WEST VIRGINIA CODE CHAPTER 17 ARTICLE 10

WV Legislature

§17-10-1. Power over bridges, approaches and public landings; relinquishment of authority over county-district roads; commissioner may purchase or rent road equipment and material from county court.

The county court shall have the superintendence and administration of the construction, reconstruction, repair and maintenance of bridges and approaches to bridges situated within municipalities and at the time of the adoption of this chapter remaining under the control and jurisdiction of the county court. The county court shall also have like authority over public landings. The term "roads and bridges" in this article shall be construed to mean the bridges and approaches to bridges which under this section remain within the jurisdiction of the county court, unless the context clearly requires a different meaning.

Pursuant to section two, article four, this chapter, the county court shall upon July 1, nineteen hundred thirty-three, relinquish to the state road commission its authority over county-district roads, and shall thereafter neither construct, reconstruct nor maintain any road or bridge except as is specifically authorized by this article.

The state road commissioner may purchase or rent from any county court any or all road equipment and materials in their possession and shall give preference in the purchase of such machinery from the county courts that may be needed by the commission and not needed for the maintenance and repair of the roads, bridges and landings remaining under their control.

WV Legislature

§17-10-2. Extent of power over roads, bridges and public landings.

So far as applicable, the county court shall have with respect to the roads, bridges and public landings that remain within their jurisdiction similar powers to those granted to the state road commissioner by section four, article four of this chapter.

WV Legislature

§17-10-3. Exercise of power of eminent domain.

In the exercise of the power of eminent domain with regard to the roads and bridges under their jurisdiction the county court shall be governed in the same manner and to the same extent as is the state road commissioner by section five, article four of this chapter.

WV Legislature

§17-10-4. Records.

The county court shall keep a record book, to be known as the "road record" in which they shall record all orders, papers, and documents pertaining to road matters and required by this chapter to be recorded. This book shall only be used for the purposes specified. There shall also be filed with the clerk of the county court all changes in title to rights-of-way, maps, plats, surveys and all discontinuances of roads and bridges under the jurisdiction of the county court.

The county court shall also provide the clerk with a record book to be known as the "financial road record." It shall be in the form prescribed by the state road commissioner. The county court shall enter in it a record of county road bonds, county road funds and the road bonds and funds of the several districts. The record shall show the road upon which each item was spent, whether for construction or reconstruction and the kind thereof, or for maintenance, and the character of the road maintained, and shall show whether the construction and maintenance was upon bridges or upon the roadbed proper.

WV Legislature

§17-10-5. Protection of roadbeds.

The provisions of section eight, article four of this chapter relating to the protection of roadbeds shall apply to the authority of the county courts over the roads and bridges within their jurisdiction.

WV Legislature

§17-10-6. Inspection, condemnation, closing or repair of bridges.

The county court shall inspect all bridges under its jurisdiction and control. If any bridge is found to be unsafe the court shall promptly condemn, close, and repair it.

WV Legislature

§17-10-7. Elimination of grade crossings.

County courts and municipalities shall have the same authority and shall follow the same procedure, so far as applicable, in the elimination of grade crossings, on roads, bridges, or public landings within their jurisdiction, as is provided in sections nine to seventeen, inclusive, article four of this chapter.

WV Legislature

§17-10-8. Contracts -- Advertisement for letting.

In case the county court desires to contract for the construction, reconstruction or maintenance of a road or bridge or for the purchase of supplies and equipment, it shall advertise for the letting of the contract by publishing such advertisement as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county. Such publication shall be so made within fourteen consecutive days next preceding the date of the letting of the contract.

WV Legislature

§17-10-9. Same -- Opening bids; award or rejection of bids; contractor's bond; publication of information as to bids; reserving portion of payment for work; penalties for unlawful conduct as to bids.

All bids for work to be done by contract on roads and bridges under the control of the county court shall be received at the courthouse of the county at the time specified in the advertisement, and shall be opened only in open court, and the amount and items comprising each bid shall be publicly announced, and the contract, if let, shall be awarded to the lowest bidder for the type of construction selected. The contractor shall give bond with security to be approved by the court in an amount equal to fifty percent of the contract price, conditioned for the faithful performance of the contract.

After such bids have been opened the county court shall publish immediately the names of all persons bidding on such contract, together with the itemized amount of their respective bids, designating the person to whom such contract was awarded, if awarded, together with the amount of his bid. Such information shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty- nine of this code, and the publication area for such publication shall be the county.

The court may reject any and all bids, and may thereafter have the work done in any other manner that it may deem advisable. If there be two bids of the same amount for any section of road, or for any other improvement thereon, the court shall have the power to accept either of such bids.

The court may reserve from payment not more than twenty percent of the amount accruing on the contract until the work has been completed and approved.

Any person who shall open any of the bids at any other time or place than herein provided, or shall make known the name of the bidder, or the amount of his bid, otherwise than as herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $50 nor more than $200, and be imprisoned in the county jail not less than one nor more than six months. Any member of the county court who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall in addition to the penalties provided above forfeit his office.

WV Legislature

§17-10-10. Same -- Prohibited contracts.

A county court shall not enter into any contract prohibited by the provisions of section twenty-two, article four of this chapter.

WV Legislature

§17-10-11. Same -- Certificate of purity of materials; false statements or representations; cancellation of contract.

The county court may request a certificate of purity of the chemical constituents and the percentage of impurities contained in any materials or supplies offered to it for purchase. Any person, firm or corporation willfully making or furnishing a false certificate shall be guilty of perjury.

Any contract made by reason of any false statement or representation may be cancelled by order of the court.

WV Legislature

§17-10-12. Same -- When work not done by contract; appointment and compensation of superintendent to supervise work.

In the event the county court shall decide to have work done other than by contract, the court shall make and record their decision in the road record and thereupon they may appoint a competent superintendent who shall have the supervision of the work. The court shall fix his compensation.

WV Legislature

§17-10-13. Only standardized, tested and approved materials to be used.

The county court or person contracting with it shall only use in the construction, reconstruction, improvement, repair or maintenance of roads and bridges under its jurisdiction, materials that have been standardized, tested and approved by the state road commissioner.

WV Legislature

§17-10-14. Supervision of employees.

The county court shall see that all its appointees and employees faithfully perform their respective duties, obey its orders and expend money and perform labor only as ordered and directed by the court and required by this chapter.

WV Legislature

§17-10-15. May establish stone quarries, stone crushing plants, etc.

For the purpose of obtaining materials to be used in the construction and maintenance of roads or bridges under the jurisdiction of the county court, the court is authorized to establish and maintain stone quarries, stone crushing plants, and erect such buildings in connection therewith as shall be actually necessary in the prosecution of its work.

WV Legislature

§17-10-16. Claims of contractors and others.

All claims of any contractor or others, which may, under the provisions of this chapter, be due to such contractor or other persons for labor done or materials furnished in and about the construction, reconstruction or improvement of a road or bridge under the jurisdiction of the county court, shall be presented to the county court at the proper session thereof, and if found correct, shall, upon the order or warrant of such court, signed by the president and clerk thereof, be paid by the sheriff. No claim shall be paid by the county court until a thorough investigation of its validity has been made.

WV Legislature

§17-10-17. Action for damages occasioned by defective road, bridge, street, etc.

Any person who sustains an injury to his person or property by reason of any road or bridge under the control of the county court or any road, bridge, street, alley or sidewalk in any incorporated city, town or village being out of repair due to the negligence of the county court, incorporated city, town or village may recover all damages sustained by him by reason of such injury in an action against the county court, city, town or village in which such road, bridge, street, alley or sidewalk may be, except that such city, town or village shall not be subject to such action unless it is required by charter, general law or ordinance to keep the road, bridge, street, alley or sidewalk therein, at the place where such injury is sustained, in repair. If it is not so required, the action and remedy shall be against the county court. When judgment is obtained against the county court, such court shall at the time of the laying of the next annual levy, levy upon the taxable property of the district in which such injury is sustained a sufficient sum to pay such judgment with interest and costs, and the costs of collecting the same, and when it is obtained against the city, town or village the proper municipal authorities thereof shall lay such levies at the time of levying the next annual levy on the property subject to taxation in such city, town or village. In case of a failure by either so to do, or to pay the judgment as required by law, the circuit court of the county for which such county court acts or in which such city, town or village or the major portion of the territory thereof is located shall compel the laying of such levy, or the payment of such judgment, or both, by mandamus.

WV Legislature

§17-10-18. Action for damages occasioned by defective turnpike, road or bridge, belonging to any company, etc.

Any person who may be injured by reason of a turnpike, road or bridge belonging to any company or person, or to any county in its corporate capacity, being out of repair, may recover all damages sustained by him by reason of such injury, in the manner prescribed in the preceding section, against such company, person or county, or against the lessee for the time being of any such road or bridge. Any judgment against a city, town, village or county under this section may be enforced by the circuit court by writ of mandamus.

WV Legislature

§17-10-19. Determination of requirements for succeeding fiscal year.

The county court shall at the close of each fiscal year determine the amount necessary to maintain, construct, and reconstruct the roads, bridges and public landings within its jurisdiction for the succeeding fiscal year.

WV Legislature

§17-10-20. Amount to be included in general county levy.

The county court shall include the amount determined under section nineteen of this article in the total amount for which a general county levy is laid as provided by article eight, chapter eleven, as amended.

WV Legislature

§17-10-21. Existing bonded indebtedness to remain debt of property originally pledged as security; levies for payment; transfer of funds.

The bonded indebtedness incurred by the county and by its magisterial districts for road purposes shall remain the debt of the property originally pledged as security for the payment of the obligation. The county court shall impose upon the property in the county for county obligations, and in the magisterial district for district obligations, levies in the manner provided in sections seven and thirteen, article eight, chapter eleven, as amended, for the payment of the current requirements of principal and interest of the bonded indebtedness on and after July 1, 1933. All county courts, and other bodies acting in lieu thereof, are authorized to transfer to the general county fund any unexpended balances remaining in the county road and bridge funds or in district road funds, other than interest and sinking funds required for bonded indebtedness incurred for road purposes, and to transfer to the general county fund any unexpended balances of funds raised to pay the interest on and create sinking funds for any such bonded indebtedness where said bonded indebtedness has been fully paid off and discharged or where there remains no other bonded debt within such taxing district to which such unexpended balances might be applied, as well as any balance remaining in any special road fund created by law, and all moneys which may hereafter be paid into such funds through the collection of delinquent taxes or otherwise.

When there is in the state sinking fund commission to the combined credit of all district road bonds in any county issued prior to November 8, 1932, a sufficient amount to pay principal and interest on all such outstanding road bonds, the state sinking fund commission is authorized to apply from said balance a sufficient amount to pay all outstanding road bonds of said districts, together with the interest thereon to maturity, and to remit any balances remaining thereafter to the sheriff and treasurer of said county to be credited to the General Fund of the county.

WV Legislature

§17-10-22. Counties and political subdivisions voting bonds for paving state road.

Any county, district, group of districts or municipal corporation may, in the manner provided by law, vote bonds, or provide funds by special levy, according to the procedure provided by section fifteen, article eight, chapter eleven as amended, for the improvement and paving of any state road lying within their respective boundaries, but such funds shall be expended under the charge and by the state road commissioner. The state road commissioner shall maintain roads so paved or constructed.

WV Legislature

§17-10-23. Levy tax on property outside municipalities.

The county court of each county may levy a tax on all property situated outside of municipalities as follows: On class one property, as defined by law, not to exceed twelve and one- half cents on the $100' valuation, and on class two property, as defined by law, not to exceed 25¢ on the $100' valuation. The levy tax shall be collected by the sheriff and the proceeds thereof shall be paid into the State Treasury and credited to the road fund for the benefit of and to be expended for the maintenance, repair, construction and reconstruction of the roads of the county, outside of municipalities, in which the tax was raised.

WV Legislature

§17-10-24. Delinquent lists of taxes; collection of delinquent taxes.

Delinquent lists of taxes uncollected under the provisions of this article shall be returned and disposed of as school and other district and county levies are returned and disposed of according to law. Such delinquent taxes shall be collected at the same time, and by the same officer, and in the same manner as state and county taxes are collected, pursuant to chapter eleven, of this code.

WV Legislature

§17-10-25. Penalties.

A person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction shall be fined not less than $10 nor more than $100, or be imprisoned not less than five nor more than thirty days, or both.

WV Legislature