

Rec., Mar. 11, 1933

102

ENROLLED BILL

(REGULAR SESSION, 1933)

House Bill No. 102

(By Mr. Pelter *(by request)*)

Passed March 11, 1933

In Effect 90 days from - ~~from~~ Passage

Originated in the..... Takes effect..... passage

Clerk of the House of Delegates.

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Clerk.

Chairman Senate Committee.

Chairman House Committee.

ENROLLED BILL

(H. B. No. 102)

[Passed March 11, 1933; in effect ~~from~~ passage.]

AN ACT to amend and reenact chapter fifteen of the acts of the legislature of West Virginia, at the session of one thousand nine hundred five, as amended by chapter fourteen of the acts of the legislature of West Virginia, at the session of one thousand nine hundred fifteen, as amended by chapter twenty of the acts of the legislature of West Virginia of the session of one thousand nine hundred nineteen, as amended by chapter four of the acts of the legislature of West Virginia of the session of one thousand nine hundred twenty-seven, as amended by chapter twenty-one of the acts of the legislature of West Virginia of the session of one thousand nine hundred twenty-nine (municipal charters), incorporating and relating to the City of Williamson.

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Chairman Senate Committee.

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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 five, as amended by chapter fourteen of the acts of the legislature of West Virginia of the session of one thousand nine hundred fifteen, as amended by chapter twenty of the acts of the legislature of West Virginia of the session of one thousand nine hundred nineteen, as amended by chapter four of the acts of the legislature of West Virginia of the session of one thousand nine hundred twenty-seven, as amended by chapter twenty-one of the acts of the legislature of West Virginia of the session of one thousand nine hundred twenty-nine (municipal charters), incorporating and relating to the City of Williamson, be amended and reenacted 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 aries described in section two of this act, be and they are
5 hereby made a municipal corporation by the name of "The
6 City of Williamson," by which name they shall have perpetual
7 succession and a common seal, and by which they may sue
8 and be sued, plead and be impleaded, contract and be con-
9 tracted with, and purchase and otherwise acquire and hold

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10 real estate and personal property needed in the discharge of
11 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 Sycamore
3 creek; thence up said creek to the first left hand fork
4 thereof; thence with the said left hand fork to the top of the
5 ridge; thence up said ridge to the main ridge dividing the
6 waters of Tug river and Buffalo creek, and with the latter ridge
7 to a point on the dividing lines of the lands of the Williamson
8 Mining and Manufacturing company and Thomas Stepp's
9 estate; thence westward with said dividing lines to the lands
10 of V. A. Williamson; thence with the lines dividing the lands
11 of said V. A. Williamson and Thomas Stepp's estate to Tug
12 river; thence up Tug river with the center thereof to the place
13 of beginning.

BOUNDARIES OF WARDS

Sec. 3. The City of Williamson shall be divided into four
2 wards, the boundaries of which shall be as follows:

3 First Ward

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

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6 Beginning at the mouth of Sycamore creek and running with
7 the corporation line of said city of Williamson up Sycamore
8 creek to the first left hand fork thereof; thence with said left
9 hand fork and the corporation line to the top of the ridge be-
10 tween Williamson branch and Sycamore creek; thence down
11 said ridge with the meanders thereof and with the dividing
12 lines of the Lawson heirs and the Williamson Mining and Manu-
13 facturing company to Tug river; thence up Tug river to the
15 place of beginning.

16

Second Ward

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

19 Beginning at the intersection of Harvey street and Tug
20 river; thence up Harvey street with the center thereof to Logan
21 or Joseph street at the intersection of Alderson street; thence
22 up Alderson street with the center thereof to the top of the
23 ridge at the corporation line; thence with the corporation line
24 around said ridge to the line of the first ward, and with the
25 western line of said first ward, it being the line between the
26 lands of the Williamson Mining and Manufacturing company

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27 and the Lawson heirs, to Tug river; thence down Tug river to
28 the place of beginning.

29 *Third Ward*

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

32 Beginning at the intersection of Harvey street and Tug river
33 and running with the western boundary lines of the second
34 ward to the main dividing ridge and corporation line of said
35 city; thence in a westerly direction and running with said
36 corporation line to the intersection of the point between West
37 Williamson and the main City of Williamson; thence down said
38 point to the West Williamson cemetery line; thence with the
39 northern line of said cemetery and running southeastwardly
40 to Tug river; thence up Tug river to the place of beginning.

41 *Fourth Ward*

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

44 Beginning at the corporation line at the intersection of
45 Tug river and the line between the lands of Thomas Stepp and
46 V. A. Williamson; thence running with the corporation line to
47 the top of the ridge and with the ridge and corporation line

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48 to the line of the third ward, and with the western line of said
49 third ward to Tug river; thence down Tug river to the place
50 of beginning.

Sec. 4. The council of the City of Williamson shall have the
2 power and authority to change the boundary lines of the re-
3 spective wards from time to time; but no changes shall be made
4 in the boundary lines of said wards until at least three weeks'
5 notice of the proposed change shall have been given by the
6 council, by publication of notice thereof in a newspaper pub-
7 lished and of general circulation in said City of Williamson,
8 once each week for three successive weeks. Said notice shall give
9 the date on which the council will pass on the proposed changes
10 and a brief statement of the changes proposed. Any changes
11 made under the provisions of this section shall be by ordi-
12 nance passed and adopted in the manner hereinafter set forth
13 in this charter.

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

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Sec. 6. All the corporate powers and functions pertaining
2 to the said city shall, except as otherwise provided herein,
3 be exercised by its council, or under its authority, in the cor-
4 porate name of the city.

Sec. 7. The council of the city shall appoint a city attorney,
2 a city clerk, and a superintendent of the water department, as
3 well also as other subordinate officers herein provided for, and
4 also all other necessary officers and employees of and for the
5 city as may be required, except wherein the selection of any of
6 them may be hereinafter otherwise prescribed: *And, provided*
7 *further*, That the appointment of any person as superintendent
8 of the water department shall not become effective unless and
9 until the department of health of the state of West Virginia
10 shall have approved such appointment of the person selected
11 by the council.

Sec. 8. No person shall be eligible to hold the office of
2 mayor, councilman, or any subordinate office, unless at the
3 time of his election or apportionment he is legally entitled to
4 vote in the city election for mayor and members of the coun-
5 cil.

Sec. 9. The powers, duties and compensation of all officers

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2 shall be established by ordinance, subject to the limitations
3 herein prescribed. But the compensation pertaining to any
4 office shall not be increased or diminished to affect any officer
5 subsequent to his election or appointment and during the
6 term for which he was elected or appointed.

Sec. 10. Whenever a vacancy shall occur from any cause
2 in the office of mayor or councilman, the council shall proceed
3 to elect a properly qualified person to fill such vacancy, and
4 the person so elected to fill such vacancy shall hold such office
5 until the next regular city election and until the election and
6 qualification of his successor.

Sec. 11. Every citizen of this state, who has been a bona
2 fide resident of the city for sixty days next preceeding any city
3 election, and who is otherwise legally entitled to vote under
4 the constitution and laws of this state, and who has been duly
5 registered as herein provided for, shall be entitled to vote at
6 such city election at the precinct in which they respectively
7 reside; but no person shall be deemed a resident of such city
8 by reason of being stationed therein for any temporary pur-
9 pose.

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10 The council of the city is hereby authorized and directed to
11 hold and conduct all elections provided for herein, and to can-
12 vass and certify the returns therefrom, and to try and decide
13 all contests in the manner and form required by general law so
14 far as applicable. And it shall be the duty of the council of the
15 city to provide by ordinance for the creation and establish-
16 ment of voting precincts in said city and in each ward thereof,
17 and to define their boundaries; to supply and furnish to the
18 officers holding and conducting such elections at each of said
19 precincts all necessary supplies and equipment, and in the
20 exercise of the power herein conferred upon the council it shall
21 conform as nearly as practicable to the general law of this
22 state governing the holding and conducting of elections and
23 certifying the result thereof. The council to exercise and per-
24 form all of the duties in relation to elections in said city en-
25 joined upon the county courts by general law, and the clerk
26 of said city to perform the functions and duties enjoined upon
27 the clerks of the county and circuit courts in relation to elec-
28 tions by general law.

28 It shall be the duty of the council of the city to provide by
29 ordinance for the registration of the voters of said city, such

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30 ordinance to conform as nearly as may be to the general laws
31 of the state providing for the registration of voters; except
32 that the duties imposed by general law upon the county court
33 shall be performed by the council of the city, and the duties
34 imposed upon the clerks of the county and circuit courts by
35 general law shall be performed by the clerk of the city.

Sec. 12. At least thirty days before the time fixed for
2 holding the first election hereunder, each of the two political
3 parties which cast the greatest number of votes in the last
4 regular election held in the said city, shall cause a meeting to
5 be held of the members of each of said parties, at such time and
6 place as may may be fixed by the chairman of the executive
7 committees of the county; and at which meeting each of said
8-9 parties shall elect a city executive committee for each of said
10 parties in said city, such executive committee to be composed
11 of one man and one woman from each of the voting precincts
12 in said city, as well as a chairman, a secretary, and a treasurer
13 of said city committee, from the city at large, such chairman, a
14 secretary, and a treasurer to be elected in addition to the said
15 two members from each of said precincts.

16 And thereafter, at each convention held in said city under

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17 the provisions of this act, held for the purpose of nominating
18 candidates for mayor and councilmen, each of the said political
19 parties shall elect a city executive committee, composed of the
20 number herein specified.

21 The members of the city executive committees chosen first
22 after the passage of this act shall hold office until the regular
23 convention is held in said city by each of said parties for the
24 purpose of nominating candidates for the offices of mayor and
25 councilmen. And thereafter the members of such city executive
26 committees shall hold office for the period of three years.

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27 If a vacancy occur in the office of committeeman or com-
28 mitteewoman, the remaining members of the committee may
29 elect a successor, who shall fill the unexpired term until the
30 next regular convention held for the purpose of nominating
31 candidates for elective city offices.

Sec. 13. On the second Tuesday in April, one thousand nine
2 hundred and thirty-four, and on the second Tuesday in April of
3 every third year thereafter, each of the said political parties
4 shall hold a convention of its members in said city, for the pur-
5 pose of nominating a candidate of that party for the office of

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6 mayor of said city, and four candidates for the office of councilman.

8 But before holding such convention, the city executive committee of every such party holding such convention shall cause notice of the date, hour and place of holding such convention to be published in two separate newspapers published in said city, such notice to be published once each week for two consecutive weeks prior to the time of holding such convention.

15 The city executive committee of each party so holding such convention shall have authority to make such rules and regulations governing the holding of such convention as it may deem proper, including all parliamentary rules and regulations governing the deliberations of such convention.

20 And within five days after the holding of such convention, the city executive committee of each party shall cause to be furnished to the city clerk a complete list of the persons nominated by that party for the offices of mayor and councilmen, such list so furnished to be duly sworn to and attested by the chairman and the secretary of such city executive committee.

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27 And in the event that a vacancy occur in the list of such
28 nominees, after such convention has been held, then the said
29 city executive committee shall have authority to designate
30 some other qualified citizen of the city as such nominee, the
31 name of such nominee or nominees to be certified in like man-
32 ner to the said city clerk.

33 The first election to be held in said city under the provisions
34 of this charter shall be held on the Third Tuesday in May, in the
35 year one thousand nine hundred thirty-four, and thereafter
36 on the third Tuesday in May of every third year thereafter.

37 On the first Tuesday in May, one thousand nine hundred
38 thirty-four, and on the first Tuesday in May, of every third
39 year thereafter, the council of the city shall hold a meeting
40 for the purpose of making all arrangements and preparations
41 for the holding of such election. And at such meeting the
42 council of the city shall appoint three qualified voters of the
43 city as commissioners of election for each voting precinct in
44 said city. Said commissioners of election shall be persons of
45 good standing and character, and not addicted to drunkenness,
46 and not more than two of said commissioners of election shall
47 belong to the same political party. If at any time during said

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48 meeting, or prior thereto, the city executive committees of the
49 two political parties which cast the greatest number of votes
50 in the last preceding regular city election, shall present to said
51 city council a writing signed by the chairman of such executive
52 committee, giving a list of persons from that political party as
53 such commissioners of election, then in appointing such com-
54 missioners of election the city council shall appoint said com-
55 missioners of election from the list or lists so presented to the
56 city council. Every such writing so presented shall be filed,
57 preserved, and kept by the clerk of the council in his office.

58 The city council shall have authority to provide all neces-
59 sary and suitable means, equipment, and appliances for the
60 holding of such elections, and may adopt all necessary rules,
61 ordinances, and regulations governing the same as may ap-
62 pear proper.

63 And in addition to the methods prescribed for the nomina-
64 tions of candidates, candidates for the offices of mayor and
65 councilmen may be nominated as follows, that is to say: if,
66 not less than fifteen days prior to the date of the election, a
67 petition signed by not less than three hundred of the qualified
68 voters of the city shall be presented and filed with the clerk of

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69 the city, asking that the name or names of candidates be placed
70 upon the ballot, then it shall be the duty of the city council to
71 cause such name or names to be so placed upon the official ballot
72 to be used in such election.

Sec. 14. Every person elected or appointed to an office in
2 such city shall, within twenty days after his election or appoint-
3 ment and before entering upon the duties of his office, take and
4 subscribe the oath of office prescribed by law in the case of dis-
5 trict officers, which may be taken before the mayor of such
6 city or before any person authorized by law to administer
7 oaths; and the certificate of the officer administering the oath
8 shall be filed with the clerk of the city.

Sec. 15. The council shall prescribe the powers and define
2 the duties of all appointed officers and employees, except in-
3 sofar as the same may be defined or set forth herein; and the
4 council shall fix the compensation of all such appointed offi-
5 cers, subject to such limitations as are herein set forth.

Sec. 16. The council shall have the power to remove from
2 office any elective official of the city by reason of gross im-
3 morality, misconduct, or neglect of duty, by the affirmative vote
4 of a majority of the members of the council: *Provided, how-*

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5 *ever*, That reasonable notice of the charge preferred shall be
6 given to such official, and after a hearing has been held on
7 the charges preferred.

Sec. 17. Any and all appointive officers, and all officers and
2 employees other than elective officers, of the city shall serve
3 during the will and pleasure of the council, and may be sum-
4 marily removed from office by the council, upon the vote of
5 a majority of the members of the council.

Sec. 18. The council shall cause to be kept in a well bound
2 book, called by the name of the "Council Journal," an ac-
3 curate, full and complete record of all its proceedings, by-laws,
4 ordinances, orders, and resolutions, which shall be kept fully
5 indexed, and shall be open to inspection by any person, firm,
6 or corporation, who is required to pay taxes to the said city.

7 At all times, when it is not in use by the council, its journal,
8 as well as all other papers, records, writings, and documents
9 relating to the business of the council, or the affairs of the city,
10 shall be safely in custody by the city clerk, as also herein pro-
11 vided.

Sec. 20. The council of the city shall hold a regular meeting
2 on the second and fourth Fridays of each month, and shall hold

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3 such special meetings as may from time to time be called as
4 hereinafter provided for.

5 The mayor shall have authority to call any special meeting
6 of the council; and likewise a special meeting of the council
7 may be called upon a joint notice of not less than three members
8 of the council; but before holding such special meeting, the
9 mayor, or if called as aforesaid by not less than three members
10 of the council, then such three members shall cause the city clerk
11 to post notice thereof at the front door of the municipal build-
12 ing of the city, at least twenty-four hours prior to such special
13 meeting, and to give personal notice to each member of the
14 council at least twelve hours in advance thereof where possible.

15 All regular and special meetings of the council shall be pre-
16 sided over by the mayor, and in his absence by a mayor pro tem
17 to be chosen from their number by the councilmen present;
18 four members of the council present shall be necessary in order
19 to constitute a quorum for the transaction of business.

20 Each member of the council shall be entitled to one vote.
21 But no member of the council, or the mayor, shall vote upon or
22 take part in the consideration of any question, measure, or
23 proposition in which he is or may be interested otherwise than

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22 as a resident of the city.

23 The mayor shall be a member of the city council, and shall
24 be entitled to one vote only as a member thereof. The clerk
25 of the city, chosen in the manner hereinafter provided, shall
26 attend upon all meetings of the council, but shall be entitled
27 to no vote, nor shall he take part in any consideration or dis-
28 cussion of the council upon any matter, except when called upon
29 or invited by the council to take part therein. He shall fur-
30 nish any and all data or information that may be desired by
31 the members of the council relating to the business of the city.

32 The clerk shall have charge of all record books, minute books of
33 the council and city, and shall also have charge of the council
34 journal. He shall faithfully and accurately record the minutes
35 and proceedings of all meetings of the council, which shall be
36 recorded in the council journal, all such records of the council
37 journal to be duly authenticated and attested by the mayor and
38 the city clerk, as hereinafter provided. And the said clerk
39 shall in all matters act as the secretary to the council.

40 All meetings of the council shall be held in the council or
41 council chamber provided therefor in the municipal building of
42 said city, and shall be held at such hour of the day as may be

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43 designated by the council. And at its first meeting, after the
44 qualification of the first mayor and councilmen holding office
45 hereunder, and thence at the first meeting of the mayor and
46 councilmen taking office after each election hereunder, the coun-
47 cil of the city shall fix upon and adopt a certain hour or time
48 of the day at which all meetings of the council shall be held.
49 But such hour so adopted shall be subject to change by vote
50 of the members of the council. The following schedule or order
51 of business shall be followed and observed by the council at
52 their said meetings:

53 *First:* The mayor, or mayor pro tem, shall direct the clerk
54 of the council to call the roll of the members of the council,
55 who shall answer answer to their respective names as called,
56 in the council journal the clerk shall record the names of the
57 members present and the names of the members absent.

58 *Second:* The mayor, or mayor pro tem, shall call upon the
59 clerk to read aloud from the council journal the minutes of the
60 previous meeting of the council, and in no event shall the full
61 and accurate reading thereof be dispensed with; and after the
62 reading thereof, the minutes of the previous meeting may by
63 vote or action of the council be corrected, if proper so to do,

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64 and otherwise the same shall stand approved as read. Imme-
65 diately after which the said minutes shall be thereupon duly
66 attested by the mayor and clerk.

67 *Third:* The council shall thereupon take up for considera-
68 tion, discussion, and action, if necessary, all uncompleted or
69 unfinished business not previously disposed of or acted upon.

70 *Fourth:* The council shall thereupon take up for considera-
71 tion, discussion, and action, if necessary, such new matters or
72 new business as may come before the council.

73 *Fifth:* The council shall thereupon take up such miscellane-
74 ous matters as may come before it, including any matters that
75 may be brought before it by any citizen or resident of the city
76 or other person. And any person desiring to bring any matter
77 to the attention of the council shall in all cases be given a full
78 opportunity to present such matter.

Sec. 20. The council of said city shall have power to lay
2 off, vacate, close, open, alter, grade, build and keep in good
3 repair road, streets, alleys, pavements, sidewalks, crosswalks,
4 viaducts, bridges, drains and gutters therein for the use of
5 the citizens and of the public, and to improve and light the
6 same, and to keep the same free from obstructions of every

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7 kind; to regulate the width of pavements and sidewalks on the
8 streets and alleys, and to order the pavement, sidewalks, foot-
9 ways, drains and gutters to be kept in good order, free and
10 clean, by the owners or occupants of the real property next
11 adjacent thereto; to establish and regulate markets, prescribe
12 the time for holding the same, provide suitable and convenient
13 buildings therefor, and prevent the forestalling or regrad-
14 ing of such markets; to prevent injury or annoyance to the
15 public or to individuals from anything dangerous, offensive
16 or unwholesome; to prohibit or regulate slaughter houses and
17 soap factories within the city limits, or the exercise of any
18 unhealthful or of offensive business, trade or employment; to
19 abate all nuisances within the city limits or to require and
20 compel the abatement or removal thereof, by or at the expense
21 of the owner or occupant of the ground on which they are placed
22 or found; to cause to be filled up, raised or drained by or at the
23 expense of the owner any city lot or tract of land covered or
24 subject to be covered by stagnant water; to prevent horses, hogs,
25 cattle, sheep or other animals and fowls of all kinds from going
26 or being at large in such city, and as one means of prevention,
27 to provide for impounding and confining such animals and

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28 fowls, and, upon failure to reclaim for the sale thereof; to
29 protect places of divine worship and to preserve order in and
30 about the premises where and when such worship is held; to
31 regulate the keeping of gunpowder and other inflammable
32 and dangerous substances; to provide and regulate and build-
33 ing of houses or other structures, and for the making and
34 maintaining of division fences by the owners of adjoining
35 premises, and the proper drainage of city lots, or other par-
36 eels of land, by or at the expense of the owner or occupant
37 thereof; to provide against damage or danger by fire; to
38 punish for carrying deadly weapons, and for assaults and bat-
39 teries; to prohibit loitering in or visiting houses of ill fame, or
40 loitering upon the streets; to prevent lewd and lascivious con-
41 duct, the sale or exhibition of indecent pictures or other rep-
42 resentation; the desecration of the Sabbath day; profane
43 swearing; the illegal sale of all intoxicating liquors, drinks,
44 mixtures and preparations, beer, ale, wine or drinks of like
45 nature. To protect the person of those residing or being within
46 a city; to build or purchase, or to lease and to use, a suitable
47 place within or near said city for the safe-keeping or punish-
48 ment of persons, caught with, or convicted of the violation of

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49 laws, and ordinances, to provide for the employment of per-
50 sons convicted of the violation of laws and ordinances, or
51 who may be committed in default of payment of fines, penal-
52 ties or costs and who are otherwise unable to discharge the
53 same, by putting them to work for the benefit of the city,
54 and to use such means to prevent their escape, while at work,
55 as may be deemed expedient; to erect or authorize or prohibit
56 the erection of gas works, electric light works or water works
57 within the city limits, to prevent injury to such work or
58 pollution of any gas or water used or intended to be used
59 by the public or by individuals, and to do all things necessary
60 to adequately supply said city and the inhabitants thereof,
61 with pure, healthy and wholesome water; to use, generate, and
62 distribute, sell and control electricity and gas for heat, light
63 and power, and to furnish light for the streets, houses, build-
64 ings, stores and other places in and about the said city; to
65 provide and sewerage system for said city; to provide and
66 regulate and weighing and measuring of hay, coal, lumber and
67 other articles sold, or kept or offered for sale within said
68 city; to establish and construct wharfs and docks, and to re-
69 pair, alter or remove any landing, wharf or dock, which has

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70 been or shall be so constructed, and to establish and collect
71 rates and charges for the use thereof; to regulate the renting
72 and speed of engines and cars within city limits, except that
73 the council of said city shall not interfere with the speed of
74 trains and engines in territories not laid out in lots, streets
75 and alleys, and open and use by the public; to organize one or
76 more fire companies and provide necessary apparatus, tools,
77 implements engines or any of them, for their use, and in their
78 discretion to organize a paid fire department; to make regula-
79 tions with respect to the erection and location of all tele-
80 phone, telegraph, electric light, or other poles within said city,
81 and the extension of any wires, lines and poles by any in-
82 dividual or corporation; to grant and regulate all franchises
83 in, upon, over or under the streets, alleys and public ways of
84 said city, under such restrictions as shall be provided by
85 ordinance, but no exclusive franchise shall be granted by said
86 council to any individual or corporation, nor shall any fran-
87 chise be granted for a longer period than fifty years; to create
88 by ordinance such committees or boards, and delegate such
89 authority thereto, as may be deemed necessary or advisable;
90 to provide for the annual assessment of taxable property

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91 therein including dogs, kept in said city, and to provide a
92 revenue for the city for municipal purposes, and to appro-
93 priate such revenue to its expenses, and generally to take
94 such measures as may be deemed necessary or advisable, to
95 protect the property, public and private, within the city; to
96 preserve and maintain peace, quiet and good order therein;
97 to preserve and promote the health, safety, comfort and well
98 being of the inhabitants thereof; to prevent gambling, the
99 keeping of poker rooms and gaming tables and to establish
100 voting precincts.

101 The council of said city shall have the power and authority
102 to control and regulate the construction and repairs of all-
103 houses and other buildings within the said city; to provide
104 for the granting of building permits; to cause the removal of
105 unsafe walls or buildings; and may, upon the petition of the
106 person or persons owning the greater amount of frontage
107 of the lots abutting on any street between any two cross
108 streets or in any square of said city, prohibit the erection on
109 such street, or in such square of any building, or any addi-
110 tion to any building, more than ten feet high, unless the
111 outer walls thereof be made of brick and mortar, or other

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112 fireproof material; and to provide for the removal of any
113 building or addition which shall have been erected contrary
114 to such prohibition, at the expense of the owner or owners
115 thereof.

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 the use of roads, bridges, streets, alleys, drains,
4 public buildings and other grounds, including parks and ceme-
5 teries, and sites for public libraries for the use of the city;
6 and the manner of procedure shall, as nearly as practicable,
7 conform to the provisions of the code of West Virginia, and
8 the expenses thereof shall be borne by the city.

Sec. 22. The council shall have full power to make and en-
2 force ordinances for the prevention of the illegal sale of all
3 spiritous, intoxicating, malt, and vinous liquors within the city.

4 No license for the sale thereof shall be issued or granted
5 except in such cases as may be permitted by the constitution
6 of the United States, the constitution of the state of West
7 Virginia, and the laws relating thereto.

8 The council shall have the authority to prescribe by ordi-
9 nance such fines, penalties, and terms of imprisonment for the

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10 violations of such ordinances relating to the illegal sale of such
11 liquors, as may appear advisable to the council, such fines and
12 penalties to be the same as are prescribed by the laws of this
13 state for violations of the state laws, relating to intoxicating
14 liquors.

15 The mayor of the city, and the members of the police depart-
16 ment shall be charged with the enforcement of all such ordi-
17 nances prohibiting the sale of such liquors, and the mayor
18 may impose fines and penalties for violations of the ordinances
19 of the city relating to sales of liquors as aforesaid.

20 Any and all fines so collected as aforesaid shall be paid into
21 the treasury of the city, and the mayor shall keep an accurate
22 record of all cases arising by reason of the violation of such
23 ordinances.

Sec. 23. The council of the city shall have authority to
2 enact all such proper ordinances as it may deem advisable, re-
3 lating 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 council 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 of

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8 the failure to pay such fines, then the person or persons may
9 be sentenced to work upon the streets of the city, or at such
10 other work of the city as may be ordered by the mayor.

11 And the council shall have authority to enact any and all
12 proper ordinances providing that where any person or persons
13 may be sentenced to confinement in the city for violations of
14 any laws or ordinances of the city, then such person or per-
15 sons may be worked upon the streets of the city, or at other
16 city work, during the time for which they were sentenced to
17 confinement.

18 And the council shall have authority to make and enforce
19 any and all proper ordinances relating thereto.

Sec. 24. The council in its discretion shall be vested with
2 authority to impose license or privilege taxes payable to the
3 city, upon such businesses, professions, occupations, or enter-
4 prises as the council may deem proper, and to make and en-
5 force all reasonable ordinances and regulations respecting the
6 same: *Provided, however,* That nothing therein contained shall
7 be in conflict with the constitution or laws of this state or of the
8 United States of America.

Sec. 25. The council may revoke any license granted by the

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2 city, where license is required, in order to conduct the busi-
3 ness 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 shall
6 be entitled to be heard in person or by counsel in opposition
7 to such revocation.

Sec. 26. To carry into effect these enumerated powers and
2 all others by this act or by general law conferred, or which
3 may hereafter be conferred upon the said city or its council,
4 or any of its officers of said council shall have and possess
5 full authority to make, pass and adopt all needful ordinances,
6 by-laws, orders and resolutions, not repugnant to the con-
7 stitution and laws of the United States or of this state, and to
8 enforce any or all of such ordinances, by-laws, orders or resolu-
9 tions, by prescribing for a violation thereof, fines and penalties
10 and imprisonment in either the county jail of Mingo county
11 or the city prison, if there be one; but no fine shall exceed
12 fifty 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
15 the judgment of the mayor of said city; or, in case of his ab-

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16 sence, or inability to act, of one of the councilmen, appointed
17 for the purpose by the council.

Sec. 27. Upon the petition, in writing, of the persons own-
2 ing the greatest amount of frontage of the lots abutting on any
3 street or alley, between any two cross streets, or between a
4 cross street and an alley, the council of the city, by a lawful
5 majority thereof, may order such part of any street or alley
6 to be paved between the sidewalks with cobblestone, brick,
7 Belgian blocks, asphalt, or other suitable material, from one
8 of such cross streets or alleys to the other, under such regula-
9 tions as may be fixed by ordinance duly passed by the council;
10 two-thirds of the cost of such paving shall be assessed to the
11 owners of the lots or fractional parts of lots abutting on that
12 part of the streets or alleys so paved in proportion to the
13 distance such lot or part of a lot abuts on such street or alley,
14 and the remaining one third of the cost of such paving shall
15 be paid by the city. In making such assessments the basis
16 shall be the cost of paving that part of the street or alley on
17 which the property lies, included between the adjoining cross
18 streets or alleys, and the amounts assessed against the owners
19 of each lot or fractional part of a lot, shall be in the propor-

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tion which the frontage of such lot or part of lot bears to the whole cost of paving said street or alley between said cross streets or alleys as aforesaid; and the same may be collected in the manner provided herein for the collection of city taxes: *Provided, however,* That the city councilmen of said city may, by lawful majority thereof, order that the amounts so assessed against owners of the lots or fractional parts of lots be paid in five annual payments as follows, that is to say, one-fifth of said amount, together with interest from date of completion of work upon the whole amount assessed, shall be paid into the city treasury before the first day of January next after said work is completed, and a like one-fifth together with interest for one year upon the whole amount remaining unpaid on or before the first day of January in each year thereafter until all has been paid: *Provided further,* That no assessment to the owners of such lots or fractional parts of lots abutting on such street or alley shall exceed fifty percentum of the reasonable cash value of such lots or fractional part thereof.

Sec. 28. When the paving of any street, alley or portion thereof shall have been let to contract and the work done as provided in the foregoing section, it shall be the duty of the

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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 council, showing the proper amount to be determined,
8 as provided in the foregoing plan. It shall be the duty of
9 the council to examine and compare such assessment, amounts
10 and names so certified to it, and thereupon give notice by pub-
11 lication once a week for two consecutive weeks in some news-
12 paper of general circulation in said city, that an assessment
13 under this act is about to be paid against the abutting prop-
14 erty for paving or improvements done on said streets or alleys,
15 describing the location of such paving or improvements, and
16 any owner or owners thereof shall have the right to appear
17 before said council, within two weeks from the first publica-
18 tion thereof, and move to correct an apportionment or as-
19 sessment excessive or improperly made as charged, which cor-
20 rection said council shall have the power to make according
21 to the intent of this act, and if found to be correct or when
22 corrected by the council as aforesaid, it shall enter the same,
23 together with a description of the lots or lands as to loca-
24 tion, frontage, depth and ownership so far as the same may be

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25 ascertained, upon its records and shall enter in its records
26 that such owners and lots be assessed and chargeable with the
27 amount so ascertained to be borne by them respectively; and
28 when so approved, certified and entered on record the same
29 shall be and constitute an assessment against said owners and
30 lots for such respective amounts. And it shall be the duty of
31 the council to immediately certify such assessments to the
32 city clerk for collection as herein provided, and a copy of
33 said order shall be certified by the city clerk to the clerk of
34 the county court of Mingo county, who shall record and index
35 the same in the proper trust deed book in the name of each
36 person against whose property assessments appear therein.
37 To each of such installments of assessments remaining unpaid
38 in the city clerk's hands on the day herein specified for the
39 payment thereof, a penalty of ten percentum on the principal
40 sum shall be added and any assessment so remaining unpaid
41 in the city clerk's hands on such day shall be taken upon such
42 settlements had with the city clerk on such dates, and there-
43 upon and assessment shall be collected with the penalty added
44 thereto by the said city clerk on such dates, and thereupon
45 such assessment shall be collected with the penalty added there-

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46 to by the said city clerk, and payment thereof enforced in all
47 respects as provided for the collection or taxes due the city,
48 and they shall be a lien upon the property liable therefor the
49 same as taxes, which lien shall be enforced in the same man-
50 ner as provided for the collection of taxes. Said lien shall
51 have priority over all other liens except those for taxes due
52 the state and shall be on a parity with taxes and assessments
53 due the city. Whenever all such assessments shall be paid
54 in full the city clerk shall deliver to the party paying the
55 same a release of the lien therefor, which may be recorded
56 in the office of the clerk of the county court of said county as
57 other releases of liens, and whenever such assessments shall
58 not be in the hands of the city clerk for collection, but the same
59 shall be shown to the satisfaction of the city auditor or other
60 official performing the duties of auditor, to have been paid in
61 full to any officer entitled to receive the same, such auditor or
62 the mayor may in like manner execute such release.

63 In all cases where an assessment is made upon the property
64 abutting in the street or alley improved in accordance with
65 the provisions hereof the city council may, by resolution, en-
66 tered of record, sell, assign and transfer to any person or

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67 persons, for a cash consideration, all or any of the assessments
68 perfected as provided for in this section and apply the amount
69 received therefrom to the costs of such improvements, but no
70 sale and assignment shall be made until either bonds or certi-
71 ficates of indebtedness shall have been issued for such assess-
72 ment which shall be described in detail in the notice of the
73 lien thereof to be recorded in the trust deed record in the
74 office of the clerk of the county court. But no sales or trans-
75 fer of such assessment shall be a greater discount than five
76 percentum of the aggregate sum represented by said sale.
77 When authorized to do so by the council, the mayor may make
78 an assignment and transfer assessments so evidenced by such
79 bonds or certificates as aforesaid, and when so made and re-
80 corded, in the trust deed books in the office where said assess-
81 ments are recorded, the purchaser of such assessments shall be
82 and remain until the payment thereof subrogated to all the
83 rights and remedies, without recourse of said city, as were ob-
84 tained by recording and assessments in the first instance, and
85 said commission may issue against each of the several properties
86 upon which said assessments have been made, bonds or certifi-
87 cates of indebtedness in denomination and corresponding to the

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87-a annual sum to be paid on each of the properties so assessed and
88 the assessments on said properties shall, when so made and
89 recorded, remain and be a lien thereon until all such bonds,
90 or certificates of indebtedness are discharged. The lien cre-
91 ated by such assessments may be released as hereinbefore pro-
92 vided, and, in addition thereto, upon presentation to the clerk
93 of the county court all the bonds or certificates issued there-
94 under, as to any specific real estate therein described or lo-
95 cated, showing that the same have all been paid, such clerk
96 is hereby empowered to release the lien of such assessment as
97 to any such real estate by noting a release thereof on the
98 record of the lien as to such real estate on the margin of the
99 deed of trust book where the same is recorded, and such an-
100 notation by such clerk shall have the effect to release such real
101 estate from such lien as effectively as a regularly executed and
102 recorded release thereof. The proceeds from the sale of such
103 bonds or certificate of indebtedness shall be applied to the
104 payment of the indebtedness incurred in making the improve-
105 ments on account of which such bonds or certificates of in-
106 debtedness were issued.

Sec. 29. In addition to the methods by the foregoing sec-

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2 tions provided for the payment of the cost of construction and
3 improvement of the streets upon the petition in writing of the
4 persons owning the greatest amount of frontage of the lots
5 abutting on any street or alley or right-of-way or easement
6 between any two cross streets or between a cross street and an
7 alley, the council may order any sewer constructed, recon-
8 structed, and laid in any street, alley or any right-of-way or
9 easement, or portion thereof, and the commission may order to
10 be issued a certificate for each installment of the amount as-
11 sessed to be paid by the owner of any lot or fractional part
12 thereof abutting the street, alley or right-of-way or easement
13 or portion thereof, in which such sewer is laid. The amount
14 specified in said assessment shall be a lien as aforesaid in the
15 hands of the holder of such certificate upon such abutting lot
16 or portion thereof, and such certificate shall draw interest from
17 the date of such assessment and the payment may be enforced
18 in the name of the holder of such certificate by proper suit
19 in equity in any court having jurisdiction to enforce such lien;
20 the council shall fix the amount of such assessment, advertise
21 for bids and do all other things in connection therewith as is
22 provided by the foregoing sections, except (1) that the amount

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23 of such certificate shall include two-thirds of the cost of such
24 improvement (the remaining one-third to be paid by the city),
25 and, (2) when a sewer is completed, the cost of which is to be
26 paid by the issuance of certificates, payment is to be made by
27 such land owner on either side or such portion of a street,
28 alley, right-of-way or easement in which such sewer is laid in
29 such proportion as such frontage bears to the total frontage of
30 all lands so abutting on such street, alley, right-of-way or ease-
31 ment. In case of a corner lot, frontage is to be measured along
32 the longest dimensions thereof abutting on such street, alley,
33 right-of-way or easement in which such sewer is laid. Any lot
34 having a depth of two hundred feet or more and fronting on
35 two streets, alleys, right-of-way or easement, one in front and
36 one in the rear of said lot shall be assessed on both of said
37 streets, alleys, rights-of-way or easement if a sewer is con-
38 structed in both of such streets, alleys, rights-of-way or ease-
39 ments. Where a corner lot has been assessed on the end it shall
40 not be assessed on the side, and when it is assessed on the side,
41 it shall not be assessed on the end. (3) The cost of a sewer
42 system shall be calculated in every respect in the same manner
43 as the cost of construction of a single sewer, except that such

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44 a system shall be deemed to include all elements of the system
45 which serve to drain a definite drainage area as specified in the
46 order to the council directing the work to be done, and the
47 owners of property abutting upon either side of such portion
48 of a street or right-of-way in which any part of such system is
49 laid shall be assessed in the proportion that the frontage of his
50 land abutting bears to the total frontage of all lands so abut-
51 ting on such street or right-of-way. Sewerage certificates shall
52 be issued in such number of installments as the council may de-
53 termine, the aggregate amount of such certificates to be pay-
54 able in not less than one nor more than five years, and to be
55 divided in as nearly equal installments as practicable. Nothing
56 contained in this act shall be construed as imposing a time
57 limit upon the enforcement by appropriate suit of any lien
58 for public improvements, heretofore, or hereafter created.
59 Certificates, authorized by this and the preceding sections
60 may be issued and sold or negotiated to the contractor doing
61 the work, or to any other person if the council deem it expedi-
62 ent: *Provided*, That the city in issuing such certificates shall
63 not be held as guarantor or in any way liable for payment

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64 thereof, except on the direct action of the council expressed
65 by resolution of record before sale.

66 Certificates so issued shall contain a provision to the effect
67 that in the event of default in the payment of any one of said
68 certificates when due, and said default continuing for a period
69 of sixty days, then all unpaid certificates shall become due and
70 payable and the holder of said certificates may proceed to col-
71 lect all of such unpaid certificates in the manner hereinbefore
72 provided. Certificates issued in pursuance of this act shall
73 be negotiable at any bank in said city.

74 The owner of the land or lot of land assessed under this act
75 may at any time anticipate and pay such assessment or certifi-
76 cate with accrued interest thereon.

Sec. 30. The councilmen shall have power to provide by
2 ordinance for assessing against the abutting property the cost
3 of removing from the sidewalks all accumulations of snow and
4 ice, and for assessing against the property the cost of cutting
5 and removing therefrom noxious weeds and rubbish.

Sec. 31. The mayor shall be the presiding officer of the
2 council, except that in his absence a mayor pro tem may be
3 chosen. He shall exercise all such powers as are conferred

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4 and perform all duties imposed upon him by this charter, by the
5 ordinance of the city, as well as by the laws of the state, not in
6 conflict herewith. He shall be recognized as the official head
7 of the city by the courts for the purpose of serving civil pro-
8 cesses; by the government for the purposes of military law;
9 and for all ceremonial purposes; and by virtue of his said
10 office shall be the administrative head of the municipal govern-
11 ment and shall be responsible for the efficient administration
12 of all departments. He shall be required to:

13 (a) Attend all meetings of the council.

14 (b) Recommend to the council such measures as he may
15 deem necessary or expedient.

16 (c) Keep the council fully advised as to the financial con-
17 dition and needs of the city.

18 (d) Perform such other duties as may be prescribed by this
19 charter, or be required of him by ordinance or resolution of the
20 council.

21 (e) Be and he is hereby authorized and empowered to exer-
22 cise all the duties and functions of a justice of the peace in
23 criminal cases, but before doing so, he shall qualify before the

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24 county court and give the bond required of justices of the
25 peace.

26 The mayor shall have the authority to suspend from office
27 any appointive officer or employee of the city, and at the first
28 regular meeting of the council after such suspension, the coun-
29 cil shall take up and consider the matter of such suspension;
30 and upon consideration of such suspension by the council, the
31 council shall have authority to declare such suspension per-
32 manent and discharge the officer or employee; or, the council
33 may terminate such suspension and restore such officer or em-
34 ployee to his position, but the office or position of an official or
35 employee so suspended shall not be vacant until so declared by
36 the council.

37 The mayor shall be charged with the enforcement of the laws,
38 ordinances and regulations of the city.

Sec. 32. The council of the city shall elect and employ a
2 city clerk, but no member of the council of the city shall be
3 eligible to hold the office of city clerk. The city clerk shall
4 be the clerk of the council, and in addition thereto shall do and
5 perform any and all of the matters and things required of and
6 imposed upon him by the provisions of sections forty, forty-

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7 two, forty-four, forty-five, forty-six, forty-seven and forty-
8 eight of this charter; and no other assessor or collector shall be
9 elected or appointed for the said city; he shall act as clerk
10 to and secretary for the council, shall keep in his custody the
11 record books and minutes books of the meetings of the council,
12 shall take down all minutes of the meetings of the council, and
13 record them faithfully and accurately in the record or minute
14 book of the said council; and he shall do and perform such
15 other and further duties as may be required of him by the
16 council or by this charter.

17 No clerk shall be elected and employed by the said council ex-
18 cept a person of good moral character, and possessed of proper
19 requisites necessary to the efficient management and conduct
20 of the duties of the office.

21 Before entering upon the duties of such clerk, the person
22 duly elected and employed as such shall first take and sub-
23 scribe to an oath, administered by the mayor, which oath shall
24 be that he will faithfully obey the laws of the United States
25 of America and the state of West Virginia and that he will
26 discharge the duties of the office of the clerk of the said city to
27 the best of his skill and judgment.

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28 And before assuming the duties of such office, the said clerk
29 shall execute and deliver to the mayor of the said city, an apt
30 and proper bond, in the penalty of not less than twenty-five
31 thousand dollars and in an increased penalty, if the council re-
32 quire, the condition of such bond being that the said clerk
33 will faithfully and honestly account for any and all monies,
34 bonds, notes, or securities that may come into his hands be-
35 longing to the said city, and that he will not misappropriate
36 or embezzle the same, nor pay out nor dispense any of such
37 monies, bonds, notes, or securities except upon proper and
38 lawful order and direction.

39 The said clerk is also hereby empowered to certify, under
40 the seal of the city, any copy or copies of the records, papers
41 or documents of the city for use as evidence in any court or
42 tribunal.

43 It shall be the duty of the said clerk to sit with the council
44 of the said city at all of the meetings thereof, and to act
45 in a secretarial capacity to said council, and to furnish such
46 information, statements, or data concerning the financial af-
47 fairs or other affairs of the said city coming within the pur-
48 view of his office, as the said council may require.

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49 But the said clerk shall be entitled to no vote.

50 The said clerk shall hold his office during the will and pleas-
51 ure of the council, and if in the judgment of the members of
52 the council the said clerk is not performing the duties of his
53 office in a proper and efficient manner, the council shall have
54 absolute power to remove said clerk, declare his office vacant,
55 and elect his successor.

56 The clerk shall be required to devote his time within custo-
57 mary and regular business hours to the business of the city ex-
58 clusively.

Sec. 33. The council shall appoint a city attorney who shall
2 be an attorney at law, admitted to practice in the state of West
3 Virginia, who shall be the legal advisor of and attorney and
4 counsel for the city and for the officers in matters relating to
5 their official duties. He shall prosecute and defend all suits,
6 actions and procedures for and in behalf of the city; shall pre-
7 pare all contracts, bonds and other instruments in writing
8 in which the city is concerned and shall endorse on each his
9 approval of the form and correctness thereof. He may, if re-
10 quired by the mayor, appear and assist in the prosecution of
11 persons arrested for violating the ordinances of the city or the

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12 laws of the state of which the mayor may have jurisdiction.
13 The mayor or city clerk or any member of the council may re-
14 quire his opinion in writing upon any question at law involv-
15 ing their respective powers and duties.

Sec. 34. The police department of the city shall consist of a
2 chief of police, and such other members of the department as
3 may be fixed by the council, including members of the police
4 force and patrolmen, all of whom shall be appointed by the
5 council.

6 The chief of police shall have control of the stationing and
7 transfer of all patrolmen and other officers and employees con-
8 stituting the police force of the city, under such rules and
9 regulations as the mayor or council may prescribe.

10 The respective salaries of all members of the police depart-
11 ment shall be fixed by the council. And no member of the
12 police department shall receive any other wage, salary or thing
13 of value for his services to the city in said department.

Sec. 35. The chief of police shall be ex officio constable
2 within the corporate limits of his city. He may execute any
3 writ or process issued by the mayor or justice of the peace at
4 any place in Mingo county. He shall have all the powers,

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5 right, and privileges within the corporate limits of the city in
6 regard to the arrest of persons, the collection of claims, and the
7 execution and return of process, that can be legally exercised
8 by a constable of the district in which the said city is situated,
9 and he and his sureties shall be liable to all the fines, penalties,
10 and the forfeiture that a constable of a district is liable to, for
11 any failures dereliction in his office, to be recovered in the
12 same manner and in the same courts that fines, penalties and
13 forfeitures may be recovered against such constables. All spe-
14 cial police officers shall have and possess all the powers, rights,
15 and privileges of a constable of the district within the cor-
16 porate limits of the city, in regard to the arrest of persons and
17 the execution and return of all criminal rights and processes
18 issued by the mayor.

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Sec. 36. The council shall appoint the chief of the fire de-
2 partment together with all members and employees of said
3 department in like manner as the chief of police and members
4 of the police department are appointed by the council. The
5 fire department shall be under the direct supervision of the
6 mayor of the city who shall make recommendations to the coun-
7 cil from time to time as may be necessary concerning said

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8 department. The fire department shall be composed of the
9 chief and such other firemen, officers and employees as the
10 council may determine, and their respective salaries shall like-
11 wise be fixed by the council. The council shall have authority
12 to purchase and provide proper and suitable quarters for the
13 fire department and to purchase such trucks, motors, machin-
14 ery, tools and supplies as the council may deem proper and
15 the council shall have the authority to establish one or more
16 fire stations within the city, as it may deem proper.

Sec. 37. The city council shall have authority to appoint
2 a competent physician of the city as the city health officer,
3 and to fix his salary as hereinafter provided. The city health
4 officer shall enforce all ordinances and laws relating to health
5 and sanitation of the city, and shall perform all duties and
6 have all the power provided by general law relative to the
7 public health to be exercised in municipalities by health
8 officers: *Provided, however,* That regulations affecting the pub-
9 lie health or sanitation additional to those established by gen-
10 eral law and for the violation of which penalties are imposed
11 shall be enacted by the council and enforced as provided
12 herein.

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13 The city 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. 38. The council shall cause to be annually made up
2 and entered upon its journal not later than the first day of
3 July of each year, an accurate estimate of all sums that are
4 or may become chargeable to such city, and which ought to be
5 paid, within one year, and it shall order a levy of so much as
6 may, in its opinion, be necessary to pay the same.

Sec. 39. The levy so ordered shall be upon all dogs in the said
2 city, and upon all real and personal property therein subject
3 to state taxes upon the basis of the valuation of such property
4 as fixed for state purposes; but the taxes so levied upon prop-
5 erty shall not exceed the rate allowed by general law, except
6 where authorized by a vote of the people.

7 The said council is hereby authorized to make the following
8 annual levies, and that is to say:

9 For general purposes, fifty cents upon each one hundred
10 dollars' valuation.

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11 For retirement of bonds, forty-eight and one-half cents upon
12 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 council may deem neces-
16 sary, a levy of twenty cents upon each one hundred dollars'
17 valuation, for the purpose of retiring and paying such unpaid
18 or old indebtedness of the city as may have been incurred and
19 remained unpaid for previous years.

20 And the council shall have the authority to make all such
21 levies as it may deem proper: *Provided*, That the same shall
22 not be in conflict with any constitutional inhibition against
23 the same.

See. 40. The clerk of the council 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 form
5 in which assessments are made by the assessor of his county,
6 and return the same to the council on or before the first day of
7 August of each year; and for this purpose he shall be entitled
8 to full access to all public books and records of Mingo county,

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9 and to all documents and papers in the hands of the county
10 assessor relating to assessments for state and county purposes,
11 between the first day of April and the first day of June of each
12 year, without expense to the city, and he shall have all the
13 powers conferred by law on county assessors. In case the clerk
14 of the council as such assessor shall discover any property
15 subject to taxation which has not been listed by the county
16 assessor, or assistant tax commissioner, it shall be his duty
17 to list the same, and make report of the fact, with a descrip-
18 tion of the property and its owner, to the county assessor or
19 the assistant tax commissioner; and it shall be the duty of the
20 county assessor or the assistant tax commissioner to list the
21 same for the state and county purpose and to make a proper
22 valuation of the same and to report its valuation to the assessor
23 of the city. The assessor of the city shall list the dogs in the
24 city, with the names of the owners thereof and return the list
25 to the council. The council shall have the power to make and
26 enforce regulations respecting the listing and taxation of dogs
27 in the city, and to provide for impounding and killing such
28 as appear to have no owner, or upon which the tax has not
29 been paid. And it shall have the power to make and enforce

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30 all needful ordinances respecting the assessment of property.

Sec. 41. 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 of
5 six percentum per annum from the first day of January next
6 after such assessment until the payment, which may be en-
7 forced by the council in the same manner now provided by
8 law for the enforcement of the lien for state and county taxes,
9 or in such other manner as the council may by ordinance pre-
10 scribe. There shall also be a lien on all real estate within the
11 city for other assessments, fines and penalties assessed or im-
12 posed upon the owners thereof by the authorities of the city
13 from the time the same are so assessed or imposed which shall
14 have priority over all other liens except the lien for taxes
15 and may be enforced by the council by suit in equity, in the
16 corporate name of the city, in the same manner now pre-
17 scribed by law for the enforcement of the lien for state or
18 county taxes, or in such other manner as the council may by
19 ordinance prescribe. If any real estate within the city be
20 returned delinquent for the nonpayment of the taxes thereon,

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21 a copy of such delinquent list may be certified by the clerk
22 of the council to the proper officer, in order that the same
23 may be sold for taxes, interest and commissions thereon, in the
24 same manner, at the same time, and by the same officer as real
25 estate is sold for the nonpayment of state and county taxes.

Sec. 42. 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. 43. The city treasury shall be one or more of the banks
2 of the city, and shall be selected and designated once every
3 three years by the council. The bank or banks which shall be
4 designated as the city treasury shall be first chosen at the first
5 regular meeting of the council held in July, one thousand nine
6 hundred thirty-three, and thereafter on the same day every
7 third year. The money deposited therein shall be disbursed
8 only upon order drawn against the same signed and counter-

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9 signed as herein provided. Such bank or banks selected shall
10 give bond with good security, payable to the city, to insure
11 the safety of all deposits, in penalties sufficient to protect the
12 highest amount deposited, the security to be approved by the
13 council. The city clerk shall be the city treasurer and as
14 such city treasurer, shall, at the first meeting in each month
15 of the council, furnish the council a statement showing by
16 items the receipts and disbursements for the last preceding
17 month and the amount on hand at the end of such preceding
18 month; and the city clerk, as city treasurer, shall annually, on
19 or immediately before the first day of July, make settlement
20 with the council as the general laws of the state provide for
21 the sheriff's annual settlement with the county courts.

Sec. 44. The city clerk shall perform all 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 exhibiting
5 each transaction and the cost thereof. Upon the death, resig-
6 nation, removal or expiration of the term of any officer, the
7 city clerk, as the city accountant, shall examine the accounts
8 of such officer and report his findings to the city council.

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Sec. 45. Under the order and direction of the city council
2 and pursuant to such regulations as the council, may adopt,
3 the city clerk shall devise and maintain proper accounting pro-
4 cedure, sufficiently adequate to record in detail all transac-
5 tions affecting the acquisition, custody, and disposition of all
6 monies, properties, and assets of the city, in such departments
7 of the city as the council may direct.

Sec. 46. 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 council an item-
4 ized sworn account, fully describing the character and amount
5 of services or salary sought to be paid, the correctness of
6 which account shall be certified by the officer having full
7 knowledge of the correctness of such account.

Sec. 47. No warrant for the payment of any claim shall
2 be issued except by order of the council. And no warrant shall be
3 valid unless signed by the clerk of the city, and countersigned
4 by the mayor.

Sec. 48. All taxes which the council is or shall be author-
2 ized to levy and collect, and all fines and penalties which
3 may be imposed and collected for violations of the laws and

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4 ordinances of said city, shall inure to the exclusive benefit of
5 said city, and all moneys received or collected for the use of
6 said city shall be paid into the city treasury, and shall not be
7 drawn therefrom except as the council, in accordance with this
8 act, may order, by orders drawn upon the city treasury,
9 signed by the mayor, and countersigned by the clerk, and no
10 order shall be issued upon any fund unless there is an un-
11 expended balance to the credit thereof sufficient to cover such
12 order and money in the treasury to pay it. The council shall,
13 once at least every year, cause to be published in two news-
14 papers published in the said city, a statement of the receipts
15 and expenditures of said city for the past year for each of
16 the several funds, signed and sworn to by the clerk, and at-
17 tested by the mayor.

18 And the council 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 council.

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24 But not more than one such audit shall be made in any one
25 year.

Sec. 49. The council shall cause to be posted at the front
2 door of the city hall and at some other public place in each
3 ward of the city, or in lieu thereof, publish each year in two
4 separate newspapers of opposite politics, and if there be not
5 two such newspapers, then in one newspaper, and such news-
6 papers to be published in said city of Williamson, the financial
7 statement of the city, which said statement shall show all monies
8 received and disbursed for any and all purposes. And the
9 council shall in the same manner post or publish a list of real
10 estate and personal property delinquent for taxes, in like man-
11 ner and to the same extent as is now provided for publication
12 of lists of real estate and personal property delinquent for the
13 payment of state and county taxes, thereon. And the council
14 may, in its discretion, advertise and publish a list of all persons,
15 firms, and corporations as may be delinquent in the payment
16 of poll taxes and water rents.

Sec. 50. 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

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4 having charge of the same for and on behalf of the city, shall
5 each and separately execute a proper bond to secure the faith-
6 ful performance of their respective duties, and for the proper
7 accounting for and paying over, as required by law or ordi-
8 nance, of all monies, assets, or property of the city coming
9 into their hands. And in addition to the bonds of certain
10 officers as required herein specifically, the council shall have
11 power to require like bonds from such other officers or em-
12 ployees as the council may deem advisable.

13 All such bonds shall be made payable to the city of William-
14 son, with the penalties in such amounts as may be fixed by
15 the council, except in such cases wherein such penalty may be
16 expressly fixed herein. And all such bonds, whether prescribed
17 herein or required by the council in its discretion, shall be
18 signed and executed by a good and solvent surety or bonding
19 company as surety therein. And all such bonds shall be de-
20 livered to and filed with the city clerk, who shall keep the
21 same safely in his custody: *Provided, however,* That the bond
22 of the city clerk shall be delivered to the mayor of the city,
23 to be by him kept safely in his custody.

24 And any action, suit, or proceeding may be brought, in-

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25 stituted, and maintained by the city in its corporate name
26 and capacity, and also by any person, firm, or corporation
27 for whose benefit and protection such bond was executed, in
28 or before any court of competent jurisdiction in and for the
29 county of Mingo. And there shall also be available all such
30 remedies as may exist on or against bonds of collectors of
31 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 council, and with
35 the penalties thereof as follows: mayor of the city, five thou-
36 sand dollars; city clerk, twenty-five thousand dollars; each
37 councilman, one thousand dollars.

38 Then penalties of all other bonds that may be required by
39 the council of other officers or employees shall be in such
40 amounts as the council 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 out of the city treasury, upon proper order.

Sec. 51. Every officer of the city shall, before entering upon
2 the duties of his office, take and subscribe to an oath and af-

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3 firmation to be filed and kept, in the office of the council, that
4 he will in all respects faithfully discharge the duties of his
5 office.

Sec. 52. The annual salaries of the officers of the city, to be
2 appointed or elected hereunder, shall be paid by the council out
3 of the city treasury, and the salaries of certain officers and of-
4 ficials shall not exceed the following respective amounts:
5 mayor of the city fifteen hundred dollars; city clerk, fifteen
6 hundred dollars; each councilman other than the mayor, two
7 hundred dollars; city attorney, one thousand dollars; stenog-
8 raphers and bookkeepers, one thousand two hundred dollars;
9 city health officer, one thousand two hundred dollars: *Provided,*
10 *however,* That no member of the council shall either directly
11 or indirectly receive any other compensation or emolument for
12 any service rendered the said city in any capacity save and ex-
13 cept as above provided, nor shall any member of said council be
14 either directly or indirectly interested in the furnishing of any
15 supplies or in the doing or performance of any contract pro-
16 cured or made for or in behalf of the city.

17 The salaries as above set forth are to be paid out of the city
18 treasury proportionately at the end of each month, but are

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19 never to be paid in advance. All fees, fines, commissions, and
20 emoluments, except salaries, shall be taxed and collected, and
21 when so collected shall be paid into the treasury of the city by
22 the officers, respectively, for the absolute use of the city.

Sec. 53. The terms of office of the mayor and the remaining
2 members of the present commission of the City of Williamson,
3 who held office prior to the time of the taking effect of this act
4 shall terminate and expire on the ~~thirty first~~ ^{thirtieth} day of June, one ^{or less} ~~thousand~~ ^{thousand}
5 thousand nine hundred thirty-three.

Sec. 54. For the purpose of creating a provisional govern-
2 ment for the City of Williamson during the time required
3 to organize and install the same; to provide for the registra-
4 tion of the voters thereof; and to hold and conduct the first
5 election of officers for said city as herein provided for; it shall
6 be the duty of the governor of this state, as soon as may be
7 after this act becomes effective, and not later than the ~~thirty first~~ ^{Twenty} first ^{or less} ~~thousand~~ ^{thousand}
8 day of June, one thousand nine hundred thirty-three, to appoint
9 a citizen and resident of said City of Williamson to the office
10 of mayor thereof, and four citizens and residents of said city
11 to the office of councilmen of said city, respectively; all of such
12 appointed officials to have the qualifications herein prescribed.

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13 The term of office of such mayor and councilmen so appointed
14 shall begin on the first day of July, one thousand nine hun-
15 dred thirty-three, and shall terminate and expire on the thir-
16 tieth day of June, one thousand nine hundred thirty-four.
17 The term of office of mayor and councilmen whose election is
18 provided for at the first election to be held hereunder and at
19 all subsequent elections, shall begin on the first day of July fol-
20 lowing said election and continue for a period of three years
21 and until their successors are elected and qualified.

Sec. 55. All contracts entered into by the city, or made for
2 its benefit prior to the taking effect of this act, shall continue in
3 full force and effect. All public work begun, prior to the taking
4 effect of this act, shall be continued and completed hereunder.

Sec. 56. 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. 57. All the acts and parts of acts in conflict or incon-
2 sistent with the provisions hereof, are hereby repealed. The
3 various provisions of this act shall be construed as separable
4 and several, and should any of the provisions or parts thereof
5 be construed or held to be unconstitutional, or for any other

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6 reason invalid, the remaining provisions of this act shall not

7 be thereby affected.

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Chairman Senate Committee.

A. M. Shiner
Speaker of the House of Delegates.

Geo. Staff
Clerk of the House of Delegates.

A. B. Mair
President of the Senate.

Amos D. Smith
Clerk of the Senate.

James L. Smith
Chairman House Committee.

The within is.....

this.....day of....., 1933.

.....
Governor.

Filed in the office of the Secretary of State
of West Virginia. MAR 18 1933

Wm. S. O'Brien
Secretary of State