voters to equal in number at least thirty per cent of the
40 votes cast in the city, or ward, as the case may be, for the candi-
41 dates for the office of mayor at the last preceding regular munic-
42 ipal election, and praying that such vacancy or vacancies be
43 filled by a special election to be held not less than thirty days

44 nor more than forty-five days thereafter, the city council shall
45 order a special election to be held in the same manner as other
46 special elections are provided for in this act for the purpose of
47 filling such vacancy or vacancies.

Sec. 92. The signatures to petitions filed under the provisions
2 of the last three sections need not be all on one paper or one
3 sheet of paper, but separate petitions may be circulated and
4 signed and the aggregate number of names on all of such peti-
5 tions, if equal to the number required in this act, shall be suffi-
6 cient. The circulator of each such paper shall make and append
7 thereto an affidavit that each signature thereon is the signature
8 of the person whose name it purports to be. The residence ad-
9 dress of each signer shall accompany the signature. All such
10 petitions shall be filed with the city clerk and shall be deemed
11 and held to be sufficient if they appear to be signed by the
12 requisite number of signers and such signers shall be deemed
13 and held to be qualified voters, unless a protest in writing, under
14 oath, shall be filed with the city clerk by some qualified voter
15 within fifteen days after such petitions are filed, which protest
16 shall set forth the name of each signer protested against and
17 the ground therefor. It shall be the duty of the city clerk as
18 soon as possible and within twenty-four hours after the filing of
18 such protest to mail a notice to each signer so protested against
19 at his address as given in the petition, requiring him to be and
20 appear before the city registrars at a time fixed in said notice,
21 not less than twenty-four hours nor more than forty-eight
22 hours after the mailing of such notice, for the purpose of de-
23 fending his right to sign said petition. If it shall be proven
24 by satisfactory evidence that such person is not a qualified
25 signer of such petition, then his name shall be stricken there-
26 from. All evidence taken shall be under oath, and any signer
27 present at the hearing may be called as a witness by the pro-
28 testant or testify in his own behalf. All hearings shall be sum-
29 mary and shall be concluded within fifteen days after such
30 petition is filed. The city registrars shall forthwith certify the
31 result of their examination to the city clerk and such city clerk
32 shall serve a copy of such certificate upon the person or persons
33 named in the petition as representing the signers thereof. When
34 the petition contains a sufficient number of qualified signatures
35 the city registrars shall forthwith file the same with the city
36 clerk, and he shall transmit the same to the city council, which

37 shall call an election as provided for in the three preceding
38 sections of this act. All petitions filed in the city clerk's office
39 shall be public records. When any petition contains a form of
40 submission of the ordinance petitioned for and such form is a
41 reasonably fair description thereof, the same shall be placed on
42 the ballot and no petition filed subsequently shall be permitted
43 to use any form of submission that is so similar to the one pre-
44 viously filed as to tend to confuse the voter, and, in case of such
45 conflict, the person presenting the subsequent petition may file a
46 form of submission which shall be placed upon the ballot,
47 *provided*, the same shall fairly describe the ordinance, or amend-
48 ment to an ordinance, petitioned for and shall not be in conflict
49 with any prior forms of submission or tend to confuse the voter.
50 The city council shall so frame all forms of submission that
51 the voter can, by making a cross in a square in front of some
52 appropriate words, vote either for the ratification or the re-
53 jection of the proposed measure, but no ballot shall be rejected
54 from which the reasonable intention of the voter however he
55 shall have marked the same, can be ascertained. All city elec-
56 tions, regular or special, shall conform as nearly as possible to
57 the election statutes contained in chapter three of the code of
58 West Virginia.

Sec. 93. In addition to the method of securing the laying of
2 sidewalks set out in section forty-nine of this chapter, the coun-
3 cil of said city may cause any sidewalk to be constructed, laid,
4 relaid, or otherwise permanently improved in the City of
5 Charleston in the following manner and upon the following
6 terms: Plans and specifications shall be prepared and filed,
7 resolutions and ordinances shall be adopted and notices shall be
8 prepared and served in the same way and manner as near as
9 may be, as in the case of the paving and improvement of streets
10 and alleys. The contract for same shall, after due advertise-
11 ment in which council shall reserve the right to reject any and
12 all bids, be let to the lowest responsible bidder and upon com-
13 pletion and acceptance of the work, council shall order the mayor
14 and city clerk to issue to the contractor doing the work a cer-
15 tificate for the amount of the assessment to be paid by the owner
16 of any lot or fractional part thereof fronting on such sidewalk,
17 and the amount specified in said assessment certificate shall be
18 a lien in the hands of the holder thereof upon the lot or part
19 of a lot fronting on such sidewalk as well as a debt against the

20 owner of said lot, and such certificate shall draw interest from
21 the date of said assessment, and the payment may be enforced in
22 the name of the holder of such certificate by a proper suit in
23 equity in any court having proper jurisdiction to enforce such
24 liens, and council shall fix the amount of such assessments and
25 do all things in connection therewith necessary to make them
26 valid and do all other things in connection therewith as is
27 provided for paving or improving streets and alleys and such
28 certificates shall be issued one for each abutting lot or portion
29 thereof payable six months from the date of the completion and
30 acceptance of the work and shall be a lien in the hands of the
31 holder thereof upon the particular lot against which they are
32 assessed in the same way and manner that assessments for street
33 paving are liens under the other provisions of the aforesaid act
34 creating and amending the charter of the City of Charleston;
35 *providing, however,* that council shall not order any but con-
36 crete sidewalks; and, *provided, further,* that council shall not
37 advertise for bids for any one letting of less than five thousand
38 square feet; and, *further provided,* that council shall not re-
39 ceive any bids or let any sidewalk contract between the first day
40 of October and the first day of March of any year. Nothing in
41 this section shall be so construed as to prevent any abutting
42 lot owner from having his own sidewalk put in if done before
43 the advertising hereinbefore mentioned and provided same is
44 done according to the lines, grades and specifications of the city
45 engineer, for which no charge shall be made. The total cost of
46 constructing, laying, relaying, or otherwise permanently improv-
47 ing any sidewalk or walks shall be borne by the owners of the
48 land abutting upon said sidewalk or sidewalks according to the
49 following plan, that is to say, payment is to be made according
50 to the proportion of square feet in front of any lot or portion
51 thereof bears to the whole letting. The contract for sidewalks
52 referred to in this section does not necessarily have to be one
53 continuous sidewalk, but the five thousand square feet required
54 for a letting as aforesaid may be made up of or composed of
55 any number of sidewalks in any parts of the city.

Sec. 93 (a). The county assessor shall furnish transcript or
2 real and personal property on or about the tenth day of Sep-
3 tember of each year and his fee for same shall be not less than
4 four hundred nor more than one thousand dollars for such
5 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-

5 lature of one thousand nine hundred and eleven. The council
6 of the City of Charleston shall provide a reasonable salary not
7 to exceed twelve hundred dollars therefor and do all of the
8 things required by the council under the provisions of said
9 chapter eighteen of the acts of the legislature of one thousand
10 nine hundred and eleven and any amendments thereto.

Sec. 98. The city council shall cause any contract for the
2 codifying and indexing of all the ordinances of the city to be
3 fully completed, and such ordinances shall include all in force
4 and effect up to the last day possible. Before such work is ac-
5 cepted by the council, it shall be completed in every respect and
6 the council shall then cause it to be properly printed and se-
7 curely bound in a permanent book. The council may by ordi-
8 nance adopt the code to be prepared as a whole and when said
9 ordinance adopting said code shall have been passed by the
10 council, the said code shall be and become the law and ordi-
11 nances of said city up to such time according to the tenor and
12 effect thereof, and when printed in a book, the same shall be
13 received as evidence as the ordinances of said city, unless errors
14 or omissions be affirmatively shown therein, and no other pub-
15 lication thereof shall be made or required under the charter,
16 and the council shall cause all the ordinances of said city, either
17 by printing a supplement thereof, to be brought up to date
18 within a reasonable time after the printing of such ordinances,
19 and in any event such supplement shall be printed, or, if neces-
20 sary, a new copy of the ordinances shall be printed within every
21 four years, and the council shall cause a sufficient number of
22 said books of the ordinances to be printed and to sell such
23 number thereof as it may do so at such price as may be reason-
24 able, and the number of books printed shall be fixed by the
25 council.

Sec. 99. It shall be the duty of the City of Charleston to
2 provide suitable and proper places for the burial of the dead,
3 which places may be in or out of the corporate limits of the said
4 city. The city shall cause such places to be laid off into cem-
5 etery lots in a reasonable and proper way and shall sell said lots
6 for a reasonable price, but it may take into consideration the
7 location of each of such lots in fixing the prices thereof. The
8 city council shall have all the powers and rights of condemnation
9 of any real estate that it may wish for such purpose in the
10 manner provided by law, and it may acquire by means of con-

11. demnation any real estate which has already been laid out as
12 a cemetery by any person, association or corporation.

13 No burials of the bodies of deceased persons shall hereafter
14 be permitted within the incorporated limits of the City of
15 Charleston or within the space of one mile of such incorporated
16 limits without the permission of said city shall be first had and
17 obtained, and the City of Charleston, through its proper author-
18 ities, shall have power to pass all proper ordinances providing
19 suitable penalties to carry out the powers here given said city.

20 No moneys received from the sale of lots in any cemetery so
21 owned, or hereafter owned, by said city shall be used for any
22 other purpose than the proper care and preparation of the
23 ground, upkeep and expenses of said cemetery, the roads and
24 ways to and through the same and for the purchase of addi-
25 tional property for cemetery purposes.

Sec. 100. The building inspector shall be a competent per-
2 son for the duties of his office and shall devote all his time to
3 city work. He shall not be engaged or interested in the building
4 business in any way or manner. The council shall by ordinance
5 fix a proper salary for him. He shall see that the ordinances
6 of the city and laws of the state concerning buildings are en-
7 forced and perform such other duties as the manager or council
8 may direct.

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

Sec. 102. For the purpose of promoting health, safety,
2 morals, or the general welfare of the city and community, the
3 council is hereby empowered to regulate and restrict the height,
4 number of stories, and size of buildings and other structures,
5 the percentage of lot that may be occupied, the size of yards,
6 courts and other open spaces, the density of population, and
7 the location and use of buildings, structures and land for trade,
8 industry, residents or other purposes. *Provided, however, that*
9 any ordinance or by-laws enacted under the authority of this
10 act shall exempt from the operation thereof any building or

11 structure used or to be used by a public service corporation
12 (not otherwise exempted) as to which proof shall be presented
13 to the council of the City of Charleston provided for in this act,
14 that the exemption of such building or structure is reasonably
15 necessary to the convenience or welfare of the public.

Sec. 102-a. For any or all of said purposes the council may
2 divide the city into districts of such number, shape and area
3 as may be deemed best suited to carry out the purpose of this
4 and the four succeeding sections, and within such districts it
5 may regulate and restrict the erection, construction, alteration,
6 repair or use of buildings, structures, or land. All such regula-
7 tions shall be uniform for each class or kind of buildings
8 throughout each district, but the regulations in one district may
9 differ from those in other districts.

Sec. 102-b. 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 provide
5 adequate light and air; to prevent the overcrowding of land;
6 to avoid undue concentration of population; or to facilitate the
7 adequate provision of transportation, water, sewage, schools,
8 parks, and other public requirements. Such regulations shall
9 be made with reasonable consideration, among other things, to
10 the character of the district and its peculiar suitability for par-
11 ticular uses, and with a view to conserving the value of build-
12 ings and encouraging the most appropriate use of land through-
13 out the city.

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

Sec. 102-d. 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 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, 1920; in effect from Passage. Approved by the Governor.]

<p>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.</p>	<p>SEC. 7. Chief of police; appointment, qualifications and term of of- fice. 8. Mayor and recorder; term of office. 9. Common council, term of of- fice; mayor and recorder, term of office.</p>
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SEC. 10.	Elective officers; beginning of term.	SEC. 29.	levy and collection of taxes; total indebtedness; provision as to franchises.
11.	Ward precincts; voter to vote in ward where he resides.	30.	Powers of council as to wharves, etc.
11. (a)	Nominating conventions; provisions concerning.	30. (a)	Municipal electric light plant.
12.	Qualification of voters.	31.	Right of eminent domain; organization of fire companies.
13.	Elections; how held and result returned.	31. (a)	Employment of counsel by council.
14.	Tie vote decided by council.	32.	Street labor by male residents.
15.	Contested elections determined by council.	33.	Duties of council as to the poor; exemption of county poor taxes.
16.	Vacancies in elective or appointive office; how filled.	34.	Board of health; number, qualification and powers.
16. (a)	Removal of officers for cause; removal of certain appointive officers at will.	35.	Grading, etc., of streets upon petition; how cost of paid; paving by street car or other railroad company; provisions concerning certificates for assessment for paving; lien of assessments.
17.	Power of chief of police to collect taxes; appointment of other officers by council; appointment of policemen by mayor; appointment, power and bond of officers elected or appointed by council; how removed; chief of police, power as to arrests and collection of taxes and licenses.	36.	Duties of recorder as <i>ex-officio</i> assessor; duties of council as to recorder's assessment book.
18.	Bond and oath of officers.	37.	Lien for taxes, how enforced.
19.	Vacancies in office; how filled.	38.	Duties of chief of police as <i>ex-officio</i> tax collector; bond.
20.	Powers and duties of mayor; appeals from decision.	39.	Council to prescribe form of licenses.
21.	Duties of recorder.	40.	State license law to be applicable to town; licenses for dogs.
22.	Form of council.	41.	Chief of police to preserve order.
23.	Minute books of council.	42.	Duties of mayor as <i>ex-officio</i> street commissioner.
24.	Reading of minutes; ayes and noes.	43.	Council to pass all proper ordinances to give effect to act; present officers to continue until end of term; general laws, not inconsistent herewith, to govern; present ordinances, rights, etc., to continue in force.
25.	Mayor to have deciding vote in case of tie.		
26.	Meetings of council; notice of special meeting.		
27.	Disbursement of town's money.		
28.	Bond of recorder as <i>ex-officio</i> treasurer and assessor.		
29.	Powers of council; enforcement of ordinances; licenses;		

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 be impleaded, 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 thirty minutes west nine hundred and twelve
20 feet to a fence post; thence south forty-eight degrees twenty-
21 five minutes west eight hundred and twenty-four feet to a fence
22 post; thence north sixteen degrees west three hundred feet to a
23 stake; thence south seventy-one degrees thirty minutes west
24 eighty-four feet to a stake; thence south sixty-six degrees thirty
25 minutes west one thousand seven hundred and nineteen feet to
26 a stake; thence south sixty-six degrees thirty minutes west five
27 hundred and eighteen feet to a stake; thence south sixty-two
28 degrees fifteen minutes west five hundred and fifty feet to a
29 stake; thence south fifty-four degrees fifteen minutes west three
30 hundred and eighty-two feet to a stake; thence south fifty-five
31 degrees west ninety feet to a stake; thence south sixty-one de-
32 grees thirty minutes west four hundred and fifteen feet to a
33 stake; thence south sevnty degrees thirty minutes west one
34 hundred and eighty-five feet to a stake; thence south sixty-one
35 degrees west four hundred and two feet to a stake; thence south
36 sixty-six degrees ten minutes west four hundred and twenty-five
37 feet to a stake; thence north twenty-seven degrees fifteen min-
38 utes west four hundred and fifty-one feet to a stake at low water
39 mark of the Ohio river and thence running with said river
40 to the place of beginning by the following courses and distances,
41 to-wit: north forty-three degrees east one hundred and ninety-
42 nine feet; north thirty-five degrees east six hundred and fifty-
43 three feet; north thirty-six degrees forty-five minutes east seven
44 hundrd and sixty-six feet; north thirty-six degrees forty-five

45 minutes east three hundred and six feet; north thirty-nine de-
46 grees thirty minutes east two hundred and nine feet; north
47 thirty-two degrees fifteen minutes east five hundred and twenty-
48 nine feet; north thirty-two degrees east three hundred and seven-
49 teen feet; north twenty-six degrees east eighty-one feet; north
50 eighteen degrees forty-five minutes east one hundred and thirty-
51 two feet; north thirty-two degrees fifteen minutes east ninety-
52 six feet; north thirty-eight degrees fifteen minutes east one
53 hundred and thirty-five feet; north thirty-six degrees east one
54 hundred and twenty-four feet; north thirty-two degrees thirty
55 minutes east one hundred and forty-seven feet; north forty de-
56 grees fifteen minutes east one hundred and thirty-six feet;
57 north thirty-eight degrees ten minutes east two hundred and
58 fourteen feet; north forty-eight degrees twenty minutes east
59 two hundred and sixty feet; north forty-three degrees thirty
60 minutes east one thousand and one feet; north forty-four de-
61 grees fifteen minutes east one hundred and twenty-five feet;
62 north forty-six degrees fifteen minutes east one hundred and
63 ninety-nine feet; north forty-seven degrees east eight hundred
64 and ninety-one feet; north fifty-three degrees east two hundred
65 and seventy-four feet; north sixty-two degrees east fifty-one
66 minutes east one hundred and sixty-two feet; north sixty-six
67 degrees forty-five minutes east one hundred and eighty-eight
68 feet; north eighty-one degrees east two hundred and eleven
69 feet; north eighty-one degrees east six hundred and sixty-five
70 feet; thence north seventy-three degrees fifteen minutes east
71 three hundred and thirty-six feet; north seventy-seven degrees
72 east one thousand two hundred and sixty-eight feet; north
73 sixty-five degrees forty-five minutes east five hundred and fifty
74 feet to the beginning.

Sec. 3. As soon as convenient after the passage of this act
2 the council in being of said town shall divide the territory of
3 said town into wards, the number of which shall be determined
4 by the council, but there shall not be less than three wards,
5 which said wards shall be as nearly equal in population as
6 possible and each shall consist of compact territory and have
7 a population of not less than five hundred people; the number
8 and limits of which said wards shall remain until otherwise
9 changed by the common council of said town, and a record and
10 map of said wards shall be entered upon the journal of the com-
11 mon council of the said town and preserved. No change shall

12 be made in the number or the limits of said wards within six
13 months previous to any regular election to be held for the elec-
14 tion of town officers.

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

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

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

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

Sec. 8. The mayor and recorder of said town shall be elected
2 for a period of two years and each shall hold office until his suc-
3 cessor is elected and qualified; *provided, however*, that the
4 present mayor shall hold office until the first day of February,
5 one thousand nine hundred and thirty, and until his successor
6 is elected and qualified, and the present recorder shall hold
7 office until the first day of February, one thousand nine hun-
8 dred and thirty, and until his successor is elected and qualified.

Sec. 9. The present members of the common council who
2 were elected on the first Thursday after the first Tuesday in
3 January, one thousand nine hundred and twenty-nine, shall
4 hold office for the one year term for which they were elected.

5 On the first Thursday after the first Tuesday in January, in
6 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-

5 fied, returned and finally determined under the laws in force
6 in this state relating to general elections on the first day of
7 January, one thousand nine hundred and twenty-nine. The
8 corporate authorities of said town shall perform the duties in
9 relation to such election, required by general laws of county
10 courts and officers, in force on the first day of January, one
11 thousand nine hundred and twenty-nine, concerning elections
12 by the people and such laws shall govern such elections and be
13 applicable thereto, and the penalties therein prescribed for
14 offenders at such election and such laws shall have the same
15 force and effect as if they were especially applicable to cor-
16 porate elections.

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

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

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

Sec. 16-a. Any member of the council and any city official
2 either elected or appointed for a definite term may be removed
3 from his or her office by the common council for any of the fol-
4 lowing causes: Official misconduct, incompetence, habitual
5 drunkenness, neglect of duty or gross immorality. Such re-
6 moval shall not be made except upon charges regularly filed
7 and acted upon as follows: Charges against any such officer
8 shall be reduced to writing and entered of record by the com-
9 mon council and a summons shall thereupon be issued contain-
10 ing a copy of the charges and requiring the officer named
11 therein to appear and answer the same on a day to be named

12 therein, which summons may be served in the same manner as
13 a summons commencing an action may be served, and the serv-
14 ice must be made at least five days before the return day thereof,
15 and upon proper hearing it shall require the vote of at least
16 five members of said common council to remove any such
17 official.

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

Sec. 17. The chief of police, as *ex-officio* tax collector, shall
2 have power to collect all taxes levied and assessed by the com-
3 mon council of said town and all other assessments and money
4 due the said town, and for that purpose shall have the power
5 to distrain and sell property for the enforcement of such pay-
6 ment. The common council shall also have authority to pro-
7 vide by ordinance for the appointment of such other officers as
8 shall be necessary and proper to carry into full force any
9 authority, power or jurisdiction which is or shall be vested in
10 the said town or in the common council or mayor or any officer
11 or body of officers thereof, and to grant to such officers so ap-
12 pointed the power necessary or proper for the purpose above
13 mentioned. And said mayor shall have power, also, to appoint
14 policemen whenever the necessities of public safety of the people
15 of said town in their judgment shall require it, who shall be
16 under the direction and supervision of the chief of police and
17 of the said mayor; the said common council shall by ordinance
18 define the duties of all officers so elected or appointed as afore-
19 said and allow them a reasonable compensation; and shall re-
20 quire and take from all those whose duty it is to receive its
21 funds, assets or property, or have charge of the same, such
22 bonds, obligations and other writings, as they shall deem neces-
23 sary or proper to insure the faithful performance of their said
24 duties. All officers appointed or elected by the common council,
25 except the chief of police who shall only be removed for cause,
26 shall hold their office or appointment during the will and
27 pleasure of the said common council, but no appointee shall
28 hold beyond the current year for which he shall have been ap-
29 pointed without a new election by the said common council.
30 The said chief of police shall have all powers, rights and privi-
31 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 fore 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

9 corporate limits of the said town. Any warrant or other process
10 issued by him may be executed at any place in the counties of
11 Tyler and Wetzel. He shall have control of the police in the
12 town and may suspend any policeman, except the chief of police,
13 for cause, and may appoint special police officers whenever he
14 deems it necessary; and it shall be his duty to especially see
15 that the peace and good order of the town are preserved, and
16 the persons and property therein protected, and to this end he
17 may cause the arrest and detention of all riotous and disorderly
18 persons in the town before issuing his warrant therefor. He
19 shall have the power to issue executions for all fines, penalties
20 and costs imposed by him, or he may require the immediate
21 payment thereof, and in default of such payment thereof, he
22 may commit the offending party to the jail of Wetzel or Tyler
23 counties or other place of imprisonment in said corporation
24 until the fine or penalty and costs shall be paid, but the term
25 of imprisonment in such cases shall not exceed sixty days. In
26 all cases where a person is sentenced to prison or to the pay-
27 ment of a fine of ten dollars or more (and in no case shall a
28 judgment for fine less than ten dollars be ordered by the mayor
29 if the defendant or his agent, or attorney object thereto), such
30 person shall be allowed an appeal from such decision to the
31 circuit court of the county in which said offense was committed,
32 and upon the execution of an appeal bond and a surety bond
33 deemed sufficient by the mayor in a penalty of at least double
34 the amount of the fine and costs imposed by the mayor, with
35 condition that the person purporting to appeal will perform
36 and satisfy any judgment which may be rendered against him
37 by the circuit court on such appeal. If such appeal be taken
38 the warrant of arrest, if any, the transcript of the judgment,
39 the appeal bond and other papers of the case, shall be forthwith
40 delivered by the mayor to the clerk of said court, and the court
41 shall proceed to try the case as upon indictment or presentment
42 and render such judgment, including that of costs, as the law
43 and the evidence may require, but no judgment shall be rend-
44 ered against said town for costs on such appeal. The mayor
45 may from time to time recommend to the common council such
46 measures and ordinances as he may deem needful for the wel-
47 fare of the town. The expense of maintaining any person com-
48 mitted to the jail of the county by him, except it be to answer
49 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 cilmen. 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 thereover, to protect the same from damage or other injury by
13 persons or property, to fix fines and punishments for any in-

14 jury thereto in violation of any of the orders of said common
15 council, and to maintain good order and prevent violations of
16 the ordinances of said city therein and thereon; to establish
17 and regulate markets, prescribe the time of holding the same,
18 provide suitable and convenient buildings therefor, and pre-
19 vent the forestalling of such markets; to prevent injury or
20 annoyance to the public or to individuals from anything dan-
21 gerous, offensive, or unwholesome; to regulate or prohibit street
22 carnivals, or street fairs, or street parades, advertising exhibi-
23 tions or other exhibitions on the streets and highways of said
24 town or exhibition of wares, merchandise, material, or arti-
25 ficial curiosities on any street, sidewalk, alley or public place
26 of said town; to regulate or prohibit the ringing of bells, blow-
27 ing of steam whistles, or use of hand organs, or other instru-
28 ments of annoyance, or other music of itinerant performers in
29 the streets, or public speaking or preaching in the streets, roads,
30 parks, or public places of the municipality; to license, regulate
31 or prohibit auctioneering; to license, regulate or prohibit the
32 sale of goods, wares, merchandise, drugs, or medicine on the
33 streets or in other public places; to regulate the time and place
34 and manner of bathing in swimming pools, driving of cattle
35 through, upon and along the streets and alleys of said town;
36 to arrest, convict and punish any person for gambling or keep-
37 ing any gaming table, commonly called "Faro Bank," or table
38 and chips used in playing such games, crap, crap table, chips
39 or dice used in playing such games, or roulette or the wheel,
40 chips or other equipment used in playing such game, or keno
41 table or table of like kind or device used in playing the same,
42 or table of like kind under any denomination, whether the game
43 or games be played with cards, dice or otherwise on which any-
44 thing is bet or wagered, whether the same be played in any
45 public or private room or residence, and may convict and pun-
46 ish any person who shall be a partner or concerned in interest
47 in the keeping of any such gambling devices heretofore enu-
48 merated, or in any game played, such as prohibited hereby, or
49 in keeping or maintaining any gambling house or place of
50 gambling for money or anything of value, and shall have the
51 right to destroy such gambling paraphernalia as may be found
52 on any such premises, and any officer armed with a warrant
53 for the arrest of any person engaged in such unlawful game or
54 for the search of any room in which gambling is suspected, or

55 for the seizure of any gambling paraphernalia, shall have the
56 right to break into any building, other than a private dwelling
57 house, without notice or demand, and into a private dwelling or
58 room, after demand and refusal to open same, *provided, always*
59 *however*, that no search or seizure shall be made except in the
60 manner provided by general law; to regulate or prohibit the
61 placing of signs and the use of walls or walks for signs; to
62 regulate or prevent the distribution or posting of any sign or
63 bill, either on paper or painted, that, in the opinion of the com-
64 mon council or mayor, is indecent, immoral or unsightly; to
65 regulate or prohibit the distribution of hand bills, circulars and
66 other advertisements of like kind, on the streets, roads, alleys
67 and public places, or the placing of same in private yards,
68 buildings or other structures, without having first procured the
69 consent of the owner or occupier of such property; to prevent
70 and prohibit the use of indecent or profane language within the
71 corporate limits, and to provide and fix punishment therefor;
72 to prevent and prohibit any tumult, riot, quarrel, angry con-
73 tention, or abusive language, and to prevent the use of insult-
74 ing epithets, assaults, assault and battery, and fix fines and
75 punishments therefor; to arrest, convict and punish any person
76 for cruelty, unnecessarily or needlessly beating, torturing, muti-
77 lating, killing, or overloading, or overdriving, or wilfully de-
78 priving of necessary sustenance, any horse or other domestic
79 animal; to prohibit or regulate slaughter houses, tan houses,
80 and factories within the corporate limits; and to prohibit the
81 exercise of any offensive business, trade or employment; to abate
82 all nuisances within the corporate limits, and to require or com-
83 pel the abatement or removal thereof, at the expense of the
84 person causing the same, or by or at the expense of the owner
85 of the ground at the place they are found; to cause to be filled
86 up, raised or drained by or at the expense of the owner, any
87 city lot or tract of land covered or subject to be covered by
88 stagnant water; to prevent horses, hogs, cattle, sheep and other
89 animals and fowls of all kinds from going or being at large in
90 said town, and as a means of prevention, said common council
91 may provide for impounding and confining said animals and
92 fowls, and upon the failure to reclaim, for the sale thereof; to
93 protect places of divine worship and preserve order in and
94 about the premises where and when such worship is held; to
95 protect places of public instruction, schools and high schools,

.96 and to preserve order in and about all school buildings there-
.97 in; to regulate the keeping of gun powder and other dangerous
.98 explosives and substances; and to regulate or prohibit the use
.99 of fire-crackers, sky-rockets, toy pistols, air rifles or guns, within
100 the said municipality; to apprehend and punish any person
101 who, without a state license therefor, is guilty of carrying
102 about his person, within the municipality, any revolver or other
103 pistol, dirk, bowie knife, sling shot, razor, billy, metallic or
104 false knuckle, or any other dangerous or deadly weapons of
105 like kind and character, as provided by chapter fifty-one of
106 the acts of the legislature of one thousand nine hundred and
107 nine, or any amendment thereof, and the punishment therefor,
108 whether for the first or other offenses, shall be that now or
109 hereafter prescribed by said chapter for any such person
110 guilty under the misdemeanor clause provided therein; to
111 regulate the building of houses and other structures; for the
112 maintaining and making of division fences by the owners of
113 adjacent premises; and for the proper drainage of town lots
114 and other parcels of land by or at the expense of the owner
115 or occupant thereof, when such drainage shall be deemed
116 necessary for the protection of the public health; to provide
117 against danger or damage by fire; to prohibit the keeping of
118 or loitering in or visiting houses of illfame, or loitering upon
119 the streets of said town; to prevent lewd or lascivious con-
120 duct, the sale or exhibition of indecent pictures or other repre-
121 sentations; the desecration of the Sabbath day; to prevent
122 swearing; the illegal sale of intoxicating liquors, mixtures and
123 preparations, porter, beer, ale, wine or other drinks of like
124 nature; to protect the persons of those residing or being
125 within said town; to prevent the illegal sale of tobacco, cigars,
126-129 snuff, or cigarettes, within said municipality, and to
130 fix fines and punishments for violations thereof; to re-
131 strain all felons and persons guilty of offenses against this
132 state or the United States, and deliver them over to the author-
133 ities or court having jurisdiction of the offense whereof such
134 persons are accused; to appoint when necessary or advisable a
135 police force, permanent or temporary, to assist the chief of
136 police in the discharge of his duties; to build or purchase or
137 lease and use a suitable place of imprisonment within said
138 town for the safe keeping or punishment of persons charged
139 with or convicted of the violation of ordinances; to erect,

140 maintain, authorize or prohibit gas or water works within the
141 corporate limits; to prevent injury of such works, or the pollu-
142 tion of any water used or intended to be used by the
143 public or individuals; to provide for and regulate the meas-
144 uring and weighing of hay, coal, lumber or other articles sold
145 or kept or offered for sale within said town, and to establish
146 rates and charges for said weighing or measuring; to limit the
147 speed, size and weight of vehicles upon the streets, alleys, and
148 other public thoroughfares within its limits as are not des-
148-a igned by the state road commission as connecting parts of
148-b the state road system, and to regulate the parking of vehicles
148-c upon any designated streets, alleys and other public thorough-
148-d fares within its limits, and to regulate the progress of traffic
148-e at street intersections, in congested districts thereof; to
149 create by ordinance such committees and boards, and delegate
150 such authority thereto as may be deemed necessary or advisable;
151 to provide for the annual assessment of the taxable property
152 therein, including dogs, kept in said town, and to regulate their
153 running at large; to provide a revenue for the town for muni-
154 cipal purposes and to appropriate such revenue to its expenses
155 and to take such measures as may be deemed necessary or ad-
156 visable to protect the property, public and private, within said
157 town; to preserve and maintain peace, quiet and good order
158 therein, and to preserve and promote the health, safety and
159 well being of the inhabitants thereof.

160 The said common council shall have authority to pass all
161 ordinances which shall be necessary or proper to carry into
162 full effect and force, the authority and jurisdiction which is or
163 shall be granted or vested in said town, or in the common coun-
164 cil thereof, or in any officer, or body of officers of said town,
165 and to enforce any and all ordinances by reasonable fines and
166 penalties and by imprisonment, and upon failure to pay any
167 such fine or penalty imposed, by compelling defaulting party
168 to labor without compensation on any of the public works or
169 improvements undertaken or to be undertaken by said town,
170 or to labor at any work which the said town may lawfully
171 employ labor upon, at such rate *per diem* as the common
172 council may fix, but not at a less rate than is fixed by said
173 common council for like labor from other employees of the
174 town, until all fines imposed upon such offenders have been
175 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

255 same time providing for the collection of a direct annual tax
256 sufficient to pay annually the interest on such debt and the
257 principal thereon within and not exceeding thirty-four years;
258 *provided*, that no debt shall be contracted under this charter
259 unless all questions connected with the same shall have been
260 first submitted to a vote of the people and have received three-
261 fifths of all the votes cast for and against the same. Said
262 common council shall not grant any franchise to any person,
263 or corporation, within said town limits which shall be
264-266 either exclusive or perpetual, and no franchise involving
267 the use or occupancy of the same, shall be granted except by
268 an ordinance to that effect; and no such ordinance shall be
269 passed unless the question of the granting of such franchise
270 shall have been first submitted to a vote of the people, and
271 shall have and receive a majority of all the votes cast upon the
272 question; *provided*, such submission shall have been petitioned
273 for by at least one-tenth of the qualified voters of said town,
274 to be ascertained according to the number of votes cast at the
275 last preceding election.

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

Sec. 30-a. The common council shall have the right to acquire,
2 erect, construct, maintain, operate and control any electric
3 light or generating plant within said town, or to provide for, or
4 to purchase electric power and to use, generate, distribute, sell
5 and control electricity for light and power, and to furnish elec-
6 tricity for the streets, dwellings, buildings, stores and other
7 places in and about said town, and for such electricity other
8 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

11 properly warned so to do; and in case any person liable to per-
12 form such labor shall fail to do so for ten days after having been
13 properly and legally notified to that effect, the said recorder of
14 the said town, upon a return of that fact to him by the chief of
15 police, shall make out and sign a tax bill, stating the amount for
16 which such individual is delinquent, and shall place the same in
17 the hands of said chief of police, who shall have the same power
18 in relation thereto, to levy, distrain and sell the property for the
19 collection of such bill as he has under this charter or any by-law
20 in regard to the collection of taxes of said town.

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

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

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

16 thirds shall be assessed against the abutting property owners
17 in proportion to the frontage of the lots or land abutting on
18 both sides of the street or alley.

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

42 The town council may issue certificates for the amount of
43 said assessments against abutting property owners which may
44 be sold to the contractor doing the work, or other person, in
45 full of the total cost of said work; *provided,* the city in nego-
46 tiating and selling such certificates shall not be held a guarantor
47 or in any manner liable for payment thereof, except upon the
48 direct action of the common council as expressed by resolution
49 of record before such sale. Said certificates shall be payable
50 serially in ten years from date with interest not exceeding six
51 *per cent per annum.* If the said certificates remain unpaid
52 for more than sixty days after they become due and payable,
53 it shall be the duty of the recorder upon being requested so to
54 do by the owner of said certificates to certify said assessments
55 to the clerk of the county court of the county in which the
56 property involved is located, who shall record and index the

57 same as other liens of like kind are recorded and indexed, and
58 the same shall be and remain a lien upon the real estate against
59 which said assessments are made; and, said assessments shall,
60 in addition, be the personal obligation or debt of the owner or
61 occupant of said property; and said lien and said debt or obli-
62 gation may be enforced in the name of the owner of said certifi-
63 cates in like manner as other liens and debts are enforced.

64 The lien created by such assessments may be released upon
65 presentation to the clerk of the county court of all the bonds or
66 certificates issued thereunder, as to any specific real estate
67 therein described or located, showing that the same have all
68 been paid, and such clerk is hereby empowered to release the
69 lien of such assessment as to any such real estate by noting a
70 release thereof on the record of the lien as to such real estate
71 on the margin of the deed of trust book where the same is
72 recorded and such annotation by such clerk shall have the
73 effect to release such real estate from such lien as effectively as
74 a regularly executed and recorded release thereof. The pro-
75 ceeds from the sale of such bonds or certificates of indebtedness
76 shall be applied to the payment of the indebtedness incurred in
77 making the improvements on account of which such bonds or
78 certificates of indebtedness were issued.

Sec. 36. It shall be the duty of the recorder of said town, as
2 *ex-officio* assessor, to make an assessment of the property within
3 said town, subject to taxation, substantially in the manner
4 and form in which assessments are made by the assessor of
5 the county, and to return the same to the common council on
6 or before the first day of May of each year, and for this
7 purpose he shall have all power conferred by law on the county
8 assessor. He shall list the number of dogs in town and the
9 names of the persons owning the same, which list shall be
10 returned to the common council. In order to aid said common
11 council in ascertaining the property of persons subject to tax-
12 ation by said town, the recorder of the same shall have access
13 to all the books and public records of Wetzel and Tyler coun-
14 ties without expense to said town or recorder, and he shall also
15 have the same power, and be subject to the same penalties, in
16 ascertaining and assessing the property and subjects of taxation
17 in said town, as are granted and imposed upon the county
18 assessors by general law; and the common council shall also
19 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

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

12 shall apply to and govern the Town of Paden City. All by-
13 laws, ordinances and resolutions lawfully passed and in force
14 in the Town of Paden City under its former organization, and
15 not inconsistent with this act shall remain in force throughout
16 the Town of Paden City until altered or repealed by the com-
17 mon council of the said Town of Paden City. All rights and
18 property heretofore vested in said Town of Paden City are
19 continued in its title and no right or liability, either in favor
20 of or against the said Town of Paden City at the time this act
21 takes effect, and no suit or prosecution of any kind, shall be
22 effected by such change, unless otherwise provided for by this
23 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 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 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.]

SEC.		SEC.	
3.	Number of wards; how changed.	12.	Duties of officers appointed by council; county health officer as city health officer; may contract with sheriff to collect city taxes.
5.	Provisions for first election under this act; council to appoint registrars; eligibility and duties of registrar.	13.	Duties and powers of manager-mayor.
6.	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.	17.	Apportionment of representation in council; filling of vacancies.
8.	Chairman <i>pro tempore</i> of council; how vacancies in council filled.	18.	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.
9.	Compensation of councilmen; salary of manager mayor; no extra compensation after services performed.	19.	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.
11.	Council judge of election of own members; power of manager mayor as to ordinances.		

SEC. 50.	Right of eminent domain; special levies for parks, etc.; Wheeling park commission, number and duties; special park levy.	SEC. 23. (a)	Powers and duties of traffic commission.
		76.	Levies by council: inconsistent ordinances and acts repealed.

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-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 parking 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 nor more than fourteen wards. Until otherwise changed by ordinance, they shall have the names and the boundaries of the twelve ward divisions of the city existing at the time this amendment to the charter takes effect. Changes in the number and boundaries of the wards may be made by council, by ordinance, from time to time, but in making any such changes regard must be had to the compactness of territory and to an equalizing of the number of inhabitants of the several wards.

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

The city council at its regular meeting held on the first Tuesday in April next before every election for the offices of manager-mayor and councilmen shall appoint for each voting precinct in the city two competent persons as registrars one each from the two political parties which at the last preceding state and county election cast the highest number of votes in the county of Ohio but the city executive committee of such political parties may present to the council a writing signed by the chairman of the committee of each party requesting the ap-

25 pointment of a qualified voter of his political party, as regis-
26 trar, with his city address, for each precinct in the city and
27 the council shall appoint the person named in such writing as
28 such registrar. No person shall be eligible to appointment as
29 a registrar, or in any way act as such, who has been convicted
30 of a felony, or who holds any elective or appointive office or
31 is an employee under the laws of the City of Wheeling, county
32 of Ohio, state of West Virginia or of the United States or who
33 is not a qualified voter in the precinct for which he is ap-
34 pointed, or who can not read and write the English language.
35 If such registrar shall fail or refuse to serve, the vacancy shall
36 be filled either by the city council, or the manager-mayor of
37 the city in vacation, in the manner hereinbefore provided for
38 the appointment of registrars, and the city clerk shall notify
39 all such persons of their appointment as registrars. Said reg-
40 istrars shall before entering upon the discharge of their duties
41 take an oath to support the constitution of the United States,
42 the constitution of West Virginia, and to perform the duties
43 of their office to the best of their ability and that they are legal
44 members of the party for which they are, respectively ap-
45 pointed. The said oath shall be filed in the office of the city
46 clerk. The city clerk shall cause to be prepared suitable books
47 and blanks for the registration of the voters and such books
48 shall be so arranged as required by law for the registration of
49 voters for general elections held in the state of West Vir-
50 ginia and all the provisions, duties and obligations as set forth
51 in the election laws of West Virginia shall apply to the regis-
52 tration of voters hereunder, except as herein otherwise set out
53 and the city clerk shall perform the duties required of the
54 county clerk.

55 As soon as possible after their appointment the registrars
56 shall proceed to register the names of all the qualified voters
57 in their respective precincts and shall complete said registra-
58 tion on or before the third Thursday in April preceding said
59 said election, and, for the purpose of amending, correcting and
60 completing said registration, shall sit together at some con-
61 venient place within the voting precinct for two days, com-
62 mencing the fourth Thursday in April preceding said election
63 from nine o'clock A. M. to one o'clock P. M. and from two
64 o'clock P. M. to nine o'clock P. M., and shall give notice of the
65 time and place of their sitting for such registration and correc-
66 tion by posting written or printed notices of the time and place

67 of such sitting for five days prior thereto at not less than three
68 of the most conspicuous places in said voting precinct, one of
69 which shall be at the place of voting in said precinct. At the
70 time of said sitting the books of registration shall be open for
71 public inspection, and the said registrars, in the manner here-
72 inbefore provided shall register all qualified voters who have
73 not theretofore been so registered by them and complete and
74 finish their registration of the voters within their said precinct
75 and make out two alphabetical lists of the registered voters
76 within said precinct entitled to vote at the ensuing election
77 as registered by them and shall sign and return the same to
78 the city clerk on or before the first Thursday in May preceding
79 said election; each of the said registrars shall receive the same
80 compensation as may be provided by the laws of West Virginia
81 for the performance of similar duties in state and county elec-
82 tions. The registration books shall be sent to the polling place
83 along with the ballots and no person who is not duly registered
84 thereon shall be allowed to vote at said election.

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

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.

9 Within ten days after any such act or ordinance has been sub-
10 mitted to him the manager-mayor shall either approve or disap-
11 prove the same and should the said mayor-manager refuse to
12 sign such act or ordinance the city council may at the next two
13 regular meetings repass same by a two-thirds vote of the mem-
14 bers present. Should the manager-mayor fail to either approve
15 or disapprove said act or ordinance within ten days after it has
16 been submitted to him, the same shall be effective without his
17 approval and signature.

Sec. 12. The council shall appoint the following named offi-
2 cers of the city, to-wit: a clerk, who shall be known as city
3 clerk, who shall keep all records of the meetings of the city
4 council and perform such other duties as may be required by
5 this charter or the council; a city solicitor, who shall perform
6 such duties as are prescribed in this charter or as the city coun-
7 cil by ordinance shall prescribe; a judge of police court, a chief
8 of police, a chief of fire department, and such commissioners of
9 municipal loans and bond issues as may be required by law of
10 the state or city ordinances, and a city health officer. All ap-
11 pointees of council shall hold office at the pleasure of the council
12 and receive such compensation therefor as council may deter-
13 mine, excepting that the city health officer shall serve for a term
14 of four years.

15 Council may, by contract with the board of commissioners of
16 Ohio county, provide that the same person may be appointed
17 to the office of city health officer and act as such city health
18 officer and also be appointed or selected by the board of com-
19 missioners of Ohio county as county health officer, during the
20 same period of time, and perform similar duties for the city of
21 Wheeling, and the county of Ohio, and council may contract
22 with said board of commissioners of Ohio county whereby said
23 board and said City of Wheeling shall agree upon the amount
24 of compensation to be paid said joint health officer and the part
25 of the compensation of any such health officer so appointed to
26 fill both offices, to be paid by each the City of Wheeling and
27 the board of commissioners; and council may likewise contract
28 with said board for a division of the expenses of any joint city
29 and county health officer if the same person shall be selected to
30 fill the office of both city health officer and county health of-
31 ficer and a joint health office maintained.

32 Council shall have authority to contract, by ordinance, with

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

Sec. 13. The duties and powers of the manager-mayor shall
2 be:

3 (a) To see that the laws and ordinances are enforced;

4 (b) To appoint all officers of the city, except members of the
5 city council, and the officers that such city council is hereby
6 authorized to appoint, and to employ, or cause to be employed,
7 all employees of the city, the officers by him appointed and such
8 employees he shall appoint or cause to be appointed, to continue
9 in their offices or employment during his pleasure or that of his
9-a successor as such manager-mayor, but all appointments or em-
10 ployments shall be upon merit and fitness alone;

11 (c) To exercise supervision and control over all departments
12 and divisions created herein or that hereafter may be created
13 by the council, except the council and other officers by it
14 appointed;

15 (d) To attend all meetings of council with the right to take
16 part in discussions, and also having the right to cast the decid-
17 ing vote in case of a tie.

18 (e) To recommend to the council for adoption such measure
19 as he may deem necessary or expedient;

20 (f) To keep the council fully advised as to the financial con-
21 dition and needs of the city;

22 (g) To supervise the conduct and performance of their duties
23 by other officers and employees of the city, except the members
24 of the city council, reporting to such council any failure of
25 performance of duty by any of the other appointees of such
26 council and enforcing the proper performance of their duties
27 by the officers appointed by him and by the city employees, to
28 the end that the city's business shall be efficiently and econom-
29 ically transacted:

30 (h) To perform such other duties as may be prescribed by
31 this amendment to the charter or be required of him by ordi-
32 nance or resolution of the council. The manager-mayor shall

33 devote his whole working time to the performance of the duties
34 of his office, and while occupying such office he is not to be en-
35 gaged directly or indirectly or be interested in any other busi-
36 ness than the performance of his duties concerning the affairs
37 of the City of Wheeling.

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

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

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

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

7 The first primary election for manager-mayor and council-
8 men under this amendment to the charter, shall be held on the
9 second Thursday in May, 1929, and every primary election
10 for manager-mayor and councilman shall be held biennially
11 thereafter on the second Thursday in May.

12 At the regular meeting of the city council held on the first
13 Tuesday in May preceding every primary and general election
14 for the offices of manager-mayor and councilmen there shall be
15 appointed three judges and two poll clerks for said primary
16 and general election for each voting precinct in the city in the
17 manner herein provided, one judge and one poll clerk shall be
18 appointed from each of the two political parties which at the
19 last preceding state and county election cast the highest num-
20 ber of votes in Ohio county, and if at any time during the said
21 meeting of council the city executive committee of either
22 political party from which said judges and poll clerks are to
23 be selected or appointed shall present to said council a writing
24 signed by them or by the chairman of said committee in their
25 behalf requesting the appointment of qualified voters of their
26 political party with their city address and who are otherwise
27 qualified to act as such officials under the laws of West Vir-
28 ginia it shall be the duty of the said council to appoint the
29 persons named in such writing as such election officials.

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

33 The said city executive committees or the chairman thereof
34 may appoint a challenger for each election precinct in the city
35 subject to the same provisions governing the appointment,
36 qualifications and duties of challengers as set forth in the elec-
37 tion laws of the state of West Virginia. Such judges, poll
38 clerks and challengers shall receive for their services the same
39 compensation that is provided by state law for compensation
40 for such similar officers and said election officers shall have
41 the same duties and responsibilities and shall take and sub-
42 scribe to the same oaths and shall conduct the elections in con-
43 formity with and be subject to the same regulations and pen-
44 alties as are provided by the state law governing elections and
45 offenses against the same in so far as the same may be ap-
46 plicable.

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

51-54 I,, hereby certify that I am a
55 candidate for the nomination for the office of manager-mayor

56 or councilman from the ward to represent the
 57 party, and desire my name printed on the
 58 official ballot of said party, to be voted at the primary election
 59 to be held on Thursday, May, 19....., that I am a
 60 legal qualified voter of the City of Wheeling, county of Ohio,
 61 state of West Virginia, that my residence is number
 62 of street in the said City of Wheeling, that
 63 I am eligible to hold the said office; that I am a member of and
 64 affiliated wth said political party; that I am a candidate for
 65 said office in good faith.

66,

67 Signature of Candidate.

68 Subscribed to and acknowledged before me this
 69 day of....., 19.....

70,

71 Signature of officer taking affidavit.

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

79 Immediately upon the expiration of the time for filing the
 80 above certificates the city clerk shall cause to be published,
 81 once a week for two successive weeks in two newspapers of
 82 opposite politics in said city the names of the persons as they
 83 are to appear upon the respective primary ballots of each
 84 political party and the said city clerk shall thereupon have the
 85 primary ballots printed and authenticated with a *fac simile* of
 86 his signature. There shall be a separate primary ballot of
 87 candidates of each political party who have filed their petition
 88 as required by this act on different color of paper and the
 89 primary ballot of no two political parties shall be of the same
 90 color or tint. The same color of paper shall be used for sample
 91 primary ballots of each party but there shall be printed across
 92 the face of such sample ballot in large letters the words "sam-
 93 ple ballot" but no sample ballot shall be voted or counted.
 94 Said official primary ballots shall be printed, unless otherwise
 95 herein stated, in accordance with the election laws of West Vir-
 96 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

130 offenders of such municipal elections. On the day following a
131 primary election the city clerk shall canvass the returns re-
132 ceived from the polling precincts and shall make and publish
133 the result thereof at least once in two newspapers of opposite
134 politics published in said city. The candidate on each ticket
135 receiving the highest number of votes for manager-mayor and
136 the councilman on each ticket receiving the highest number of
137 votes in each ward shall be the candidates whose names shall be
138 placed upon the ballots at the next ensuing general election. In
139 the event of the death or resignation of a nominee before the
140 election the name of the candidate on the same ticket who at the
141 primary received the next highest number of votes in his ward,
142 if such nominee was a councilman, or at large if such nominee
143 was manager-mayor, shall be placed on the ticket in his stead.

144 If two or more persons on the same ticket receive an equal
145 number of votes for the nomination of the same office and more
146 than the other candidates, so that there is no choice at the pri-
147 mary, the city clerk shall determine by lot the name out of
148 those voted on at the primary, and tied as aforesaid, to be
149 placed on the ballots for the next ensuing general election and
150 whenever in any other case no choice of candidate is made at a
151 primary election by reason of a tie vote said clerk shall also
152 determine by lot who, of those so tied, shall have his name
153 placed on the ballot for the next ensuing general election.
154 The necessary and legitimate expenses of the holding of any
155 such primary, as well as of any regular or special municipal
156 election in said city for ballots, stationery forms, ballot boxes,
157 booths, voting places, registrars, judges, clerks, and challengers
158 and notices of the election shall be paid by the city. At every
159 such primary or general election the polls shall open at six-
160 thirty A. M. and close at six-thirty P. M.

161 In the event of a demand by any candidate for a recount of
162 the votes cast at any primary or general election held in said
163 city or in the event of the institution of a proceeding to con-
164 test said election, the council in office at the time of said elec-
165 tion shall pass on and decide such recount or contest of election
166 in like manner as provided for in contests for state, county
167 and district officers and the council by their proceedings in such
168 cases shall as nearly as practicable conform with like proceed-
169 ings of the county court in such cases.

170 Unless otherwise herein provided in this amendment to the

171 charter, the city clerk shall be charged with all the duties and
172 responsibilities which under the general election laws of West
173 Virginia devolve upon the clerks of the county court and the
174 circuit court and the manager-mayor and council shall be
175 charged with all the duties and responsibilities which under
176 the general election laws of West Virginia devolve upon the
177 board of canvassers and upon the county court and they shall
178 be subject to all the penalties therein described for offenses
179 relating to elections.

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

3 In case an election is demanded for the removal of the man-
4 ager-mayor or chief of police, a petition signed by at least twen-
5 ty *per centum* of the entire vote cast at the last preceding muni-
6 cipal election for the office of manager-mayor, and in case such
7 election is demanded for the removal of a councilman, a petition
8 signed by at least twenty *per centum* of the entire vote cast for
9 councilmen in said ward at the last preceding municipal election
10 shall be filed with the circuit clerk of Ohio county, which peti-
11 tion shall contain a general statement of the grounds for which
12 the removal is sought. The signature to the petition need not
13 all be on one paper, but each paper shall contain such general
14 statement of the grounds, and each signer shall add to his signa-
15 ture his place of residence, giving the street and number. One
16 of the signers of each of such papers shall make oath before an
17 officer competent to administer oaths, that the statements there-
18 in made are true as he believes, and that each signature on the
19 paper is the genuine signature of the person whose signature
20 it purports to be. Within ten days from the date of filing such
21 petition, the said circuit clerk shall examine and ascertain
22 whether or not said petition is signed by the requisite number
23 of qualified electors, and if necessary, the council shall allow
24 him extra help for that purpose, and he shall attach to said
25 petition his certificate, showing the result of said examination.
26 If by the said certificate, the petition is shown to be insufficient,
27 it may be amended within ten days from the date of said cer-
28 tificate. The said circuit clerk shall, within ten days after such
29 amendment, make like examination of the amended petition,
30 and, if his certificate shall show the same to be insufficient, it
31 shall be returned to the person filing the same; without preju-
32 dice, however, to the filing of a new petition to the same effect.
33 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
 57MANAGER-MAYOR
 58 AGAINST THE RECALL OF
 59MANAGER-MAYOR
 60 FOR THE RECALL OF
 61COUNCILMAN FOR.....WARD
 62 AGAINST THE RECALL OF
 63COUNCILMAN FOR.....WARD
 64 FOR THE RECALL OF
 65CHIEF OF POLICE
 66 AGAINST THE RECALL OF
 67CHIEF 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

74 recall petition shall be filed within ninety days succeeding or
75 preceding any regular city election.

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

89 For maintaining party form of city government.

90 Against maintaining party form of city government.

91 If a majority of said votes cast at said election shall be cast
92 in favor of maintaining the party form of city government as
93 provided for in the aforesaid amendments to said sections, the
94 said amendments shall remain in force and effect until other-
95 wise changed by law; if a majority of said votes cast at said
96 election be against maintaining the party form of city govern-
97 ment, then the provisions of said charter providing for the form
98 of government of said city as said provisions existed on the first
99 day of January, one thousand nine hundred and twenty-nine
100 shall be the form of government for said city on and after July
101 first, one thousand nine hundred and thirty-three and the city
102 elections and primaries to be held in May, one thousand nine
103 hundred and thirty-three and thereafter shall be held in the
104 manner provided by said charter as constituted on the first day
105 of January, one thousand nine hundred and twenty-nine, until
106 otherwise changed by law and the amendments to said sections
107 three, five, six, eight, nine, eleven, twelve, thirteen, seventeen,
108 eighteen, and nineteen—hereinbefore made shall not be effec-
109 tive on and after July first, one thousand nine hundred and
110 thirty-three, and the said sections three, five, six, eight, nine,
111 eleven, twelve, thirteen, seventeen, eighteen and nineteen of
112 said charter on and after said date shall be in the same form

113 as said sections existed and were effective on the first day of
114 January, one thousand nine hundred and twenty-nine.

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

21 For the management of that plat of ground heretofore known
22 as Wheeling Park, and donated to the City of Wheeling on the
23 eighteenth day of December, one thousand nine hundred and
24 twenty-four, for use as a municipal park, and for the manage-
25 ment of such other parks as may hereafter be acquired by the
26 City of Wheeling there shall be, and there is hereby created a
27 commission to be known as "Wheeling Park Commission," and
28 the same is hereby made a body corporate, and by that name
29 the commission may sue and be sued; plead and be impleaded;
30 and contract and be contracted with. The said commission
31 shall consist of five citizens of the City of Wheeling, who shall
32 be appointed in the manner hereinafter set out, and who shall
33 serve without compensation and shall hold no remunerative
34 political office, either state, county, municipal; and no member
35 of the commission shall be eligible to appointment to any re-
36 munerative office or position under the jurisdiction of the com-
37 mission. Before the first day of March, one thousand nine
38 hundred and twenty-five, the board of directors of the Wheeling
39 chamber of commerce shall appoint three members of the said

40 commission, and the city council shall appoint two members of
41 the same commission. The said commissioners appointed by
42 the board of directors of the Wheeling chamber of commerce
43 shall hold office from March first, one thousand nine hundred
44 and twenty-five, for one, two, and four years, respectively, as
45 designated by said board of directors, and the two members of
46 the commission appointed by the city council shall hold office
47 from March first, one thousand nine hundred and twenty-five,
48 for three and five years respectively, as designated by the city
49 council. Their respective successors, however, shall be ap-
50 pointed for the term of five years each excepting that any person
51 appointed to fill a vacancy occurring, before the expiration of a
52 term, shall serve only for the unexpired term; any commissioner
53 shall be eligible for reappointment; *provided, further,* however,
54 that any vacancy created either by the expiration of a term, or
55 otherwise, shall be filled by appointing body, either the board
56 of directors of Wheeling chamber of commerce, or the city
57 council, as the case may be which may be appointed the com-
58 missioner whose place on the commission is being filled. Upon
59 the appointment of said commission, the members thereof shall
60 elect from among their number a chairman and a secretary-
61 treasurer who shall hold office for one year and be eligible for
62 re-election. Annually thereafter the commission shall organize
63 by the election of a secretary-treasurer and such other officers
64 from its own number as it may deem advisable. Members of
65 the commission may be removed from office in the same manner
66 as provided for the removal of county officers under section
67 seven, of chapter seven of Barnes' code, one thousand nine
68 hundred and twenty-three. The commission shall have all and
69 sole power necessary, convenient and advisable for the proper
70 care, equipment and management of the said Wheeling park
71 and other parks hereafter acquired by the City of Wheeling,
72 either by gift or purchase, and shall make such rules and regu-
73 lations as it shall deem expedient for the care and management
74 thereof.

75 In order to provide for the purchase of the equipment for
76 use in Wheeling park and Oglebay park (Waddington) and for
77 the maintenance and upkeep of said Wheeling park and Oglebay
78 park, the city council of Wheeling shall levy annually ten cents,
79 or lesser amount, if requested by the commission, on each one
80 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, 1929; in effect from passage. Became a law without the approval of the Governor.]

SEC.		SEC.	
1.	City a body corporate.	15.	Requirements for adoption of ordinance.
2.	Corporate boundaries.	16.	Powers of council.
3.	Ward boundaries.	17.	Power of council to contract for water.
4.	Elective and appointive officers; qualification; vacancies in office of council.	18.	Dedication to public use of streets, etc.
5.	Common council to exercise corporate powers	19.	Powers of council to enforce ordinances; may work prisoners on streets.
6.	Terms of elective and appointive officers.	20.	Provisions concerning franchises.
7.	Oath of officers.	21.	Council to have right of eminent domain.
8.	Elections; qualification of voters; conduct and return; contests; tie vote.	22.	Estimate and levy by council.
9.	Duties of council as to appointive officers.	23.	Lien for taxes.
10.	Bonds of officers.	24.	Distrainment and sale for taxes.
11.	How elective officer removed.	25.	Collection of taxes by suit.
12.	Regular and special meetings of council; compensation of councilmen; procedure.	26.	Power of council as to licenses.
13.	Minute and ordinance books.	27.	How licenses applied for and granted.
14.	Reading of minutes; yeas and nays.	28.	Mayor, duties and powers; salary; proceedings to enforce ordinances.

SEC.		SEC.	
29.	Enforcement of fine and costs imposed by mayor.	45.	duties, bond and salary. Street commissioner, duties and salary.
30.	County jail to be city lockup.	46.	City engineer, appointment, duties and salary.
31.	Mayor's docket.	47.	Dates of fiscal year.
32.	Appeals to circuit court in criminal cases.	48.	Property subject to taxation.
33.	Transcript of record on appeal.	49.	Sidewalks: payment for; lien for costs.
34.	Procedure when found guilty in certain courts.	50. (a)	Street paving, method and cost of.
35.	Other appeals from judgment of mayor.	(b)	How percentage of cost to land owners determined.
36.	Duty and compensation of city solicitor.	(c)	Paving, etc., may be done by city and cost assessed to land owners: ordinance to set forth work and improvement to be done; publication of ordinance.
37.	Duties of marshal: bond and salary; bond of policemen.	(d)	Notice of assessment against land owners; objection to assessment; how assessments may be paid; when lien of assessment on real estate void as to purchasers.
38.	Arrests; execution by marshal of mayor's process.	51.	Additional method for making city improvements.
39.	City clerk, duties, salary and bond; land and personal property books.	52.	Bond issues.
40.	Making out and collection of tax tickets.	53.	Succession of powers.
41.	Duties of clerk as to receiving and disbursing city funds.	54.	Inconsistent acts repealed.
42.	Clerk to collect taxes, etc.; power of distraint; compensation.		
43.	Health officer, duties and salary.		
44.	City treasurer, appointment,		

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, 2 and now and hereafter residing within the boundaries pre- 3 scribed in the next section hereof, shall be and they are hereby 4 constituted a body politic and corporate, by and under the name 5 of "the City of McMechen," and as such and by and in the 6 name shall have perpetual succession and a common seal, and 7 may sue and be sued, contract and be contracted with, purchase, 8 lease, hold and use real and personal property necessary for 9 corporate purposes, and grant, sell, convey, transfer, let and

10 assign the same; and generally shall have all the rights, powers
11 and franchises belonging or appertaining to municipal corpora-
12 tions in this state; and shall have and succeed to all the powers,
13 franchises, rights, privileges, and immunities, and be subject
14 to all responsibilities, which were conferred upon, or belonging
15 or appertaining to the City of McMechen, by virtue of chapter
16 twelve of the acts of the legislature of this state, passed Febru-
17 ary twenty-fourth, one thousand nine hundred and five.

Boundaries

Sec. 2. The boundaries of said city shall be as follows:
2 Commencing at the southwest corner of the corporation of the
3 City of Benwood, the same being on the west edge of the Ohio
4 river, in the Ohio state line, where it crosses the mouth of Pinch
5 run, thence with the south corporation lines of the City of Ben-
6 wood, north eighty-one degrees fifteen minutes east, crossing
7 the river at a point in mouth of McMechen's run; thence up the
8 same with its meanders, north sixty-nine and one-half degrees,
9 east one hundred and seventy-eight feet; south eighty-one de-
10 grees east ninety-one feet; north eighty-six and one-fourth de-
11 grees east one hundred and forty-eight and five-tenths feet;
12 south eighty-four and one-fourth degrees east one hundred and
13 forty feet; north eighty-eight and one-fourth degrees east one
14 hundred and seventy-nine and five-tenths feet; south seventy-
15 eight degrees east two hundred and twelve feet; south sixty-
16 four and one-half degrees east one hundred and seventy feet;
17 north eighty-eight and one-half degrees east two hundred and
18 forty-seven feet; north eighty-six degrees east one hundred and
19 eighty-five feet; north fifty-two degrees east one hundred and
20 eight feet; north seventy-four and three-fourths degrees east
21 four hundred feet; south eighty-five and three-fourths degrees
22 east one hundred and sixteen feet; north sixty-eight and three-
23 fourths degrees east two hundred and nine and five-tenths feet;
24 north seventy and one-fourth degrees east ninety-two feet; north
25 seventy-one and one-fourth degrees east one hundred and thirty-
26 two feet to a point on the north side of the run, located south
27 twenty-one and one-fourth degrees east seven and one-half feet
28 from a large sycamore witness, standing on the north bank of
29 the run; thence, leaving the corporation line of the City of
30 Benwood, north seventy and one-half degrees east two hundred
31 and eighty-five feet to a point at the forks of the run; thence
32 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 McMechen 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 McMechen;
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 McMechen cemetery fence; then from said stake with the origi-
49 nal easterly corporation line of McMechen, 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 McMechen, 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 &

75 Ohio railroad company's Ohio river division, thence with the
76 north line of Twenty-seventh street, and its extension north
77 seventy-five degrees thirty minutes west to, and across, the Ohio
78 river, to the Ohio state line, thence up the river along the
79 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:

3 All that part of said city lying north of Sixth street, and the
4 line of Sixth street extended to corporate lines, shall constitute
5 the first ward of said city; that part lying between said Sixth
6 and Tenth streets and lines of said streets extended to corporate
7 limits, shall constitute the second ward, and all that part of said
8 city lying between Tenth and Thirteenth streets and lines of
9 said streets extended to corporate limits, shall constitute the
10 third ward, and all that part of said city south of Thirteenth
11 street and the line of Thirteenth street extended to corporate
12 limits, shall constitute the fourth ward of said city. The council
13 of said city may change the boundaries of the different wards,
14 but regard shall be had to equality of population of the several
15 wards.

Officers

Sec. 4. The officers of said city shall be a mayor, clerk, mar-
2 shal, treasurer, solicitor, health officer, street commissioner, city
3 engineer, and two councilmen from each ward. The mayor
4 shall be elected by the qualified voters of said city. The clerk,
5 marshal, health officer, street commissioner, treasurer, solicitor
6 and city engineer shall be appointed by the council, and the
7 councilmen shall be elected by the qualified voters of their re-
8 spective wards. No person shall be eligible to any elective office
9 unless he is a qualified voter thereof, nor unless he has resided
10 therein for at least six months before his election; and in case
11 of a councilman, unless he is a *bona fide* resident of the ward
12 from which he is elected, and a freeholder of said city; and the
13 removal of a councilman from the ward in which he was elected,
14 or his ceasing to be a freeholder in said city, shall vacate his
15 office.

16 The council may by ordinance or resolution appoint one per-
17 son to perform the duties herein provided to be performed by
18 one or more of the above named officers, define the duties to be
19 performed by such officers, and fix the compensation therefor.

Sec. 5. The municipal authorities of said city shall consist
2 of the mayor and councilmen, who together shall form a common
3 council, and all the corporate powers of said corporation shall
4 be exercised by said council or under its authority, except where
5 otherwise provided.

Term of Officers

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

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

Elections

Sec. 8. The first election hereunder shall be held on the
2 first Tuesday in March, one thousand nine hundred and twenty,

3 and bi-annually thereafter. Every person who has been a *bona*
4 *fide* resident of the city for three months next preceding any
5 election, and has paid all municipal taxes levied and assessed
6 against him for the preceding tax year, and otherwise a qualified
7 voter under the constitution and laws of the state, shall be en-
8 titled to vote at such election in the ward in which he resides.
9 The election shall be held, conducted and the results thereof
10 be ascertained, returned and determined under such rules and
11 regulations as may be prescribed by the council, which shall
12 not be inconsistent with the general laws of the state governing
13 municipal elections, and shall conform as nearly as practicable
14 to such laws. Contested elections shall be heard and decided
15 by council, and the proceedings therein shall conform as nearly
16 as may be to similar proceedings in the case of contested elec-
17 tions of county and district officers. The council shall be the
18 judge of the election, return and qualification of its own mem-
19 bers. In case two or more persons received an equal number
20 of votes for the same office, if such number be the highest cast
21 for such office, the city council shall decide by vote which of
22 them shall be returned elected, and shall make their return
23 accordingly.

Council

Sec. 9. The council shall prescribe the powers and define the
2 duties of all officers by it appointed, except so far as the same
3 are by this act defined; shall fix their compensation, and may
4 require and take from them respectively, bonds payable to the
5 city in its corporate name with such sureties and in such penal-
6 ties as may be deemed proper, conditioned for the faithful per-
7 formance of their duties.

Sec. 10. The council shall require and take from all officers
2 elected or appointed as aforesaid, whose duty it shall be to re-
3 ceive funds, assets or property belonging to the city, or have
4 charge of the same, such bonds, obligations or other writings as
5 may be deemed necessary and proper to secure the faithful per-
6 formance of their several duties. All bonds, obligations or other
7 writings taken in pursuance of any of the provisions of this act
8 shall be made payable to "the City of McMechen," with such
9 sureties and in such penalties as may be deemed proper, condi-
10 tioned for the faithful performance of their duties and for the
11 accounting for and paying over, as required by law, all moneys
12 coming into their hands by virtue of their offices, and the re-

13 spective persons and their heirs, executors and assigns bound
14 thereby, shall be subject to the same proceedings on said bonds,
15 obligations and other writings, for enforcing the conditions of
16 the terms thereof, by motion or otherwise, before any court of
17 competent jurisdiction held in and for the county of Marshall,
18 that collectors of county levies and other sureties are or shall
19 be subject to on their bonds for enforcing the payment of the
20 county levies.

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

Sec. 12. The council shall fix the place and times of hold-
2 ing its regular meetings; may provide for special and adjourned
3 meetings; shall have power to compel the attendance of its
4 members; and may prescribe rules and regulations, not incon-
5 sistent herewith, for the transaction of business and for its own
6 guidance and government. Councilmen shall receive compen-
7 sation of two dollars for each regular or special meeting of the
8 council which they attend, *provided, however*, that compensa-
9 tion shall not be allowed for more than six special meetings in
10 one fiscal year. The council shall be presided over at its meet-
11 ings by the mayor, or in his absence by the clerk, or in the
12 absence of both the mayor and clerk, then by one of the council-
13 men selected by a majority of the council present, who may vote
14 on any question as member of the council. The mayor shall
15 have a vote only in case of a tie and in no case shall the pre-
16 siding officer have more than one vote. A majority of the
17 council shall be necessary to constitute a quorum for the trans-
18 action of business. No member of the council shall vote upon
19 or take part in the consideration of any proposition in which
20 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
2 a well bound book to be called the "minute book" an accurate
3 record of all its proceedings, ordinances, acts, orders and reso-
4 lutions, and in another to be called the "ordinance book" ac-
5 curate copies of all the ordinances adopted by the council, both
6 of which shall be fully indexed and open to the inspection of

7 any one required to pay taxes to the city, or who may be other-
8 wise interested. All oaths and bonds of officers of the city and
9 all papers of the council shall be endorsed, filed and securely
10 kept by the clerk, except the bond of the clerk, which shall be
11 filed with the mayor. All printed copies of such ordinances
12 purporting to be published under authority of the council and
13 transcripts of such ordinances, acts, orders and resolutions,
14 certified by the clerk under the seal of the city, shall be deemed
15 *prima facie* correct, when sought to be used as evidence in any
16 court or before any justice.

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

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

Sec. 16. The council of said city shall have power to lay
2 off, vacate, close, open, 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 or of the
5 public, and to improve and light the same, and to keep the
6 same free from obstructions of every kind; to regulate the
7 width of pavements and sidewalks on the streets and alleys,
8 and to order the pavements, sidewalks, footways, drains and
9 gutters to be kept in good order, free and clean, by the owners
10 or occupants of the real property next adjacent thereto; to
11 establish and regulate markets, prescribe the times of holding
12 the same, provide suitable and convenient buildings therefor,
13 and prevent the forestalling or regulating of such markets;
14 to prevent injury or annoyance to the public or to individuals
15 from anything dangerous, offensive or unwholesome; to pro-
16 hibit or regulate slaughterhouses and soap factories within the
17 city limits; or the exercise of any unhealthy or offensive busi-
18 ness, trade or employment; to abate all nuisances within the
19 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

61 the same, by putting them to work for the benefit of the city,
62 and to use such means to prevent their escape while at work,
63 as they may deem expedient; to erect, or authorize or prohibit
64 the erection of gas works, electric light works or water works
65 within the city limits; to prevent injury to such works, or the
66 pollution of any gas or water used or intended to be used by
67 the public or by individuals, and to all things necessary to
68 adequately supply said city and the inhabitants thereof with
69 pure, healthful and wholesome water; to use, generate, dis-
70 tribute, sell and control electricity and gas for heat, light and
71 power and to furnish lights for the streets, houses, buildings,
72 stores, and other places in and about said city; to provide a
73 sewerage system for said city; to provide for and regulate the
74 weighing and measuring of hay, coal, lumber and other articles
75 sold or kept or offered for sale, within said city; to establish
76 and construct wharves and docks, and to repair, alter or re-
77 move any landing, wharf, or dock which has been or shall be
78 so constructed and to establish and collect rates and charges
79 for the use thereof; to regulate the running and speed of auto-
80 mobiles, motorcycles, vehicles, engines and cars within the said
81 city; to organize one or more fire companies and provide
82 necessary apparatus, tools, implements, engines or any of them
83 for their use, and in their discretion to organize a paid fire
84 department; to make regulations with respect to the erection
85 and location of all pipes, conduits, and telephone, telegraph,
86 electric light or other poles within said city, and the extension
87 of any wires, lines and poles by any individuals or corpora-
88 tion; to create by ordinances such committees on boards, and
89 delegate such authority thereto as may be deemed necessary or
90 advisable; to provide for the annual assessment of the taxable
91 property therein, including dogs kept in said city, and to pro-
92 vide a revenue for the city for municipal purposes, and to
93 appropriate such revenue to its expense, and generally to take
94 such measures as may be deemed necessary or advisable to pro-
95 tect the property, public and private, within the city; to pre-
96 serve and promote the health, safety, comfort and well being
97 of the inhabitants thereof.

98 The council of said city shall have power and authority to
99 control and regulate the construction and repairs of all houses
100 and other buildings within the said city; to provide for the
101 granting of building permits; to cause the removal of unsafe

102 walls or buildings and may prohibit the erection on any such
103 street, or in any such square, of any building, or of any addi-
104 tion to any building unless the outer walls thereof be made of
105 brick and mortar or other fireproof material; and to provide
106 for the removal of any building or addition which shall have
107 been erected contrary to such prohibition, at the expense of
108 the owner or owners thereof.

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

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

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

Sec. 19. To carry into effect these enumerated powers and
2 all others by this act or by general law conferred, or which may
3 hereafter be conferred upon the said city or its council or any
4 of its officers, the said council shall have and possess full author-
5 ity to make, pass and adopt all needful ordinances, by-laws,
6 orders and resolutions not repugnant to the constitution and
7 laws of the United States or of this state; and to enforce any
8 or all of such ordinances, by-laws, orders or resolutions by pre-
9 scribing for a violation thereof, fines and penalties and im-
10 prisonment in either the county jail of Marshall county, or the
11 city prison if there be one; but no fines shall exceed one hun-
12 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-

24 viding that the grantee, its successors or assigns, shall indemnify
25 the city against all damages caused by the construction and
26 maintenance of such works.

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

Power to Condemn

Sec. 21. The council shall have the right to institute pro-
2 ceedings, in the name of the city, for the condemnation of real
3 estate for streets, alleys, avenues, sewers, drains, market
4 grounds, landings, wharves, city prison, or other work or pur-
5 poses of public utility; such proceedings shall conform to the
6 provisions of chapter forty-two of the code of West Virginia,
7 and costs thereof shall be borne by the city, except that in con-
8 tests involving a hearing in the circuit court, costs shall be re-
9 covered by the prevailing party.

Levy

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

Lien for Taxes

Sec. 23. There shall be a lien on real estate within said city
2 for the city taxes assessed thereon, and for all fines and penal-

3 ties assessed to, or imposed upon the owners thereof, by the
4 authorities of such city, from the time the same are so assessed
5 or imposed, which shall have the priority over all other liens,
6 except the lien for taxes due the state, county and district; and
7 which may be enforced by the council in the same manner pro-
8 vided by law for the enforcement of the lien for county taxes.
9 If any real estate within said city be returned delinquent for
10 the non-payment of the delinquent taxes thereon, a copy of such
11 delinquent list may be certified by the council to the auditor,
12 and the same may be sold for the city taxes, interest and com-
13 mission thereon, in the same manner, at the same time and by
14 the same officer as real estate is sold for the nonpayment of
15 state taxes.

Distress for Taxes

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

Other Remedies

Sec. 25. In addition to all other means for the collection
2 thereof, all taxes, as well as all other demands due to the said
3 city, may be recovered by any appropriate suit or proceeding
4 in the name of the city before any justice of Marshall county,
5 if the amount be within his jurisdiction, or in the circuit court
6 of said county if the amount be within the jurisdiction of said
7 court, and any judgment so obtained may be enforced as other
8 judgment liens are enforced.

Licenses Generally

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 therein 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.

Mayor

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-

59 amination of witnesses, in punishing for contempt, in granting
60 continuances, and in securing and enforcing the further at-
61 tendance of the accused with a view to a trial or hearing. If
62 any recognizance be taken for such further attendance, and is
63 forfeited, the mayor may record the default, and an action be
64 maintained in the name of the city, before the mayor, or any
65 justice having jurisdiction, against the accused and his sureties,
66 if any, to recover the penalty thereof.

Sec. 29. The mayor shall have the power to issue an exe-
2 cution for any fine and cost imposed by him, for the violation
3 of any ordinance, or he may at the time of rendering judgment
4 therefore, or at any time thereafter and before satisfaction of
5 such judgment, by his order in writing, require the immediate
6 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
9 discretion to the prison of said city, if one shall have been
10 provided, until the fine and costs are fully paid; but such im-
11 prisonment shall not exceed ninety days.

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

Mayor's Docket

Sec. 31. A book well bound and indexed, to be denominated
2 the "docket" shall be kept in the office of the mayor, in which
3 shall be noted each case brought or tried by him, together with
4 the proceedings therein, including a statement of complaint, the
5 summons, the return, the fact of appearance or non-appearance,
6 the defense, the hearing, the judgment, the costs, and in case
7 the judgment be one of conviction, the action taken to enforce
8 the same; the record of such case shall be signed by the mayor

9 or other person acting in his stead; and the original papers
10 thereof, if no appeal be taken, shall be kept together and pre-
11 served in his office.

Appeal

Sec. 32 In any case for the violation of an ordinance of the
2 said city, in which there is a judgment by the mayor of im-
3 prisonment, or for a fine of more than ten dollars, an appeal
4 shall lie at the instance of the person against whom such judg-
5 ment is rendered to the circuit court of Marshall county. Such
6 appeal shall not be granted by the mayor unless within ten days
7 from the date of the judgment, such person shall enter into a
8 recognizance, with security deemed sufficient, in a penalty
9 double the amount of fine and costs, with condition that the
10 person appearing will appear before the said court on the first
11 day of the next term thereof, to answer for the offense against
12 the city with which he stands charged, and not thence depart
13 without leave of said court, and will perform and satisfy any
14 judgment which may be rendered against him by the circuit
15 court on appeal. The provisions of chapter one hundred and
16 sixty-two of the code of West Virginia, relating to recognizance
17 in criminal cases, shall be applicable to the recognizance con-
18 templated by this section, except where herein otherwise pro-
19 vided; but any money recovered thereon or by virtue thereof
20 shall inure to the said city.

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

Sec. 34. If the appellant be found guilty of a violation of
2 the ordinance in question, whether upon the verdict of a jury
3 or otherwise, the court shall ascertain by its judgment the fine
4 or imprisonment or the fine and imprisonment to be paid or
5 suffered by such defendant, having regard to the punishment
6 prescribed by such ordinance, and shall include in any such
7 judgment the costs incurred by said city, as well in the pro-
8 ceedings before the mayor as those in court, including a fee to
9 the attorney for the city of ten dollars, and the fees, if any,

10 of the jailor or the keeper of the city prison; and the proceed-
11 ings to enforce the collection of any such fine and costs, may
12 be as provided in sections ten, eleven and twelve of chapter
13 thirty-six of the code of West Virginia, except that the writ
14 mentioned in the tenth section may be issued by the clerk upon
15 the order of the mayor of the city, and the notice contemplated
16 by the eleventh section shall be given to such officer.

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

Solicitor

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

Marshal

Sec. 37. It shall be the duty of the marshal to preserve order
2 and quiet in said city, and to see that all subordinate police
3 officers faithfully perform their official duties, and he may for
4 good cause appearing to him for neglect of duty or insubor-
5 dination, suspend any such officer from duty, and report his
6 action and his reason therefor to the next regular meeting of
7 council for action thereon; he shall make a list of all dogs within
8 said city liable to tax, collect the license tax thereon and pay
9 the same to the treasurer, as may be provided by ordinance of
10 said city; he shall collect the fines and costs; licenses; and fees
11 which may become due the city, and pay the same to the treas-
12 urer as herein provided; the said marshal shall receive all taxes
13 on licenses and receipt to the party paying the same by endorse-
14 ment upon the permit granted by order of the council and shall
15 report same to the council at the next regular meeting there-
16 after the amount so received and pay the same over to the
17 treasurer; he shall be present in the police court whenever the
18 same shall be in session, and see that all its orders and require-
19 ments are properly executed; he shall with the consent of the
20 council entered of record, but not otherwise, appoint one or
21 more policemen, as the council may determine; he shall before
22 entering upon the discharge of his duties, execute a bond con-

23 ditioned for the faithful performance by him of the duties of
24 his office, and for the accounting for any paying over, as re-
25 quired by law, all money which may come into his hands by
26 virtue of his office, with sureties satisfactory to the council, in
27 a penalty of not less than three thousand five hundred dollars
28 nor more than ten thousand dollars, as the council may pre-
29 scribe; he shall receive such salary as may be fixed by council,
30 which shall be at the rate of not less than one thousand dollars
31 nor more than eighteen hundred dollars *per annum*.

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

Sec. 38. In case a violation of any ordinance of said city is
2 committed in the presence, or within view of the marshal or
3 other police officer, the offender may be forthwith apprehended
4 and taken before the mayor, and a complaint under oath, stat-
5 ing such violation, there lodged and filed; and thereupon such
6 offender may be tried and dealt with according to law, without
7 summons. The marshal shall execute, within the county of
8 Marshall, when directed to him, any proper process issued by
9 the mayor in proceedings for the enforcement of ordinances;
10 and shall collect by levy of execution, or otherwise, and duly
11 account for, all fines assessed and costs imposed in such pro-
12 ceedings. He shall also have all the rights and powers within
13 said city, in regard to the arrest of persons, the collection of
14 claims, and the execution and return of process, that are or may
15 be lawfully exercised by a constable of a district within the
16 same, and shall be entitled to the same compensation therefor;
17 and he and his sureties shall be liable to all the fines, penalti-
18 es and forfeitures that a constable is liable, for any dereliction of
19 duty in office, to be recovered in the same manner, and in the
20 same courts, that such fines, penalties and forfeitures are re-
21 covered against constables.

Clerk

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 judg-
6 ments 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 shall 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

5 be the duty of the clerk to make out all tax tickets, and when
6 the same have been examined, compared and approved by the
7 financial committee of the council and found to be correct, the
8 clerk shall be charged with the total amount thereof and his
9 receipt to the council shall be entered upon its records.

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

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

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

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

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

Sec. 41. The said clerk shall receive all taxes, assessments,
2 and other money due the city authorized by this act, or by any
3 ordinance of the said city, to be paid to the city, and shall re-
4 ceipt for same; he shall keep an accurate account of all money
5 paid to him for the use of said city, showing under separate
6 accounts the amount received for account of taxes, sewer pur-
7 poses, street pavement, and of other matters pertaining to his
8 office, which books shall at all times be open to the inspection of
9 the council or any committee appointed by it for such purposes;
10 he shall pay over promptly all money which he may receive,
11 within five days after the receipt thereof, into the hands of the

12 treasurer of the said city, showing an itemized statement of the
13 several funds included in said payment, taking the treasurer's
14 receipt therefor; he shall keep his office at the office of the
15 mayor, unless otherwise ordered by the council; he shall on or
16 before the last day of March and September of each year, and
17 oftener if directed by council, present to the council a full, com-
18 plete and detailed statement of all money with which he is
19 chargeable, or that has been received by him from all sources up
20 to the time, together with a statement of all money paid to the
21 treasurer, and proper receipts therefor, and he shall at such
22 times return a list of all taxes, levies, assessments and other
23 claims in his hands for collection which he shall not have been
24 able to collect by reason of insolvency, removal, or other cause,
25 to which list he shall append an affidavit that he has used due
26 diligence to collect the several items therein mentioned, but has
27 been unable to do so, and if the council should be satisfied as to
28 the correctness of said list, it shall allow him a credit for said
29 claim, but may thereafter take such lawful measures to collect
30 the same as shall be by it prescribed. He shall, upon the expira-
31 tion of his term of office or upon the order of council, turn over
32 to his successor all money, books of account and other property
33 of said city in his possession.

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

9 If the clerk shall fail to collect, account for and pay over to
10 the treasurer of said city any or all the money with which he
11 may be chargeable, belonging to the said city, according to the
12 conditions of his bond and orders of council, it shall be lawful
13 for the council to recover the same by action or by motion, upon
14 ten days' notice, in the corporate name of the city, in the cir-
15 cuit court of Marshall county, against him and his sureties, or
16 any or either of them, or his or their executors or administrators.

17 In addition to the compensation as provided in section thirty-
18 nine of this act, the said clerk or other person designated by
19 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

23 showing the name of the owner of said lot, a description of the
24 lot, and the amount of such assessment, to be filed in the office
25 of the clerk of the county court of Marshall county, which shall
26 be entered of record in the judgment lien docket in his office,
27 and the same shall constitute a lien on such property, which
28 may be enforced by a suit in equity in the name of the city,
29 in the circuit court of Marshall county, as other liens against
30 real estate are enforced, and upon the payment of said assess-
31 ment the clerk shall issue to the person entitled thereto a re-
32 lease of said lien; *provided, however,* that reasonable notice
33 shall first be given to said owners that they are required to con-
34 struct such sidewalks or footways, and in case the owner is a
35 non-resident of the state, the notice aforesaid may be given by
36 publication for four successive weeks in a newspaper published
37 in Marshall county, West Virginia. The provisions of this sec-
38 tion shall also be applicable to needed repairs to any of the
39 pavements of the city, and to the substitution of new pavements
40 for any which may have been heretofore, or which may be here-
41 after laid and completed, and which may be deemed insuf-
42 ficient.

Street Paving

Sec. 50. (a) The council of the City of McMechen may or-
2 der and cause any avenue, street, road or alley therein to be
3 graded, curbed or recurbed with stone, concrete or other suit-
4 able material; or paved or repaved between the curbs, with
5 brick, wooden blocks, asphalt or other suitable materials, or to
6 be graded and curbed or recurbed, and paved and repaved as
7 aforesaid, or to be macadamized or to be otherwise permanently
8 improved or repaired, under such supervision as may be di-
9 rected by ordinance or resolution, upon the best bid to be ob-
10 tained by advertising for proposals therefor, except the city
11 may do the work without letting it by contract as hereinafter
12 provided, and may purchase or condemn land for opening or
13 widening avenues, streets, roads or alleys. The entire costs,
14 or any part thereof designated by said council, or such grad-
15 ing, curbing, paving or macadamizing or other permanent im-
16 provements, of any of the avenues, streets, roads or alleys as
17 aforesaid, from and including the curb of either side thereof
18 to the middle thereof, and the cost or any part thereof, of
19 condemning or purchasing land as aforesaid for street pur-
20 poses, may be assessed to and be required to be paid on the

21 fifty-fifty basis by the owners of the land, lots or fractional
22 parts of the lots, fronting or bounding on such avenue, street,
23 road or alley so improved, except as otherwise provided in
24 subsection (c).

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

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

56 *Provided, further*, that if said council proposes to order or
57 cause such improvements to be made as provided in this sec-
58 tion, it shall first enact an ordinance or resolution setting forth
59 the work and improvement to be done, the extent of said im-
60 provement and the manner of paying for the same, which said
61 ordinance or resolution shall be published once each week for

62 two consecutive weeks in two newspapers of opposite politics
63 published and of general circulation in said city, or if no such
64 newspapers are published in said city, then said ordinance or
65 resolution shall be published in two newspapers of opposite
66 politics published in Marshall county, but if said council shall
67 decide not to have such publication, then notice thereof shall
68 be given by posting written notices containing said ordinance
69 or resolution at the city building and at five other public
70 places, in said city, for a period of fourteen days. In said
71 publication of said ordinance or resolution, or in said notice
72 so posted, should that be the manner of publicity decided upon,
73 said council shall set a date of at least ten days from the date
74 of the first publication, or posting of said notice, at which
75 objection or protest may be made against the proposed im-
76 provement as aforesaid by all the property owners against
77 whom said assessment is proposed to be made, and if, at or
78 before such time so fixed by the council, the *bona fide* owners
79 of more than three-fifths in lineal feet, of all the property
80 abutting upon said avenue, street, road or alley proposed to
81 be improved as aforesaid, shall file separately or jointly with
82 the council their protest in writing setting forth the facts,
83 under oath, that they are the *bona fide* owners of said prop-
84 erty, objecting to and protesting against the work to be done
85 and the improvement proposed to be made under this section,
86 then the council shall proceed no further hereunder, but shall
87 make a record of said protest in its record book, and direct
88 the discontinuance of such proposed work and improvements
89 as heretofore planned under this section of the said charter.
90 But if the owners of said three-fifths of said property, in
91 lineal feet, do not file said objection or protest as herein pro-
92 vided, then said council shall immediately by ordinance or
93 resolution order said work and improvement to be done as
94 heretofore set forth, and the costs of said improvements shall
95 be assessed against said property in the manner hereinafter
96 set forth, and when so assessed the same shall be a charge or
97 lien against said property until paid, the same as taxes or any
98 other properly authorized assessment made against said
99 property.

100 (d) Immediately upon the completion and acceptance of any
101 such paving, the council shall direct the city clerk to cause a
102 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, 1929; in effect from passage. Approved by the Governor.]

SEC.	SEC.
1. City a body corporate.	for tax collections; delinquent lists prepared by.
2. Corporate limits.	26. Duty of clerk as city assessor.
3. City exempt from cost of construction of roads outside city; exception.	27. City solicitor, qualifications, duties and compensation.
4. Board of commissioners to exercise corporate powers.	28. Treasurer, duties, bond and compensation.
5. Powers of board of commissioners.	29. Duties and removal of appointive officers.
6. Qualification of voters.	30. Oaths of officers; proceedings on bonds, etc., payable to city.
7. Registration of voters.	31-32. Board of health, qualifications, salary and duties.
8. Election of mayor and commissioners.	33. Lien for taxes and fines.
9. Eligibility of mayor and commissioners.	34. Provisions concerning city licenses.
10. Appointment of election officials; how elections conducted and declared.	35. Board of commissioners may acquire land for cemetery purposes and maintain cemeteries.
11. Board of commissioners vested with legislative authority of city.	36. Board to have right of condemnation.
12. Board of commissioners, meetings and minute book.	37. Procedure for passing ordinances.
13. Vote required to carry any question before board of commissioners.	38. Provisions concerning franchises.
14. Further powers of board of commissioners.	39. Estimates and levies by board.
15. No city official to be interested in any contract, etc., to which city is party.	40. Assessment of cost for removing snow, rubbish, etc.
16. No official to be surety on bond given for benefit of city.	41. Execution of summons or other process.
17. Appointive officers.	42. Penalty for failure to perform duties by board or clerk.
18. Mayor, powers and duties; appeal from decision.	43. City manager, if appointed, powers and duties.
19. Salaries of mayor and commissioners.	44. Ordinances not inconsistent to remain in force.
20. County jail to be city jail.	45. Present officers to continue.
21. Mayor's docket.	46. Rights and liabilities of city to continue in force.
22. Duties of clerk as to board and municipal court.	47. Chapter forty-seven of code to govern making and payment of public improvements.
23. Clerk to make out and collect tax tickets.	48. Board may zone city for ornamental street lighting; petition for ornamental street lighting system; right to acquire land for garbage dump or incineration plant.
24. Duties of clerk as to receipts and disbursements of city funds; office hours of clerk; settlement by.	49. Provisions of act separable.
25. Bond of clerk; power of distraint	50. Inconsistent acts repealed; exception as to previous acts.

Be it enacted by the Legislature of West Virginia:

Section 1. That the inhabitants of so much of the county of 2 Wyoming as is within the bounds prescribed by section two 3 of this act, and their successors, shall be and remain, and they

4 are hereby made a body politic and corporate by the name of
5 "The City of Mullens," and as such shall have perpetual suc-
6 cession and a common seal; and by that name may sue and be
7 sued, plead and be impleaded, purchase, lease and hold real
8 estate and personal property necessary to the purpose of said
9 corporation.

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

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

3 Beginning at the south end of the first railroad bridge up the
4 Slab fork of Guyandotte river; thence south twenty degrees
5 fifty minutes west for one thousand four hundred sixty-nine
6 and eighty-seven one-hundredths feet to a chestnut oak and
7 hornbeam; thence south sixty-seven degrees seven minutes west
8 for eight hundred and one and sixty-three one-hundredths feet
9 to two chestnut oaks; thence south seventy-three degrees twen-
10 ty-one minutes west for two thousand six hundred and twenty-
11 three feet to a stake on the lease line of the Mead Pocahontas
12 Coal company; thence with the lease line of said company,
13 north seventy degrees twenty minutes west for one thousand
14 three hundred and thirty-two feet to a stone; thence south
15 nineteen degrees forty minutes west for two thousand three hun-
16 dred and two and seventy one-hundredths feet to a stone; thence
17 south thirty-eight degrees forty minutes west for three thousand
18 six hundred and twenty-eight and thirty one-hundredths feet
19 to a stone; thence south twenty-four degrees twenty-nine min-
20 utes east for two hundred feet to a stone; thence south thirty-
21 seven degrees eight minutes east for approximately four hun-
22 dred feet to a point in Guyandotte river, leaving the lease line
23 of the Mead Pocahontas Coal Company at two hundred and
24 eighty feet from the above mentioned stone; thence up the river
25 of Guyandotte and with the meanders of same for approximate-
26 ly two thousand six hundred feet to a point in Guyandotte river
27 and on the old original corporation of Mullens line, thence
28 with said line south four degrees twelve and one-half minutes
29 east for two hundred feet to a birch and small hickory; thence
30 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-five 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 and seventy-eight one-hundredths
42 feet to a stake; thence north twenty degrees sixteen and one-
43 half minutes east for four thousand six hundred and sixty-four
44 and four 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 thirty one-hundredths feet to a
51 chestnut oak; thence south eighty-eight degrees eighteen and
52 one-half minutes west for one hundred and forty-eight and
53 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, however,* that nothing in this act shall be construed
16 as to require the City of Mullens to build or keep in repair any
17 bridge, or bridges, within the said corporation owned by the
18 state or county, and the officers of said city, in preservation
19 of law and order, shall have jurisdiction over said bridge or
20 bridges within said corporation; to change the name of any
21 street, avenue or road within said city, and to cause the num-
22 bering of houses on any street, avenue or road therein; to
23 regulate and determine the width of streets, sidewalks, roads
24 and alleys therein; to order and direct the curbing and paving
25 of sidewalks, roads and footways for public use in said city;
26 to prohibit and punish for the abuse of animals; to restrain
27 and punish vagrants, mendicants, beggars, tramps, prostitutes,
28 drunken or disorderly persons within the city, and to provide
29 for their arrest and manner of punishment; to prohibit and
30 punish by fine the bringing into the city, by railroads or other
31 carriers, of paupers or persons afflicted with contagious
32 diseases; to control and suppress disorderly houses, houses
33 of prostitution or ill fame, houses of assignation, and gaming
34 houses, and to punish gaming and to suppress gaming and
35 gambling in any form, or the operation of gaming and gam-
36 bling devices within said city; to prohibit within said city,
37 or within one mile thereof, slaughter houses, soap or gluefac-
38 tories and houses of like kind; to control the construction and
39 repair of all houses, basements, walls, bridges, culverts and

40 sewers, and to prescribe and enforce all reasonable regulations
41 affecting the construction of the same, and to require permits
42 to be obtained for such buildings and structures, the plans and
43 specifications thereof to be first submitted to a city architect
44 or buildings inspector; to control the opening and construction
45 of ditches, drains, sewers, cesspools and gutters, and to deepen
46 widen and clean the same of stagnant water or filth, and to
47 prevent obstruction therein, and to provide, contract for and
48 construct an adequate sewerage system for said city, and to
49 provide for additions to and extensions of the present system,
50 and to determine at whose expense the same shall be done;
51 except as herein provided; and to build and maintain fire
52 stations, houses, police stations and jails and to regulate the
53 management thereof; to acquire, lay off, operate and control
54 public grounds, squares and parks either within or without
55 the city limits as herein defined. And when the board of com-
56 missioners determine that any real estate is necessary to be
57 acquired by said city for any such purpose, or for any public
58 purpose, the power of eminent domain is hereby conferred
59 upon said city, and it shall have the right to institute condem-
60 nation proceedings against the owner thereof in the same
60-a manner, to the same extent, and upon the same condi-
61 tions as such power is conferred upon public corporations
62 by chapter forty-two, code of West Virginia, of one thousand
63 nine hundred and twenty-three, and as now amended; to
64 purchase, sell, lease or contract for and take care of all public
65 buildings and structures and real estate, including libraries
66 and hospitals deemed proper for use of such city; and for the
67 protection of the public; to cause the removal of unsafe walls
68 or buildings, and the filling of excavations; to prevent injury
69 or annoyances to the business of individuals from anything
70 dangerous, offensive or unwholesome; to abate and prohibit,
71 or cause to be abated and prohibited, all nuisances, and to that
72 end and thereabout to summon witnesses and hear testimony;
73 to regulate the keeping of gun powder, gasoline, dynamite and
74 other combustible or dangerous articles; to regulate, restrain
75 or prohibit the use of firecrackers or other explosives or fire
76 works, and all noises or performances which may be dangerous,
77 or annoying to persons or tend to frighten horses or other
78 animals; to provide for shade and ornamental trees and the
79 protection of the same; to provide for the making of division

80 fences; to make proper regulations for guarding against dan-
81 ger or damage from fires; to prohibit within the city the
82 carrying on of the business of clairvoyant or fortune telling in
83 any form; to provide for the poor of the city, and to that end
84 may contract with the proper authorities of Wyoming county
85 to keep and maintain the poor or any number thereof, upon
86 terms to be agreed upon; to build, own and maintain a home
87 for the poor; to make reasonable regulations in regard to the
88 use of the streets and alleys for automobiles, auto trucks, cars
89 and other vehicles and to regulate the running and operation
90 of the same so as to prevent injury to the public and to the
91 public highways; to prohibit prize fighting, cock and dog
92 fighting; to license, tax, regulate or prohibit theatres, motion
93 picture shows, circuses, the exhibition of showmen and shows
94 of any kind, and the exhibition of natural or artificial curi-
95 osities, caravans, menageries, and musical exhibitions and per-
96 formances, and other thing or business on which the state does
97 or may exact a license tax; to organize and maintain fire com-
98 panies, and to provide necessary apparatus, engines, and im-
99 plements for the same; to regulate and control the kind and
100 manner of plumbing and electric wiring for the protection of
101 the health and safety of said city; to provide for the annual
102 assessment of taxable persons and property within said city,
103 and to levy taxes and licenses on persons and property; to
104 license and tax dogs and other animals, and regulate, re-
105 strain and prohibit them and all other animals, and fowls from
106 running at large; to provide revenue for the city and ap-
107 propriate the same to its expenses; to adopt rules for the trans-
108 action of business and for its own regulation and government
109 to promote the general welfare of the city, and to protect the
110 persons and property of the citizens therein; to regulate and
111 provide for the weighing of produce and other articles sold in
112 said city, and to regulate the transportation thereof, and other
113 things through the streets; to have the sole and exclusive right
114 to grant, refuse, or revoke any and all licenses for the carrying
115 on of any business within said city on which the state exacts
116 a license; to regulate and prohibit the placing of signs, bill-
117 boards, posters and advertisements in, on or over the streets,
118 alleys, sidewalks and public grounds of said city; to regulate
119 or prohibit, the placing of signs, bill-boards, posters and ad-
120 vertisements on private property within said city; to pre-

121 serve and protect the peace, order and safety and health of
122 the city, and its inhabitants, including the right to regulate the
123 sale and use of cocaine, morphine, opium and poisonous drugs;
124 to appoint and fix the place of holding city elections; to pro-
125 vide for the purity of water, milk, meats and provisions offered
126 for sale in said city, and to that end provide for a system of
127 inspecting the same, and making and enforcing rules for the
128 regulation of their sale, and to prohibit the sale of any unwhole-
129 some or tainted milk, meats, fish, and fruits, vegetables or the
130 sale of milk containing water or other things not constituting a
131 part of pure milk; to provide for inspecting dairies and slaugh-
132 ter houses, whether in or outside of the city, where the milk and
133 meat therefrom are offered for sale within said city; to pre-
134 scribe and enforce ordinances and rules for the purpose of pro-
135 tecting the health, property, lives, decency, morality and good
136 order of the city and its inhabitants, and to protect places of
137 divine worship in and about the premises where held, and to
138 punish violations of such ordinances, if the offense under and
140 of the state of West Virginia, or the common law; to provide
141 for the employment and safe keeping of persons who may be
142 committed in default of the payment of fines; penalties or
143 costs under this act, who are otherwise unable to give bond to
144 secure the payment of such fines and cost, or fail to discharge
145 the same by putting them to work for the benefit of the city
146 upon the streets or other places provided by said city, and to
147 use such means to prevent their escape while at work, as the
148 board of commissioners may deem expedient; to compel the
149 attendance at public meetings of the members of the board of
150 commissioners; to have and exercise such additional rights,
151 privileges and powers as are granted to municipalities by
152 chapter forty-seven, of Barnes' one thousand nine hundred
153 and twenty-three West Virginia code, or as amended. And
154 for all such purposes, except that of taxation, the board of com-
155 missioners shall have jurisdiction, when necessary, for one mile
156 beyond the corporate limits of said city.

157 And the board of commissioners shall have and are hereby
158 granted power to take, acquire and hold by condemnation,
159 purchase, donation or otherwise, any and all real estate nec-
160 essary for public purposes within said city, or adjacent there-
161 to; *provided*, that said city shall at no time hold more than
162 fifty acres without the corporate limits of said city, nor more

163 than twenty acres within the limits of said city; nor shall said
164 city authorities have the right to acquire by purchase, con-
165 demnation or gift any land more than four miles distant from
166 the corporate limits of said city.

167 And the board of commissioners shall have power to prohibit
168 the manufacture, sale, keeping or storing for sale in the city,
169 or offering, or exposing for sale all liquors or absinthe, or any
170 drink compounded with absinthe in said city, subject to the
171 provisions of law; and liquors as used in this act shall be con-
172 strued to embrace all malt, vinous or spiritous liquors, wine,
173 porter, ale beer, or any other intoxicating drink, mixture or
174 preparation of like nature; and all malt or brewed drinks,
175 whether intoxicating or not, shall be deemed malt liquors with-
176 in the meaning of this act; and all liquors, mixtures or pre-
177 parations, whether patented or not, which shall produce in-
178 toxication, and all beverages containing so much as one-half
179 of one *per centum* of alcohol by volume shall be deemed spir-
180 ituous liquors, and shall be embraced in the word liquors as
181 used in this act.

182 The board of commissioners shall have authority to pass all
183 ordinances (not repugnant to the constitution of the United
184 States and the constitution of this state) which shall be nec-
185 essary or proper to carry into full effect and power, any au-
186 thority, capacity and jurisdiction which is or shall be granted
187 or vested in the said city, or in the board of commissioners, or
188 in any officer or body of officers of said city, and to enforce
189 any or all ordinances by reasonable fines and penalties and by
190 imprisoning the offender or offenders, and upon failure to
191 pay any fine or penalty imposed, by compelling them to labor
192 without compensation on any of the public works or improve-
193 ments undertaken, or to be undertaken by said city, or to
194 labor at any work which the city may lawfully employ labor
195 upon, at such rate *per diem* as the board of commissioners
196 may fix, but not at a less rate than is fixed by said board of
197 commissioners for like labor from other employees of said
198 city, until any fine or fines imposed upon any such offender, or
199 offenders, by said city shall have been fully paid and dis-
200 charged, after deducting charges of support while in the cus-
201 tody of the officers of said city.

Sec. 6. Every person who may have resided within the ter-

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.

16 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

6 any manner in said contract, sale or transaction, under penalty,
7 upon conviction, of forfeiture of his office, and a fine of not
8 less than fifty dollars nor more than five hundred dollars.

Sec. 16. No commissioner or official of said city shall be
2 surety on any bond given to, or for the benefit of the city.

Sec. 17. The board of commissioners may elect or appoint the
2 following officers and employees:

3 (a) a City clerk,

4 (b) a Chief of police and members of the police force.

5 (c) a City solicitor,

6 (d) a City engineer,

7 (e) a City treasurer.

8 (f) a Street commissioner,

9 (g) Such other employees as may be necessary and provided
10 for by ordinance.

11 Each of said officers shall hold office for one year, and be sub-
12 ject to removal at any time for cause by the appointing body,
13 and shall be eligible for re-appointment.

14 Their duties shall be prescribed by the board of commission-
15 ers, and as herein provided. One person may be elected or
16 appointed to, and discharge the duties of more than one of said
17 offices.

Sec. 18. The mayor shall preside at meetings of the board of
2 commissioners; shall exercise authority and perform such du-
3 ties as are conferred upon him or imposed upon him by this
4 act, or ordinances of the city, and the laws and constitution of
5 the state. He shall be the official head of the city for all cere-
6 monial purposes, and upon whom service may be had in civil
7 process and by the governor for military purposes. He shall
8 see that orders, by-laws, ordinances and resolutions of the board
9 of commissioners are faithfully executed; he shall have power,
10 during recess of the regular meetings of the board of commis-
11 sioners; to appoint special police officers, when he shall deem it
12 necessary, and it shall be his duty to see that the peace and
13 good order of the city are preserved, and that persons and
14 property therein are protected; and to this end he may arrest,
15 detain, or cause the arrest and detention of any riotous or dis-
16 orderly persons in the city before issuing his warrant therefor.
17 He shall have power to issue executions for all fines, penalties
18 and costs imposed by him, or he may require the immediate
19 payment thereof, and in default of such payment he may com-

20 mit the party in default to the city jail, or other place of im-
21 prisonment in such corporation, if there be one, until the fine
22 and the penalty and costs shall be paid; but the term of im-
23 prisonment in such cases shall not exceed ninety days. And in
24 all cases where a person is sentenced to imprisonment or to the
25 payment of a fine of ten dollars or more (and in no case shall a
26 judgment for a fine of less than ten dollars be given by the
27 mayor if the defendant, his agent or attorney objects thereto)
28 such person shall be allowed an appeal from such decision to
29 the circuit court of Wyoming county, upon the execution of an
30 appeal bond, with surety deemed sufficient by the mayor, in a
31 penalty double the amount of the fine and costs imposed by the
32 mayor, with the condition that the person proposing to appeal
33 will perform and satisfy any judgment which may be rendered
34 against him by the said court on such appeal. If such appeal be
35 taken, the warrant of arrest, (if there be any) the transcript of
36 judgment, the appeal bond and other papers of the case, shall
37 be forthwith delivered by the mayor to the clerk of said court,
38 and the court shall proceed to try the case as upon indictment
39 or presentment, and render such judgment including that of the
40 costs as the law and the evidence may require.

Sec. 19. The mayor shall receive a salary of six hundred
2 dollars per annum, which salary shall be in lieu of the fees
3 which would otherwise accrue to him in proceedings for the
4 enforcement of ordinances, but all such fees shall be collected
5 when practicable and accounted for to the city, and he may tax
6 such costs against any person or corporation found guilty of
7 the violation of any ordinances of the city as are provided
8 to be taxed and recovered by justices of said county in criminal
9 cases. The commissioners shall each receive a salary of not less
10 than two hundred dollars per annum, to be fixed by the council
11 for the first election, and thereafter by the commissioners, at
12 least sixty days before an election is to be held for the election
13 of the officials. The salary of said commissioners shall not be
14 increased or diminished during their terms of office.

Sec. 20. The city shall be allowed to use the county jail of
2 Wyoming county for the confinement of all persons who shall
3 be sentenced to imprisonment under the ordinances of said
4 city; and all persons confined in said county jail by virtue here-
5 of shall be under the charge and custody of the sheriff of said
6 county, who shall receive, keep and discharge the same in such

7 manner as shall be prescribed by the ordinances of said city,
8 or otherwise according to law.

Sec. 21. A book well bound and indexed, to be denominated
2 "The Docket" shall be kept in the office of the mayor, in which
3 shall be noted each case brought or tried by him, together with
4 the proceedings therein, including a statement of complaint,
5 the summons, the return, the fact of appearance, the defense,
6 the hearing, the judgment, the costs and, in case the judgment
7 be one of conviction, the action taken to enforce the same; the
8 record of such case shall be signed by the mayor or other per-
9 sons acting in his stead, and the original papers thereof if no
10 appeal be taken, shall be kept together and preserved in his
11 office.

Sec. 22. In addition to such duties as the board of commis-
2 sioners shall prescribe, it shall be the duty of the city clerk to
3 keep the Journal of the proceedings of the board of commis-
4 sioners, and have charge of and preserve the records, papers,
5 contracts and other documents belonging to the city; it shall
6 be his duty to attend the sessions of the municipal court and
7 keep an accurate record of its proceedings, and all judgments
8 shall be entered by him within twenty-four hours after the
9 same are rendered; he shall, in cases of sickness or disability of
10 the mayor to act, or in case of his temporary absence, perform
11 the duties of mayor, and shall be vested with all the powers
12 necessary for the performance of such duties. He shall also
13 perform such other duties pertaining to the fiscal affairs of the
14 city, or otherwise, as may be required of him by this act, or by
15 the board of commissioners.

Sec. 23. The clerk shall immediately, after the annual levy
2 for the city taxes is laid, extend the same on the property books,
3 including thereon any uncollected capitation taxes, and make
4 out the tax tickets for the taxes therein extended; and it shall
5 be the duty of the clerk to make out all tax tickets in the same
6 manner that they are made out for state and county taxes,
7 and when the same shall have been examined, compared and
8 approved by the board of commissioners, or an accountant or
9 finance committee appointed for that purpose, and found to
10 be correct, they shall be forthwith turned over to the clerk,
11 whose receipt shall be returned to the commissioners and en-
12 tered upon its record, and the clerk shall be charged therewith.
13 The clerk shall give notice that said tax tickets are in his

14 hands for collection, stating the penalty for non-payment there-
15 of, and the time and place where the same may be paid, which
16 notice may be posted in conspicuous places in the city, or pub-
17 lished in some newspaper published in the city.

18 The clerk shall immediately proceed to collect from the per-
19 sons by distraint or otherwise, the entire amount of the taxes
20 with which they are severally charged therein, and remaining
21 unpaid on the first day of January next succeeding said levy
22 with interest at the rate of one *per centum* per month from the
23 first day of January until they are fully paid.

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

Sec. 24. The said clerk shall receive all taxes, assessments,
2 fines and costs or other money due the city authorities, or by
3 any ordinance of the said city to be paid to the city, and shall
4 receipt for the same; he shall keep an accurate account of all
5 money paid to him for the use of said city, showing under sepa-
6 rate accounts amounts received for account of taxes, sewer pur-
7 poses, street improvements or pavements, licenses, fines and
8 costs and for all other matters and things pertaining to his of-
9 fice, which book or books shall be at all times open to the in-
10 spection of the commissioners, or to any committee appointed
11 by the board of commissioners for such purposes; he shall pay
12 over promptly all money which he may receive, within five days
13 after receipt thereof, into the hands of the treasurer of the said
14 city, showing an itemized statement of the several funds in-
15 cluded in said payment, taking the treasurer's receipt there-
16 for; he shall keep his office at the office of the mayor, unless
17 otherwise ordered by the board of commissioners, and shall
18 maintain office hours, or be at his office for the transaction of
19 business at such times as the board of commissioners may pre-
20 scribe; he shall, on or before the first day of January and July
21 of each year, and oftener if directed by the board of commis-
22 sioners, present to the said board a full and complete state-
23 ment of all money with which he is chargeable, or that has been
24 received by him from all sources up to that time, together with
25 the statement of all money paid to the treasurer and proper
26 receipts therefor, and he shall, at such times, return a list of all
27 taxes, levies, assessments and other claims in his hands for col-
28 lection, which he shall not have been able to collect by reason
29 of insolvency, removal, or other cause, to which list he shall

30 append an affidavit that he has used due diligence to collect the
31 several items therein mentioned, but has been unable to do so,
32 and if the board of commissioners should be satisfied as to the
33 correctness of said list, they may allow credit for said claims,
34 but thereafter may direct the said city clerk, or some one else,
35 or may themselves take such lawful measures to collect the same
36 as shall be by the board of commissioners prescribed. The said
37 clerk shall receive all taxes and licenses, and receipt to the party
38 paying the same by endorsement upon the permit granted by
39 order of the board of commissioners, and shall charge himself
40 with the amount received from the same, and report to the
41 board of commissioners at the next regular meeting thereafter,
42 the amount so received, and pay the same over to the treasurer,
43 taking his receipt for the same; he shall upon the expiration of
44 his term of office, or upon the order of the board of commis-
45 sioners, turn over to his successor all money, books of accounts
46 and other property of said city in his possession, and he, and
47 his bondsman, shall not be released until such full and com-
48 plete transfer to his successor has been made; he shall receive
49 such salary as may be fixed by the board of commissioners.

Sec. 25. The clerk of said city, before entering upon the
2 discharge of his duties, shall execute a bond conditioned for the
3 faithful performance of the duties of his office, and for the
4 accounting for and paying over, as required by law and by this
5 act, all money which may come into his hands by virtue of his
6 office, with sureties satisfactory to the board of commissioners,
7 payable to the City of Mullens, in a penalty not less than two
8 thousand dollars nor more than ten thousand dollars, as the
9 board of commissioners may prescribe; he shall be the cus-
10 todian of all bonds, notes, certificates and other evidence of
11 indebtedness to the city, together with all valuable papers
12 which may be placed in his possession by the board of commis-
13 sioners, except that the bond of the clerk shall be deposited with
14 the mayor; he shall be chargeable with, and it shall be his duty
15 to collect the city taxes, levies and assessments and other money
16 due the city, under such regulations as may be prescribed by law
17 and the ordinances of the city, and in case of nonpayment as
18 defined by the laws of West Virginia, shall distrain and sell
19 therefor in like manner and have the same power and authority
20 possessed by the officer charged with the collection of state and
21 county taxes, but if permitted to do so by the board of com-

22 missioners, the clerk may, and is hereby granted authority to
23 deputize the chief of police, or any police officer, to make any
24 distraints, levies, assessments or sales that may be necessary in
25 the collection of any taxes, licenses, assessments or any other
26 money he is authorized to collect. And at the time and in the
27 same manner provided by the laws of West Virginia for the
28 return and publication of delinquent tax lists he shall make up
29 a list of taxpayers who are delinquent for the non-payment of
30 taxes on personal property, and cause the same to be published
31 in accordance with the laws of West Virginia for the publica-
32 tion of taxpayers delinquent for the non-payment of state and
33 county taxes on personal property; and at the time and in the
34 manner prescribed by the laws of West Virginia, the said city
35 clerk shall return to the auditor of West Virginia a list of the
36 real estate in said city delinquent for the non-payment of taxes,
37 and the same shall be sold in the manner prescribed by law for
38 such sales. If the clerk shall fail to collect, account for and pay
39 over to the treasurer of said city any or all of the money with
40 which he may be chargeable, belonging to said city, according
41 to the conditions of his bond and orders of the board of com-
42 missioners, it shall be lawful for the board of commissioners to
43 recover the same in the manner herein provided.

Sec. 26. It shall be the duty of the clerk to make an assess-
2 ment of the property within the city subject to taxation, sub-
3 stantially in the manner and form in which assessments are
4 made by the assessor of the county, including the collection of
5 the capitation tax for the city, and return the same to the board
6 of commissioners on or before the first day of June of each year,
7 and for this purpose he shall have all the powers conferred by
8 law upon the county assessors. He shall list the number of
9 dogs and other animals subject to license tax in the city, and
10 the names of persons owning the same, which list shall be re-
11 turned and entered upon the record of the city. In order to
12 aid the clerk in ascertaining the property subject to taxation
13 by said city, he shall have access to all books and public records
14 of Wyoming county, without expense to him or said city, and
15 he shall have the same power and be subject to the same pen-
16 alties in ascertaining and assessing the property and subjects
17 of taxation of said city as are granted and imposed on the
18 county assessors throughout the state by general law; and the
19 commissioners shall have authority to prescribe by general or-

20 dinance 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

22 said treasurer shall receive such compensation as the board of
23 commissioners may fix, which shall not be more than two hun-
24 dred dollars *per annum*. Any bank or trust company of said
25 city is hereby authorized to act as treasurer of said city, and
26 the same shall be liable for all money deposited therein.

Sec. 29. The chief of police, street commissioner, and other
2 employees and officials deemed necessary by and appointed or
3 employed by the board of commissioners, shall perform such
4 duties as the board of commissioners shall by ordinance,
5 resolution or order require. They shall be subject to removal
6 at any time for cause by the board of commissioners without re-
7 course to the city and the board of commissioners may direct
8 the dismissal of an employee for cause.

Sec. 30. All officers, elective and appointive, shall make
2 oath before some one authorized to administer oaths, that they,
3 will support the constitution of this state and will faithfully
4 and impartially discharge the duties of their respective offices, to
5 the best of their skill and judgment; that they will not, during
6 their term of office, become pecuniarily interested, directly or
7 indirectly, in any contract with the city, or the purchase of
8 any supplies therefor. When the officers shall have made such
9 oath in writing, and filed the same with the city clerk, and shall
10 have given bond, if any is required, he shall be considered as
11 having qualified for the office to which he was elected or ap-
12 pointed.

13 The bonds, obligations and other writings taken in pursuance
14 of any provisions of this act shall be made payable to the City
15 of Mullens and the respective persons and their heirs, executors,
16 administrators and assigns bound thereby, shall be subject to
17 the same proceedings on the said bond, obligation or other
18 writings, for enforcing the conditions of the terms thereof by
19 motion or otherwise, before any court or record held in and for
20 the county of Wyoming that collectors of county levies, and
21 other sureties are, or shall be subject to liability on their bonds
22 for enforcing payment of the county levies.

Sec. 31-32. The board of commissioners shall, at their first
2 meeting after election, and thereafter at the first meeting in
3 July of each year, appoint and constitute a city board of health
4 to be composed of a chief health officer, who shall be a practic-
5 ing physician of good standing in the city, who will serve faith-

6 fully for the compensation of not less than fifty dollars nor
7 more than three hundred dollars *per annum*, and if no prac-
8 ticing physician of good standing will serve as such chief health
9 officer for said compensation, then the board of commissioners
10 may appoint any reputable citizen as such chief health officer,
11 who, with the city solicitor and two other citizens of good re-
12 pute and interested in the welfare of the city, shall constitute
13 the city board of health to exercise all power conferred upon
14 county health officers and boards by the laws of the state of West
15 Virginia, and the said city board of health shall be independent
16 of the county board of health, but shall bear the same relation
17 to the state health department as county boards of health. The
18 city health board shall protect the health of the city, and take
19 such measures as may be advisable to prevent the spread of con-
20 tagious diseases; establish and maintain quarantines when nec-
21 essary and required by said laws; may establish rules of sani-
22 tation and enforce the same.

Sec. 33. There shall be a lien on the real estate within
2 said city for the city taxes assessed thereon, and for all fines
3 and penalties assessed to, or imposed upon the owners thereof,
4 by the authorities of said city from the time the same are so
5 assessed or imposed, which shall have priority over all other
6 liens, except the lien for taxes due the state, county and dis-
7 trict, and which may be enforced by the board of commissioners
8 or proper officer of the city in the same manner provided by
9 law for the enforcement of the lien for county taxes.

Sec. 34. Concerning anything for which a state license is
2 now, or may hereafter be required, said board of commissioners
3 may require a city license therefor, and may impose a tax
4 thereon for the use of the city; and the board of commissioners
5 shall have, and is hereby granted, the sole and exclusive power
6 to grant, refuse or revoke any such license or the license of the
7 owners or keepers of hotels, hacks, carts, wagons, drays and
8 every other description of wheeled vehicles kept or used for hire
9 within the city, and to levy and collect a tax thereon and to
10 subject the same to such regulations as the interest and con-
11 venience of the inhabitants of said city, in the opinion of the
12 board of commissioners, may require; to license and tax owners
13 and keepers of dogs within the city and provide for the killing
14 of dogs, the keeping of which is not so licensed; to license and
15 tax hawkers, peddlers, book agents and canvassers of all kinds

16 within said city, and persons who temporarily station them-
17 selves on the streets to sell or exhibit articles, and to license
18 and impose a tax on any other business, occupation or profes-
19 sion, and the owners thereof, or the person, persons or corpora-
20 tion conducting the same, whether specifically mentioned herein
21 or not, not contrary to the constitution of the state of West
22 Virginia. When any such license as hereinbefore mentioned is
23 granted by said board of commissioners, said board may, by
24 ordinance, impose a tax thereon for the use of the city, the
25 amount of which shall be left to the discretion of the board.
26 The board of commissioners shall prescribe by ordinance the
27 manner in which licenses of all kinds shall be applied for and
28 granted, and shall require the payment of the tax thereon to be
29 made to the properly designated official of the city before de-
30 livering to the person applying therefor.

Sec. 35. The board of commissioners shall have, and are
2 hereby given authority to acquire by condemnation, purchase
3 or otherwise, any and all real estate within said city, or ad-
4 jacent thereto, or not more than four miles removed, not to
5 exceed twenty acres, necessary for cemetery purposes; to main-
6 tain and keep the same in good condition and repair, and to
7 provide, by taxation or otherwise, sufficient funds necessary to
8 maintain and keep the same in good condition and repair; to
9 regulate the burial of the dead within said cemetery, and to
10 preserve the peace within all cemeteries acquired by it, whether
11 situate within or without the corporate limits of said city, and
12 all other cemeteries as will promote the public good.

Sec. 36. The board of commissioners shall have the right to
2 institute proceedings in the name of the city for the condem-
3 nation of real estate for streets, alleys, sewers, drains, city
4 prison, cemetery or cemeteries, for purposes of the public good,
5 such proceedings shall conform to the provisions of chapter
6 forty-two of the code of West Virginia and amendments thereto,
7 and the costs thereof shall be borne by the city, except that in
8 contests involving a hearing in the circuit court, costs shall be
9 recovered by the prevailing party.

Sec. 37. No ordinance or by-law and no resolution or measure
2 for the expenditure of money other than to defray the current
3 expenses and incidental expenses of the city shall be deemed
4 adopted or passed unless it shall have been fully read to two
5 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-

14 penditures to be made and payable out of the funds of said city
15 for the current fiscal year, including the cost of collection of
16 taxes and other claims with proper allowances for delinquent
17 taxes and contingencies.

18 The said statement shall, also, set forth the total amount
19 necessary to be raised by the levy of taxes for the current fiscal
20 year, the rate of such levy in cents on each one hundred dollars
21 assessed valuation of the taxable property in said city and the
22 separate and aggregate amounts of the assessed valuation of
23 real estate, personal property and public utility property as-
24 sessed by the board of public works. A copy of which state-
25 ment, duly certified by the clerk of said city, shall immediately
26 be forwarded to the state tax commissioner and said statement
27 shall, also, be published twice, at least one week intervening
28 between publications, in two newspapers of opposite politics,
29 if such there be, published within the city, and if there be only
30 one newspaper published within the city, then in that news-
31 paper. The session shall then stand adjourned until the fourth
32 Tuesday in August, at which time it shall reconvene and it
33 shall then be the duty of said commissioners to hear and con-
34 sider any objections made orally or in writing to said estimate
35 and proposed levy, or any item thereof. It shall be the duty
36 of the commissioners to enter an order of record showing the
37 objections so made, setting forth the reasons and grounds for
38 such objections. After said objections have been made and
39 heard, the commissioners shall thereupon reconsider the pro-
40 posed original estimate and proposed rate of levy, and if the
41 objection thereto or any part thereof appear to be well taken,
42 the commissioners shall correct the same accordingly, and it
43 shall, thereupon, be approved, and when approved shall, with
44 the order approving it, be entered by the clerk in its book of
45 record of proceedings; the commissioners shall, thereupon, by
46 an ordinance lay a levy for the ensuing tax year of a sum not
47 to exceed seventy-five cents on each one hundred dollars as-
48 sessed valuation of all taxable property, real and personal, sub-
49 ject to taxation in said city, according to the last assessment
50 thereof, as will produce the amount shown by the said state-
51 ment approved to be necessary for municipal purposes; a copy
52 of the order laying levies, duly certified by the clerk of said
53 city, shall be immediately forwarded to the state tax commis-
54 sioner. The said board of commissioners is authorized to levy

55 such maximum of seventy-five cents for municipal purposes, on
56 each one hundred dollars of valuation, notwithstanding any
57 general laws now in force or which may hereafter be enacted
58 restricting the powers of municipal corporations to levy taxes;
59 and said maximum levy of seventy-five cents shall be exclusive
60 of any amount required to be levied to care for any bonded
61 indebtedness, or the interest accrued thereon.

62 An annual capitation tax of one dollar may be levied upon
63 each male inhabitant of said city who has attained the age of
64 twenty-one years, and the said capitation taxes may be collected
65 at the same time the assessment is made.

Sec. 40. The board of commissioners shall have power to pro-
2 vide by ordinance for the assessing against the abutting prop-
3 erty the cost of removing from the sidewalks all accumulations
4 of snow and ice, and for assessing against the property the cost
5 of cutting and removing noxious weeds, and the removing of
6 papers, boxes, cartons, tin cans and other rubbish that renders
7 said premises unsightly or insanitary.

Sec. 41. Wherever 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
5 be executed by an officer of the police department of said city
6 in the same way or manner in which the laws of the state pre-
7 scribe for executing summonses and subpoenas by state officers,
8 unless otherwise provided by this act.

Sec. 42. If the board of commissioners fail or refuse to
2 perform the duties hereinbefore or hereinafter named, every
3 member of such board of commissioners and the clerk thereof
4 concurring in such failure or refusal, shall be guilty of a mis-
5 demeanor and upon conviction thereof, shall be fined not less
6 than ten dollars nor more than one hundred dollars for each
7 offense.

Sec. 43. If, at the end of any fiscal year, the board of com-
2 missioners may deem it in the interest of economy and effi-
3 ciency in the administration of the city's affairs, they may ap-
4 point, employ or elect a city manager, at compensation to be
5 fixed by said board of commissioners, and such city manager
6 shall be the administrative head of the municipal government
7 under the direction and supervision of the board of commis-
8 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

4 making of public improvements and for the payment of same,
5 in accordance with the provisions of chapter forty-seven of
6 Barnes' West Virginia code, one thousand nine hundred and
7 twenty-three, relating to cities, towns and villages. It is not
8 the purpose of this act to interfere or make any change in the
9 manner of making public improvements and the financing of
10 the same. On the contrary, it is the purpose of this act to leave
11 the making of public improvements, such as the building of
12 sidewalks, building and extending sewerage systems and the
13 paving of the streets the same as is now provided by general
14 law under chapter forty-seven of the code of West Virginia.

Sec. 48. The board of commissioners may, by ordinance,
2 establish a district or zone, which shall include the business
3 section of the city, or any part thereof, for the purpose of orna-
4 mental street lighting, the limits of said zone or district to be
5 defined in said ordinance.

6 The board of commissioners may order ornamental street
7 lights placed upon any street within the ornamental district or
8 zone, the same to be fully described in such ordinance, which
9 shall also state the distance such lights shall be placed apart,
10 and assess and collect the cost of installation of same from the
11 owners of the property abutting on said street, in proportion
12 to the frontage owned by each, and such assessment shall be
13 made in the same manner and shall become a lien upon the
14 property abutting upon the said street to the same extent as
15 herein provided for liens against property for sidewalks con-
16 structed upon any streets by the city, and the remedies herein
17 provided for the collection of sidewalk assessments against
18 property owners, or the property abutting upon any street
19 upon which a sidewalk is laid by the city, shall apply to the
20 collection of any assessment made for the construction of orna-
21 mental street lighting upon any street upon which such lights
22 are installed.

23 *Provided, however,* the persons, firms or corporations owning
24 a majority of the front footage of the property, exclusive of
25 intersections and bridges, shall first petition the board of com-
26 missioners, requesting them to have said ornamental street
27 lighting system installed. On the petition of said persons,
28 firms and corporations, owning a majority of the front footage
29 as aforesaid, requesting that said ornamental street lighting
30 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 ar 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 26, 1920; in effect from passage. Approved by the Governor.]

SEC.

- 61. Power of council as to street im-
provements and payment by spe-
cial assessments upon property
owners.
- 62. Assessment of property for trunk
line or storm water sewers.
- 63. Sewering and paving upon petition
of property owners.
- 64. How special assessments upon

SEC.

- benefitted property determined.
- 65. Report of estimate of cost of paving
or sewerage; procedure upon re-
port.
- 66. Contractor to accept certificates in
payment.
- 67. In what time assessments shall be
paid; form of certificate; form of
coupon.

Sec.	Se.
68. Report of city engineer upon completion of work; procedure upon report; recordation and lien of assessment.	Justment; 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.
69. Contract may provide to whom the contractor looks for payment.	78. Court action to prevent unlawful erection, etc., of buildings.
70. Notice of assessment to state whether based on frontage or valuation.	79. When these regulations or when regulations in other statutes or local ordinances are to govern.
71. Council may establish building code.	80. Mayor may appoint municipal planning commission.
72. May zone city for buildings, etc.	81. Number and terms of municipal planning commission.
73. Building regulations to be reasonable.	82. Duties of municipal planning commission.
74. How regulations amended or changed.	83. Plans and plats of building lots to be submitted to municipal planning commission.
75. How amendment made after protest of property owners.	
76. Mayor, with approval of council, shall appoint zoning commission.	
77. Council shall appoint board of ad-	

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:

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, sewerage 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 sewerage or

4 paved, or both, and assess the cost of the sewerage or paving,
5 or both, of the whole unit against the abutting property
6 owners in proportion to their frontage as hereinafter set out.

Sec. 64. Special assessments upon the property deemed
2 benefitted by a public improvement shall be by the following
3 methods:

4 (a) By a percentage of the value of the property as assessed
5 for taxation, in the area served in the case of storm water
6 sewers, and sanitary trunk line sewers.

7 (b) By the foot frontage of the property in the unit con-
8 structed in the case of paving.

9 (c) By the front footage of the property in the unit con-
10 structed in the case of sanitary sewerage, other than trunk
11 line sewers, except, however, that corner property, where sew-
12 ered in front, shall only be charged on the basis of fifty *per*
13 *centum* of its side frontage.

Sec. 65. Prior to the passage of an ordinance requiring
2 any paving or sewerage, or both, under the provisions of this
3 article, the city engineer shall make a report to the council
4 together with an estimate of the cost of the work proposed to
5 be done, and such report and estimate shall show the esti-
6 mated expense to each property owner. The report shall
7 specifically show the character and class of work to be done,
8 and the plans and specifications thereof shall be on file in the
9 office of the city engineer. Upon the submission of said re-
10 port to the council if it shall be determined that the cost of
11 the improvement is less than the value to the property owners
12 of the estimated improvement herein provided, and in the case
13 of paving or sanitary sewerage other than trunk line sewers,
14 the proper petition of the property owners containing the
15 names of the owners of more than fifty per cent of the unit
16 proposed to be sewerage or paved has been filed, and the coun-
17 cil desires to proceed with the work it shall by ordinance
18 provide for said work by letting the same to contract. And shall
19 cause a notice to be published once a week for two successive
20 weeks in some newspaper published in the city of Martinsburg,
21 of the contemplated improvement, and that at a certain date
22 property owners will be heard who may object thereto prior
23 to the beginning of said work. If there are no objections to
24 said improvement or if after a full hearing the council shall
25 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
 2 shall require the contractor to bid so much for said work
 3 and the contractor shall agree to accept as payment for the
 4 same contractor's certificates in amount over a period of ten
 5 years, in the manner hereinafter provided, and he shall fur-
 6 ther state in his bid what discount he will allow for cash, and
 7 the contract shall be awarded on such basis.

Sec. 67. If any assessment against any property owner
 2 under this article shall not exceed the sum of one hundred
 3 dollars the assessment shall be payable in cash within thirty
 4 days after the same is made. If such assessment shall ex-
 5 ceed the sum of one hundred dollars and the property owner
 6 does not elect to pay cash there shall be issued on such assess-
 7 ment contractor's certificates dividing said assessment into ten
 8 equal, annual payments, one of which payments shall be due
 9 thirty days after the making of said assessments, one in one
 10 year, one in two years, one in three years, one in four years,
 11 one in five years, one in six years, one in seven years, one in
 12 eight years, and one in nine years thereafter. Deferred pay-
 13 ments shall bear interest at the rate of six per cent per
 14 annum. Such certificates shall be in the following form or to
 15 the following effect:

16 No.-----THE STATE OF WEST VIRGINIA \$-----
 17 (State Coat of Arms)
 18 CITY OF MARTINSBURG.

19 CONTRACTOR'S ASSESSMENT CERTIFICATE

20 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

30 Virginia, and the laws of the State of West Virginia to pay
31 the cost of grading, curbing, paving and sewerage -----
32 ----- from
33 ----- to -----

34 in the City of Martinsburg, West Virginia.
35 Said assessments to draw interest at the rate of six per
36 centum per annum, payable annually.
37 Installments of this certificate, therefore, are evidenced by
38 ----- principal install-
39 ment coupons hereunto attached, which show the amounts of
40 such installments, the due date thereof, and are signed by the
41 mayor and the recorder of the City of Martinsburg, West
42 Virginia.

43 The interest on this certificate and the installments thereof
44 are evidenced by interest coupons hereunto attached, which
45 show the amount of such interest, the due date thereof, and
46 are signed by the mayor and recorder of the City of Mar-
47 tinsburg, West Virginia.

48 Upon the due date of any principal installment coupons
49 excepting the first, the annual interest on so much of said
50 assessment as remains unpaid, shall be due and payable in ac-
51 cordance with, and as evidenced by "interest coupons" hereto
52 attached. The interest on the first principal installment cou-
53 pon shall be paid when the said principal installment coupon
54 is paid.

55 The said several principal installment and interest coupons
56 respectively, are payable at the office of the treasurer of the
56a City of Martinsburg.

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

63 It is hereby certified and recited that all the acts, condi-
64 tions and things required to be done precedent to and in the
65 letting of the contract for said improvement, the equalization
66 and making of said assessment, and the issuing of this certi-
67 ficate, have been done and performed in regular and due
68 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. _____ PRINCIPAL INSTALLMENT \$_____
79 _____ COUPON

80 On the _____ day of _____, 19____, there will be
81 due and payable to the bearer hereof, from _____
82 the sum of _____ dollars, being the _____
83 installment on certificate No. _____ of the City of Martins-
84 burg, West Virginia, for the curbing, grading, paving and
85 sewerage of _____ from
86 _____ to _____
87 _____

88 Recorder _____ Mayor. _____
89 No. _____ INTEREST COUPON \$_____

90 On the _____ day of _____, 19____, there will be due
91 and payable to the bearer hereof, from _____
92 the sum of _____ dollars, representing interest
93 at six per centum from _____ to _____
10 [Enrolled S. B. No. 212
94 of certificate No _____ on installment No. _____ of the
95 City of Martinsburg, West Virginia, for curbing, grading,
96 paving and sewerage of _____ from _____
97 to _____
98 _____

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

10 liable for the same on account of the improvements so made,
11 and requiring any persons objecting to such assessment to
12 appear and support such objection. And the council shall
13 thereupon at the time specified in said notice proceed to make
14 an assessment against the property benefited for the cost
15 thereof. Council shall thereupon cause said assessment to be
16 recorded in the office of the clerk of the county court of
17 Berkeley county, West Virginia. And such assessment when
18 made shall constitute a lien second only to the lien for state,
19 county and municipal taxes against the properties therein
20 mentioned, and an assessment against such properties in the
21 name of the person in which such property is listed in the
22 land book shall be a sufficient designation of the owner
23 thereof, and said lien shall continue as other liens until paid
24 and released of record by a release executed by the officer and
25 in the name and manner prescribed by ordinance.

Sec. 69. A contract for such public improvement may
2 provide the method by which the contractor shall receive
3 such assessments in payment of the work done, and may
4 provide that the contractor shall look to such assessment,
5 and not to the city of Martinsburg for payment for such
6 work. The assessment certificates issued hereunder shall be
7 deemed public obligations and as such shall be exempt from
8 property taxation in this state.

Sec. 70. When notice is given under this act of any pre-
2 liminary or final assessment such notice shall state whether
3 the assessment is in proportion to frontage or valuation.

ARTICLE XXXIX.

Sec. 71. For the purpose of promoting health, safety,
2 morals, or the general welfare of the community, the council
3 of the city of Martinsburg is hereby empowered to regulate
4 and restrict the height, number of stories, and size of build-
5 ings and other structures, the percentage of lot that may be
6 occupied, the size of yards, courts, and other open spaces, the
7 density of population, and the location and use of buildings,
8 structures, and land for trade, industry, residence, or other
9 purpose.

Sec. 72. For any or all of such purposes, the council may
2 divide the city into districts of such number, shape and area as
3 may be deemed best suited to carry out the purposes of this ar-
4 ticle; 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
13 shall apply equally to all changes or amendments.

Sec. 76. In order for the city to avail itself of the zoning
2 powers conferred by this article, the mayor with the approval
3 of the council shall appoint a commission, consisting of five
4 freeholders of the municipality, not more than three of whom
5 shall belong to the same political party, to be known as the
6 zoning commission, to recommend the boundaries of the vari-
7 ous original districts and appropriate regulations to be en-
8 forced therein. Such commission shall make a preliminary
9 report and hold public hearings thereon before submitting
10 its final report, and the council shall not hold its public hear-
11 ings or take action until it has received the final report of
12 such commission.

Sec. 77. The council shall provide for the appointment of
2 a board of adjustment, and in the regulations and restrictions
3 adopted pursuant to the authority of this article may provide
4 that the said board of adjustment may, in appropriate cases
5 and subject to appropriate conditions and safeguards, make
6 special exceptions to the terms of the ordinance in harmony
7 with its general purpose and intent and in accordance with
8 general or specific rules therein contained.

9 The board of adjustment shall consist of five members, each
10 to be appointed for a term of three years and removable for
11 cause by the appointing authority upon written charges and
12 after public hearings. Vacancies shall be filled for the un-
13 expired term of any member whose term becomes vacant.

14 The board shall adopt rules in accordance with the provi-
15 sions of any ordinance adopted pursuant to this article. Meet-
16 ings of the board shall be held at the call of the chairman
17 and at such other times as the board may determine. Such
18 chairman, or in his absence the acting chairman, may adminis-
19 ter oaths and compel the attendance of witnesses. All meet-
20 ings of the board shall be open to the public. The board
21 shall keep minutes of its proceedings, showing the vote of each
22 member upon each question, or, if absent or failing to vote,
23 indicating such fact, and shall keep records of its examina-
24 tions and other official actions, all of which shall be imme-
25 diately filed in the office of the board and shall be a public
26 record.

26 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
30 time, as provided by the rules of the board, by filing with the
31 officer from whom the appeal is taken and with the board of
32 adjustment a notice of appeal specifying the grounds thereof.
33 The officer from whom the appeal is taken shall forthwith
34 transmit to the board all the papers constituting the record
35 upon which the action appealed from was taken.

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-e ceedings 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-

58 ment, decision, or determination appealed from, and may
59 make such order, requirement, decision, or determination as
60 ought to be made, and to that end shall have all the powers
61 of the officer from whom the appeal is taken.

62 The concurring vote of four members of the board shall
63 be necessary to reverse any order, requirement, decision, or
64 determination of any such administrative official, or to de-
65 cide in favor of the applicant on any matter upon which it
66 is required to pass under any such ordinance, or to effect
67 any variation in such ordinance.

68 Any person or persons, jointly or severally aggrieved by
69 any decision of the board of adjustment, or any taxpayer, or
70 any officer, department, board, or bureau of the municipality,
71 may present to the circuit court of the county, a petition,
72 duly verified, setting forth that such decision is illegal, in
73 whole or in part, specifying the grounds of the illegality.
74 Such petition shall be presented to the court within thirty
75 days after the filing of the decision in the office of the board.

76 Upon the presentation of such petition the court may allow
77 a writ of *certiorari* directed to the board of adjustment to re-
78 view such decision of the board of adjustment and shall pre-
79 scribe therein the time within which a return thereto must be
80 made and served upon the relator's attorney, which shall not
81 be less than ten days and may be extended by the court. The
82 allowance of the writ shall not stay proceedings upon the de-
83 cision appealed from, but the court may, on application, on
84 notice to the board and on due cause shown, grant a restrain-
85 ing order.

86 The board of adjustment shall not be required to return
87 the original papers acted upon by it, but it shall be sufficient
88 to return certified or sworn copies thereof or of such portions
89 thereof as may be called for by such writ. The return shall
90 concisely set forth such other facts as may be pertinent and
91 material to show the grounds of the decision appealed from
92 and shall be verified.

93 If, upon the hearing, it shall appear to the court that testi-
94 mony is necessary for the proper disposition of the matter, it
95 may take evidence or appoint a referee to take such evidence
96 as it may direct and report the same to the court with his
97 findings of fact and conclusions of law, which shall constitute
98 a part of the proceedings upon which the determination of the

99 court shall be made. The court may reverse or affirm, wholly
100 or partly, or may modify the decision brought up for re-
101 view.

102 Costs shall not be allowed against the board unless it
103 shall appear to the court that it acted in bad faith or with
104 malice in making the decision appealed from.

Sec. 78. In case any building or structure is erected, con-
2 structed, reconstructed, altered, repaired, converted, or main-
3 tained, or any building, structure, or land is used in violation
4 of this article or of any ordinance or other regulation made
5 under authority conferred hereby, the city in addition to other
6 remedies, may institute any appropriate action or proceedings
7 to prevent such unlawful erection, construction, reconstruc-
8 tion, alteration, repair, conversion, maintenance, or use, to
9 restrain, correct, or abate such violation, to prevent the oc-
10 cupancy of such building, structure, or land, or to prevent
11 any illegal act, conduct, business, or use in or about such
12 premises.

Sec. 79. Wherever the regulations made under authority
2 of this article require a greater width or size of yards,
3 courts, or other open spaces, or require a lower height of
4 building or less number of stories, or require a greater per-
5 centage of lot to be left unoccupied, or impose other higher
6 standards than are required in any other statute or local
7 ordinance or regulation, the provisions of the regulations
8 made under authority of this article shall govern. Wherever
9 the provisions of any other statute or local ordinance or regu-
10 lation require a greater width or size of yards, courts, or
11 other open spaces, or require a lower height of building or a
12 less number of stories, or require a greater percentage of lot
13 to be left unoccupied, or impose other higher standards than
14 are required by the regulations made under authority of this
15 article, the provisions of such statute or local ordinance or
16 regulation shall govern.

• Sec. 80. The mayor is hereby authorized to appoint a mu-
2 nicipal planning commission, which may consist of the mem-
3 bers of the zoning commission; *provided, however*, that any
4 ordinance or by-laws enacted under the authority of this act
5 shall exempt from the operation thereof any building or
6 structure used or to be used by a public service corporation
7 (not otherwise exempted) as to which proof shall be pre-

8 sented to the board of adjustment provided for in this act,
9 or to the public service commission, that the exemption of
10 such building or structure is reasonably necessary to the
11 convenience or welfare of the public.

Sec. 81. The municipal planning commission shall consist
2 of not less than five citizens, all of whom shall be taxpayers,
3 who shall be nominated by the mayor and confirmed by the
4 council. The members of the commission first appointed
5 shall serve respectively for terms of one year, two years and
6 three years, divided equally or as nearly equally as possible
7 between these terms. Thereafter members shall be appointed
8 for terms of three years each. Vacancies shall be filled by
9 appointment for the unexpired term only. Members of the
10 commission shall serve without compensation.

Sec. 82. The duties of the municipal planning commission
2 shall be to prepare plans for the development of the whole or
3 any portion of the municipality and of any land outside of the
4 municipality which, in the opinion of the commission, bears re-
5 lation to the planning of the municipality; *provided, however,*
6 that the power of the municipal planning commission shall not
7 extend beyond the territorial limits of the municipality except
8 so far as is reasonably necessary to protect the community, both
9 within and without the corporate limits, against inadequate
10 streets, highways, and sewers, and inadequately planned and
11 zoned territory.

12 Before final action shall be taken by the city or any de-
13 partment thereof on the location and design of any public
14 building, public memorial, street, park, parkway, playground
15 or other public area, such question shall be submitted to the
16 municipal planning commission for investigation and report.

Sec. 83. All plans, plats or replats of land laid out in
2 building lots, and the streets intended to be dedicated to
3 public use, shall be submitted to the municipal planning
4 commission for their consideration and no such plat or replat
5 shall be filed in the office of the clerk of the county court,
6 as provided by law in other cases, until such plat or replat
7 shall have indorsed upon it the fact that it has first been
8 submitted to the municipal planning commission, and by the
9 municipal planning commission to the mayor and council, and
10 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 2 manner and form as is required by chapter nine of the acts of 3 the legislature of West Virginia of the year one thousand nine 4 hundred and eight, and shall make a levy of so much as will 5 in its judgment be necessary to pay the same; *provided*, that 6 such levy shall not exceed fifty cents on each hundred dollars 7 of the assessed valuation of the property of the city according 8 to the last assessment thereof. And the council of the said City 9 of Point Pleasant is hereby authorized and empowered to lay 10 an additional and special levy not to exceed three cents on each 11 one hundred dollars of the assessed valuation of the property of 12 the city, according to the last assessment thereof, for the pur- 13 pose of improving, and equipping municipal play grounds in 14 the City of Point Pleasant, and to maintain the said grounds 15 and equipment. And except as to the amount of said levy as 16 aforesaid, all of the provisions of said act, so far as applicable 17 are hereby adopted and made part hereof, including the power 18 to make additional levies as therein provided.

19 *Provided, however*, that the council of the said city of Point 20 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-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; 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 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.]

<p>SEC. 2. 18. 30.</p>	<p>Corporate limits. Appointive officers; how appointed. Terms and removal of ap-</p>	<p>SE. 40.</p>	<p>pointive officers. Vote required for passage of ordinance, etc.; contract for garbage disposal.</p>
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<p>SE . 75. Civil service board, how constituted; duties and powers of board.</p> <p>76. Members police and fire departments to hold positions at will of civil service board.</p> <p>84. Certain present officers to continue in office.</p> <p>68-a. (a) Board of commissioners authorized to refund saving assessment certificates. (b) Contract between board of commissioners and owners of unpaid paving 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; protests 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 paid; publication of ordinance; lieu of special assessment. (i) City clerk to certify assessments for recordation in county clerk's office.</p>	<p>(j) Assessments to be evidenced by certificates; payment in ten equal annual installments; form of certificates and coupons.</p> <p>(k) Refunding paving assessment certificates to be delivered to owners of original.</p> <p>(l) Limitations on suits; set aside re-assessment.</p> <p>(m) Prior void assessments not validated.</p> <p>68-b. (a) Proceedings on prior paving 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 paving assessment certificates. (d) Sale of refunding paving 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.</p> <p>68-c. Provisions of act separable. 68-d. Inconsistent acts repealed.</p>
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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 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:

Beginning at a stake at low water mark of the Ohio river, southerly side thereof, about a mile above the mouth of the Guyandotté 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 southwestery 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.

39 one thousand nine hundred and twenty-five, a copy of which
40 map is now filed in the office of the clerk of the county court
41 of said Cabell county; thence in a southerly direction along
42 and with the east side of Elwood avenue to the southerly side
43 of Washington boulevard, as shown on said map; thence in an
44 easterly direction with the southerly line of Washington boule-
45 vard continuing with the same to the point of juncture of
46 Washington boulevard with Arlington boulevard, and thence
47 continuing in a southerly direction with the westerly line of
48 Arlington boulevard to a point which is five hundred feet
49 south of the top of the bank of Guyan river; thence in an
50 easterly direction at a right angle to Arlington boulevard to
51 a point in the southeasterly corporation line of the City of
52 Huntington, as heretofore constituted by chapter one hundred
53 and fifty of the acts of the legislature of one thousand nine
54 hundred and one; thence south and then westerly with said
55 corporation line to the Huntington-Hamlin pike; thence in a
56 straight line and westerly direction to a point on the west
57 side of the McCoy (Eighth street) road two feet northeast of
58 the northeasterly corner of the F. L. Weymouth land; thence
59 westerly across the McCoy road to the northeasterly corner of
60 the F. L. Weymouth land; thence following the northeasterly
61 line of the F. L. Weymouth land and the northerly line of the
62 land of F. L. and F. A. Weymouth to the intersection of the
63 present corporation line at the left fork of Hisey creek; thence
64 westerly with the northerly bank of the said left fork to its
65 intersection with the right fork; thence westerly with the
66 northerly bank of Hisey fork of Four Pole creek to a point in
67 the center of the Hisey fork of Four Pole creek, a corner of
68 Mrs. F. L. Whittaker and the Andrew J. Cox estate, thence
69 in a southerly direction and with the west line of the said
70 Whittaker land to the southwest corner of same; thence
71 continuing with the south line of the said Whittaker land in a
72 southeasterly direction to a large white oak, a corner to the
73 Wm. Long land (now Mullins) which is also the most southern
74 corner to the said Whittaker land and on the Porter ridge,
75 thence southwest with the Long and Overby (now Mullins)
76 lands and with said Porter ridge to the northeast corner of
77 the Ollis Simmons land; thence with the east line of said Sim-
78 mons land and continuing with said Porter ridge to the north-
79 east corner of Sam Simmons land; thence with the east line

80 of said Sam Simmons land and the said Porter ridge in a
81 southerly direction to the northeast corner of T. H. Reece's
82 land; thence with the north line of same and with said Porter
83 ridge in a southeasterly direction to the southeast corner of
84 said Reece's land; thence with the east line of said Reece in a
85 southerly direction and with said Porter ridge to a locust
86 stump, a corner to the said T. H. Reece and Oliver Morrow;
87 thence in a southwesterly direction and with the line between
88 said Reece and Morrow and continuing with said Porter ridge
89 to the most southerly corner of said Reece's land and on top
90 of said Porter ridge; thence leaving the said Reece and Mor-
91 row line and running through the said Oliver Morrow lands
92 in a southwesterly direction and with the center of the main
93 Porter ridge to the Wayne county line, and with Wayne
94 county line in a northwesterly direction to a point in the
95 south right of way line of the Chesapeake and Ohio railroad
96 right of way; thence continuing with the southerly line of the
97 right of way of said railway company to the point of its inter-
98 section with the easterly corporation line of the Town of
99 Ceredo in Wayne county; thence in a northerly direction with
100 said easterly corporation line of the Town of Ceredo to the
101 low water mark of the southerly side of the Ohio river; thence
102 easterly with said low water mark of the Ohio river to the
103 point of beginning.

104 *Provided*, That the territory embraced relating to that part
105 of the boundary line in Wayne county shall always remain in
106 Wayne county.

Sec. 18. In addition to the municipal authorities mentioned
2 in sections four and seven of this act, said city shall have a city
3 clerk, treasurer, auditor, police judge, jailer, city attorney,
4 chief of police, chief of detectives, police clerk, inspector of
5 police, captains of police not to exceed three in number, lieu-
6 tenants of police not to exceed four in number, chief of fire
7 department, captains of fire department, not to exceed two for
8 each fire station operated within the city, city engineer, superin-
9 tendent of streets and sewers, and building inspector, and such
10 other officers and agents as the board of commissioners from
11 time to time may create and employ, *provided, however*, that no
12 new office shall be made or created by the board of commission-
13 ers, 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 ure, 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-

16 fective for one year to the lowest bidder who shall be required
17 to furnish a surety bond in an amount not less than forty per
18 cent of the total annual contract price, conditioned for the
19 faithful performance of said contract.

Sec. 75. There is hereby created a civil service board
2-3 consisting of two members. The present auditor of the city of
4 Huntington by virtue of his office shall be one member, the
5 present city treasurer of the City of Huntington, by virtue of
6 his office shall be the other member and said civil service board
7 shall thereafter consist of said city treasurer and auditor and
8 be vested with all the powers and duties as hereinafter pro-
9 vided. The duties of the civil service board shall be to examine
10 and select all applications for position of the police and fire
11 department except the chiefs thereof to hear and determine
12 all appeals made by members of the police and fire department
13 who are under civil service; to hear evidence, summon wit-
14 nesses and render judgments in all cases in which charges have
15 been preferred against officers in the above named departments;
16 and if in their judgment the evidence so warrants remove said
17 police officer or member of the fire department from their po-
18 sition; to make promotions of the members of the department
19 to fill vacancies which may occur, *provided, however*, that such
20 promotion made and vacancies filled shall be made from the
21 same political party from which the vacancy occurred, and pre-
22 scribe rules for the conduct of the police and fire department
23 officers, make rules and regulations governing its action and
24 keep same on record of its proceedings. The civil service board
25 shall hold meetings upon the first Tuesday in each month for
26 the purpose of examining and certifying eligibles for the po-
27 lice department and fire department, and shall give ten days
28 posted public notice of the time and place and purpose of such
29 examinations and may be called into special session by the ma-
30 jority of the board of commissioners for the purpose of dispos-
31 ing of any matter arising in its jurisdiction. The city clerk
32 shall be the *ex-officio* clerk of said board and it shall be his duty
33 to attend all meetings and keep an accurate record of all trans-
34 actions of the board in the books provided for that purpose,
35 which record shall at all times be open to public inspection.

36 In the event that it becomes necessary for the civil service
37 board to vote on any question, and the result of said voting
38 show an equal number of said votes cast for and against said

39 question, and said tie in said voting continue for a period of
40 five days, the said members of said board shall forfeit a sum
41 equivalent to fifty per cent of their said salary to the contingent
42 fund of the City of Huntington, until the said tie is broken.

Sec. 76. All officers of the police department and fire de-
2 partment holding under civil service shall hold their positions
3 or standing in their respective departments at the will of the
4 civil service board and subject to the action of the civil service
5 board hereinbefore provided for.

Sec. 84. The chief of the fire department, chief of the police
2 department, and police judge now serving shall continue in
3 their respective capacities until the end of their respective
4 terms and shall subject to the will and removal by the mayor
5 be wholly responsible to the mayor for their conduct. The
6 jailer now serving shall continue in his respective position until
7 the end of his respective term and be responsible to the board
8 of commissioners for his conduct while on duty.

Sec. 68-a. (a) The board of commissioners of the City of
2 Huntington is hereby authorized to refund by reissuing pav-
3 ing assessment certificates issued under the authority of sec-
4 tion sixty-five, chapter seventy-eight, of the acts of the leg-
5 islature of West Virginia of one thousand nine hundred and
6 twenty-three, and under section sixty-seven, chapter twenty-
7 eight, of the acts of the legislature of West Virginia of one
8 thousand nine hundred and twenty-five, (Municipal Charters)
9 subject only to the limitations prescribed in this act.

10 (b) Whenever it shall appear to said board of commissioners
11 that any paving assessment certificate heretofore or hereafter
12 issued, pursuant to section sixty-five, chapter seventy-eight,
13 of the acts of the legislature of West Virginia of one thousand
14 nine hundred and twenty-three, and under section sixty-seven,
15 chapter twenty-eight, of the acts of the legislature of West
16 Virginia of one thousand nine hundred and twenty-five (Mu-
17 nicipal Charters), to pay the costs of paving and otherwise
18 improving any streets, avenue, road, alley, boulevard, or drive
19 in said city, has matured or remains unpaid; or if it shall ap-
20 pear to said board of commissioners that any principal or in-
21 terest coupon or coupons have matured on any such paving
22 assessment certificate so issued, and the same remain unpaid,
23 the said board of commissioners is empowered to and may en-
24 ter into a written agreement, with the owner or owners of such

25 past due paving assessment certificate and the principal and
26 interest coupons attached thereto, of the entire series of the
27 same date and group, issued for said improvement or improve-
28 ments, and provide in such agreement for the cancellation of
29 such group or series of certificates, together with the principal
30 and interest coupons thereon, issued for said improvement or
31 improvements, and to cause a refunding thereof by a reissu-
32 ance thereof, subject to the provisions of this act. The pre-
33 sentation of said paving assessment certificates, together with
34 the unpaid principal and interest coupons issued thereon, un-
35 der the authority of section sixty-five, chapter seventy-eight,
36 of the acts of the legislature of West Virginia, of one thou-
37 sand nine hundred and twenty-three, and section sixty-seven,
38 chapter twenty-eight, of the acts of the legislature of West
39 Virginia of one thousand nine hundred and twenty-five (Mu-
40 nicipal Charters), shall be *prima facie* evidence of owner-
41 ship thereof, and when so presented by such person, firm, or
42 corporation to the board of commissioners, the said party or
43 parties shall have the right to enter into a written contract to
44 provide for the refunding of said paving assessment certifi-
45 cates by a reissue of refunding certificates therefor; and
46 which said contract shall provide that the refunded paving
47 assessment certificates shall be payable solely from reassess-
48 ments levied against the property for the payment of said
49 original paving assessment certificates, in the district and
50 along said street, avenue, road, alléy, boulevard, or drive there-
51 tofore improved in said city, for which said paving assessment
52 certificates and the principal and interest coupons were issued;
53 and said contract shall further provide that in no instance
54 shall any reassessment be made or levied against any property
55 in said district abutting upon said former improvement which
56 has theretofore been paid in full, according to the terms of the
57 assessment levied therefor. Said contract shall further pro-
58 vide that all unmatured installments of paving assessment cer-
59 tificates issued to pay for such improvement heretofore issued
60 shall, until superseded by funding or refunding paving assess-
61 ment certificates, as herein provided, and as provided in section
62 sixty-nine, chapter eleven, of the acts of the legislature of West
63 Virginia of one thousand nine hundred and twenty-one (Mu-
64 nicipal Charters), but no longer, remain against the property
65 so assessed. Such contract shall expressly provide that the

66 City of Huntington shall in no event be liable for any loss or
67 damage sustained by the holder or holders of such paving
68 assessment certificates heretofore issued by reason of the re-
69 funding or reissuance thereof, as authorized in this act, and
70 the city shall not be held as a guarantor or in any way liable
71 for the said refunding or reissuance of paving assessment cer-
72 tificates, except upon direct action of the board of commis-
73 sioners as expressed by resolution of record. Such contract
74 may contain such other and suitable provisions as the parties
75 thereto may agree with reference to the cancellation of such
76 outstanding paving lien assessment certificates and the pro-
77 tection of the rights of the owners of property liable to pay the
78 assessments which have not matured.

79 (c) The contract providing for the refunding of said paving
80 assessment certificates shall be authorized only when the owner
81 or owners of all the unpaid assessment certificates and the
82 coupons thereof of a particular series of the same date and
83 group and issued for the same improvement or improvements,
84 whether all or a part of the same be due or not, or whether all
85 or any coupon thereof shall be in default of payment, join in
86 such an agreement or contract.

87 (d) When the contract heretofore provided for by sub-
88 section (b) of this act, shall be entered into between the con-
89 tracting parties, an ordinance or resolution shall be enacted
90 or passed ratifying the same.

91 (e) Upon the adoption of said ordinance or the passage of
92 said resolution, the owner or owners of such unpaid assess-
93 ment certificates as provided for herein, shall deposit the same,
94 together with the unpaid coupons thereof, with the city treas-
95 urer to be retained until such time as the refunding paving
96 assessment certificates are to be exchanged for such paving
97 assessment certificates heretofore issued, or such paving as-
98 sessment certificates with said coupons may be deposited in
99 any duly incorporated bank or trust company in the City of
100 Huntington, as may be designated by the contract between the
101 city and such certificate owner or owners, to be retained by
102 such depository until exchanged for such refunding paving
103 assessment certificates.

104 (f) Whenever the board of commissioners has entered into
105 a contract for refunding or paving assessment certificates and
106 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

148 refunding paving assessment certificates in the several amounts
149 necessary to pay such refunding certificates against the sev-
150 eral owners of the lots, pieces and parcels of land liable for
151 the costs of the improvement for which said paving assessment
152 certificates are so refunded. Said resolution or ordinance
153 shall likewise recite that a full and complete statement, duly
154 approved, showing the amounts of the various outstanding
155 paving assessment certificates and interest thereon, together
156 with the delinquent assessments for principal and interest in-
157 stallment coupons, together with the owners and the property
158 liable for the payment of said refunding certificates and the
159 amounts to be reassessed is on file in the office of the city
160 clerk. Said resolution or ordinance shall be published at least
161 once a week for two successive weeks in two newspapers of
162 general circulation and of opposite politics published in the
163 city. Any person, firm, or corporation interested or liable
164 shall have the right to file written protests with the city clerk
165 or the board of commissioners against the amount chargeable
166 in such statement within ten days from the date of the first
167 publication of said ordinance or resolution, and failure to file
168 such written protests or objections shall be deemed and con-
169 sidered a waiver of any right which such person, firm, or cor-
170 poration may have or claim. When any such protest may have
171 been filed the board of commissioners shall, at its next regular
172 meeting, or at a special meeting called for that purpose, hear
173 such protest and shall adjudicate and determine the said ob-
174 jection and shall make such order as may seem proper, and
175 said board of commissioners may revise and correct the amount
176 of such unpaid or unmatured assessments, and raise or lower
177 the same as to any lot or lots or tracts of land, as it shall deem
178 just, but shall assess no greater amount against any lot or lots,
179 or tracts of land, than the amount then delinquent or remain-
180 ing unpaid, save and except the necessary costs of this pro-
181 ceedings may be added thereto as set out in sub-section (f),
182 and said board of commissioners shall then confirm the same as
183 so revised or corrected by them, *provided, however*, no objec-
184 tion to the legality of the proceedings with reference to the
185 making of the improvement or the validity of the amount of
186 any assessment originally made shall be considered by the
187 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 (i) Thirty days after the first publication of said assess-
246 ment ordinance or resolution, the city clerk shall certify said
247 assessments and record a copy of said certificate of assessments
248 thereof in the county clerk's office of either Cabell or Wayne
249 county as provided for in section sixty-eight, chapter twenty-
250 eight, of the acts of the legislature of West Virginia, one thou-
251 sand nine hundred and twenty-five (Municipal Charters), and
252 same shall be recorded in the proper trust deed book and
253 indexed in the names of the owners of the property so assessed.
254 When said reassessments have been so made and a copy of
255 said certificate of assessments thereof filed as above directed,
256 the county clerk shall mark as "cancelled," the records of
257 said county in which the original assessments are recorded
258 in so far only as reassessments are made therefor, and that
259 have not formerly been released as provided for in section
260 sixty-nine, chapter eleven, of the acts of the legislature of West
261 Virginia of one thousand nine hundred and twenty-one (Mu-
262 nicipal Charters). The lien or liens of said reassessments
263 may be released in the same manner and form as provided in
264 the aforesaid section of this act.

265 (j) The said assessments shall be evidenced by certificates
266 issued therefor and dated as of the date of the first publica-
267 tion of the ordinance or resolution confirming said assessment
268 against each lot or tract of land, setting out the total amount
269 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

311 the same time the principal installment coupons are due and
 312 payable. Both principal and interest installment coupons
 313 shall be signed by the mayor or clerk or other person so desig-
 314 nated of record by the board of commissioners, or bear a
 315 facsimile of the signature of said mayor and clerk. Said re-
 316 funding paving assessment certificate shall in no event become
 317 a liability of said city. The said certificates issued hereunder
 318 shall recite that they are issued under the laws of the state
 319 of West Virginia, and that they are refunded in pursuance of
 320 this act, and shall further recite the date of the certificate
 321 theretofore issued. The refunding paving assessment certifi-
 322 cates and the principal and interest installment coupons herein
 323 provided for may be made in the following form or of the same
 324 effect:

325 No..... \$.....

326 STATE OF WEST VIRGINIA
 327 (State Coat of Arms)
 328 CITY OF HUNTINGTON REFUNDING
 329 PAVING ASSESSMENT CERTIFICATE

330 This certifies that..... is the
 331 owner of a lot, piece, or parcel of real estate, situate in the
 332 City of Huntington, West Virginia, known and designated as
 333 Lot No....., in Block No....., and has been duly
 334 assessed in the sum of..... Dollars
 335 (\$.....), with interest from the date hereof at the
 336 rate of six per cent *per annum*, which amount of principal and
 337 interest is due and payable on the due date of each principal
 338 and interest installment coupon, as hereto attached, which
 339 assessment has been made to pay the costs of the public im-
 340 provement heretofore made under the authority of the board
 341 of commissioners of the City of Huntington, West Virginia,
 342 and by virtue of the charter of the said city, and the laws of
 343 the state of West Virginia.

344 This refunding certificate is negotiable under the laws of
 345 the state of West Virginia and is one of a series issued pur-
 346 suant to the provision of section sixty-eight-a of the charter of
 347 the City of Huntington, West Virginia, to refund and pay
 348 paving certificates heretofore issued by said city by virtue of
 349 its charter and the laws of the state of West Virginia, and
 350 dated the..... day of....., 19.....

351 The amount of this certificate is payable in ten equal in-

352 stallments and bears interest at six per cent *per annum* pay-
353 able on the due date of each principal installment. The first
354 installment of both principal and interest shall become due
355 and payable on the first day of May after the date of this
356 certificate and the remaining installments of both principal
357 and interest shall become due and payable in the first of each
358 succeeding May until the entire amount of this certificate is
359 paid in said ten installments. If any installment shall not be
360 paid when due, then a penalty of two per cent *per annum* shall
361 be added to the amount of any assessment after it has become
362 due until its payment and said penalty of two per cent shall
363 be added in addition to the six per cent which this certificate
364 carries. The amount of this certificate, together with interest
365 and any penalty that may be due hereon, is a lien co-equal
366 with the lien of taxes and superior to all other liens upon the
367 aforesaid property in the hands of the owner or owners hereof
368 and is a debt against the owner of the aforesaid property and
369 the payment hereof may be enforced as provided by the laws
370 of the state of West Virginia for the collection of other debts,
371 or such lien may be enforced as provided by the laws of the
372 state of West Virginia for the enforcement of other liens
373 against real estate in the name of the owner or owners hereof.
374 In case any installment of principal or interest is not paid
375 on the due date thereof, suit may be instituted by the owner
376 or owners hereof to collect any part of said certificate of both
377 principal and interest which is in default either against the
378 owner of the aforesaid real estate for a personal judgment or
379 to subject the aforesaid real estate to the payment of the whole
380 or any part of the lien hereof.

381 Installments of this certificate, therefore, are evidenced by
382 ten principal installment coupons and ten interest installment
383 coupons hereto attached, which show the amounts of such in-
384 stallments, the due date thereof, and bear a *facsimile* signa-
385 ture of the mayor and the clerk of the City of Huntington,
386 West Virginia.

387 The said several principal and interest coupons respectively
388 are payable at the offices of the treasurer of the City of Hunt-
389 ton, West Virginia.

390 The amount of the assessment represented by this certificate,
391 and principal and interest installment coupons attached, has
392 been duly levied, equalized, and confirmed, and all acts, condi-

393 tions, and things required to be done precedent to the issuance
 394 of this refunding certificate, the equalization and reassessment
 395 hereof, have been done, and performed, in regular and due
 396 manner and form as required by the charter of the City of
 397 Huntington and the constitution and laws of the state of
 398 West Virginia.

399 This refunding paving assessment certificate in no event
 400 becomes a liability of the City of Huntington, West Virginia.

401 IN TESTIMONY WHEREOF, The City of Huntington, a
 402 Municipal Corporation, created, and existing under the laws
 403 of the state of West Virginia, has caused this certificate to be
 404 signed by its mayor and clerk, and the principal installment
 405 and interest installment coupons respectively hereto attached,
 406 to be signed by a *facsimile* signature of its mayor and clerk,
 407 this the.....day of....., 19.....

408
 409 Mayor.
 410

411 Clerk.

412 PRINCIPAL INSTALLMENT COUPON

413 No..... \$.....

414 On the first day of May, 19....., there will be due and pay-
 415 able to the bearer hereof, from.....

416 the sum of.....dollars, being the
 417 installment on certificate No..... of the City of

418 Huntington, for refunding paving assessment certificate issued
 419 on the.....day of....., 19.....

420
 421 Mayor.
 422

423 Clerk.

424 INTEREST INSTALLMENT COUPON

425 No..... \$.....

426 On the first day of May, 19....., there will be due and pay-
 427 able to the bearer hereof, from.....

428 the sum of.....dollars, representing
 429 interest at six per cent *per annum* from the.....

430 day of.....to theday of
 431, on certificate No.....,

432 on installment No....., of the City of Huntington,
 433 West Virginia, for refunding paving assessment certificate

434 dated the.....day of.....,19.....

435

436

Mayor.

437

438

Clerk.

439 (k) Such refunding paving assessment certificate in such
440 amount as represents the unpaid assessments as provided for
441 in this act, shall be delivered to the owner or owners of such
442 original paving certificates, pursuant to the terms of the con-
443 tract provided for in this act, *provided, however*, that upon de-
444 livery of such refunding paving assessment certificates, all
445 original paving assessment certificates and heretofore deposited
446 as in this act is provided, shall be cancelled and a record of
447 such cancellation so made by the city clerk.

448 (l) No suit shall be sustained to set aside any reassessment
449 or to enjoin the board of commissioners of said city from levy-
450 ing any such reassessments or issuing refunding paving assess-
451 ment certificates or contesting the validity thereof on any
452 grounds, or for any reason other than for the failure of the
453 board of commissioners to adopt and publish the ordinances
454 or resolutions as provided for herein, which are required
455 herein to be published; and *provided, however*, that in the
456 event any reassessment shall be found to be invalid or in-
457 sufficient in whole or in part, for any reason whatsoever, the
458 board of commissioners may at any time in such manner pro-
459 vided for herein, proceed to cause a new assessment to be made
460 and levied which shall be of like force and effect as an assess-
461 ment provided for herein.

462 (m) This act shall not be construed to validate any void
463 assessment heretofore made or any paving assessment certifi-
464 cate heretofore issued, nor shall any proceeding hereunder
465 operate to make bearing upon any property owner any previ-
466 ous invalidation, but every defense available against the origi-
467 nal assessment shall be preserved to and be available against
468 any issue of refunding paving assessment certificates issued
469 hereunder.

Sec. 68-b. (a) Notwithstanding the provisions made in sec-
2 tion sixty-eight-a, whenever it shall appear to said board of
3 commissioners that any paving assessment certificate hereto-
4 fore or hereafter issued pursuant to section sixty-five, chap-
5 ter seventy-eight of the acts of the legislature of West Vir-

6 ginia of one thousand nine hundred and twenty-three, and
7 under section sixty-seven, chapter twenty-eight of the acts of
8 the legislature of West Virginia of one thousand nine hundred
9 and twenty-five (Municipal Charters), to pay the cost of pav-
10 ing and otherwise improving any street, avenue, road, alley,
11 boulevard, or drive in the City of Huntington, have become
12 due or will become due in the next succeeding calendar year,
13 and upon the petition of the owners or owner of the lots or
14 parcels of ground against which said paving assessment certifi-
15 cates have been assessed, requesting the said board of com-
16 missioners so to do, it shall be the duty of said board of com-
17 missioners to issue refunding paving assessment certificates
18 against said petitioners and the lots and parcels of ground
19 owned by said petitioners in an amount not more than twenty
20 per cent greater than the amount of principal and interest of
21 the last three paving assessment certificates and in any amount
22 not more than twenty per cent greater than the amount of
23 principal and interest found to be unpaid on said paving
24 assessment certificates, and the same shall be assessed against
25 said lots and parcels of ground and shall be and remain a
26 lien against said lots and parcels of ground co-equal with
27 taxes and superior to all other liens until the same are fully
28 paid.

29 And the total amount to be assessed against each lot and
30 parcel of ground shall be divided into not more than ten equal
31 annual installments with the first becoming due on the first
32 day of May of the next succeeding calendar year, and the said
33 refunding paving assessment certificates shall bear not more
34 than ten annual interest coupons as well as the said annual in-
35 stallment certificates.

36 (b) Whenever the owner or owners of the lots and parcels
37 of ground against which a paving assessment certificate has
38 heretofore or hereafter been issued in pursuance of the acts
39 of the legislature hereinbefore set out, shall have presented to
40 the said board of commissioners their petition or petitions, set-
41 ting forth by affidavit, that they or each of them are the true
42 and actual owners of the said lots or parcels of ground as set
43 forth in said petition, they shall be taken as the owners of said
44 lots and parcels of ground.

45 (c) Whenever the said board of commissioners shall have
46 received the said petition of said owners, they shall request

47 the owners or holders of the paving assessment certificates
48 with their interest coupons to make a detailed statement of
49 the paving assessment certificates and the coupons held by
50 them and the amount required to pay the same when due.
51 Upon the failure of any holder of any of said paving assess-
52 ment certificates and coupons to make such detailed statement,
53 the said board of commissioners may take the amount on record
54 in the office of the clerk of the county court of Cabell or
55 Wayne counties with its interest diminished by the paid and
56 cancelled paving assessment certificates and coupons held by
57 the owners of said lots and parcels of ground.

58 Whenever said amount has been ascertained and verified and
59 the owners of said lots and parcels of ground have been ascer-
60 tained and verified, then the said board of commissioners shall
61 fix the amount to be assessed against each lot or parcel of
62 ground and the owner thereof and shall mail a copy of the
63 same to each owner of said lots and parcels of ground.

64 If no corrections or objections are offered by said owner or
65 owners within ten days after the mailing of said report to said
66 owner or owners, then the said board of commissioners shall
67 enact an ordinance or draft and adopt a resolution declaring
68 the amount to be assessed against each lot and parcel of
69 ground and against each owner thereof reason of such re-
70 funding paving assessment certificates and shall assess the
71 same against said lots and parcels of ground and the owners
72 thereof and shall issue refunding paving assessment certifi-
73 cates and coupons after the manner and form set forth under
74 sub-division (*j*) of section sixty-eight-*a* of this act, or in any
75 other lawful manner and form.

76 (*d*) Whenever said board of commissioners shall have issued
77 said refunding paving assessment certificates they shall offer
78 the same for sale to the highest bidder for cash, but no bid for
79 less than the amount of the outstanding paving assessment
80 certificates with their coupons shall be received therefor unless
81 by the consent of the owners of said parcels and lots of land.

82 (*e*) If said refunding paving assessment certificates are pur-
83 chased by the holder or owner of the outstanding paving
84 assessment certificates, or any of them, then the full amount
85 of the paving assessment certificates with their coupons must,
86 if offered, be received as cash in payment for the said refund-
87 ing paving assessment certificates.

88 (f) Whenever said board of commissioners shall have re-
89 ceived and accepted an offer or bid for the purchase of said
90 refunding paving assessment certificates, they shall immedi-
91 ately notify and request the holders or owners of all the out-
92 standing paving assessment certificates and their coupons to
93 turn over the same to be held in escrow either by said board
94 of commissioners or by some bank in the City of Huntington
95 chosen by the holder or owner of said paving assessment cer-
96 tificates. If any of said holders or owners of said certificates
97 shall fail or refuse to comply with said request to so deposit
98 said certificates and their coupons, the amount of said certi-
99 ficates and their coupons may be paid into the treasury of the
100 City of Huntington for the benefit of said holders or owners,
101 and the said certificates shall cease to be a lien against said
102 lots or parcels of ground and a charge against the owners
103 thereof.

104 (g) Whenever the said board of commissioners shall have
105 received the sale price of said refunding paving assessment
106 certificates, they shall immediately pay off and receive can-
107 celled all the outstanding paving assessment certificates and
108 turn over the same to the owners of said lots and parcels of
109 ground, and the same shall immediately be presented to the
110 clerk of the county court and released of record a lien against
111 said lots or parcels of ground and as a charge against said
112 owners. And the said board of commissioners shall immedi-
113 ately have the refunding paving assessment certificates put
114 to record in the usual manner and form, in the said office of
115 the clerk of the county court of Cabell or Wayne county as a
116 lien co-equal with taxes and superior to all other liens against
117 said lots and parcels of ground.

118 Whenever the full amount of the said paving assessment
119 certificates and their coupons have been paid and when all
120 costs and expense incurred in the reissuing of said refunding
121 paving assessment certificates have been fully paid, the residue
122 of said sale price, if any, shall be paid to whomsoever the
123 owners of said lots and parcels of ground may in writing
124 direct.

125 If the sale price of said refunding paving assessment certifi-
126 cates is not sufficient to pay off all the outstanding paving
127 assessment certificates and their interest coupons and all costs
128 and charges incurred in the reissuing the said refunding pav-

129 ing assessment certificates, then the owners of said lots and
130 parcels of ground shall pay the difference immediately into the
131 treasury of the said City of Huntington.

132 (h) In no event shall the City of Huntington be liable to
133 pay any amount on account of the issuing said refunding pav-
134 ing assessment certificates other than the amounts received
135 from the sale of said certificates and their coupons and any
136 amount that may be paid by the owners of said lots and par-
137 cels of ground into the treasury of said city. No fees or com-
138 missions for any service pertaining to the issuing of said re-
139 funding paving assessment certificates shall be charged by said
140 board of commissioners.

141 (i) If any of said refunding paving assessment certificates
142 or their interest coupons are not paid when due, the owner
143 or holder thereof shall have any legal remedy for collecting
144 the same that may be used for collecting any other in-
145 debtedness.

Sec. 68-c. If any sub-section or portion of this act be held
2 unconstitutional or void, such holding shall not affect the re-
3 maining portions of this act.

Sec. 68-d. All prior acts or portions of acts inconsistent with
2 this act shall be, and the same are, hereby repealed.

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, 1929; in effect from passage. Approved by the Governor.]

SE :

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
 2 precinct for the purpose of conducting and holding all city
 3 elections, and for the accommodation of the voters of each
 4 precinct, the city council shall designate and establish a con-
 5 venient voting place in each such precinct previous to every
 6 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.]

<p>SEC. 35. Officers, qualifications, salaries and duties; term of.</p>		<p>SEC. 70. Civil service board, how selected, rules governing, examination by, eligible list, appointment from.</p>
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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 coun-
 2 cil from each ward and a treasurer elected before July 1, 1929.
 3 Only citizens possessing the qualifications hereinbefore pre-
 4 scribed for councilmen shall be eligible to be elected to the of-
 5 fice of mayor or treasurer, and the mayor and treasurer, re-
 6 spectively, when elected, shall continue to be residents of the
 7 City of Dunbar during their entire term of office.
 8 The mayor's salary shall not be less than five hundred dol-
 9 lars, nor more than one thousand five hundred dollars per an-
 10 num, and shall be fixed by council.
 11 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 ad-
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,) relating to the City of Follansbee by adding thereto section thirty-two-c.

[Passed February 13, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec.

32-c. How special assessments for paving, curbing, etc., may be made; method of paying assessments; publication of resolution providing for; how assessments assigned, etc.; release of lien

of; when bonds for may issue; other method of payment of costs of sewer, etc.; certificates for cost; improving intersections at cross streets; anticipation of assessment or certificate for cost.

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 authorizing the common council of said city to make special assessments for improvements and the issuing of certificates of indebtedness and creating a lien upon property adjoining and abutting such improvements apportioning the cost of such improvements and fixing no time limit on the lien created by the issuing of such certificates, be amended and re-enacted, and that section thirty-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, sewerage, 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.

41 Assessments shall be payable in ten installments as pro-
42 vided for in said section forty-nine-c of the code of West
43 Virginia, and shall be recorded and constitute a lien as there-
44 in provided. The resolution herein provided for declaring
45 the necessity for said improvement shall be published at least
46 once a week for two successive weeks after its adoption in
47 two newspapers of general circulation, and of opposite poli-
48 tics, in said city in which said improvements are to be made,
49 and an affidavit of the publisher showing publication for
50 such time, together with a copy of said notice attached shall
51 be filed with the clerk of the council, or other body or bodies
52 having such matters in charge under the charter, and spread
53 upon the record of the minutes of the next meeting of the
54 council, or other body or bodies having such matters in charge
55 under the charter. Where there are not two newspapers of
56 general circulation and of opposite politics in the city, pub-
57 lication in one newspaper of general circulation therein for
57-a the required time shall be all that is required for this or any
58 other notice, provided for by this chapter. Said resolution
59 shall be in effect from and after the first publication thereof
60 as herein provided for. If there be no newspapers in such
61 corporation, the notice may be given by posting on the front
62 door of the building where the council or other body or bodies
63 having such matters in charge under the charter of said
64 corporation holds its meetings.

65 In all cases where an assessment is made upon the property
66 abutting on the street or alley improved in accordance with
67 the provisions contained in this and the two preceding sec-
68 tions, the council, or other body or bodies having such mat-
69 ters in charge under the charter of said city, may, by resolu-
70 tion entered of record by it, or them, sell, assign, and transfer
71 to any person or persons, for a cash consideration, all or any
72 of the assessments perfected as provided in said section, and
73 apply the amount received thereby to the payment of the
74 costs of such improvements; but no such sale and assignment
75 shall be made until either bonds or certificates of indebted-
76 ness shall have been issued for such assessment, which shall
77 be described in detail in the notice of the lien thereof to be
78 recorded in the trust deed record in the office of the clerk of
79 the county court. But no sale or transfer of such assessment
80 shall be greater discount than five *per centum* of the aggre-
81 gate sum represented by said sale. When authorized to do so

82 by the council or other body or bodies having such matters in
83 charge, the mayor or other chief officer of said city, may
84 make an assignment and transfer of said assessments, so evi-
85 denced by such bonds or certificates of indebtedness as afore-
86 said; and when so made, and recorded in the trust deed book
87 in the office where said assessments are recorded, the pur-
88 chaser of such assessments shall be and remain until the pay-
89 ment thereof subrogated to all of the rights and remedies.
90 without recourse on said city, as were obtained by recording
91 said assessments in the first instance, and such council, or
92 other body or bodies having such matters in charge, may issue
93 against each of the several properties upon which said assess-
94 ments have been made, bonds or certificates of indebtedness
95 in denomination and corresponding to the annual sum to be
96 paid on each of the properties so assessed, and the assess-
97 ments on said properties shall, when so made and recorded,
98 remain and be a lien thereon until such bonds or certificates
99 of indebtedness are discharged. The lien created by such as-
100 sessment and by the issuance of any bonds or certificates is-
101 sued therefore may be released as provided by law in the case
102 of other liens, and in addition thereto, upon presentation to
103 the clerk of the county court of the county wherein the real
104 estate subject to said lien is situated all the bonds or certifi-
105 cates issued thereunder, as to any specific real estate therein
106 described or located, showing that the same have all been
107 paid, such clerk is hereby empowered to release the lien of
108 such assessment as to any such real estate by noting a re-
109 lease thereof on the record of the lien as to such real estate
110 on the margin of the deed of trust book, where the same is
111 recorded, and such annotation by such clerk shall have the ef-
112 feet to release such real estate from such lien as effectively
113 as a regularly executed and recorded release thereof. The
114 proceeds of the sale of such bonds or certificates of indebted-
115 ness shall be applied to the payment of the indebtedness in-
116 curred in making the improvement on account of which such
117 bonds or certificates of indebtedness were issued. Should
118 said governing body or bodies of said city, decide to issue
119 bonds or certificates of indebtedness, as herein provided, it
120 or they may call upon the attorney general of this state for,
121 and it shall be his duty to furnish, a form for all such bonds
122 or certificates of indebtedness.

123 In addition to the methods hereinbefore and hereinafter
124 prescribed for the payment of the cost of construction and
125 improvements of streets, sewers and sewer systems, the council
126 or other governing body may order any street, alley, or por-
127 tion thereof, to be graded and paved, re-paved or otherwise
128 permanently improved, and the council may order to be is-
129 sued a certificate for each installment of the amount of the
130 assessment to be paid by the owner of any lot or fractional
131 part thereof abutting on the street or alley so improved. The
132 amount specified in said assessment shall be a lien as afore-
133 said in the hands of the holder of such certificate upon such
134 abutting lot or part of lot, and such certificate shall draw in-
135 terest from the date of said assessment and the payment may
136 be enforced in the name of the holder of said certificate by
137 proper suit in equity in any court having jurisdiction to en-
138 force such lien; the council shall fix the amount of such as-
139 sessment, advertise for bids, and do all other things in con-
140 nection therewith as is hereinbefore and hereinafter provided
141 in this chapter, except that the amount of such certificate
142 shall include the whole cost of such improvement, including
143 the cost of grading, paving and curbing squares at intersec-
144 tions of streets, the costs of which intersections shall be ap-
145 portioned against the several properties abutting upon the
146 street or portion thereof so improved. Paving certificates
147 shall be issued in the same number of installments and pay-
148 able at the same time as other paving assessments provided
149 for in this chapter. Nothing contained in this act shall be
150 construed as imposing a time limit upon the enforcement by
151 appropriate suit of any lien for public improvements, here-
152 tofore or hereafter created.

153 Certificates authorized by this section may be issued, sold
154 or negotiated to the contractor doing the work, or to any
155 other person if the council deem it expedient; *provided*, said
156 city, in issuing such certificates, shall not be held as guar-
157 antor or in any way liable for payment thereof, except upon
158 the direct action of the council expressed by resolution of
159 record before sale.

160 Certificates so issued shall contain a provision to the effect
161 that, in the event of default in the payment of any one of
162 said certificates when due, and said default continuing for a
163 period of sixty days, then all unpaid certificates shall become
164 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.]

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| <p>SEC.</p> <p>1. Water works system; vote of people on.</p> <p>2. How cost of paid; when vote of people required.</p> <p>3. Purchase of existing systems.</p> <p>4. Bonds for cost, provisions concerning.</p> <p>5. Bonds as negotiable instruments; how sold; interest rate; how retired.</p> <p>6. Proceeds of bonds, how applied.</p> <p>7. Mortgage lien on purchased system.</p> <p>8. Receiver for system.</p> <p>9. Income and revenue of system as special fund; service rates.</p> <p>10. Surplus in operating fund.</p> <p>11. Depreciation account.</p> <p>12. Service charged to city.</p> <p>13. Re-issue of bonds.</p> | <p>SE.</p> <p>14. Additional bonds.</p> <p>15. Additional bonds for extensions; right of eminent domain.</p> <p>16. Administration of income and revenues.</p> <p>17. Establishment of securing debt account.</p> <p>18. Board to manage water system; how appointed; eligibility; salary.</p> <p>19. Water commission to organize; officers, duties and powers; payment to state sinking fund commission.</p> <p>20. Additional method for acquisition and operation of water works system.</p> <p>21. Act liberally construed.</p> <p>22. Provisions of act severable.</p> |
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Be it enacted by the Legislature of West Virginia:

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

8 year following the date of such bonds; and there shall be and
9 there is hereby created a statutory mortgage lien upon the
10 system and appurtenances and extensions so acquired to and
11 in favor of the holders of the coupons of said bonds.

Sec. 7. The system so purchased or acquired, together with
2 the extensions and appurtenances, shall remain subject to such
3 statutory mortgage lien until the payment in full of the prin-
4 cipal and interest of the bonds. Any holder of said bonds
5 or of any of the coupons may, either at law or in equity, by
6 suit, action, mandamus or other proceedings, protect and
7 enforce the statutory mortgage lien hereby conferred and
8 may by suit, action, mandamus, or other proceedings, enforce
9 and compel performance of all duties required by this act,
10 including the segregation of the income and revenues, and
11 the application thereof.

Sec. 8. If there be any default in the payment of the
2 principal or interest of any of said bonds, any court having
3 jurisdiction of the action may appoint a receiver to operate
4 and administer such enterprise on behalf of the city.

Sec. 9. At or before the issuance of such bonds the gov-
2 erning authority of the city shall, by ordinance, set aside,
3 and pledge the income and revenues of such system into a
4 separate and special fund to be used and applied in pay-
5 ment of the cost thereof and in the maintenance, operation
6 and depreciation thereof. Said ordinance shall definitely fix
7 and determine the amount of revenues which shall be neces-
8 sary and be so set apart and applied to the payment of the
9 principal and interest of the bonds, and the proportion of the
10 balance of such income and revenues which is to be set aside
11 as a proper and adequate depreciation account, and the re-
12 maining proportion of such balance shall be set aside for the
13 reasonable and proper operation and maintenance thereof.
14 The rates to be charged for the service from such system shall
15 be sufficient to provide for the payment of interest upon all
16 bonds and to create a sinking fund to pay the principal
17 thereof as and when the same becomes due and to provide
18 for the operation and maintenance of the system and to pro-
19 vide a proper adequate depreciation account. Such rates
20 shall be fixed and revised from time to time as to produce
21 these amounts; any such revisions shall be made by the gov-

22 erving authority of said city, if the water commission, as
23 provided for in section eighteen hereof, shall so request, *pro-*
24 *vided always*, that the rates to be charged for the services from
25 such system, and the rules and regulations of service to be
26 rendered shall be under the full regulation, control and su-
27 pervision of the public service commission of this state, or
28 under the full regulation, control and supervision of such
29 other regulatory authority as may hereafter exist by law.

Sec. 10. If any surplus shall be accumulated in the oper-
2 ating and maintenance fund, which shall be equal to the cost
3 of maintaining and operating such system during the re-
4 mainder of the calendar, operating or fiscal year, as may be
5 provided by the ordinance hereinbefore required by section
6 nine hereof and the cost of maintaining and operating such
7 system during the next succeeding like calendar, operating
8 or fiscal year, any excess over such amount may be trans-
9 ferred at any time to the depreciation account to be used for
10 any improvements, extensions or additions to such systems.

Sec. 11. The funds accumulating to the depreciation ac-
2 count shall be expended in balancing depreciation or in mak-
3 ing new constructions, extensions or additions.

Sec. 12. The reasonable cost and value of any service ren-
2 dered to the city by such system shall be charged against the
3 city and shall be paid for monthly as the service accrues
4 from the current funds or proceeds of taxes which such city
5 is hereby authorized and required to levy in an amount suf-
6 ficient for that purpose. Such funds so paid shall be ac-
7 counted for in the same manner as other revenues under this
8 act.

Sec. 13. Said city may issue new bonds for the purpose
2 of providing funds for the payment of any outstanding bonds,
3 in accordance with the procedure prescribed by this act.
4 Such new bonds shall be secured to the same extent and
5 shall have the same source of payment as the bonds which
6 shall have been thereby refunded.

Sec. 14. Should the governing authority of the city find
2 that the bonds authorized will be insufficient to accomplish
3 the purpose desired, additional bonds may be authorized and
4 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. 191—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 side walks, etc.,
when permission to granted.
19-b. Petition for permit.
19-c. Publication of.

Sec.

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 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 inadvertance 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 extent of such encroachment the use of such sidewalks, streets, avenues and alleys, for that purpose, for a period of time, not to exceed fifty years from the date of the adoption by the said city commission of a resolution or ordinance, granting such right and privilege.

Sec. 19-b. That before relief may be granted hereunder, it shall be the duty of the owner to file with the city commission a petition in writing, setting up the material facts and

4 circumstances and relief sought, relating to the matter, and,
5 exhibiting herewith 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. 19-c. 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 circu-
4 lating in the City of Williamson, for four successive weeks
5 prior to the time when action, on the petition by the city com-
6 mission, is expected to be had, notice; which notice shall
7 specify the approximate description and location of the own-
8 er's land, and the nature and extent of the encroachment, and
9 of the relief sought.

Sec. 19-d. 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 not
5 be granted.

Sec. 19-e. That if the city commission shall, by resolution
2 or ordinance, grant unto the owner the right and privilege to
3 use and occupy a sidewalk, street, avenue, or alley for a period
4 of time not to exceed fifty years to the extent of the encroach-
5 ment, then such right and privilege shall be deemed and
6 treated as absolute and irrevocable.

CHAPTER 17

(House Bill No. 232—By Mr. Wysong)

AN ACT authorizing the incorporated town of Addison, in Web-
ster 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.

[Passed February 20, 1929; in effect from passage. Approved by the Governor.]

SEC:

1. Issuance of refunding bonds authorized.

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, 1929; 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.

- SEC.
7. Eligibility of elective officers.
 8. Election of officers; terms.
 9. Qualification of voters.
 10. Registration of voters.
 11. Mode of voting; how elections conducted and returned; penalties for election offenses.
 12. Tie vote, how decided.
 13. Contested elections.
 14. Vacancies in office, how filled.
 15. Appointment of elective officers; removal; powers of chief of police.
 16. Proceedings on bonds, etc., of city.
 17. Oath of officers.
 18. Terms of elective and appointive officers.
 19. Proceedings when elected officer ineligible.
 20. Mayor, duties and salary.
 21. Recorder, duties and powers; *ex officio* treasurer.
 22. Quorum of council.
 23. Records of council.
 24. Minutes, ayes and noes.
 25. Presiding officer.
 26. Public meetings of council; special meetings.
 27. City funds, how expended.
 28. Powers of council; penalties for violation; fees of officers; powers as to water works; licenses;

- SEC.
- paving, how cost paid.
 29. Police docket.
 30. Levies, annual or special; poll tax; license tax on animals; annual levy, amount; special levies for outstanding indebtedness.
 31. Assessor, duties and powers.
 32. Lenses for taxes, paving, etc.; delinquent taxes.
 33. Duties of city treasurer as to taxes; bond.
 34. Duty of assessor to list all property for taxation.
 35. Licenses, how secured or revoked.
 36. Condemnation proceedings by city.
 37. Bonds for paving.
 38. Limitation on indebtedness; penalty for violation.
 39. Exemption from road levies.
 40. Existing ordinances valid; present officers to hold over.
 41. Power of council as to sidewalks and gutters; petitions for paving, etc.; action of council on petition.
 42. Voting places and election officials.
 43. City attorney, duties and compensation.
 44. City funds, how deposited.
 45. Salary of councilmen.
 46. Repeal of inconsistent ordinances and acts.
 47. Effective date of act.

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-
5 ern direction from the northern end of the present **Virginian**
6 shops; thence running southeasterly in a straight line to the
7 Carr & Bratton scales on the old Pisgah road, and including
8 said scales, to a point on the northwest line of the Princeton-
9 Athens road (Rogers street); thence in a southwesterly di-
10 rection along the northwest line of said road to its intersec-
11 tion with the southwest line of Thorn street; thence with the
12 southwest line of Thorn street (Oakdale road), in a south-
13 easterly direction to the boundary line between the lands of
14 G. Fielder and J. E. Woodson; thence in a straight line along
15 said boundary in a southerly direction, crossing the center-
16 line of the Deepwater railroad, as shown by the map and
17 profile of the location of said road filed in the office of the
18 clerk of the county court of Mercer county, to a point fifty
19 feet distant from the center-line of said railroad at its near-
20 est point; thence parallel to and fifty feet distant from said
21 center-line in a southwesterly direction to a point due east
22 from the mouth of Board Camp branch; thence due west to
23 the western line of the Virginian railroad right-of-way; thence
24 northerly along said line to its intersection with the north
25 line of the Princeton-Athens road (Rogers street); thence
26 along the north line of said street in a westerly direction to
27 its intersection with Brick street; thence along the northeast
28 line of Brick street to its intersection with the southwestern
29 line of Lazenby avenue; thence along the southeast line of
30 Lazenby avenue in a southwesterly direction to its intersection
31 with the eastern boundary of the West Virginia Water Serv-
32 ice company's right-of-way; thence in a westerly direction in
33 a straight line to the residence of K. W. McClaugherty, and
34 including said residence within the corporation, to a point in
35 the center-line of the Bluefield-Princeton road; thence in
36 a southwesterly direction to the back of the residence owned
37 and occupied by A. M. Sutton, and including said residence;
38 thence in a westerly direction to the southwest corner of the
39 Bowling addition to the city of Princeton; thence in a north-
40 erly direction along the west boundary of said Bowling ad-
41 dition and the cemetery, being the same straight line, to the
42 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 ginning 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 intersee-
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

25 along and with said corporation line in an easterly direction to a
26 point where said line crosses Brush creek; thence with Brush
27 creek in a northerly and westerly direction to the railroad bridge
28 across Brush creek, south of the Virginian railway freight sta-
29 tion; thence with the center of the survey for the Mercer Electric
30 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.

44 *Third 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-
48 cluded in the boundaries of either the first and second wards.

Sec. 4. The municipal authorities of the said city of Prince-
2 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
2 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-
2 gineer, a chief of police and such additional police officers
3 as they may deem proper, a city attorney, a chief of fire de-
4 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.

9 The several offices or any two or more of them may be
10 held by the same person, except that a councilman shall not
11 be eligible to any appointive office during the term for which
12 he shall have been elected.

13 Such officers shall receive such compensation as the coun-
14 cil may prescribe by ordinance or order, unless said compen-
15 sation be fixed by this act.

16 The mayor and recorder shall be eligible to hold any such
17 appointive office.

Sec. 7. No person shall be eligible to the office of mayor,
2 recorder or councilman, unless at the time of his election he
3 is legally entitled to vote in the city election for member of
4 the common council; and he was for the preceding year as-
5 sessed with taxes upon real or personal property within the
6 said city, of the assessed aggregate value of at least three
7 hundred dollars, and shall have paid the taxes so assessed.

Sec. 8. On the first Tuesday of June, one thousand nine
2 hundred and twenty-three, there shall be elected by the
3 qualified voters of said city, a mayor and recorder, and by
4 the qualified voters of each ward, two councilmen. The term
5 of office of the said mayor and recorder and of the council-
6 men from each ward receiving the lesser number of votes
7 shall be for the period of two years commencing on the first
8 day of July, one thousand nine hundred and twenty-three,
9 and until their successors shall be elected and qualified. The
10 term of office of the councilman from each ward receiving
11 the greatest number of votes shall be for the period of four
12 years, commencing on the first day of July, one thousand
13 nine hundred and twenty-three and until their successors shall
14 be elected and qualified.

15 On the first Tuesday in June, one thousand nine hundred
16 and twenty-five, and every two years thereafter, there shall
17 be elected by the qualified voters of said city, a mayor and
18 recorder whose term of office shall be two years as aforesaid,
19 and by the qualified voters of each ward, one councilman
20 whose term of office shall be four years as aforesaid.

Sec. 9. Every person residing in said city shall be entitled
2 to vote for all officers elected under this act; but no person
3 who is a minor, or of unsound mind, or a pauper, or who

4 is under conviction of treason, or bribery in an election, or
5 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
7 which he desires to vote, shall be permitted to vote therein.

See. 10. All qualified voters within the city of Princeton
2 entitled to vote in the municipal election held therein shall
3 be registered in like manner as are the qualified voters in
4 state and county elections, and the state laws of the state of
5 West Virginia in effect at the time of such registration shall
6 in all things apply thereto; except the fee for such registration
7 shall be five cents for each qualified voter so registered, and
8 the powers conferred upon the county court by the state laws
9 in reference to the registration of voters are hereby conferred
10 upon the council of said city of Princeton.

See. 11. In all elections by the people the mode of voting
2 shall be by ballot, but the voters shall be left free to vote
3 an open, sealed or secret ballot, as they may elect. The
4 election in said city shall be held and conducted and the re-
5 sult thereof certified, returned and finally determined under
6 the laws in force in this state relating to general elections,
7 except that the persons conducting said elections shall, on the
8 day after the election is held, deliver the ballots, tally sheets
9 and poll books to the recorder, and thereafter the council
10 of said city shall meet within five days (Sundays excepted)
11 after said election and canvass the returns of said election,
12 and declare the result thereof, and in all respects comply with
13 the requirements of the statute of the state relating to elec-
14 tions. The corporate authorities of said city shall perform
15 all duties in relation to such elections required by general
16 law of the county court and officers in effect on the day of
17 said election and each succeeding election under this charter.
18 And the provisions of the code in effect on the date of said
19 election, concerning elections by the people, shall govern such
20 elections and be applicable thereto, and the penalties therein
21 prescribed for offenses relating to elections shall be enforced
22 against the offenders of such corporate elections; and the said
23 act shall have the same force and effect as if it were specially
24 applicable in such corporate elections and was by this act
25 re-enacted in *catenso*; except as above modified as to the time

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
2 council, shall preside at the meetings of the council and shall
3 also be a conservator of the peace within the said city. He
4 shall especially see that the orders, by-laws, ordinances, acts
5 and resolutions of the council are faithfully executed. He
6 shall have control of the police of said city and may appoint
7 special police officers, whenever he may deem it necessary,
8 and may suspend any police officer of the city until the next
9 regular meeting of the council. And it shall be his duty
10 especially to see that the peace and good order of the city
11 are preserved, and that persons and property therein are pro-
12 tected, and to this end he may arrest or cause the arrest and
13 detention of all violators of the laws of this state and ordi-
14 nances of the city if the offense is committed in his presence
15 He shall from time to time recommend to the council such
16 measures as he may deem useful and needful for the welfare
17 of the city. For his services as mayor, he shall receive the
18 sum of three hundred dollars per year, to be paid out of the
19 city treasury in monthly installments and no other fees,
20 commissions, emoluments, salaries or compensation whatever
21 shall be allowed him for his services as mayor.

Sec. 21. The recorder shall keep an accurate record of
2 all the proceedings of the council, and shall have charge of
3 and preserve the records of the city.

4 In case of the absence of the mayor from the city, or his
5 inability from any cause to act, or during any vacancy in the
6 office of mayor, the recorder shall perform such duties of
7 mayor as pertain to the office of mayor, and to that end, in
8 addition to the other powers herein conferred upon him, the
9 recorder is hereby vested with all the powers necessary for
10 the performance of the duties of the mayor, while acting as
11 such. The recorder shall be *ex officio* assessor of said city
12 and shall perform such duties as are imposed by law. He
13 shall be paid a salary of four hundred dollars, payable in
14 equal monthly installments, for his services as such recorder
15 and assessor, to be paid out of the city treasury. He shall be
16 *ex officio* justice of the peace within said city and shall,
17 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 admissable in evi-
17 dence in 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,
3 and signed by the presiding officer for the time being. Upon
4 the call of any member the ayes and noes on any question
5 shall be taken and recorded by the recorder in the minute
6 book. The call of the members for such vote shall be made
7 alphabetically.

Sec. 25. The mayor, or in his absence the recorder, shall
2 preside at the meetings of said council; the mayor and re-
3 corder shall have no vote as members of said council except
4 in case of a tie vote in the council in which case the presid-
5 ing officer shall vote.

Sec. 26. The regular meetings of the council shall be pub-
2 licly held at such times and in such places in the city as they
3 shall from time to time ordain and appoint; and it shall be
4 lawful for the council by ordinance to vest in any officer of
5 the city, or in any member, or number of members of its own
6 body, the authority to call special meetings and prescribe the
7 mode in which notice of such special meetings shall be given;
8 if a majority of the members of the council do not attend any
9 regular or special meeting, those in attendance shall have
10 authority to compel the attendance of absent members under
11 such reasonable penalties as they may think proper to im-
12 pose by ordinance. All questions put to vote, except such
13 matters as are hereinafter provided for, shall be decided by
14 a majority of the members present.

Sec. 27. All moneys belonging to the city shall be paid
2 over to the city treasurer; and no money shall be paid out by
3 him except as the same shall have been appropriated by the
4 council, and upon an order signed by the mayor and recorder,
5 and not otherwise, except at the expiration of his term of
6 office upon the order of the council, signed by the mayor and
7 recorder, he shall pay over to his successor all the money re-
8 maining in his hands.

Sec. 28. The council of said city shall have power to lay
2 off, vacate, close, open, alter, grade, improve and keep in
3 good repair the roads and streets, alleys, pavements, side-
4 walks, cross walks, drains, sewers and gutters, therein, for the
5 use of the citizens and the public. And to improve and light
6 the same, and keep them free from obstructions of every

- 7 kind; to regulate the width and kind of pavements and side-
8 walks, footways, drains and gutters; and cause the same to be
9 built and kept in good repair and order, and free and clean
10 by the owners and occupants of the real property next ad-
11 jacent thereto; to establish public parks and play grounds,
12 and to this end purchase and acquire necessary and appro-
13 priate grounds and improve the same and regulate the use
14 thereof; to establish markets, prescribe the time for holding
15 the same, provide suitable and convenient buildings therefor,
16 and prevent the forestalling of said markets; to prevent
17 injury or annoyance to the public or individuals from any-
18 thing dangerous, offensive or unwholesome; to prohibit or
19 regulate slaughter houses, tan houses and coal factories within
20 the city limits, or the exercise of any unhealthful or offensive
21 business, trade or employment; to abate all nuisances within
22 the city limits, or to compel the abatement or removal there-
23 of, at the expense of the person causing the same, or by or
24 at the expense of the owner or occupant of the ground on
25 which said nuisance is placed or found; to cause to be filled
26 up, raised or drained, by or at the expense of the owner, any
27 city lot or tract of land covered or subject to be covered by
28 stagnant water; to prevent horses, hogs, cattle, sheep or other
29 animals and fowls of all kinds from going or being at large
30 in such city, and as one means of prevention to provide for
31 impounding or confining such animals and fowls at the
32 expense of the owner thereof; to protect places of divine
33 worship and to preserve order in and about the premises
34 when and where worship is held; to regulate the keeping
35 and sale of gunpowder, and other inflammable or dangerous
36 substances; to regulate the manner of exhibiting for sale
37 and selling of milk, meats and vegetables; to permit and
38 regulate the building of houses, or other structures, and regu-
39 late the kind of material to be used in the construction there-
40 of, and to provide for the making and maintaining of divi-
41 sion fences by the owners of adjoining property, and for the
42 proper drainage of city lots and other parcels of land by or
43 at the expense of the owner or occupant thereof; to provide
44 against danger or damage by fire; to punish assault and bat-
45 tery; to prohibit the keeping or loitering in or visiting houses
46 of ill fame, or loitering in saloons or upon the streets; to
47 prevent lewd or lascivious conduct, the sale or exhibition of

48 indecent pictures or papers or other representations; to pre-
49 vent adultery and fornication; to prohibit the carrying of
50 concealed or dangerous weapons within the corporate limits of
51 said city; to punish drunkenness; to punish larceny where
52 the amount stolen is less than twenty dollars; to prevent
53 gambling, and the keeping and using of slot machines and
54 gaming devices; to prohibit anything against good morals
55 and common decency, and to fix punishment therefor; to
56 prevent the desecration of the Sabbath day, profane swear-
57 ing, the illegal sale of intoxicating drinks, mixtures or prepa-
58 rations; to protect the person or those residing or being in
59 said city; to appoint when necessary or advisable, a police
60 force, permanent or temporary, to assist the chief of police
61 in the discharge of his duty, and who, when appointed, to
62 have the same power and authority in and about the arrest
63 of offenders, as the chief of police may have; to build or
64 purchase, or lease a suitable place of imprisonment within
65 said city, for the safekeeping or punishment of persons
66 charged with or convicted of a violation of the ordinances of
67 the city, or they may adopt the county jail of Mercer county
68 for that purpose; to erect or authorize or prohibit the erection
69 of gas, water works, or electric works, or all of them, within
70 the city limits, or near the same, to prevent injury to such
71 works, or the pollution of any gas or water used or intended
72 to be used by the public or any individual; to provide for
73 and regulate the weighing of hay, coal, lumber and other
74 articles sold or kept within said city, and to establish rates
75 and charges for the weighing and measuring thereof; to cre-
76 ate by ordinance such committees and delegate such authority
77 thereto as may be necessary or advisable; to provide for the
78 annual assessment of taxable property therein, and for the
79 revenue for the city for municipal purposes, and to appro-
80 priate such revenue to its expenses; and generally to have
81 power to take such measures as are deemed necessary or ad-
82 visable to protect person or property, public or private, within
83 the city; to preserve peace, quiet and good order therein and
84 to promote the health, safety, comfort and well being of
85 the inhabitants thereof; to organize one or more fire com-
86 panies and provide necessary apparatus, tools, implements,
87 engines, or any of them, for their use, and in their discre-
88 tion to organize a paid fire department; to make regulations

89 with respect to the erection and location of telephone, tele-
90 graph, electric light or other poles by any individual or cor-
91 poration; to grant and regulate all franchises in, upon, over
92 and under such restrictions, as shall be provided by ordi-
93 nances; but no exclusive franchises shall be granted by said
94 council to any individual or corporation, nor shall any fran-
95 chise be granted for a longer period than fifty years; to reg-
96 ulate, license and restrict the use of motor busses, automobiles,
97 carriages, drays and wagons, upon the streets, alleys and pub-
98 lic grounds of said city when the same are being used for hire
99 or reward. The council shall have authority to pass all ordin-
100 ances not repugnant to the constitution and laws of the United
101 States and of this state, which shall be necessary and proper
102 to carry into full effect the power, authority, capacity and
103 jurisdiction which is or shall be granted to or vested in the
104 said city, or in the council or in any officer or body of officers
105 of said city, and to enforce any and all of the ordinances by
106 reasonable fines and penalties, and upon the failure to pay
107 any fine or penalty imposed, may compel the offender to labor
108 without compensation at and upon any of the public works or
109 improvements undertaken, or to be undertaken, by said city
110 or to labor at any work which the said council may lawfully
111 employ labor upon, at such reasonable rates per diem as the
112 council may fix, until any fine or fines and costs so imposed
113 upon any offender by said city have been fully paid and dis-
114 charged, after deducting reasonable charge of support while
115 in the custody of the officers of the city; *provided, however,*
116 that no fine shall be imposed exceeding one hundred dollars
117 and costs, and that no person shall be imprisoned or com-
118 pelled to labor as aforesaid for more than ninety days for
119 any one offense. And in all cases where a fine is imposed for
120 an amount exceeding ten dollars and costs, or a person be
121 imprisoned, or be compelled to labor as aforesaid for a greater
122 term than ten days, an appeal may be taken from such de-
123 cision upon the terms and conditions as appeals are taken
124 from the judgment of a justice of this state. Such fines and
125 penalties shall be imposed and recovered and such impris-
126 onment inflicted and enforced by and under the judgment
127 of the recorder of said city; or in case of his absence or in-
128 ability to act, then by any member of the council, to be ap-
129 pointed by the council for that purpose; and for his services

130 in trying cases, whether civil, criminal or infractions against
131 ordinances, the recorder shall be entitled to charge and col-
132 lect such fees as are paid to justices of the peace for similar
133 services. And in all such cases the chief of police, or other
134 officers performing the service shall be entitled to receive
135 such fees as are paid to constables for similar services, which
136 shall be paid to the city treasury at the end of each month,
137 taking proper vouchers therefor, *provided, further*, that the
138 fee for making any arrest shall be one dollar, whether such
139 officer be the chief of police or other officer. In addition to
140 the powers above enumerated, the said city council shall have
141 power to build, construct, maintain and operate a sufficient
142 sewerage system and water works, as may be necessary for the
143 proper supply of water to the inhabitants of the said city, for
144 both public and private use, and said city shall have the power
145 to purchase any water works now in the said city or hereafter
146 placed therein by any party other than said city, whenever
147 the council of said city shall deem proper, and such order
148 shall have been ratified by a vote of the qualified voters of
149 said city, at an election called for that purpose, with due
150 notice, and at least two-thirds of the vote cast at said election
151 shall vote for the ratification of said council to purchase said
152 water works; and the said city shall have the power to en-
153 large the said water works, if so purchased, by putting addi-
154-159 tional reservoirs either within or out of said city, and
160 said city shall have the right to lay pipes and mains for
161 the proper distribution of said water, either in or out of said
162 city, as shall be necessary for the proper distribution of same,
163 and for that purpose may acquire a lease, purchase or con-
164 demnation of such lands as shall be necessary, either within
165 or without the city, or they may contract for such work
166 to be done, to supply an adequate supply of pure,
167 healthful water for said city and do all things neces-
168 sary to supply the said city and inhabitants thereof with
169 water as aforesaid; and the said city may acquire by purchase
170 any electric light plant now in said city or hereafter placed
171 therein by any party other than said city, and shall have the
172 right to build, construct, maintain and operate such plant for
173 furnishing electricity for said city, and for the inhabitants
174 thereof, but no electric light plant shall be purchased or
175 built or operated unless voted on by the qualified voters of

176 said city at an election called and held as aforesaid, and the
177 same be ratified by a two-thirds vote of all votes cast at said
178 election. Whenever anything for which a state license is, or
179 may be required to be done within said city, or within two
180 miles of the corporate limits thereof, the council as herein
181 provided, may by ordinance require a city license to be had
182 for doing the same, the amount of which license shall be fixed
183 by the council; and may in any case, require from the per-
184 son licensed a bond, with sureties, and in such penalty, and
185 with such conditions as it may deem proper, and the council
186 on notice may revoke such license at any time if the condition
187 of the said bond be broken. The council may impose a
188 license and assess a tax thereon on all wheeled vehicles for
189 public hire; and upon all dogs kept within said corporate
190 limits. The council may prescribe, impose and enforce rea-
191 sonable fines and penalties, including imprisonment, under
192 the order of the police judge of said city, or the persons law-
193 fully exercising his functions, upon any person carrying on,
194 or attempting to carry on, any business for which a city
195 license is required without first obtaining a city license there-
196 for, and paying the city license tax assessed thereon. All
197 licenses provided for in this act shall be paid to the treas-
198 urer of the city; and for the purpose of enforcing the pro-
199 visions of this section, the city shall have police jurisdiction
200 for two miles beyond the corporate limits thereof. The
201 council shall have the power to make any regulations and pass
202 all ordinances necessary and proper concerning the granting
203 and revoking of license, but the public shall be given notice
204 by publication for two issues in a newspaper of general cir-
205 culation by any firm, person or corporation desiring a license
206 of any character.

207 Whenever the council shall deem it expedient to cause any
208 street or alley in said city or portion thereof, to be paved,
209 curbed or macadamized or otherwise improved in a perma-
210 nent manner, upon the petition in writing signed by the
211 owners of not less than three-fifths in lineal feet frontage
212 of the lots abutting on both sides of any street or alley, be-
213 tween any two cross streets or between a cross street and an
214 alley, it shall order the work done in the following manner
215 and upon the following terms: The contract for such paving
216 or other improvements shall, after due advertisement in

217 which the council shall reserve the right to reject any and
218 all bids, be let to the lowest responsible bidder. The contrac-
219 tor shall look only to the city for payment of the work and
220 in no sense to the abutting land owners. The total cost of
221 curbing, grading and paving or otherwise improving any
222 such street or alley, with the exception in the case of a street
223 occupied by street car tracks or other railways of the distance
224 between the rails and two additional feet outside of each rail,
225 which portion shall be borne and paid entirely by the street
226 car or other railway company operating such street car line
227 or other railway (unless otherwise provided by the franchise
228 of such street or other railway company granted previous to
229 the passage of this act) shall be borne by the owners of land
230 abutting upon said street, alley or portion thereof, according
231 to the following plan, that is to say: Payment is to be made
232 by all land owners on either side of such portion of a street
233 or block so paved and improved in such portion of the total
234 cost, less the portion, if any, chargeable to such street or
235 other railway company, as the frontage in feet of his land so
236 abutting bears to the total frontage of all land so abutting
237 on such street, alley or portion thereof so paved or improved
238 as aforesaid; *provided* that the entire cost of such paving
239 or improvement shall be chargeable to the abutting property
240 owners as aforesaid, or such part of the cost thereof as may
241 be agreed upon between the council and the owners of at least
242 three-fifths of such frontage. The cost of such paving or
243 improvement chargeable to the abutting owners is not to in-
244 clude any portion or amount paid for paving of squares at
245 intersection of street which shall in all cases, be borne and paid
246 by the city. When the paving of any street or alley, or por-
247 tion thereof, shall have been let to contract, it shall be the
248 duty of the engineer of the city to cause the several front-
249 ages abutting thereon to be measured and to calculate the as-
250 sessment upon each and every land owner so abutting and to
251 certify the same to the council, showing the proper amount
252 to be determined as provided in the foregoing plan. It shall
253 be the duty of the council to examine and compare such
254 assessments, amounts and names so certified to it, and there-
255 upon said council shall give notice by publication for two
256 successive weeks in some newspaper published in said city
257 that an assesment under this section is about to be laid

258 against the abutting property for paving or improvements
259 done on said street or alley, describing the location of such
260 paving or improvements, and any owner or owners thereof
261 shall have the right to appear before said council, within
262 two weeks from the first publication thereof and move said
263 council to correct any apportionment or assessment excessive
264 or improperly made as charged, which corrections said coun-
265 cil shall have the power to make, and if found to be correct
267 or when corrected by the council as aforesaid, it shall enter
268 the same together with a description of the lots of land as
269 to location, frontage, depth and ownership, so far as the
270 same may be ascertained, upon its records and to enter in its
271 records that such owners and lots be assessed and chargeable
272 with the amount so ascertained to be borne by them, re-
273 spectively, and when so approved, certified and entered of
274 record, the same shall be and constitute an assessment
275 against said owners and liens upon said lots for such re-
276 spective amounts. And it shall be the duty of the council
277 to immediately certify such assessment to the treasurer for
278 collection as herein provided, and a copy of said order shall
279 be certified by the recorder to the clerk of the county court
280 of Mercer county, who shall be required to record and index
281 the same in the proper trust deed book in the name of each
282 person against whose property assessments appear therein.
283 The amounts so assessed against said abutting land owners
284 shall be paid in five payments as follows, that is to say:
285 one-fifth of said amount, together with interest on the whole
286 assessment for one year, shall be paid into the city treasury
287 of the city, before the first day of May next after said work
288 is completed and said assessments have been certified to the
289 county clerk. And a like one-fifth together with interest for
290 one year upon the whole amount remaining unpaid on or
291 before the first day of May in each succeeding year thereafter
292 until all has been paid and each of said installments of one-
293 fifth beginning with the first shall bear interest on the
294 amount of said installment at six *per centum per annum*
295 from the date of the record of same in the county court clerk's
296 office until paid; *provided, however*, that any abutting
296-a owner so liable for any portion of the cost of such paving
296-b shall have the right at any time after the same is certified
296-c as aforesaid to the treasurer for collection to anticipate the

296-d payment of any or all of said assessments and shall be
296-e allowed to pay the face of said assessment with interest at
296-f six *per centum per annum* only to the time of payment. To
296-g each of such installments of assessments remaining unpaid
296-h in the treasurer's hands on the days herein specified for
296-i the payment thereof, a penalty of ten *per centum per an-*
296-j *num* shall be added to any assessments so remaining unpaid
296-k in the treasurer's hands on such date, shall be taken up by the
296-l council, on such settlement had with the treasurer on such
296-m dates, and, thereupon the council shall place such assess-
296-n ments, with the penalty added thereto, in the hands of the
296-o chief of police or other officer of the said city, whose duty it
296-p is to collect delinquent taxes and assessments, to be treated
296-q and considered, and the payment thereof enforced in all re-
296-r spects as hereinbefore and hereinafter provided for the collec-
296-s tion of taxes due the city, and such assessments with the pen-
296-t alty added thereto shall constitute and continue to be a lien
296-u upon the property liable therefor the same as for taxes, which
287 lien may be enforced in the same manner as provided for taxes,
298 or by a suit in equity to enforce this lien. The liens herein-
299 before provided for shall have priority over all other liens
300 except those for taxes due the state and shall be on a parity
301 with taxes and assessments due the city. Whenever all such
302 assessments for paving, curbing, macadamizing or other im-
303 provements heretofore mentioned shall be paid in full to
304 the treasurer, he shall deliver to the party paying the same a
305 release of the lien therefor, which may be recorded in the
306 office of the clerk of the county court as other releases of
307 liens.

308 In addition to the methods hereinbefore and hereinafter
309 prescribed for the payment of the cost of construction and
310 improvement of streets, the council may on the petition in
311 writing signed by the owners of not less than three-fifths in
312 lineal feet frontage of the property abutting upon any street
313 avenue or roadway in said city or of the property abutting
314 upon any portion thereof between any two intersecting streets,
315 order any street, alley or portion thereof, to be graded and
316 paved, repaved, or otherwise permanently improved, and the
317 council may order to be issued a certificate for each install-
318 ment of the amount of the assessment to be paid by the
319 owner of any lot or fractional part thereof abutting on the

320 street, or alley so improved, or portion thereof, which cer-
321 tificates are to represent the annual installments as hereinbe-
322 fore provided in this section, that is, five equal installments
323 due on or before the first day of May in each year. The
324 amount specified in said assessment shall be a lien as afore-
325 said in the hands of the holder of such certificate
326 upon such abutting lot or part of lot and such
327 certificate shall draw interest from the date of said assess-
328 ment and payment may be enforced in the name of the
329 holder of said certificate by proper suit in equity in any
330 court having jurisdiction to enforce such lien; the council
331 shall fix the amount of such assessment, advertise for bids
332 and do all other things in connection therewith as herein-
333 before and hereinafter provided in this act. Paving certifi-
334 cates shall be issued in the same number of installments and
335 payable at the same time as other paving assessments pro-
336 vided for in this section. Nothing contained in this act shall
337 be construed as imposing a time limit upon the enforcement
338 by appropriate suit of any lien for street improvements
339 heretofore or hereinafter created. Certificates authorized by
340 this section shall be subject to the same penalty clause as
341 heretofore provided for installments due on paving assess-
342 ments. The council shall have authority to assign, sell or
343 negotiate to any bank or person the certificates authorized
344 by this section, *provided* that no sale or transfer of such
345 certificates shall be made at less than the face value and
346 accrued interest of such certificates so sold or transferred, and
347 in selling and assigning the said certificates, or in placing
348 the same as collateral for money advanced to the city the
349 endorsement of the city shall be a special endorsement and
350 shall be binding on the city only in regard to the street im-
351 provement, paving installment or certificate fund, and in no
352 wise a debt, liability or guarantee against the general levy of
353 the city. The owners of the lot or land assessed under this
354 section may at any time anticipate and pay such assessment
355 or certificate with accrued interest thereon as is heretofore
356 provided.

357 Property owners desiring that the street on which their
358 property abuts be improved may petition the council as is
359 hereinbefore and hereinafter provided and in said petition
360 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

24 principal of the present outstanding bonded indebtedness of
25 said city when the same becomes due and of retiring the bonds
26 so outstanding in accordance with the provision thereof, and
27 for the further purpose of paying annually when due, the in-
28 terest coupons of the said present outstanding bonded indebt-
29 edness of the said city, which said special levy shall be con-
30 tinued annually by the council for as many years as it may
31 be necessary to pay off the present outstanding bonded indebt-
32 edness and the interest coupons that may become due thereon,
33 but no longer. Also in addition to the above, the said council,
34 beginning with the year one thousand nine hundred and
35 twenty-three, are empowered to and shall lay a special annual
36 levy not to exceed fifteen cents on each one hundred dollars
37 valuation of the property in said city for the purpose of pay-
38 ing off any outstanding orders issued against the treasury of
39 said city prior to July first, one thousand nine hundred and
40 twenty-one, and for the further purpose of paying off any and
41 all debts contracted prior to said date or any judgment, taken
42 against the said city; and after said orders and debts have
43 been paid, the said council may continue to lay said special
44 levy for such public improvements as the council shall from
45 year to year certify by resolution as necessary to be made
46 during the succeeding year. And both of the aforesaid special
47 levies when collected shall be used for no other purpose than
48 for the aforesaid purpose for which they shall be laid as
49 aforesaid.

Sec. 31. It shall be the duty of the assessor to make an
2 assessment of the property within the city subject to taxation
3 substantially in the manner and form in which assessments are
4 made by the assessor of the county, and return the same to the
5 council on or before the first day of June of each year, and
6 for this purpose he shall have all the powers conferred by law
7 upon county assessors. He shall list the number of dogs and
8 other animals subject to license tax in the city, and the
9 names of the persons owning the same, which list shall be
10 returned to the council at the same time his assessment books
11 are returned. But in making his assessment on real and per-
12 sonal property, he shall be governed by the assessment on
13 real and personal property for state and county purposes for
14 said year, and the value placed on said property shall not
15 exceed the value of such assessment for county and state pur-
16 poses. In order to aid the assessor in ascertaining the prop-

17 erty 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, receiving to the council for the same,

4 and it shall be his duty to collect from the parties the entire
5 amount of the taxes with which they are severally charged
6 therein, and may proceed to collect the same at any time after
7 the first day of August, and may enforce the payment thereof
8 by levy upon the personal property, and sale thereof, of the
9 person charged with taxes at any time after the first of Octo-
10 ber next, after said taxes are assessed. He may allow a dis-
11 count of two and one-half per cent on all taxes paid on or be-
12 fore the thirtieth day of November. Said taxes shall be a lien
13 upon the property upon which they are assessed from and
14 after the time the assessor's books are completed, verified and
15 returned to the city council, and he shall write the word
16 "paid" opposite the name of each person who pays the taxes
17 against him, and shall also give to the person paying such
18 taxes a receipt therefor; *provided however*, the said treasurer
19 may distrain at any time for any taxes assessed against a per-
20 son who is about to remove, or who has removed from said
21 city, after such taxes are assessed, and the books returned as
22 aforesaid. He shall also receive such other moneys of the city
23 as he is authorized by this act to receive, and also all moneys
24 ordered by the council to be paid to him, giving receipt
25 therefor to the parties paying the same, and shall keep an ac-
26 curate, itemized account of all money received by him. His
27 books shall, at all times, be open for the inspection of the
28 mayor, council, city recorder, and to any taxpayer of the city.
29 He shall also make up monthly statements of the money re-
30 ceived by him and the amount paid out by him and to whom,
31 showing the amounts in his hands from all sources, and shall
32 post the same in the mayor's office on the last day of each
33 month. He shall pay out the money in his hands upon the
34 order of the city council, upon orders signed by the mayor
35 and the recorder. He shall, on or before the expiration of the
36 term of office of the mayor, and at such other times as the
37 council may require, present to the council a full and com-
38 plete statement of all the moneys, with which he is charge-
39 able, or that have been received by him and not previously
40 accounted for, and shall at the same time, in like manner,
41 furnish a complete statement, by separate items, of all dis-
42 bursements made by him during such period, with his vouch-
43 ers evidencing the same. He shall receive all taxes and
44 licenses and receipt to the party paying the same, by en-

45 dorsement upon the permit granted by order of the council,
46 or mayor as the case may be. He shall, upon the expiration
47 of his term of office, turn over to the council all books and
48 other possessions belonging to the city, except the money in his
49 hands, which he shall turn over to his successor, upon the
50 order of the council, as hereinbefore provided; and shall, be-
51 fore entering upon the duties of office, execute a bond with
52 good security payable to said city in a penalty of not less
53 than ten thousand dollars, conditioned that he will faithfully
54 discharge the duties of his office and account for and pay
55 over as required by law and the orders, ordinances, rules and
56 regulations of the council of said city, all money which shall
57 come into his hands which bond shall be subject to the ap-
58 proval of the council. He shall be chargeable with all the
59 city taxes, levies and assessments and money of the city, which
60 shall come into his hands and shall account therefor.

Sec. 34. In addition to the other duties of the assessor, it
2 shall be his duty on or before the first day of August, in each
3 year to make a copy from the real and personal property
4 books of the assessor of Mercer county of all property shown
5 to be liable for taxes within the limits of the city of Prince-
6 ton, and certify such under his hand as a true and correct
7 copy thereof, and to deliver the same to the council, to assist
8 said council in preparing the annual estimate of expenses to
9 be certified as a basis for the annual levy. After such an-
10 nual levy is made in each year, it shall be the duty of the
11 assessor to extend said levy upon said real estate and personal
12 property books for said city, but the treasurer shall prepare
13 proper tax tickets therefrom against all owners of real es-
14 tate and personal property subject to taxation in said city.

Sec. 35. The council shall prescribe by ordinance the
2 time and manner in which license of all kinds shall be ap-
3 plied for and granted, and shall require the payment of the
4 tax thereon to the city recorder before the delivery thereof to
5 the person applying therefor, which tax shall include the same
6 fees for the issuing of such license as are charged for similar
7 services by state and county officers, which fees shall be paid
8 in to the city treasury. The council may revoke any license
9 for a breach of any of the conditions, or for other good cause
10 shown, but the person holding such license must first have
11 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

10 and paving not to exceed one-half thereof upon the abutting
11 property on each side thereof, and the owners thereof, and
12 collect the same in the same manner as other taxes and
13 levies are collected; and such assessments for sidewalks,
14 drains, gutters, macadamizing and paving shall be a lien up-
15 on such abutting property, the same as other taxes and levies
16 within said city upon the property therein. *Provided* that
17 nothing herein shall be construed to prevent the council from
18 arranging for the construction of any such improvements by
18-a agreement with the abutting property owners, if the council
19 shall so desire and deem it advisable to do so.

20 Upon a petition in writing signed by the owners of not less
21 than three-fifths in lineal feet frontage of the property abut-
22 ing upon any street, avenue or roadway in said city, or of the
23 property abutting upon any portion thereof between any two
24 intersecting streets, asking the city to grade, curb, pave or
25 otherwise permanently improve such street, avenue or road, or
26 portion thereof, and offering in such petition to have their
27 proportionate part of the entire cost thereof, in proportion to
28 the frontage thereon, the council may order such work to be
29 done as hereinafter provided and charge and assess the en-
30 tire cost thereof, or such part of the cost thereof as may be
31 agreed upon between the council and the owners of at least
32 three-fifths of such frontage, to the property abutting upon
33 such street, avenue or roadway, or portion thereof, in propor-
34 tion to the frontage of the respective properties abutting
35 thereon, and collect the same as taxes are collected or by ac-
36 tion at law or suit in equity.

37 Upon the filing of such petition the council shall set a date
38 for a hearing and shall give notice thereof for at least one
39 week by posting copies of the order reciting the filing of
40 such petition and its object, together with the date set for a
41 hearing, in at least three places upon or adjacent to the
42 street, avenue or roadway proposed to be improved.

43 Upon such hearing the council shall adopt the plans and
44 specifications for the proposed improvement and shall there-
45 upon determine whether the work shall be done or not.

46 If the council determines to do such work, then the same
47 shall be let to the lowest responsible bidder after advertise-
48 ment of the letting thereof for once a week for at least two
49 weeks in some newspaper of general circulation in the city of

50 Princeton. Upon the receipt of such bids the council may re-
51 ject any or all bids. The council may require deposit to be
52 made with each bid as evidence of good faith, and shall have
53 plenary power to decide upon the responsibility, etc., of the
54 several bidders. The council shall also take bond with good
55 security from the successful bidder in a sum equal to the
56 estimated value of the work conditioned for the faithful and
57 proper performance thereof. When the said improvement shall
58 have been completed, or when the said improvement shall
59 have been completed between any two cross streets intersect-
60 ing the street, avenue or roadway improved, then the city
61 may assess the cost thereof against the property abutting
62 upon the said street, avenue or roadway, or such part thereof
63 as may be completed, and collect the same from the owners
64 thereof as aforesaid.

65 Every assessment made hereunder shall be a lien upon the
66 property liable therefor the same as for taxes, which liens
67 may be enforced in the same manner provided for the col-
68 lection of taxes and shall have priority over all other liens
69 upon said property except for taxes due the state and county,
70 and shall be on a parity with the taxes and assessments due
71 the city.

72 The city shall pay the contractor for such work as shall be
73 provided in the contract out of such fund as may be available
74 or provided, and shall reimburse itself or such funds out of
75 the assessments when collected.

Sec. 42. The council of the city of Princeton shall provide
2 a place for voting in each ward in all municipal elections of the
3 city and appoint commissioners residing therein to hold and
4 conduct the election hereinbefore provided to be held, and
5 shall pass all proper ordinances to give this act full force and
6 effect, and the council may establish as many voting pre-
7 cincts in each ward as it may deem proper.

See. 43. The city attorney, if there be one, shall be the
2 legal advisor of the city and all of its officers in all mat-
3 ters arising, and in which legal proceedings may be taken;
4 he shall prosecute all suits, actions and proceedings instituted
5 on behalf of said city, and defend all suits and actions against
6 said city, and when requested in writing shall give his writ-
7 ten opinion to the mayor or council or any standing commit-
8 tee thereof upon such legal questions as may be referred to

9 him affecting the city's interest; he shall perform such other
10 duties as may be required. It shall be his duty to attend the
11 sessions of the council when requested and prosecute all trials
12 before said recorder and all appeals that are taken from such
13 recorder to the criminal or circuit court, and for his services
14 he shall receive such compensation as the council shall pro-
15 vide, and in addition thereto in all criminal prosecutions con-
16 ducted by said city attorney, where there is a conviction of
17 the defendant, there shall be taxed an attorney's fee in favor
18 of said city attorney of not less than five nor more than ten
19 dollars, which said fee shall be taxed as part of the costs
20 of the case.

Sec. 44. It shall be the duty of the city treasurer to keep
2 all funds of the city in some bank or banks within said city,
3 which shall pay interest on such deposits and on the average
4 daily balances of such funds of the per cent equal, at least,
5 to that paid by state depositories on all funds of the state of
6 West Virginia and in the same manner and at the same time.
7 If no bank within said city is willing at any time to receive
8 deposits of the treasurer and pay such interest thereon, the
9 treasurer shall report this fact to the council, whereupon the
10 council shall designate the bank or banks in which he shall de-
11 posit said funds for the time being and until some bank in said
12 city will receive such deposits on such terms.

Sec. 45. Each councilman of said city shall receive from
2 the city to be paid out of the city treasury the sum of one
3 hundred dollars a year, payable in monthly installments, and
4 in addition thereto, two dollars and fifty cents for each meet-
5 ing of the council actually attended by him.

Section 46. All ordinances of the city of Princeton, as
2 they exist at the time of the passage of this act, which are
3 inconsistent herewith, are hereby abrogated, and all acts and
4 parts of acts inconsistent with any of the provisions of this
5 act are hereby repealed.

Sec. 47. This act shall take effect and be and continue in
2 effect on and from the first day of July one thousand nine
3 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.]

SEC.	SE.
1. Boundaries; powers of city.	16. Appointment of city engineer by manager; duties of engineer.
2. Qualification of voters.	17. Appointment of superintendent of streets by manager; disposal of garbage.
3. Board of commissioners, powers, number, election and eligibility; nomination and election.	18. Estimates by board of commissioners; levies by and limitation on.
4. Elections, dates, how conducted.	19. Lien for taxes and expenses for paving, etc.; how enforced.
5. Organization of board; appointment of elective officers; election officers and political affiliations of.	20. Special license tax; how imposed; revocation of license.
6. Oath and salary of officers.	21. Exemptions from road levies.
7. Vacancies, how filled.	22. Support of paupers by city.
8. Removal of officers; appeal to circuit court.	23. Bonds, for what purposes may issue; limitation and vote on.
9. Municipal court, jurisdiction and procedure in; temporary vacancy in office of municipal judge; criminal and civil jurisdiction of judge; appeals from and salary of; settlement of accounts of judge; police docket.	24. Powers of city.
10. City solicitor; qualifications, duties, compensation and fees.	25. Duties of abutting owner as to sidewalks, etc.; penalty for failure to perform.
11. City manager; salary; appointment and qualifications; powers and duties.	26. Condemnation proceedings by board.
12. Assessment of property, etc., by manager.	27. Provisions as to public utility franchises.
13. Duties and powers of manager as to taxes.	28. Power of board as to building permits, etc.
14. Appointments of police officials by; duties, powers and bonds of police officers.	29. Power of board as to needful ordinances.
15. Appointment of fire chief and firemen by manager; compensation and rules to govern firemen.	30. Transfers of rights and liabilities under previous acts.
	31. Existing ordinances, not inconsistent, valid.
	32. Provisions of chapter 47 of Code, when applicable.
	33. Provisions of act severable.
	34. Repeal of specified and inconsistent acts.
	35. Present officers to hold over.

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
2 county in the state of West Virginia, included within the
3 boundary lines of the present City of Logan, as such bound-
4 ary lines are already fixed and established by the acts of the
5 legislature of West Virginia, shall continue to be a body
6 politic and corporate under the name, "the City of Logan,"
7 and as such shall have perpetual succession; may use a cor-
8 porate seal; may sue and be sued; plead and be impleaded;
9 contract and be contracted with; acquire property for mu-
10 nicipal purposes in fee simple, or lesser interest or estate, by
11 purchase, gift, devise, appropriation, lease, or lease with the
12 privilege to purchase, either within or without the city limits,
13 subject to the rights of other affected municipal corporations;
14 may sell, lease, hold, manage and control such property, and
15 make any and all rules and regulations, by ordinance or reso-
16 lution which may be required to carry out fully all provisions
17 of any conveyance, deed or will, in relation to any gift or
18 bequest, or the provisions of any lease by which it may ac-
19 quire property; after the first election under this charter,
20 may acquire, construct, own, lease and operate light, heat,
21 power and water plants may grant public franchises
22 to be exercised within the city; may assess, levy and
23 collect taxes for general and special purposes on all
24 the subjects or objects within its boundaries which
25 the city may lawfully tax; may borrow money for
26 permanent improvements and public works on the faith
27 and credit of the city by the issue or sale of bonds or notes
28 of the city, and in the issuance and sale of said bonds the
29 said city shall be governed by the restriction and limitations
30 of the constitution and laws of the state relating to the issu-
31 ance and sale of bonds, so far as said state laws are not in
32 conflict with the provisions of this act; may pave, repave,
33 curb grade, regrade, sewer, resewer, or otherwise permanently
34 improve any street, alley, or roadway within the city limits,
35 and assess the entire cost thereof, excluding the cost of inter-
36 sections, with interest, or any part thereof, against the owners
37 of the abutting or benefited properties in accordance with
38 an ordinance that shall permit the payment of said assess-
39 ments in annual installments, and may in anticipation of
40 the levying of said assessments, issue and sell its bonds, as

41 hereinbefore provided, to the estimated amount of the cost
42 of said improvements, and apply said assessments as same
43 are paid to the liquidation of said bonds and interest thereon;
44 may appropriate the money of the city for all lawful pur-
45 poses; may create, provide for, construct, regulate, and
46 maintain all things in the nature of public works and im-
47 provements; may direct the laying out of lots and opening
48 of streets and roadways; may license and regulate persons,
49 corporations and associations engaged in any business, oc-
50 cupation, profession or trade; may define, prohibit, abate,
51 suppress and prevent all things detrimental to the health,
52 morals, comfort, safety, convenience and welfare of the in-
53 habitants of the city, and all nuisances and causes thereof;
54 may regulate the construction, height and materials used in
55 all buildings and structures of every kind, and the mainte-
56 nance, occupancy and use thereof; may regulate and control
57 the use, for whatever purpose, of the streets and other public
58 places; may make and enforce local police, sanitary and other
59 regulations, and prescribe, impose and enforce reasonable
60 fines and penalties including imprisonment, and shall have
61 the right to use the jail of said county when necessary;
62 and may pass such ordinances and resolutions as may be
63 expedient or necessary for maintaining and promoting the
64 peace, good government and welfare of the city, and for
65 the performance of the functions thereof. The City of Logan
66 as constituted by this act, shall retain, keep and succeed to
67 all rights, privileges, property, interest, claims and demands
68 heretofore acquired by, vested in or transferred to the said
69 city as heretofore constituted and shall have all powers that
70 now are or hereafter may be granted to municipalities by
71 the constitution or laws of West Virginia; or that are herein
72 by implication conferred, or are necessary to or consistent
73 with the purposes of this act; and all such powers, whether
74 expressed or implied, shall be exercised and enforced in the
75 manner prescribed by this act, or when not prescribed herein,
76 in such manner as shall be provided by ordinances or resolu-
77 tions of the governing body herein provided for.

Sec. 2. Every person qualified by law to vote for mem-
2 bers of the legislature of the state, who shall have been a
3 resident of said city for at least six months preceding the
4 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.

7 Sec. 3. All the corporate powers of said city shall be vested
8 in and exercised by a board of commissioners, or under the
9 authority of the board of commissioners, except such powers
10 as are hereinafter vested in and conferred upon the city man-
11 ager, the municipal judge, and the city solicitor, respectively.
12 Said board of commissioners shall be composed of four mem-
13 bers who shall be elected by the qualified voters of the said
14 city and who shall serve for a term of two years, and there-
15 after until their successors in office shall have been elected
16 and qualified. Two of said commissioners shall be selected
17 from the political party casting the largest vote for gover-
18 nor in said city at the general election next preceding the
19 city election at which said commissioners are to be elected,
20 and the other two of said commissioners shall be selected from
21 the political party casting the next largest vote in said city
22 for governor at said preceding general election. No per-
23 son shall be eligible to the office of commissioner except a
24 qualified voter of said city, who has resided therein for at
25 least one year next before his or her election. No member
26 of the board of commissioners shall hold any other office
27 created by the provisions of this act.

28 Each of said political parties mentioned in this act shall
29 at least fifteen days before any municipal election, nominate
30 by a mass convention four candidates for members of the
31 board of commissioners, to be voted upon at said election.
32 From the eight candidates thus nominated the two of each
33 said political party receiving the largest vote shall be de-
34 clared elected. On the Monday next following any election
35 hereunder, the board of commissioners shall meet and can-
36 vass, ascertain, declare, and record the results of such elec-
37 tion. The results of the first election of officers held here-
38 under shall be so canvassed, ascertained, declared and re-
39 corded by the board of commissioners now in office. Except
40 as herein otherwise provided, the general election laws gov-
41 erning the ascertainment and declaration of the results of
42 elections of county officers, and relating to appeals and pro-
43 ceedings for the review or reversal of decisions of the board
44 or canvassers concerning the same, are hereby made ap-
45 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
9 shall respectively sign the minutes and records required to be
10 kept by the board. Said president and recorder shall receive
11 no salary, nor exercise any powers or functions, except such
11-a as are received and exercised by other members of
11-b said board of commissioners, unless otherwise herein
11-c specifically provided. Said board of commissioners
12 shall immediately after taking office appoint a mu-
13 nicipal judge and a city solicitor, and shall within sixty
14 days after entering into office appoint a city manager. The
15 municipal judge and city solicitor shall belong to opposite
16 political parties, shall each serve for the term of one year,
17 and shall be selected as follows: For the first year term
18 after this charter takes effect, the municipal judge shall be
19 appointed by the two commissioners elected by the party cast-
20 ing the highest number of votes at the preceding municipal
21 election; at the same time the city solicitor shall be appointed
22 by the two commissioners from the opposite party. In like
23 manner during the second year term after this charter goes
24 into effect, the solicitor shall be appointed by the commis-
25 sioners from the party from which the municipal judge was
26 appointed for the preceding year, and the municipal judge
27 shall be selected by the commissioners from the opposite party;
28 and thereafter the appointments of said municipal judge and
29 of said city solicitor shall alternate between said two political
30 parties from year to year so that said judge and said solici-
31 tor shall always be of opposite political parties, and so that
32 neither party shall retain either of said offices for more than
33 one year at a time.

Sec. 6. Every person elected or appointed to any office
2 under this charter before proceeding to exercise any of the
3 authorities of such office shall make oath or affirmation that
4 he or she will support the constitution of the United States
5 and the constitution of this state and will faithfully and
6 impartially discharge the duties of his or her office to the
7 best of his or her skill and judgment. Said officers shall
8 be paid a monthly salary, the amount of which except as
9 herein otherwise provided, shall be fixed by said board as
10 soon as may be after the commissioners thereof have entered
11 upon the duties of their office, except that the members of
12 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-
2 ager or in the office of municipal judge or city solicitor,
3 such vacancy shall be filled in the same manner as is herein
4 required for the original appointment of such officers. Va-
5 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-
10 tetency, 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-
17 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-
23 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-
28 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 same.

45 Said municipal judge shall have power to issue executions
46 for all fines, penalties and costs imposed by him, or he may
47 require the immediate payment thereof, and in default of
48 such payment he may commit the party in default to the
49 jail of Logan county, until such fine, penalties and costs are
50 paid or bonded, but the term of imprisonment for fine and
51 costs alone shall not exceed thirty days. The expense of
52 maintaining any person committed to the county jail by the
53 municipal judge shall be borne by the city, except as to
54 any person who shall be bound over to await the action
55 of the grand jury of the circuit court of Logan county, in
56 which event the expense of maintaining such person shall
57 be borne by the county of Logan. The municipal judge
58 shall not receive any money belonging to the city or to in-
59 dividuals, unless he shall give bond and security as is re-
60 quired by justices of the peace, and all provisions of chapter
61 fifty of the code of West Virginia, relating to monies re-
62 ceived by justices shall apply in like manner to said
63 municipal judge.

64 He shall have authority to sentence male offenders over
65 the age of sixteen years to labor upon the streets and public
66 works of the City of Logan during the term of their im-
67 prisonment, and thereafter until the fine and costs imposed
68 upon the offender are paid or bonded. The compensation
69 for said labor shall be paid to the offender's dependants,
70 if any, in conformity with such regulations as the board of
71 commissioners may by ordinance provide. The municipal
72 judge may also sentence offenders to labor upon the public
73 roads of Logan county in like manner and with like effect
74 as such offenders may now be sentenced to work upon said
75 public roads by the circuit court of Logan county, West
76 Virginia. In case such offender so sentenced by said mu-
77 nicipal judge shall be worked upon said public roads under
78 the direction of the county court of Logan county, or the
79 county road engineer of said county, or of some officer
80 designated by said county court, the cost of maintaining
81 such prisoners in jail shall be borne by the county of Logan
82 for such period as they are worked upon said public roads,
83 and such compensation as shall be allowed said prisoners
84 by said county court shall be paid to the offender's de-
85 pendants, if any, and if no dependents, then such compensa-
86 tion shall be credited upon said offender's fine and costs,

87 including the cost of boarding said offender while in jail.

88 Appeals shall lie from the judgment of said municipal
89 court to the circuit court of Logan county in accordance
90 with law in the same manner as appeals are allowed from
91 the judgment of justices of the peace.

92 The municipal judge shall be allowed a salary by an ordi-
93 nance of the board of one hundred dollars per month, which
94 shall be paid out of the city treasury on the first day of
95 each month for the salary earned during the preceding
96 month. It shall be the duty of the municipal judge and
97 the city solicitor to see that all fines, costs and penalties im-
98 posed upon offenders are collected and paid into the city
99 treasury to be used for city purposes in the same manner
100 as monies raised by said city through taxation are used.
101 *However*, said city solicitor and municipal judge shall as-
102 sume no personal liability for the collection of any fines,
103 costs or penalties which they are unable to collect through
104 the exercise of reasonable diligence.

105 At the expiration of his term of office the municipal judge
106 shall make an account and settlement for all monies coming
107 into his hands, and an annual audit shall be made of his
108 books, records and accounts, as provided by chapter ten-a of
109 the code of West Virginia. His books and records shall be
110 at all times open for inspection by the board of commissioners
111 and the city manager.

112 A well bound book, indexed and denominated "police
113 docket" shall be kept in the office of the municipal judge,
114 in which shall be noted each case brought before or tried
115 by him, together with the proceedings therein, including a
116 statement of the complaint, the warrant or summons, the
117 return, the fact of appearance, or non-appearance, the de-
118 fense, the hearing, the judgment, the amount of fine and
119 costs separately stated, and in cases of conviction, the action
120 taken to enforce the same. The record of each case shall be
121 signed by the municipal judge and the original papers
122 thereof, if no appeal be taken, shall be kept together and
123 preserved in his office.

Sec. 10. The city solicitor shall be an attorney at law,
2 authorized to practice law in the courts of Logan county, and
3 he shall be the legal adviser of the city and of all of its offi-
4 cers respecting all legal matters. He shall prosecute all suits,
5 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; *provid-*
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
8 of city managers at the time of his appointment.

9 Until such city manager is appointed, or if said office
10 should thereafter become vacant, the board of commissioners
11 shall exercise all the duties and perform all the functions
12-36 herein required of said city manager.

37 The powers and duties of the city manager shall be:

38 (a) To see that the laws and ordinances of the city are
39 enforced;

40 (b) To appoint all officers of the city, except members
41 of the board of commissioners, municipal judge, and city
42 solicitor, and to employ, or cause to be employed, all such
43 employees of the city as may be found necessary to properly
44 perform the functions and duties required, but all appoint-
45 ments and employments so made by said city manager shall
46 be made upon merit and fitness alone;

47 (c) To exercise supervisions and control over all depart-
48 ments and divisions created herein or that may be hereafter
49 created by the board of commissioners, except over the board
50 of commissioners, the municipal judge and the city solicitor;

51 (d) To attend all meetings of the board of commissioners
52 with the right to take part in its discussions, but without
53 the right to vote;

54 (e) To recommend to the board of commissioners for
55 adoption such measures as he may deem necessary or ex-
56 pedient;

57 (f) To keep the board of commissioners fully advised as to
58 the financial condition and needs of the city;

59 (g) To supervise and conduct the performance of their
60 duties by all officers and employees appointed or employed
61 by said city manager;

62 (h) Determine and decide on the plan and program for
63 paving, sewerage and otherwise improving the different
64 streets and alleys in the city, and fix and determine the time
65 in which such streets and alleys shall be paved, sewerage and
66 otherwise improved;

67 (i) Determine and decide upon the kind and make of pave-
68 ments, sidewalks, curbs, sewers and other improvements
69 which shall be constructed and made upon and in any of the
70 streets and alleys of the city;

71 (j) Act as purchasing agent and purchase all supplies and
72 materials for all departments of the city government; *pro-*
73 *vided however*, that he shall not make any contract or pur-
74 chase involving an expenditure in excess of three hundred
75 dollars, without first obtaining the assent of the board of
76 commissioners so to do;

77 (k) Make and execute on behalf of the city all writings,
78 contracts, deeds, and agreements, the making of which shall
79 be authorized by this charter, or by any ordinance, resolu-
80 tion or statute;

81 (l) To call attention of the board of commissioners, the
82 municipal judge, and the city solicitor to the violation of
83 any law or ordinance that may come to the knowledge of
84 said city manager;

85 (m) Perform all such ceremonial exercises as are usually
86 performed by a mayor.

87 (n) To perform and carry out all other duties herein re-
88 quired of him.

89 (o) Fix the compensation of all officers and other city
90 employees by him appointed or employed.

Sec. 12. It shall be the duty of the city manager to make
2 an assessment of the property within the city subject to taxa-
3 tion, substantially in the manner and form in which the
4 assessments are made by the assessor of the county, and
5 return the same to the board on the same day that the
6 assessor of the county is required to return the county
7 assessment to the county court of Logan county, and for this
8 purpose the city manager shall have all the powers con-
9 ferred by law upon the county assessor of Logan county,
10 the valuation of which property shall be the same as the
11 valuation for the county and state taxation.

12 He shall list the number of dogs, and other animals, sub-
13 ject to license tax in the city, and the name or names of
14 persons owning the same, which list shall likewise be re-
15 turned to the board at the same time the assessment of
16 property is returned.

17 In order to aid the city manager in ascertaining the prop-
18 erty subject to taxation by the city, he shall have access to
19 all books and public records of Logan county without ex-
20 pense to him or the city, and he shall have the same powers
21 and be subject to the same penalties in ascertaining and
22 assessing the property, subject to taxation in said city, as are
23 granted and imposed on the county assessors throughout the
24 state by general law.

25 When the city manager shall have completed his assess-
26 ment he shall deliver the record of same, properly sworn to

27 by him, to the board of commissioners, who shall examine
28 the same.

Sec. 13. It shall be the duty of the city manager to collect 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 prescribed 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 receipts 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 solicitor, 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 receipt for all license tax imposed by said board of commissioners, and he shall pay out the money in his hands upon the order of the board of commissioners, 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,

5 or by any justice of the peace, in any place in Logan
6 county; said chief of police shall have all the powers, rights
7 and privileges within the corporate limits of the city in re-
8 gard to the arrest of persons, the collection of fines, and the
9 execution and return of process that is vested by law in a
10 constable of a magisterial district, and he shall be liable to
11 all fines, penalties and forfeitures that a constable of a
12 magisterial district is liable to, to be recovered in the same
13 manner, and in the same court that fines, penalties and
14 forfeitures may be recovered against such constable. All
15 other police officers shall be appointed by said city mana-
16 ger, and shall perform their duties under the general direc-
17 tion of the chief of police, and they shall be charged with
18 the same duties, and shall have and possess the same powers
19 as the chief of police, except in so far as they are herein placed
20 under the supervision of the said chief of police. On special oc-
21 casions the city manager may designate and appoint additional
22 policemen to act temporarily, and they shall be charged with
23 the same duties and clothed with the same powers as regular
24 police officers hereunder. All police officers appointed here-
25 under shall before entering upon the discharge of their dut-
26 ies, execute a bond in the penalty of at least five thousand
27 dollars, conditioned for the faithful discharge of their duties
28 as such officers, that they will account for and pay over as
29 required by law, all monies which shall come into their
30 hands by virtue of their office, and further conditioned for
31 the payment of all damages sustained or incurred by anyone
32 by reason of injury through the wilful and illegal use of
33 any weapons which said police are authorized to carry. Upon
34 the execution of such bond such chief and other police shall
35 be authorized to carry anywhere within the limits of the
36 said City of Logan, and anywhere else within the limits of
37 the state of West Virginia while engaged in the actual
38 performance of their duties as such, any weapons now au-
39 thorized by law to be carried by the sheriff of Logan county.
40 Said chief of police, and other policemen appointed here-
41 under shall be paid such compensation as is fixed by the city
42 manager and approved by the board of commissioners, which
43 compensation shall be paid out of the city treasury monthly.
44 The city manager before entering upon the discharge of his
45 duties shall execute a bond in the penalty of not less than

46-47 twenty-five thousand dollars, conditioned that he will dis-
48 charge the duties of his office hereunder to the best of his
49 ability, and that he will faithfully account for and pay
50 over, as required by law, all monies which shall come into his
51 hands by virtue of his said office. The surety upon said bond
52 shall be a regularly licensed fidelity and surety company,
53 and the premium upon said bond shall be paid by the city.

Sec. 15. The city manager shall appoint a chief of fire
2 department, and such number of firemen as in his opinion
3 are necessary to the creation and maintenance of a fire
4 fighting force sufficient for the needs of the said City of
5 Logan; he shall prescribe the duties and fix the compensa-
6 tion of said chief and other firemen and shall promulgate
7 and adopt such rules and regulations for the government of
8 said fire fighting force, and for the use, maintenance and
9 care of the city's fire fighting equipment, as may, in his
10 opinion, be necessary or needful. The chief of the fire de-
11 partment, and each fireman so appointed, shall, while in the
12 necessary performance of their duties, or while going to or
13 returning from any fire, be vested with the same powers of
14 arrest as are conferred upon the chief of police by this char-
15 ter. The city manager may also promulgate and enforce
16 such rules and regulations governing traffic over a street on
17 which fire fighting equipment is being moved to the scene
18 of a fire, as will in his opinion properly safeguard and
19 expedite the moving of such equipment.

Sec. 16. The city manager may employ a city engineer
2 whose duty it shall be to perform such engineering services
3 as are required of him from time to time by order of the
4 board of commissioners or the city manager. And in case
5 any permanent improvements are being made upon any of
6 the existing streets or alleys, or to any sewers of the city,
7 or in case any new streets are hereafter planned, laid out
8 or dedicated for the public use of the city, or any new sew-
9 er lines are hereafter planned, laid out or put in use in said
10 city, before the same are dedicated and laid out they shall
11 be correctly surveyed by such engineer, and a map and plan
12 of the same filed with the city recorder as a part of the
13 records of said city. In case the city should install a water
14 works or a water plant, or purchase the one now in operation
15 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
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 lein 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.

Sec. 20. The board of commissioners may by ordinance
2 impose special license tax in all cases where the state of
3 West Virginia imposes such license tax, except that no
4 license tax shall be levied by said city under clauses "s"
5 "t" and "y" of section one of chapter thirty-two of the code
6 of West Virginia.

7 The board of commissioners shall prescribe by ordinance
8 the time and manner in which license of all kinds shall be
9 applied for and granted, and shall require the payment of the
10 taxes thereon to the city manager on the delivery to the
11 person applying therefor, which tax shall include the same
12 fees for the issuing of the license as are charged for
13 similar services for state and county officers, and which
14 fees shall be paid into the city treasury. The board of
15 commissioners may for good cause to refuse to issue any
16 license applied for, and for like good cause may revoke any
17 license granted by it. But the person holding such license
18 must first have reasonable notice of the time and place of
19 hearing and adjudicating the matter as well as the cause
20 alleged, and shall be entitled to be heard in person or by
21 counsel in opposition to such revocation. The term for which
22 any license provided for in this charter shall be granted
23 shall be governed by the general laws providing for state
24 license and the rate of such license tax shall be fixed by
25 the board of commissioners, but shall not be greater than
26 the state license charged for similar purposes.

Sec. 21. The city shall construct, keep repaired and
2 maintain its own roads, streets and alleys and by reason
3 thereof the property located within the limits of said city
4 shall not be subject to district road levies for the magisterial
5 district in which said city is located except levies to pay
6 the bonded indebtedness, if any, of the county of Logan, and
7 of the magisterial district of Logan, now outstanding.

Sec. 22. The city shall provide for and maintain as re-
2 quired by law all poor persons and paupers within the city
3 limits, and shall by reason thereof be released from paying
4 any county or district levies for the maintenance of the poor
5 or paupers.

Sec. 23. The city is hereby authorized to issue its bonds
2 in the manner provided by general law, and in that way be-
3 come indebted for the following purposes only, to-wit:

4 (a) For the acquisition of a site and the construction
5 thereon of a city incinerator complete.

6 (b) For the purchasing of suitable lots and the building
7 of a city hall.

8 (c) For the paving, re-paving, curbing, re-curbing, grad-
9 ing, re-grading, sewerage, re-sewerage, or otherwise perma-
10 nently improving any street or alley or roadway within the
11 city limits or the acquisition of land on rights of way for the
12 establishment of new streets, alleys or roadways or rights of
13 way for the building of city sewers.

14 (d) For the construction and installing of a water plant
15 or works to supply the City of Logan and the residents thereof
16 with water, or for the acquisition of the water plants or
17 works now installed in said city, and the improving, recon-
18 struction or re-building of the same.

19 But the city shall not become indebted in any manner or
20 for any purpose to an amount, including existing indebted-
21 ness, in the aggregate, exceeding five per centum on the val-
22 uation of the taxable property therein to be ascertained
23 by the last assessment for state, county and municipal
24 taxes, previous to the incurring of such indebtedness; nor
25 without at the same time providing for the collection of a
26 direct annual tax sufficient to pay annually the interest on
27 such debts and the principal thereof, within, and not to exceed
28 thirty-four years; *provided*, no debt shall be contracted under
29 this section unless the question connected with the same shall
30 have been first submitted to a vote of the people, and have
31 received three-fifths of all the votes cast for and against
32 the same.

Sec. 24. The city through its officers shall have plenary
2 power to construct, maintain and keep in constant repair,
3 all streets, alleys, roadways, side walks, gutters and sewers
4 of the city, and to lay out, construct and maintain, and
5 keep in repair, new streets, alleys, roadways, sidewalks, gut-
6 ters and sewers, and to apportion such amount of monies
7 raised by taxation to that purpose as may be requisite.

Sec. 25. It shall be the duty of the owner of any real
2 property abutting on or next adjacent to or on any sidewalk,
3 footway, or gutter; to lay and construct proper sidewalks,
4 and to curb, re-curb, pave, re-pave, or repair, and keep the
5 same in constant good and clean condition in the manner and
6 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-one, 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.]

SEC.

1. City a body corporate.
2. Boundaries.
3. Board of Commissioners.
4. Corporate powers to be exercised by commission.
5. Officers appointed by commission.
6. Eligibility of elective and appointive officers.

SEC.

7. Powers, duties and compensation of officers.
8. How vacancy in office of mayor or commissioner filled.
9. Qualification and registration of voters.
10. City political executive committee.

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| <p>SEC.</p> <p>11. Political conventions to nominate candidates; list of persons nominated; dates and methods of city elections; nominations by petition.</p> <p>12. Oath of officers.</p> <p>13. Commission to prescribe power and fix compensation of appointive officers.</p> <p>14. Removal of elective officials upon charges.</p> <p>15. Summary removal of appointive officers and employees.</p> <p>16. Commission Journal.</p> <p>17. Regular and special meetings of commission, presiding officer, quorum; duties of city clerk; place and hour of meeting; order of business.</p> <p>18. Power of commission.</p> <p>19. Condemnation proceedings by commission.</p> <p>20. Powers of commission as to illegal or intoxicating liquors.</p> <p>21. Street work by prisoners.</p> <p>22. License or privilege taxes.</p> <p>23. Revocation of licenses.</p> <p>24. Power to adopt and enforce needful ordinances.</p> <p>25. Petition for paving by lot owners; cost of paving, how laid and collected.</p> <p>26. Assessment on abutting lot owners; publication of and procedure concerning.</p> <p>27. Certificates for assessments for paving; certificates for assessments for sewers.</p> <p>28. Removal of snow and rubbish.</p> <p>29. Mayor, duties and powers of.</p> <p>30. City clerk, qualifications, duties, powers, oath and bond of.</p> <p>31. City attorney, duties of.</p> <p>32. Police department, powers and salaries.</p> <p>33. Chief of police, powers of.</p> <p>34. Fire department, appointment of</p> | <p>SEC.</p> <p>members and employees by commission; under supervision of mayor; quarters; trucks, etc., for.</p> <p>35. City health officer; appointment and duties of.</p> <p>36. Estimates and levies by commission.</p> <p>37. Limitation upon levies.</p> <p>38. City assessor, duties.</p> <p>39. Lien for taxes.</p> <p>40. City clerk, duty as city collector.</p> <p>41. Depository for city funds, how and when selected; bond of; city clerk to be city treasurer.</p> <p>42. City clerk to be city accountant.</p> <p>43. City clerk to devise accounting procedure.</p> <p>44. Itemized sworn accounts required.</p> <p>45. Warrants for payments of money, how issued and signed.</p> <p>46. How city revenues expended; publication of receipts and expenditures; city audits.</p> <p>47. Publication of financial statement, property delinquent for taxes and persons, etc., delinquent in payment of both taxes and water rents.</p> <p>48. Oath of officers.</p> <p>49. Bonds of officers and employees; surety to be bonding or surety company; actions on bonds; amounts of bonds; premiums on, charge on city treasury.</p> <p>50. Salaries of officers; amounts and how paid.</p> <p>51. Terms of mayor and present commission, appointment of mayor and commission by governor.</p> <p>52. 52-a, 52-b, 52-c and 52-d. Provisions as to street encroachments.</p> <p>53. Existing contracts to continue in force.</p> <p>54. Ordinances and resolutions not inconsistent to continue in force.</p> <p>55. Inconsistent acts repealed.</p> |
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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-

3 ary described in section two of this act, be and they are here-
4 by made a municipal corporation by the name of "The City
5 of Williamson," by which name they shall have perpetual
6 succession and a common seal, and by which name they may
7 sue and be sued, plead and be impleaded, contract and be
8 contracted with, and purchase and otherwise acquire and hold
9 real estate and personal property needed in the discharge of
10 the functions of government conferred by this charter.

Sec. 2. The corporate boundaries of the said city shall be
2 as follows; that is to say: Beginning at the mouth of Syca-
3 more creek; thence up said creek to the first left hand fork
4 thereof; thence with the said left hand fork to the top of
5 the ridge; thence up said ridge to the main ridge dividing
6 the waters of Tug river and Buffalo creek, and with the
7 latter ridge to a point on the dividing lines of the lands of
8 the Williamson Mining and Manufacturing Company and
9 Thomas Stepp's estate; thence westward with said dividing
10 lines to the lands of V. A. Williamson; thence with the lines
11 dividing the lands of said V. A. Williamson and Thomas
12 Stepp's estate to Tug river; thence up Tug river with the
13 center thereof to the place of beginning.

Sec. 3. The municipal authorities of the said city shall
2 consist of a mayor and six commissioners, who, together,
3 shall constitute the board of commissioners of the city, and
4 otherwise be known as the commission. The mayor and said
5 commissioners shall be elected by the voters of the city, ex-
6 cept in such cases as are hereinafter provided for.

Sec. 4. All the corporate powers and functions, pertaining
2 to the said city shall, except as otherwise provided herein, be
3 exercised by its commission, or under its authority, in the
4 corporate name of the city.

Sec. 5. The commission of the city shall appoint a city
2 attorney, a city clerk, and a superintendent of the water de-
3 partment, as well also as other subordinate officers herein pro-
4 vided for, and also all other necessary officers and employees
5 of and for the city as may be required, except wherein the
6 selection of any of them may be hereinafter otherwise pre-
7 scribed. And, *provided further*, that the appointment of any
8 person as superintendent of the water department shall not
9 become effective unless and until the department of health of

10 the state of West Virginia shall have approved such appoint-
11 ment of the person selected by the commission.

Sec. 6. No person shall be eligible to the office of mayor
2 or commissioner unless at the time of his election he is legally
3 entitled to vote in the city election for mayor and members
4 of the commission, and was for the preceding year assessed
5 with taxes upon real or personal property of the assessed
6 value of two hundred dollars within the corporate limits of
7 the city, and shall actually have paid the taxes so assessed.
8 And no person shall be eligible to any subordinate office
9 under said city who is not at the time of his election or ap-
10 pointment entitled to vote for mayor and members of the
11 commission.

Sec. 7. The powers, duties and compensation of all offi-
2 cers shall be established by ordinance, subject to the limi-
3 tations herein prescribed. But the compensation pertaining
4 to any office shall not be increased or diminished so as to ef-
5 fect any officer subsequent to his election or appointment
6 and during the term for which he was elected or appointed.

Sec. 8. Whenever a vacancy shall occur from any cause in
2 the office of mayor or commissioner, the commission shall
3 proceed to elect a properly qualified person to fill such
4 vacancy, and the person so elected to fill such vacancy shall
5 hold such office until the next regular city election and until
6 the election and qualification of his successor. And in so
7 electing any successor to the office of mayor or commissioner,
8 the commission shall elect a person who is a member of the
9 same political party as that of the mayor or commissioner
10 whose office is vacant.

Sec. 9. Every person who is a *bona fide* resident of the
2 city, and who is a qualified voter under the constitution and
3 laws of this state, shall be entitled to vote at any city elec-
4 tion. But no person shall be deemed a resident of such city
5 by reason of being stationed therein for any temporary pur-
6 pose.

7 The commission of the city shall have the authority to
8 enact such ordinances as it may deem proper and suitable
9 respecting the registration of voters, and dealing with the
10 qualifications of voters in city elections; *provided, however,*
11 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-
13 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
13-a members from each of said precincts.

14 And thereafter, at each convention held in said city under
15 the provisions of this act, held for the purpose of nominating
16 candidates for mayor and commissioners, each of the said
17 political parties shall elect a city executive committee, com-
18 posed of the number herein specified.

19 The members of the city executive committees chosen first
20 after the passage of this act shall hold office until the regu-
21 lar convention is held in said city by each of said parties
22 for the purpose of nominating candidates for the offices
23 of mayor and commissioners. And thereafter the members of
24 such city executive committees shall hold office for the period
25 of three years.

26 If a vacancy occur in the office of committeeman or com-
27 mitteewoman, the remaining members of the committee may
28 elect a successor, who shall fill the unexpired term until the
29 next regular convention held for the purpose of nominating
30 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 com-
9 mittee of every such party holding such convention shall
10 cause notice of the date, hour and place of holding such con-
11 vention, to be published in two separate newspapers publish-
12 ed in the said city, such notice to be published once each week
13 for two consecutive weeks prior to the time of holding such
13-a convention.

14 The city executive committee of each party so holding such
15 convention shall have authority to make such rules and regu-
16 lations governing the holding of such convention as it may
17 deem proper, including all parliamentary rules and regula-
18 tions governing the deliberations of such convention.

19 And within five days after the holding of such con-
20 vention, the city executive committee of each party shall
21 cause to be furnished to the city clerk a complete list of the
22 persons nominated by that party for the offices of mayor and
23 commissioners, such list so furnished to be duly sworn to
24 and attested by the chairman and the secretary of such city
25 executive committee.

26 And in the event that a vacancy occur in the list of such
27 nominees, after such convention has been held, then the said
28 city executive committee shall have authority to designate
29 some other qualified citizen of the city as such nominee, the
30 name of such nominee or nominees to be certified in like
31 manner to the said city clerk.

32 The first election to be held in said city under the provi-
33 sions of this charter shall be held on the third Tuesday in
34 May, in the year one thousand nine hundred and thirty-one,
35 and thereafter on the third Tuesday in May of every third
35-a year thereafter.

36 On the first Tuesday in May, one thousand nine hundred
37 and thirty-one, and on the first Tuesday in May, of every
38 third year thereafter, the commission of the city shall hold a
39 meeting for the purpose of making all arrangements and pre-
40 parations for the holding of such election. And at such meet-
41 ing the commission of the city shall appoint three qualified
42 voters of the city as commissioners of election for each voting
43 precinct in said city. Said commissioners of election shall be
44 persons of good standing and character, and not addicted to
45 drunkenness, and not more than two of said commissioners
46 of election shall belong to the same political party. If at

47 any time during said meeting, or prior thereto, the city exe-
48 cutive committees of the two political parties which cast the
49 greatest number of votes in the last preceding regular city
50 election, shall present to said city commission a writing signed
51 by the chairman of such executive committee, giving a list of
52 persons from that political party as such commissioners of
53 election, then in appointing such commissioners of election
54 the city commission shall appoint said commissioners of elec-
55 tion from the list or lists so presented to the city commission.
55-a Every such writing so presented shall be filed, preserved,
56 and kept by the clerk of the commission in his office.

57 The city commission shall have authority to provide all
58 necessary and suitable means, equipment, and appliances for
59 the holding of such elections, and may adopt all necessary
60 rules, ordinances, and regulations governing the same as may
61 appear proper.

62 And in addition to the methods prescribed for the nomina-
63 tion of candidates, candidates for the offices of mayor and
64 commissioners may be nominated as follows, and that is to
65 say: if, not less than fifteen days prior to the date of the
66 election, a petition signed by not less than three hundred of
67 the qualified voters of the city shall be presented and filed
68 with the clerk of the city, asking that the name or names of
69 candidates be placed upon the ballot, then it shall be the duty
70 of the city commission to cause such name or names to be so
71 placed upon the official ballot to be used in such election.

Sec. 12. Every person elected or appointed to an office in
2 such city shall, within twenty days after his election or ap-
3 pointment and before entering upon the duties of his office,
4 take and subscribe the oath of office prescribed by law in
5 the case of district officers, which may be taken before the
6 mayor of such city or before any person authorized by law to
7 administer oaths; and the certificate of the officer adminis-
8 tering the oath shall be filed with the clerk of the city.

Sec. 13. The commission shall prescribe the powers and
2 define the duties of all appointed officers and employees, ex-
3 cept insofar as the same may be defined or set forth herein;
4 and the commission shall fix the compensation of all such ap-
5 pointed officers, subject to such limitations as are herein set
6 forth.

Sec. 14. The commission shall have the power to remove
2 from office any elective official of the city by reason of
3 gross immorality, misconduct, or neglect of duty, by the af-
4 firmative vote of a majority of the members of the commis-
5 sion; *provided, however*, that reasonable notice of the charge
6 preferred shall be given to such official, and after a hearing
7 has been held on the charges preferred.

Sec. 15. Any and all appointive officers, and all officers
2 and employees other than elective officers, of the city, shall
3 serve during the will and pleasure of the commission, and may
4 be summarily removed from office by the commission, upon the
5 vote of a majority of the members of the commission.

Sec. 16. The commission shall cause to be kept in a well
2 bound book, called by the name of the "Commission Journal,"
3 an accurate, full and complete record of all its proceedings,
4 by-laws, ordinances, orders, and resolutions, which shall be
5 kept fully indexed, and shall be open to inspection by any
6 person, firm, or corporation, who is required to pay taxes to
7 the said city.

8 At all times, when it is not in use by the commission, its
9 journal, as well as all other papers, records, writings, and doc-
10 uments relating to the business of the commission, or the
11 affairs of the city, shall be kept safely in custody by the city
12 clerk, as also herein provided.

Sec. 17. The commission of the city shall hold a regular
2 meeting on the second and fourth Fridays of each month, and
3 shall hold such special meetings as may from time to time
4 be called as hereinafter provided for.

5 The mayor shall have authority to call any special meeting
6 of the commission; and likewise a special meeting of the
7 commission may be called upon the joint notice of not less
8 than three members of the commission; but before holding
9 such special meeting, the mayor, or if called as aforesaid by
10 not less than three members of the commission, then such
11 three members, shall cause the city clerk to post notice thereof
12 at the front door of the municipal building of the city, at
13 least twenty-four hours prior to such special meeting, and
14 to give personal notice to each member of the commission
15 at least twelve hours in advance thereof where possible.

16 All regular and special meetings of the commission shall be
17 presided over by the mayor, and in his absence by a mayor

18 *pro tem* to be chosen from their number by the commissioners
19 present; four members of the commission present, shall be
20 necessary in order to constitute a quorum for the transac-
21 tion of business.

22 Each member of the commission shall be entitled to one
23 vote. But no member of the commission, or the mayor, shall
24 vote upon or take part in the consideration of any question,
25 measure, or proposition in which he is or may be interested
26 otherwise than as a resident of the city.

27 The mayor shall be a member of the city commission, and
28 shall be entitled to one vote only as a member thereof.

29-34 The clerk of the city, chosen in the manner hereinafter
35 provided, shall attend upon all meetings of the commission,
36 but shall be entitled to no vote, nor shall he take part in any
37 consideration or discussion of the commission upon any
38 matter, except when called upon or invited by the commis-
39 sion to take part therein. He shall furnish any and all data
40 or information that may be desired by members of the com-
41 mission relating to the business of the city. The clerk shall
42 have charge of all record books, minute books of the commis-
43 sion and city, and shall also have charge of the commission
44 journal. He shall faithfully and accurately record the min-
45 utes and proceedings of all meetings of the commission, which
46 shall be recorded in the commission journal, all such records
47 of the commission journal to be duly authenticated and at-
48 tested by the mayor and the city clerk, as hereinafter pro-
49 vided. And the said clerk shall in all matters act as the sec-
50 retary to the commission.

51 All meetings of the commission shall be held in the com-
52 mission or council chamber provided therefor in the munici-
53 pal building of said city, and shall be held at such hour of
54 the day as may be designated by the commission. And at its
55 first meeting, after the qualification of the first mayor and
56 commissioners holding office hereunder, and thence at the
57 first meeting of the mayor and commissioners taking office
58 after each election hereunder, the commission of the city
59 shall fix upon and adopt a certain hour or time of the day
60 at which all meetings of the commission shall be held. But
61 such hour so adopted shall be subject to change by vote of
32 the members of the commission.

33 The following schedule or order of business shall be foi-

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-

53 nances, or who may be committed in default of payment of
54 fines, penalties or costs and who are otherwise unable to dis-
55 charge the same, by putting them to work for the benefit of
56 the city, and to use such means to prevent their escape,
57 while at work, as may be deemed expedient; to erect or au-
58 thorize or prohibit the erection of gas works, electric light
59 works or water works within the city limits, to prevent injury
60 to such work or pollution of any gas or water used or in-
61 tended to be used by the public or by individuals, and to do
62 all things necessary to adequately supply said city and the
63 inhabitants thereof, with pure, healthy and wholesome water;
64 to use, generate, and distribute, sell and control electricity
65 and gas for heat, light and power, and to furnish light for the
66 streets, houses, buildings, stores and other places in and about
67 said city; to provide a sewerage system for said city; to pro-
68 vide for and regulate the weighing and measuring of hay,
69 coal, lumber and other articles sold, or kept or offered for
70 sale within said city; to establish and construct wharfs and
71 docks, and to repair, alter or remove any landing, wharf or
72 dock, which has been or shall be so constructed, and to estab-
73 lish and collect rates and charges for the use thereof; to
74 regulate the running and speed of engines and cars within city
75 limits, except that the commission of said city shall not in-
76 terfere with the speed of trains and engines in territory not
77 laid out in lots, streets and alleys, and open and used by the
78 public; to organize one or more fire companies and provide
79 necessary apparatus, tools, implements, engines or any of
80 them, for their use, and in their discretion to organize a paid
81 fire department; to make regulations with respect to the
82 erection and locations of all telephone, telegraph, electric
83 light or other poles within said city, and the extension of any
84 wires, lines and poles by any individuals or corporation; to
85 grant and regulate all franchises in, upon, over or under
86 the streets, alleys and public ways of said city, under such
87 restrictions as shall be provided by ordinance, but no ex-
88 clusive franchise shall be granted by said commission to any
89 individual or corporation, nor shall any franchise be granted
90 for a longer period than fifty years; to create by ordinance
91 such committees or boards, and delegate such authority
92 thereto, as may be deemed necessary or advisable; to pro-
93 vide for the annual assessment of taxable property therein,
94 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

11 for the violations of such ordinances relating to the illegal
12 sale of such liquors, as may appear advisable to the commis-
13 sion, such fines and penalties to be the same as are prescribed
13-a by the laws of this state for violations of the state laws, re-
13-b lating to intoxicating liquors.

14 The mayor of the city, and the members of the police de-
15 partment shall be charged with the enforcement of all such
16 ordinances prohibiting the sale of such liquors, and the mayor
17 may impose fines and penalties for violations of the ordinances
18 of the city relating to sales of liquors as aforesaid.

18 Any and all fines so collected as aforesaid shall be paid into
19 the treasury of the city, and the mayor shall keep an accurate
20 record of all cases arising by reason of the violations of such
21 ordinances.

Sec. 21. The commission of the city shall have authority to
2 enact all such proper ordinances as it may deem advisable,
3 relating to the working of prisoners in the city jail upon the
4 city streets, or at such other city work as may be directed.

5 And the commission shall have authority to provide by ordi-
6 nance that in any case where a person may be fined for viola-
7 tion of the laws or ordinances of the city, and in the event
8 of the failure to pay such fines, then the person or persons
9 may be sentenced to work upon the streets of the city, or at
10 such other work of the city as may be ordered by the mayor.

11 And the commission shall have authority to enact any and
12 all proper ordinances providing that where any person or
13 persons may be sentenced to confinement in the city jail for
14 violations of any laws or ordinances of the city, then such
15 person or persons may be worked upon the streets of the city,
16 or at other city work, during the time for which they were
17 sentenced to confinement.

18 And the commission shall have authority to make and en-
19 force any and all proper ordinances relating thereto.

Sec. 22. The commission in its discretion shall be vested
2 with authority to impose license or privilege taxes payable to
3 the city, upon such businesses, professions, occupations, or
4 enterprises as the commission may deem proper, and to make
5 and enforce all reasonable ordinances and regulations respect-
6 ing the same, *provided, however,* that nothing therein con-
7 tained shall be in conflict with the constitution or laws of this
8 state or of the United States of America.

Sec. 23. The commission may revoke any license granted 2 by the city, where license is required, in order to conduct the 3 business of the licensee, upon good cause shown, but the person 4 holding the license shall have reasonable notice of the time 5 and place of hearing, as well as the cause alleged, and he 6 shall be entitled to be heard in person or by counsel in op- 7 position to such revocation.

Sec. 24. To carry into effect these enumerated powers 2 and all others by this act or by general law conferred, or 3 which may hereafter be conferred upon the said city or its 4 commission, or any of its officers of said commission shall 5 have and possess full authority to make, pass and adopt 6 all needful ordinances, by-laws, orders and resolutions, 7 not repugnant to the constitution and laws of the United 8 States or of this state, and to enforce any or all of such or- 9 dinances, by-laws, orders or resolutions, by prescribing for a 10 violation thereof, fines and penalties and imprisonment in 11 either the county jail of Mingo county or the city prison, if 12 there be one; but no fine shall exceed fifty dollars, and no 13 term of imprisonment shall exceed ninety days. Such fines 14 and penalties shall be imposed and recovered, and such im- 15 prisonment inflicted and enforced, by and under the judg- 16 ment of the mayor of said city; or, in case of his absence, 17 or inability to act, of one of the commissioners, appointed 18 for the purpose by the commission.

Sec. 25. Upon the petition, in writing, of the persons own- 2 ing the greatest amount of frontage of the lots abutting on 3 any street or alley, between any two cross streets, or between 4 a cross street and an alley, the commission of the city, by a 5 lawful majority thereof, may order such part of any street 6 or alley to be paved between the sidewalks with cobble stone, 7 brick, Belgian blocks, asphalt, or other suitable material, from 8 one of such cross streets or alleys to the other, under such 9 regulations as may be fixed by ordinance duly passed by the 10 commission; two-thirds of the cost of such paving shall be 11 assessed to the owners of the lots or fractional parts of lots 12 abutting on that part of the streets or alleys so paved in pro- 13 portion to the distance such lot or part of a lot abuts on such 14 street or alley, and the remaining one third of the cost of 15 such paving shall be paid by the city. In making such

16 assessments the basis shall be the cost of paving that part of
17 the street or alley on which the property lies, included be-
18 tween the adjoining cross streets or alleys, and the amounts
19 assessed against the owners of each lot or fractional part of a
20 lot, shall be in the proportion which the frontage of such lot
21 or part of lot bears to the whole cost of paving said street
22 or alley between said cross streets or alleys as aforesaid;
23 and the same may be collected in the manner provided herein
24 for the collection of city taxes.

25 *Provided, however,* that the city commissioners of said city
26 may, by lawful majority thereof, order that the amounts so
27 assessed against owners of the lots or fractional parts of lots
28 be paid in five annual payments as follows, that is to say,
29 one-fifth of said amount, together with interest from date
30 of completion of work upon the whole amount assessed, shall
31 be paid into the city treasury before the first day of Janu-
32 ary next after said work is completed, and a like one-fifth to-
33 gether with interest for one year upon the whole amount re-
34 maining unpaid on or before the first day of January in each
35 year thereafter until all has been paid. *Provided, also,* that
36 no assessment to the owners of such lots or fractional parts
37 of lots abutting on such street or alley shall exceed fifty
38 per centum of the reasonable cash value of such lots or frac-
39 tional part thereof.

Sec. 26. When the paving of any street, alley or portion
2 thereof shall have been let to contract and the work done as
3 provided in the foregoing section, it shall be the duty of the
4 engineer of said city to cause the several frontages abutting
5 thereon to be measured, and to calculate the assessment upon
6 each and every owner so abutting and to certify the same
7 to the commission, showing the proper amount to be deter-
8 mined, as provided in the foregoing plan. It shall be the
9 duty of the commission to examine and compare such assess-
10 ment, amounts and names so certified to it, and thereupon
11 give notice by publication once a week for two consecutive
12 weeks in some newspaper of general circulation in said city,
13 that an assessment under this act is about to be laid against
14 the abutting property for paving or improvements done on
15 said streets or alleys, describing the location of such paving
16 or improvements, and any owner or owners thereof shall
17 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 borne 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

60 city auditor or other official performing the duties of audi-
61 tor, to have been paid in full to any officer entitled to receive
62 the same, such auditor or the mayor may in like manner exe-
63 cute such release.

64 In all cases where an assessment is made upon the property
65 abutting in the street or alley improved in accordance with
66 the provisions hereof the city commission may, by resolution,
67 entered of record, sell, assign and transfer to any person or
68 persons, for a cash consideration, all or any of the assess-
69 ments perfected as provided for in this section and apply the
70 amount received therefrom to the costs of such improvements,
71 but no sale and assignment shall be made until either bonds
72 or certificates of indebtedness shall have been issued for such
73 assessment which shall be described in detail in the notice of
74 the lien thereof to be recorded in the trust deed record in the
75 office of the clerk of the county court. But no sales or trans-
76 fer of such assessment shall be a greater discount than five
77 *per centum* of the aggregate sum represented by said sale.
78 When authorized to do so by the commission, the mayor may
79 make an assignment and transfer assessments so evidenced by
80 such bonds or certificates as aforesaid, and when so made and
81 recorded in the trust deed books in the office where said
82 assessments are recorded, the purchaser of such assessments
83 shall be and remain until the payment thereof subrogated to
84 all the rights and remedies, without recourse of said city, as
85 were obtained by recording and assessments in the first in-
86 stance, and said commission may issue against each of the sev-
87 eral properties upon which said assessments have been made,
88 bonds or certificates of indebtedness in denomination and cor-
89 responding to the annual sum to be paid on each of the prop-
90 erties so assessed and the assessments on said properties shall,
91 when so made and recorded, remain and be a lien thereon
92 until all such bonds, or certificates of indebtedness are dis-
93 charged. The lien created by such assessments may be re-
94 leased as herein before provided, and, in addition thereto, up-
95 on presentation to the clerk of the county court all the bonds
96 or certificates issued thereunder, as to any specific real estate
97 therein described or located, showing that the same have all
98 been paid, such clerk is hereby empowered to release the lien
99 of such assessment as to any such real estate by noting a re-
100 lease 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 afore-
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
35 or easement in which such sewer is laid. Any lot having a
36 depth of two hundred feet or more and fronting on two
37 streets, alleys, right-of-way or easement, one in front and one
38 in the rear of said lot shall be assessed on both of said
39 streets, alleys, rights-of-way or easement if a sewer is con-
40 structed in both of such streets, alleys, rights-of-way or ease-
41 ments. Where a corner lot has been assessed on the end it
42 shall not be assessed on the side, and when it is assessed
43 on the side, it shall not be assessed on the end. (3) The
44 cost of a sewer system shall be calculated in every respect in
45 the same manner as the cost of construction of a single
46 sewer, except that such a system shall be deemed to include
47 all elements of the system which serve to drain a definite
48 drainage area as specified in the order to of the commission
49 directing the work to be done, and the owners of property
50 abutting upon either side of such portion of a street or right-
51 of-way in which any party of such system is laid shall be
52 assessed in the proportion that the frontage of his land
53 abutting bears to the total frontage of all lands so abutting
54 on such street or right-of-way. Sewerage certificates shall be
55 issued in such number of installments as the commission may
56 determine, the aggregate amount of such certificates to be
57 payable in not less than one nor more than five years,
58 and to be divided in as nearly equal installments as prac-
59 ticable. Nothing contained in this act shall be construed
60 as imposing a time limit upon the enforcement by ap-
61 propriate suit of any lien for public improvements, here-
62 tofore, or hereafter created.

63 Certificates authorized by this and the preceding sections
64 may be issued and sold or negotiated to the contractor doing
64-a the work, or to any other person if the commission deem it
65 expedient; *provided*, the city in issuing such certificates shall
66 not be held as guarantor or in any way liable for payment
67 thereof, except on the direct action of the commission ex-
68 pressed by resolution of record before sale.

69 Certificates so issued shall contain a provision to the effect
70 that in the event of default in the payment of any one of
71 said certificates when due, and said default continuing for a
72 period of sixty days, then all unpaid certificates shall become
73 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 ploy 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

32 clerk shall execute and deliver to the mayor of the said city,
33 an apt and proper bond, in the penalty of not less than
34 twenty-five thousand dollars and in an increased penalty, if
35 the commission require, the condition of such bond being
36 that the said clerk will faithfully and honestly account for
37 any and all monies, bonds, notes, or securities that may come
38 into his hands belonging to the said city, and that he will
39 not misappropriate or embezzle the same, nor pay out nor
40 disburse any of such monies, bonds, notes, or securities except
41 upon proper and lawful order and direction.

42 The said clerk is also hereby empowered to certify, under
43 the seal of the city, any copy or copies of the records, papers
44 or documents of the city for use as evidence in any court or
45 tribunal.

46 It shall be the duty of the said clerk to sit with the com-
47 mission of the city at all of the meetings thereof, and to act
48 in a secretarial capacity to said commission, and to furnish
49 such information, statements, or data concerning the finan-
50 cial affairs or other affairs of the said city coming within the
51 purview of his office, as the said commission may require.

52 But the said clerk shall be entitled to no vote.

53 The said clerk shall hold his office during the will and
54 pleasure of the commission, and if in the judgment of the
55 members of the commission the said clerk is not performing
56 the duties of his office in a proper and efficient manner,
57 the commission shall have absolute power to remove said
58 clerk, declare his office vacant, and elect his successor.

59 The clerk shall be required to devote his time within
60 customary and regular business hours to the business of the
61 city, exclusively.

Sec. 31. The commission shall appoint a city attorney,
2 who shall be an attorney at law, admitted to practice in the
3 state of West Virginia, who shall be the legal advisor of and
4 attorney and counsel for the city and for the officers in
5 matters relating to their official duties. He shall prosecute
6 and defend all suits, actions and procedures for and in be-
7 half of the city; shall prepare all contracts, bonds and other
8 instruments in writing in which the city is concerned and
9 shall endorse on each his approval of the form and correct-
10 ness thereof. He may, if required by the mayor, appear and
11 assist in the prosecution of persons arrested for violating

12 the ordinances of the city or the laws of the state of which
13 the mayor may have jurisdiction. The mayor or city clerk or
14 any member of the commission may require his opinion in
15 writing upon any question at law involving their respective
16 powers and duties.

Sec. 32. The police department of the city shall consist
2 of a chief of police, and such other members of the depart-
3 ment as may be fixed by the commission, including members
4 of the police force and patrolmen, all of whom shall be
5 appointed by the commission.

6 The chief of police shall have control of the stationing and
7 transfer of all patrolmen and other officers and employees
8 constituting the police force of the city, under such rules
9 and regulations as the mayor or commission may prescribe.

10 The respective salaries of all members of the police depart-
11 ment shall be fixed by the commission. And no member of
12 the police department shall receive any other wage, salary
13 or thing of value for his services to the city in said depart-
14 ment.

Sec. 33 The chief of police shall be *ex officio* constable
2 within the corporate limits of his city. He may execute
3 any writ or process issued by the mayor or justice of
4 the peace at any place in Mingo county. He shall
5 have all the powers, rights and privileges within the cor-
6 porate limits of the city, in regard to the arrest of persons,
7 the collection of claims, and the execution and return of
8 process, that can be legally exercised by a constable of the
9 district in which the said city is situated, and he and his
10 sureties shall be liable to all the fines, penalties and for-
11 feitures that a constable of a district is liable to, for any
12 failure or dereliction in his office, to be recovered in the
13 same manner and in the same courts that fines, penalties
14 and forfeitures may be recovered against such constable. All
15 special police officers shall have and possess all the powers,
16 rights and privileges of a constable of the district within
17 the corporate limits of the city, in regard to the arrest of
18 persons and the execution and return of all criminal writs
19 and process issued by the mayor.

Sec. 34. The commission shall appoint the chief of the
2 fire department, together with all members and employees of
3 said department, in like manner as the chief of police and

4 members of the police department are appointed by the
5 commission.

6 The fire department shall be under the direct supervision
7 of the mayor of the city, who shall make recommendations to
8 the commission from time to time as may be necessary con-
9 cerning said department.

10 The fire department shall be composed of a chief, and
11 such other firemen, officers, and employees as the commis-
12 sion may determine, and their respective salaries shall likewise
13 be fixed by the commission.

14 The commission shall have authority to purchase and pro-
15 vide proper and suitable quarters for the fire department,
16 and to purchase such trucks, motors, machinery, tools, and
17 supplies as the commission may deem proper; and the com-
18 mission shall have the authority to establish one or more fire
19 stations within the city, as it may deem proper.

Sec. 35. The city commission shall have authority to ap-
2 point a competent physician of the city as the city health
3 officer, if the commission desires. The city health officer
4 shall enforce all ordinances and laws relating to health and
5 sanitation of the city, and shall perform all duties and have
6 all the powers provided by general law relative to the public
7 health to be exercised in municipalities by health officers;
8 *provided, however,* that regulations affecting the public
9 health or sanitation additional to those established by general
10 law and for the violation of which penalties are imposed.
11 shall be enacted by the commission and enforced as provided
12 herein.

13 The health officer shall enforce all ordinances, laws, and
14 regulations relating to prevention and restriction of disease,
15 and he shall likewise, in time of epidemic or threatened epi-
16 demic, enforce such quarantine and isolation regulations as
17 are appropriate to the emergency.

Sec. 36. The commission shall cause to be annually made
2 up and entered upon its journal not later than the first
3 day of July of each year, an accurate estimate of all sums
4 that are or may become chargeable to such city, and which
5 ought to be paid, within one year, and it shall order a levy
6 of so much as may, in its opinion, be necessary to pay the
7 same.

Sec. 37. The levy so ordered shall be upon all dogs in 2 the said city, and upon all real and personal property therein 3 subject to state taxes upon the basis of the valuation of 4 such property as fixed for state purposes; but the taxes so 5 levied upon property shall not exceed the rate allowed by 6 general law, except where authorized by a vote of the people. 7 The said commission is hereby authorized to make the fol- 8 lowing annual levies, and that is to say:

9 For general purposes, fifty cents upon each one hundred 10 dollars valuation.

11 For retirement of bonds, forty-eight and one-half cents 12 upon each one hundred dollars valuation.

13 For public library purposes, one and one-half cents upon 14 each one hundred dollars valuation.

15 And in such year or years as the commission may deem 16 necessary, a levy of twenty cents upon each one hundred 17 dollars valuation, for the purpose of retiring and paying 18 such unpaid or old indebtedness of the city as may have 19 been incurred and remained unpaid for previous years.

20 And the commission shall have the authority to make all 21 such levies as it may deem proper, *provided* the same shall 22 not be in conflict with any constitutional inhibition against 23 the same.

Sec. 38. The clerk of the commission selected in the manner 2 herein provided, shall also be the city assessor, and it shall be 3 his duty to make an assessment of the property within the 4 city subject to taxation, substantially in the manner and 5 form in which assessments are made by the assessor of his 6 county, and return the same to the commission on or before 7 the first day of August of each year; and for this purpose 8 he shall be entitled to full access to all public books and 9 records of Mingo county, and to all documents and papers 10 in the hands of the county assessor relating to assessments 11 for state and county purposes, between the first day of April 12 and the first day of June of each year, without expense to 13 the city, and he shall have all the powers conferred by law 14 on county assessors. In case the clerk of the commission as 15 such assessor shall discover any property subject to taxation 16 which has not been listed by the county assessor, or assistant 17 tax commissioner, it shall be his duty to list the same, and 18 make report of the fact, with a description of the property

19 and its owner, to the county assessor or the assistant tax
20 commissioner; and it shall be the duty of the county assessor
21 or the assistant tax commissioner to list the same for the
22 state and county purpose and to make a proper valuation of
23 the same and to report its valuation to the assessor of the
24 city. The assessor of the city shall list the dogs in the city,
25 with the names of the owners thereof and return the list
26 to the commission. The commission shall have the power to
27 make and enforce regulations respecting the listing and taxa-
28 tion of dogs in the city, and to provide for impounding and
29 killing such as appear to have no owner, or upon which the
30 tax has not been paid. And it shall have the power to make
31 and enforce all needful ordinances respecting the assessment
32 of property.

Sec. 39. There shall be a lien on all real estate within the
2 city for the city taxes assessed thereon, from the day fixed
3 by law for the commencement of the assessment of such taxes
4 in each year and the interest upon such taxes at the rate
5 of six per centum per annum from the first day of January
6 next after such assessment until the payment, which may
7 be enforced by the commission in the same manner now
8 provided by law for the enforcement of the lien for state
9 and county taxes, or in such other manner as the commission
10 may by ordinance prescribe. There shall also be a lien on
11 all real estate within the city for other assessments, fines
12 and penalties assessed or imposed upon the owners thereof
13 by the authorities of the city from the time the same are
14 so assessed or imposed, which shall have priority over all
15 other liens except the lien for taxes and may be enforced by
16 the commission by suit in equity, in the corporate name of
17 the city, in the same manner now prescribed by law for the
18 enforcement of the lien for state or county taxes, or in such
19 other manner as the commission may by ordinance prescribe.
20 If any real estate within the city be returned delinquent for
21 the non-payment of the taxes thereon, a copy of such delin-
22 quent list may be certified by the clerk of the commission
23 to the proper officer, in order that the same may be sold for
24 taxes, interest and commissions thereon, in the same manner,
25 at the same time, and by the same officer as real estate is
26 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, assess-
3 ments, rents, and all other demands and obligations due or
4 accruing to the city, and to keep a strict account thereof. He
5 shall collect all license taxes and license fees at the time such
6 licenses are delivered. All funds so collected by him he shall
7 pay into the city treasury in the manner provided by ordi-
8 nance.

Sec. 41. The city treasury shall be one or more of the
2 banks of the city, and shall be selected and designated once
3 every three years by the commission. The bank or banks
4 which shall be designated as the city treasury shall be first
5 chosen at the first regular meeting of the commission held in
6 July, nineteen hundred and twenty-nine, and thereafter on the
7 same day every third year. The money deposited therein shall
8 be disbursed only upon order drawn against the same signed
8 and countersigned as herein provided. Such bank or banks
9 selected shall give bond with good security, payable to the
10 city, to insure the safety of all deposits, in penalties sufficient
11 to protect the highest amount deposited, the security to be
12 approved by the commission. The city clerk shall be the city
13 treasurer and as such city treasurer, shall, at the first meeting
14 in each month of the commission, furnish the commission a
15 statement showing by items the receipts and disbursements for
16 the last preceding month, and the amount on hand at the end
17 of such preceding month; and the city clerk, as city treasurer,
18 shall annually, on or immediately before the first day of July,
19 make settlement with the commission as the general laws of
20 the state provide for the sheriff's annual settlement with the
21 county courts.

Sec. 42. The city clerk shall perform the duties of an
2 accountant, and shall install and have supervision over the
3 accounts of all departments and offices of the city. The city
4 clerk as the city accountant shall require statements exhibit-
5 ing each transaction and the cost thereof. Upon the death,
6 resignation, removal or expiration of the term of any officer,
7 the city clerk, as the city accountant, shall examine the ac-
8 counts of such officer and report his findings to the city com-
9 mission.

Sec. 43. Under the order and direction of the city com-
2 mission, and pursuant to such regulations as the commission,
3 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 news-
4 papers 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-
11-a linquent for the payment of state and county taxes, there-
12 on. And the commission may, in its discretion, advertise and
13 publish a list of all persons, firms, and corporations as may
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.

25 And any action, suit, or proceeding may be brought, insti-
26 tuted, and maintained by the city in its corporate name and
27 capacity, and also by any person, firm, or corporation for
28 whose benefit and protection such bond was executed, in or be-
29 fore any court of competent jurisdiction in and for the county
30 of Mingo. And there shall also be available all such remedies
31 as may exist on or against bonds of collectors of county levies.

32 The several officers of the city shall give bonds conditioned
33 as prescribed by law, with corporate surety thereon, as herein
34 provided, such bonds to be approved by the commission, and
35 with the penalties thereof as follows: Mayor of the city, five
36 thousand dollars; city clerk, twenty-five thousand dollars;
37 each commissioner, one thousand dollars.

38 Then penalties of all other bonds that may be required
39 by the commission of other officers or employees shall be in
40 such amounts as the commission may prescribe.

41 The charges and premiums on any and all bonds given by
42 officers and employees of the city shall be paid by the city
43 commissioner out of the city treasury, upon proper order.

Sec. 50. The annual salaries of the officers of the city,
2 to be appointed or elected hereunder, shall be paid by the
3 commission out of the city treasury, and the salaries of cer-
4 tain officers and officials shall not exceed the following re-
5 spective amounts: Mayor of the city, three thousand dollars;
6 city clerk, two thousand five hundred dollars; each commis-
7 sioner other than the mayor, three hundred dollars; city at-
8 torney, two thousand dollars; stenographer and bookkeeper
9 (one employed), one thousand five hundred dollars.

10 *Provided, however,* that no member of the commission shall
11 either directly or indirectly receive any other compensation
12 or emolument for any service rendered the said city in any
13 capacity save and except as above provided, nor shall any
14 member of said commission be either directly or indirectly
15 interested in the furnishing of any supplies or in the doing or
16 performance of any contract procured or made for or in
17 behalf of the city.

18 The salaries as above set forth are to be paid out of the
19 city treasury proportionately at the end of each month, but
20 are never to be paid in advance. All fees, fines, commissions,
21 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
23 city.

Sec. 51. The terms of office of the mayor and the remain-
2 ing members of the present commission of the City of William-
3 son, who held office prior to the time of the taking effect of
4 this act shall terminate at the expiration of the thirty-first
5 day of March, one thousand nine hundred and twenty-nine,
6 and at the expiration of the said thirty-first day of March,
7 one thousand nine hundred and twenty-nine, the terms of
8 office of the first mayor and the first commissioners holding
9 office under this act shall begin.

10 Prior to the first day of April, one thousand nine hundred
11 and twenty-nine, the governor of the state of West Virginia
12 shall appoint a citizen and resident of said City of Williamson
13 as the mayor thereof, and he shall likewise appoint six
14 citizens and residents of said city as the commissioners of
15 said city, all of such appointed officials to be duly qualified
16 to hold such offices under the qualifications herein prescribed;
17 and not more than five of such commissioners so appointed
18 shall belong to the same political party.

19 The term of office of such mayor and commissioners so
20 appointed shall begin on the first day of April, one thousand
21 nine hundred and twenty-nine, and shall terminate on the
22 thirtieth day of June, one thousand nine hundred and thirty-
23 one.

Sec. 52. 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
4 city, has, prior to the passage of this act, in undertaking to
5 improve 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
15 empowered and authorized to grant unto such owner, his
16 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 here-
2 after 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 and
12 twenty-three and five-tenths feet to a stake in road; thence
13 south sixty-seven degrees twenty-seven minutes east one hun-
14 dred and sixty-nine and eight tenths feet to a stake in road;
15 thence south seventy three degrees fifty-eight minutes east one
16 hundred and ninety-four and forty-five hundredths feet to a
17 stake in road; thence south forty-six 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 twen-
26 ty-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 east two hundred and five and two-tenths
29 feet to an oak at the Beverly and Fairmont turnpike; thence
30 north forty degrees forty-one minutes east one hundred and
31 ninety-six and three-tenths feet to a stake; thence north
32 forty-five degrees twenty-two minutes west two hundred and
33 sixty-nine and six-tenths feet to a stone; thence north forty-
34 two degrees thirty minutes west six hundred and one and
35 seven-tenths feet to a stone in lands of Elias Scott; thence
36 north nineteen degrees eighteen minutes west four hundred
37 feet to a stone; thence north seven degrees fifteen minutes
38 west four hundred and sixteen and nine-tenths feet to a
39 sugar; thence north three degrees thirty-five minutes west
40 three hundred and ninety-one and nine-tenths feet to a stake
41 in lands of W. G. Keyes; thence north seven degrees fifty-
42 seven minutes east two hundred and seventy-three and seven-
43 tenths feet to a chestnut in the W. G. Keyes property; thence
44 north nine degrees nine minutes east one thousand five hun-
45 dred and five feet to a stake in the divide of the farm of J.
46 Hop Woods; thence north twenty-five degrees forty-two min-
47 utes west six hundred and twenty-nine feet to a stake; thence
48 north thirty-four degrees fifty-one minutes west four thousand
49 five hundred and seventy feet to an apple tree in David
50 Smith's farm; thence north seventy-eight degrees twenty-seven
51 minutes west six hundred and twenty-seven feet to a stake
52 on the said farm; thence south twenty-seven degrees forty-six
53 minutes west seven hundred and fifty-seven feet to a pear
54 tree; thence south twenty-one degrees twenty-one minutes
55 west one thousand six hundred and seventy feet to a stake in
56 the Talbott farm; thence south twenty-six degrees thirteen
57 minutes east one thousand four hundred and sixty feet to a
58 stone in the pike; thence north nine degrees fifty-five minutes
59 east four hundred and forty-four feet to the east bank of the
60 Tygarts Valley river; thence with the low water mark fol-

61 lowing the meanders of the east bank of said river, to the be-
62 ginning.

63 *Provided*, That before this act shall be effective it must be
64 submitted by the council of said city of Philippi to a vote of
65 the qualified voters of said city at the first city election after
66 its passage and be approved by a majority thereof.

67 All acts and parts of acts inconsistent with this act are
68 hereby repealed.

CHAPTER 23

(House 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 hun-
10 Elk creek to a point opposite the southeastern corner of the
11 town of Broad Oaks; thence crossing Elk creek to said corner
dred 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.		Sec.	
2.	Boundaries.		Judge.
10.	Powers of council.	21.	Powers and duties of chief of po- lice.
16.	Powers and duties of police court		

Be it enacted by the Legislature of West Virginia:

That 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, be amended and re-enacted so as to read as follows:

Section 2. The corporate limits and boundaries of said city
2 shall be as follows; Beginning at the junction of Murphy's
3 run with Elk creek and running thence with Elk creek up
4 said stream to the boundary line of the Clarksburg Indus-
5 trial Company's addition; thence with the northern and
6 eastern lines of said addition to the line of the lands of the
7 Union Land Company; thence in a southwestern direction
8 with the line between the lands of the Union Land
9 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 there-
37 of, 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

40 repair of all houses, basements, walls, bridges, culverts and
41 sewers, and to prescribe and enforce all reasonable regula-
42 tions affecting the construction of the same, and to re-
43 quire permits to be obtained for such buildings and struc-
44 tures, and plans and specifications thereof to be first sub-
45 mitted to the city council; to control the opening and con-
46 struction of ditches, drains, sewers, cess-pools and gutters
47 and to deepen, widen and clear the same of stagnant water
48 or filth, and to prevent obstructions therein, and to deter-
49 mine at whose expense the same shall be done; and to build
50 and maintain fire station houses, police stations and police
51 courts, and to regulate the management thereof; to acquire,
52 lay off, appropriate and control public grounds, squares and
53 parks, either within or without the city limits as herein de-
54 fined; to purchase, sell, lease or contract for and take care
55 of all public buildings, and structures and real estate, in-
56 cluding libraries and hospitals, deemed proper for use of
57 such city; and, for the protection of the public, to cause the
58 removal of unsafe walls or buildings, and the filling of ex-
59 cavations; to prevent injury or annoyance to the business
60 of individuals from anything dangerous, offensive or un-
61 wholesome; to prohibit the manufacture, transportation,
62 possession, sale and keeping for sale of intoxicating liquors
62-a except as the same may be authorized or permitted under
62-b the general laws of this state; to define, prohibit,
63 abate, suppress and prevent all things detrimental
64 to the health, morals, comfort, safety, convenience
65 and welfare of the inhabitants of the city and all nuisances
66 and causes thereof, and to that end and thereabout to sur-
67 mon witnesses and hear testimony; to declare and enforce
68 quarantine against the introduction of any contagious or
69 infectious disease prevailing in any other state, county or
70 place, and of any and all persons and things likely to
71 spread such contagion or infection; to regulate the keeping
72 of gun powder and other combustible or dangerous articles;
73 to regulate, restrain or prohibit the use of fire-crackers or
74 other explosives or fireworks, and all noises or performances
75 which may be dangerous, annoying to persons or tend to
76 frighten horses or other animals; to provide and maintain
77 proper places for the burial of the dead and to regulate in-
78 terments therein upon such terms and conditions as to price
79 and otherwise as may be determined; to provide

80 for shade and ornamental trees and the protec-
81 tion of the same; to provide for the
82 making of division fences; to make proper regu-
83 lations for guarding against danger or damage
84 from fires; to provide for the poor of the city, and
85 to that end may contract with the proper authorities of
86 Harrison county to keep and maintain the poor, or any
87 number thereof, upon terms to be agreed upon; to make
88 suitable and proper regulations in regard to the use of the
89 streets and alleys for street cars, railroad engines and cars,
90 and to regulate the running and operation of the same so
91 as to prevent injury, inconvenience or annoyance to the pub-
92 lic; to prohibit prize fighting, cock and dog fighting; to
93 license, tax, regulate or prohibit theatres, circuses, the exhi-
94 bition of showmen and shows of any kind and the exhibition
95 of natural or artificial curiosities, caravans, menageries,
96 pictures, motion pictures and musical exhibitions and per-
97 formances; to regulate the construction, height and material
98 used in all buildings and the maintenance and occupancy there-
99 of; to regulate and control the use for whatever purpose of the
100 streets and other public places; to create, establish, abolish and
101 organize employments and fix the compensation of all employ-
102 ees, (except the employees of the water board); to organize and
103 maintain fire companies and to provide necessary apparatus,
104 engines and implements for the same; to regulate and con-
105 trol the kind and manner of plumbing and electric wiring
106 for the protection of the health and safety of said city;
107 to levy taxes on persons, property and licenses; to license
108 and tax dogs and other animals and regulate, restrain and
109 prohibit them and all other animals and fowls from running
110 at large; to assess, levy and collect taxes for general and
111 special purposes upon all the subjects or objects which the
112 city may lawfully tax; to levy and collect assessments for
113 local improvements; to borrow money on the faith and credit
114 of the city by the issue and sale of bonds in the manner
115 prescribed by law; to appropriate the money of the city for
116 all lawful purposes; to create, provide for, regulate and
117 maintain all things in the nature of public works and im-
118 provements; to adopt rules for the transaction of business
119 and for its own regulation and government; to promote
120 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 gainst 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 there-
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-

200 porate limits of said city, excepting any other municipal cor-
201 poration, or part thereof, within said one mile limit. In or-
202 der to prevent the pollution of the waters from which the
203 people of the city take water for domestic uses, the jurisdic-
204 tion of the city shall be co-extensive with the location and
205 extent of the water from which supply is taken, except that
206 in no event shall such jurisdiction of the city of Clarksburg
207 exist within any other incorporated city or town; *provided*,
208 *however*, that in no event, except as hereinafter provided,
209 shall imprisonment for a longer period than sixty days or
210 a greater fine than one hundred dollars, or both, be imposed
211 for any one offense. Nothing herein shall limit or prevent
212 the council from providing penalties for violations of traffic
213 laws equal to the penalties provided by the general laws of
214 the State for like offenses constituting misdemeanors.

Sec. 16. The police court judge shall perform and dis-
2 charge all duties and exercise all powers which shall be con-
3 ferred upon him by ordinance or resolution of the city coun-
4 cil, and in addition, he shall exercise the following powers:

5 (a) Enforce all ordinances and resolutions which shall
6 subject any person or corporation to any penalty.

7 (b) Issue warrants upon complaint under oath of any
8 person or officer for the arrest of any one charged with the
9 violation of any ordinance of the city.

10 (c) Try all offenders brought before him and punish by
11 fine or imprisonment or by fine and imprisonment any
11-a person convicted for any offense, and his jurisdiction
12 in that regard shall extend one mile beyond the city
13 limits generally; and for the violation of any ordin-
14 ance or law prohibiting the pollution of the water or
15 waters from which the city of Clarksburg obtains water for
16 domestic use his jurisdiction shall be co-extensive with the
17 water or waters from which such supplies are drawn; *pro-*
18 *vided*, that he shall not exercise jurisdiction over any offense
19 committed within the corporate limits of any other city, town
20 or village:

21 (d) Keep a record of all warrants issued by him, of all
22 persons arrested and brought before him and of all trials,
23 fines or sentences imposed, or judgments entered by him, in a
24 well-bound book to be known as the police court docket. A
25 record of the entries made each day in said docket shall be

26 signed by the police court judge at the close of the day. An
27 appeal shall lie to the circuit court or to the criminal court
28 of Harrison county from all judgments of the police court
29 judge wherein and in the manner an appeal from the judg-
30 ment of a mayor of a city is allowed by law.

31 (e) Exercise the power to punish within the limits pre-
32 scribed by the ordinances of the city or by the laws of the
33 state of West Virginia applicable to the city and not in con-
34 flict with this act.

35 (f) Exercise all of the powers and discharge all of the
36 duties for the enforcement of the criminal or penal ordinances
37 and laws conferred or imposed upon the mayors of cities,
38 towns or villages by this act, or by any of the laws of the
39 state of West Virginia, or by any law which may here-
39-a after be enacted by the law making body of said
40 state not in conflict with the provisions of this act, except
41 that he shall not be *ex-officio* a justice of the peace, or ex-
42 ercise the powers of a justice of the peace.

43 (g) The police court judge shall have charge of and pre-
44 side over the municipal court of said city. He shall have
45 power to summon witnesses for the trial of any case before
46 him; to compel the attendance of police officers of said city;
47 to require of said police officers the enforcement of any order
48 or judgment entered or rendered by him under the powers
49 herein given said police court judge; and to issue executions
50 for all fines, penalties and costs imposed by him. In the dis-
51 charge of his duties and in the trial of cases, the police court
52 judge shall insofar as practicable, follow the rules of pro-
53 ceedings of the courts of the state of West Virginia which
54 exercise jurisdiction in criminal cases and any person put up-
55 on trial for any offense shall be entitled to the assistance of
56 counsel. All cases shall be tried by the police court judge
57 without a jury.

58 (h) By and with the consent of the council, appoint all
59 members of the police force, except the chief of police; dis-
60 charge any members of the police force, except the chief of
61 police; *provided, however*, that council may re-instate any
62 member discharged by an affirmative vote of two thirds of all
63 of the members elected to the council.

64 (i) The city council may by resolution or ordinance pro-
65 vide that the police court judge shall be assistant to the city

66 manager and assistant to the city attorney, and that he shall
67 devote all of his time to the discharge of the duties of his
68 office, and shall not while holding said offices engage in any
69 other business or employment or in the practice of law, except
70 in assisting the city attorney in conducting the civil litigation
71 and business in which the city as a party may be engaged.

Sec. 21. The chief of police shall discharge such duties
2 as may be required of him by ordinance or resolution of coun-
3 cil, and in addition shall exercise the following powers:

4 (a) See to the preservation of peace and order through-
5 out the city, and the protection of property in and through-
6 out the city and to that end cause all violators of city ordi-
6-a nances to be apprehended.

7 (b) Supervise and control the police department, except
8 as to the powers herein given the police court judge, and re-
9 quire of all members of the police force the proper discharge
10 of their respective duties.

11 All other acts and parts of acts in conflict with the pro-
12 visions of this act are, for the purpose of this act only, here-
13 by repealed.