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#28

ENROLLED BILL

House Bill No. 28

(By Mr. Myers)

Passed March 14, 1931

In Effect Ninety days from Passage

Originated in the House..... Takes effect ninety days from Passage.
..... Clerk of the House of Delegates.
..... Clerk.

CORRECTLY ENROLLED

Chairman House Committee.
Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 28)

[Passed March 14, 1931; in effect ninety days from passage.]

AN ACT to amend and re-enact sections four and seven of chapter eighty-two of the acts of the legislature of West Virginia, for the year one thousand nine hundred eleven, as amended and re-enacted by chapter sixteen, acts one thousand nine hundred twenty-one, and as amended and re-enacted by chapter seventy-six, acts one thousand nine hundred twenty-three, relating to the charter of the city of Moundsville, in the county of Marshall; making the offices of clerk, chief of police and solicitor elective.

Be it enacted by the Legislature of West Virginia:

That sections four and seven of chapter eighty-two of the acts of the legislature of West Virginia for the year one thousand nine hundred eleven, as amended and re-enacted by chapter sixteen, acts one thousand nine hundred twenty-one, and as amended and re-enacted by chapter seventy-six, acts one thousand nine hundred twenty-three, be amended and re-enacted so as to read as follows:

Joseph D. Smith

Chairman Senate Committee

Samuel M. Reed

Chairman House Committee

Section 4. The officers of said city shall be a mayor, clerk,
2 who shall be ex-officio collector, solicitor, chief of police, health
3 officer, treasurer, street commissioner, city engineer, sewer in-
4 spector, and two councilmen from each ward. The mayor, clerk,
5 solicitor, and chief of police shall be elected by the qualified
6 voters of said city.

7 The health officer, street commissioner, treasurer, sewer in-
8 spector and city engineer shall be appointed by the council, and
9 the councilmen shall be elected by the qualified voters of their
10 respective wards. No person shall be eligible to the office of
11 mayor unless he is a qualified voter thereof, nor unless he has
12 resided therein for at least six months before his election; and
13 in case of a councilman, unless he is a *bona fide* resident of the
14 ward from which he is elected and a freeholder of said city; and
15 a removal of a councilman from the ward in which he was
16 elected or his ceasing to be a freeholder in the said city shall
17 vacate his office, and no person shall be eligible to any city office
18 unless he be a taxpayer and a qualified voter thereof.

19 In addition to the municipal authorities mentioned in this
20 section the council may from time to time create and employ

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Joseph D. Smith

Chairman Senate Committee.

Benjamin M. Anderson

Chairman House Committee.

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21 other officers and agents and fix their salaries and compensa-
22 tion.

Sec. 7. The terms of office of the mayor, clerk, chief of police
2 and solicitor shall begin on the first Monday in April next suc-
3 ceeding his election and shall be for the term of two years, and
4 until his successors shall have been elected and qualified. The
5 treasurer, health officer, street commissioner, city engineer and
6 sewer inspector shall be appointed by the council and shall hold
7 their offices during the pleasure of the council.] Any former
8 incumbent shall be ineligible for a second appointment unless he
9 shall have fully settled up the business of his former term or
10 terms. At the first election held after this act goes into effect,
11 there shall be elected a mayor, clerk, chief of police and solicitor,
12 whose term of office shall begin on the first Monday in April next
13 succeeding his election and shall be for the term of two years,
14 until his successor is elected and qualified; and one council-
15 man from each ward, whose term of office shall begin on the first
16 Monday in April next succeeding two years; one councilman
17 from each ward shall be elected and shall hold office for four
18 years from the first Monday in April next succeeding his elec-
19 tion and until his successor is elected and qualified. But noth-

Jacob D. Bruch

Chairman Senate Committee.

Benjamin Madsen

Chairman House Committee.

ing in this section shall be construed to invalidate the election or term of office of any councilman elected to office and whose term of office begins on the first Monday in April in the year one thousand nine hundred twenty-nine, under provisions of section seven of the charter of said city of the act of one thousand nine hundred twenty-three.

The council of said city shall have the right to fix a compensation for the members thereof, which compensation, however, shall not exceed one hundred and fifty dollars per year to each member.

Sec. 8. The provisions of this act shall not be effective, unless and until at a special election in said city of Moundville held within two years after the date of the passage of this act and called by the council thereof, a majority of the legally qualified voters of said city shall favor such enactment. At such election the ballot to be used shall be in the following form:

☐ For charter amendment.

☐ Against charter amendment.

Such election shall be conducted and the returns thereof

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11 made and the result declared in the same manner provided for
12 holding, ascertaining, and declaring the result of other municipi-
13 pal elections within said municipality.
14 All acts or parts of acts inconsistent herewith are hereby
15 repealed.

Jacob D. Smith
Chairman Senate Committee.

Charles W. Meadows
Chairman House Committee.

J. Alfred Taylor
Speaker of the House of Delegates.

PHK:WM
Clerk of the House of Delegates.

W. H. Hodge
President of the Senate.

W. H. Hodge
Clerk of the Senate.

The within is *Approved*
this *18th* day of *March* 1931.

W. H. Hodge
Governor.

Filed in the office of the Secretary of State
of West Virginia. **MAR 18 1931**
GEORGE W. STARR,
Secretary of State.