

496

# ENROLLED BILL

(REGULAR SESSION, 1933)

House Bill No. 496

(By Mr. Ballard)

Passed March 3, 1933

In Effect from Passage

Passage

Takes effect

Originated in the House

Clerk of the House of Delegates

Clerk

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Chairman Senate Committee

Chairman House Committee

## ENROLLED BILL

(H. B. No. 496)

[Passed March 3, 1933; in effect from passage.]

AN ACT to amend and reenact chapter eight of the legislature of West Virginia, one thousand nine hundred nine, as amended the twenty-third day of February, one thousand nine hundred fifteen, by an act of the legislature of West Virginia, as amended by chapter one hundred fourteen of the acts of the legislature of West Virginia, one thousand nine hundred seventeen, as amended by chapter seventy-two of the acts of the legislature of West Virginia, one thousand nine hundred twenty-three, incorporating and relating to the city of Princeton.

*Be it enacted by the Legislature of West Virginia:*

That chapter seventy-two of the acts of the legislature of West Virginia, one thousand nine hundred twenty-three, relating to the charter of the city of Princeton, be amended and reenacted so as to read as follows:

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*Chairman House Committee.*

Section 1. That the inhabitants of so much of the county of  
2 Mercer, in the state of West Virginia, included in the boundary  
3 described in section two of this act, be a municipal corporation  
4 by the name of the "city of Princeton," by which name they  
5 shall have perpetual succession and a common seal, and by which  
6 name they may sue and be sued, plead and be impleaded, con-  
7 tract and be contracted with, purchase and otherwise acquire  
8 and hold real estate either within or without the corporate limits  
9 of the city and personal property needed or useful in discharge  
10 of the functions of government conferred by this charter, and to  
11 sell and convey the same to the purchaser.

Sec. 2. The corporate limits of the city of Princeton shall be  
2 as follows, that is to say: Beginning at a point midway between  
3 two willow trees near an old house site and an abandoned spring  
4 in an old apple orchard up a hollow in an eastern direction from  
5 the northern end of the present Virginian shops; thence run-  
6 ning southeasterly in a straight line to the Carr & Bratton  
7 scales on the old Pisgah road, and including said scales to a  
8 point on the northwest line of Princeton-Athens road (Rogers  
9 street); thence in a southwesterly direction along the northwest  
10 line of said road to its intersection with the southwest line of

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11 Thorn street; thence along the northwestern side of Rogers  
12 street to its intersection with the northeastern line of Brick  
12-a street; thence along the northeast line of Brick street to its  
13 intersection with the southwestern line of Lazenby avenue;  
14 thence along the southeastern line of Lazenby avenue in a south-  
15 westerly direction to its intersection with the eastern boundary  
16 of the West Virginia Water Service Company's right-of-way;  
17 thence in a westerly direction in a straight line to the residence  
18 of K. W. McClaugherty, and including said residence within the  
19 corporation, to a point at the center line of the Bluefield-Prince-  
20 ton road; thence in a southwesterly direction to the back of the  
21 residence owned and occupied by A. M. Sutton, and including  
22 said residence; thence in a westerly direction to the southwest  
23 corner of the Bowling addition to the city of Princeton; thence  
24 in a northerly direction along the west boundary of said Bowl-  
25 ing addition and the cemetery, being the same straight line, to  
26 the south line of the New Hope road; thence with the south line  
27 of the New Hope road in a northeasterly direction to the inter-  
28 section of said line with the south line of Main street; thence  
29 with the east line of Clark street in a northerly direction to the  
30 intersection of said line with the northeast line of Pike street

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31 (Beckley road) ; thence in a northeasterly direction, in a straight  
32 line to the residence of the late Saunders Lewis, and not includ-  
33 ing the same within the corporation, to the residence formerly  
34 owned by Elliott Blankenship and not including said residence  
35 within the corporation to the point of beginning.

Sec. 3. The said city of Princeton shall consist of wards,  
2 which shall be bounded as follows :

3 *First ward.* All of the following described boundary shall  
4 constitute the first ward of said city: Beginning at the inter-  
5 section of corporation line with the center line of Trent street;  
6 thence in a northwesterly direction with the center line of  
7 Trent street to the center of Princeton avenue; thence with  
8 the center of Princeton avenue in a southwesterly direction to  
9 the intersection of the center line of said Princeton avenue,  
10 with the center line of Walnut street; thence with the center  
11 line of said Walnut street, in a northwesterly direction to the  
12 intersection of center line of said Walnut street with the center  
13 line of Mercer street; thence in a northeasterly direction to its  
14 intersection with the center line of Center street; thence with  
15 the center line of Center street in a westerly direction to its  
16 intersection with the center line of Hale avenue; thence with the

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17 center line of Hale avenue in a northern direction to the cor-  
18 poration line; thence with the corporation line in a western  
19 direction, following said line to the point of beginning.

20 *Second ward.* All of the following described boundary  
21 shall constitute the second ward of said city, that is to say:

22 Beginning at a corner of the first ward, that is to say at the  
23 intersection of corporation line with the center line of Trent  
24 street; thence along and with said corporation line in a easterly  
25 direction to the intersection of said corporation line with the  
26 center line of the macadam road leading to Athens at the in-  
27 tersection of the center line of said Athens road with the line  
28 of Rogers street; thence in a northern direction with the center  
29 line of said macadam road to its intersection with the center  
30 line of Harrison street; thence in a western direction to its  
31 intersection with the center line of Third street; thence with  
32 the center line of Third street in a northerly direction to the  
33 end of Third street; thence continuing the same direction and  
34 on the same degrees as the last named line to the corporation  
35 line; thence with the corporation line, in a southwestern direc-  
36 tion to the center line of Hale avenue, at the northeastern  
37 corner of First ward; thence with the center line of Hale

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38 avenue in a southeasterly direction with the line of the first ward  
39 and continuing with said line of the first ward to the point of  
40 beginning.

41 *Third ward.* All of the following described boundary shall  
42 constitute the third ward of said city, that is to say: All  
43 of that territory lying within the corporate limits of said city  
44 east, northeast and southeast of the second ward and not  
45 included in the boundaries of either the first and second  
46 wards.

Sec. 4. The municipal authorities of the said city of  
2 Princeton shall consist of a mayor, recorder and six councilmen,  
3 who shall constitute the council of said city, in the corporate  
4 name of said city, unless otherwise provided by state law or  
5 municipal ordinance.

Sec. 5. All the corporate powers and functions pertaining  
2 to said city shall be exercised by its council, or under its  
3 authority.

Sec. 6. The council may appoint a recorder, an assessor,  
2 a city engineer, a chief of police and such additional police  
3 officers as they may deem proper, a city attorney, a chief of  
4 fire department and such other officers as may be provided

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5 for by ordinance of the city council or by this act, and such  
6 officers shall hold their respective offices during the pleasure  
7 of the council, and may be removed therefrom by the council  
8 at any time with or without cause.

Sec. 7. No person shall be eligible to the office of mayor,  
2 recorder or councilman, unless at the time of his election or  
3 appointment he is legally entitled to vote in the city election  
4 for members of the common council; and he was for the pre-  
5 ceding year assessed with taxes upon real or personal property  
6 within the said city, of the assessed aggregate value of at  
7 least three hundred dollars, and shall have paid the taxes so  
8 assessed.

Sec. 8. On the first Tuesday of June, one thousand nine  
2 hundred thirty-three, there shall be elected by the qualified  
3 voters of said city, a mayor, and by the qualified voters of  
4 each ward one councilman. The term of office of the said  
5 mayor shall be for the period of two years, commencing on  
6 the first day of July, one thousand nine hundred thirty-three,  
7 and until his successor shall be elected and qualified. The  
8 term of office of the councilman from each ward so elected shall  
9 be for the period of four years, commencing on the first day of



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10 July, one thousand nine hundred thirty-three, and until their  
11 successors shall be elected and qualified.

12 The councilmen, one from each ward of said city, whose  
13 terms have not expired at the time of the passage of this act,  
14 shall continue and hold office as councilmen until the expira-  
15 tion of their term, the first day of July, one thousand nine  
16 hundred thirty-five.

17 On the first Tuesday in June, one thousand nine hundred  
18 thirty-five, and every two years thereafter, there shall be  
19 elected by the qualified voters of said city, a mayor, whose  
20 term of office shall be two years as aforesaid, by the qualified  
21 voters of each ward, one councilman, whose term of office shall  
22 be four years as aforesaid.

23 It being the intention herein that each ward of said city  
24 shall be represented by two councilmen, one of which shall be  
25 elected every two years.

Sec. 9. Every person residing in said city shall be entitled  
2 to vote for all officers elected under this act; but no person  
3 who is a minor, or of unsound mind, or a pauper, or who is  
4 under conviction of treason, or bribery in an election, or who  
5 has not been a resident of this state for one year and of said

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6 city for six months next preceding the election at which he  
7 desires to vote, shall be permitted to vote therein.

Sec. 10. All qualified voters within the city of Princeton  
2 entitled to vote in the municipal election held therein shall  
3 be registered in like manner as are the qualified voters in  
4 state and county elections, and the state laws of the State of  
5 West Virginia in effect at the time of such registration shall  
6 in all things apply thereto; except the fee for such registration  
7 shall be five cents for each qualified voter so registered, and  
8 the powers conferred upon the county court by the state laws  
9 in reference to the registration of voters are hereby conferred  
10 upon the council of said city of Princeton.

Sec. 11. In all elections by the people the mode of voting  
2 shall be by ballot, but the voters shall be left free to vote  
3 an open, sealed or secret ballot as they may elect. The elec-  
4 tion in said city shall be held and conducted and the result  
5 thereof certified, returned and finally determined under the  
6 laws in force in this state relating to general elections, except  
7 that the persons conducting said elections shall, on the day  
8 after the election is held, deliver the ballots, tally sheets and  
9 poll books to the recorder, and thereafter the council of said

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10 city shall meet within five days (Sunday excepted) after said  
11 election and canvass the returns of said election, and declare  
12 the result thereof, and in all respects comply with the require-  
13 ments of the statute of the state relating to elections. The  
14 corporate authorities of said city shall perform all duties in  
15 relation to such elections required by general law of the county  
16 court and officers in effect on the day of said election and each  
17 succeeding election under this charter. And the provisions of  
18 the code in effect on the date of said election, concerning elec-  
19 tions by the people, shall govern such elections and be ap-  
20 plicable thereto, and the penalties therein prescribed for of-  
21 fenses relating to elections shall be enforced against the of-  
22 fenders of such corporate elections; and the said act shall have  
23 the same force and effect as if it were specially applicable in  
24 such corporate elections and was by this act reenacted in  
25 extenso; except as above modified as to the time in which the  
26 returns of the election and canvass thereof shall be made.

Sec. 12. Whenever two or more persons receive an equal  
2 number of votes for mayor, or councilman, such tie shall be  
3 decided by the council in existence at the time the election  
4 is held: *Provided*, That the council in office at the time of the

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5 institution of such contest proceedings shall hold over and re-  
6 main in office for the purpose of passing upon and deciding  
7 such contest, and for such purposes only; and nothing herein  
8 provided shall be construed to interfere with the duties, power  
9 and authority of the new or incoming council.

Sec. 13. All contested elections shall be heard and de-  
2 termined by the council in existence at the time the election  
3 is held, and the contest shall be made and conducted in the  
4 manner as provided for in contests for county and district  
5 officers, and the council by their proceedings in such cases  
6 shall, as nearly as practicable, conform with like proceedings  
7 of the county court in such cases.

Sec. 14. Whenever a vacancy from any cause shall occur  
2 in any office, the council shall by a majority vote of those  
3 present fill such vacancy; and, in case a vacancy in the office  
4 of councilman or mayor, the remaining members of the council  
5 shall fill said vacancy.

Sec. 15. The council shall also have authority to pro-  
2 vide by ordinance for the appointment of such other officers  
3 as shall be necessary and proper, to carry into full force  
4 and authority the power, capacity, jurisdiction and duties of

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5 said city, which are, or shall be, vested therein or in the  
6 council or in the mayor, or any other officer or body of officers  
7 thereof, and to grant to the officers so appointed the power  
8 necessary or proper for the purpose above mentioned. The  
9 council, by ordinance, shall define the duties of all officers so  
10 appointed not defined by this act, and may provide them a  
11 reasonable salary, which shall be payable out of the city  
12 treasury, and shall require and take from all of them whose  
13 duty it shall be to receive its funds, assets or property, or have  
14 charge of the same, such bonds, obligations, or other writings  
15 as they shall deem necessary to insure the faithful perform-  
16 ance of their several duties. All officers elected may be re-  
17 moved by the council from office for intemperance, gross im-  
18 morality, gambling, malfeasance or misfeasance in office, or in-  
19 ability or neglect to perform the duties of their respective of-  
20 fices. Any appointed officer who holds his office at the pleasure  
21 of the council may be removed from his office with or without  
22 cause. The chief of police shall have power, rights and  
23 privileges within the corporate limits of said city in regard  
24 to the arrests of persons, the collections of claims and the  
25 execution and return of process that can be legally exercised

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26 by a constable of a district within this state; and may, without  
27 having any warrant or other process therefor, arrest any person  
28 who commits any offense against the laws of this state or in-  
29 fraction of the ordinances of said city, in his presence. He  
30 shall be ex officio the keeper of the city jail, and have charge  
31 of the city prisoners confined therein, and may confine any  
32 person arrested by him in the city jail until such time as the  
33 charge against such person can be inquired into by the re-  
34 corder. Any person fined by the recorder, for infraction of  
35 any of the ordinances of the city, may pay such fine to either  
36 the recorder or the chief of police; and the said chief of  
37 police and his sureties shall be liable for all fines, penalties  
38 and forfeitures that a constable of a district is liable for in  
39 the same court that the said fine, penalties and forfeitures are  
40 now recovered against a district constable. For his services  
41 as chief of police, he shall receive a salary to be fixed by the  
42 council, payable out of the city treasury, and no other fees,  
43 commissions, emoluments, salaries or compensations whatso-  
44 ever shall be allowed for such services. All fees, which but for  
45 this act, he would be entitled to recover and retain shall never-  
46 theless be charged and collected by him and paid into the

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47 city treasury at the end of each month for the use and benefit  
48 of the city. The chief of police shall be appointed to his office  
49 by the council.

Sec. 16. All bonds, obligations or other writings taken in  
2 pursuance of any provision of this act or under the provisions  
3 of any order of said city, shall be made payable to "the city  
4 of Princeton," and the obligors therein and their heirs, ex-  
5 ecutors, administrators and assigns bound thereby shall be  
6 subject to the same proceedings on such bonds, obligations  
7 or writings for enforcing the conditions of the terms thereof,  
8 by motion or otherwise, before any court of record or justice  
9 of the peace having jurisdiction thereof, held or acting in  
10 or for said Mercer county, or any district thereof or else-  
11 where, that the sheriff or collector of said county and his  
12 sureties are, or shall be subject to, on his bond taken for the  
13 enforcement of the duties in the payment of the county levy.

Sec. 17. The mayor, recorder and councilmen, and all  
2 other officers provided for in this act, shall each, before enter-  
3 ing upon the duties of their offices and within fifteen days  
4 after receiving their certificates of election or appointment,  
5 take the oath or affirmation prescribed by law for all officers

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6 in this state, and make oath or affirmation that they will truly,  
7 faithfully and impartially, to the best of their ability, dis-  
8 charge the duties of their respective offices so long as they con-  
9 tinue therein. Said oath or affirmation may be taken before  
10 any person authorized to administer oaths under the laws in  
11 force at the time the same is taken, or before the mayor or  
12 recorder of said city; but in any event a copy of said oath of  
13 said officer shall be filed with the recorder.

Sec. 18. The mayor shall enter upon the duties of his  
2 office upon the first day of July next after his election, and  
3 his term of office shall be for a period of two years. The  
4 councilmen shall enter upon the duties of their offices upon  
5 the first day of July next after their election and their terms  
6 of office shall be for a period of four years, and until their  
7 successors are elected and qualified, and all appointive officers  
8 shall enter upon their duties as soon as they have qualified,  
9 and shall remain in office until removed therefrom.

Sec. 19. If any person elected to any office shall not be  
2 eligible thereto under the provisions of this act, or shall fail  
3 to qualify as herein required, the council shall declare his said  
4 office vacant and proceed to fill the vacancy as required by



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5 this act.

Sec. 20. The mayor of said city shall be chairman of  
2 its council, shall preside at the meetings of the council and  
3 shall also be a conservator of the peace within the said city.  
4 He shall especially see that the orders, by-laws, ordinances,  
5 acts and resolutions of the council are faithfully executed. He  
6 shall have control of the police of said city and may appoint  
7 special police officers, whenever he may deem it necessary,  
8 and may suspend any police officer of the city until the next  
9 regular meeting of the council. And it shall be his duty  
10 especially to see that the peace and good order of the city are  
11 preserved, and to this end he may arrest or cause the arrest and  
12 detention of all violators of the laws of this state and ordi-  
13 nances of the city if the offense is committed in his presence.  
14 He shall from time to time recommend to the council such  
15 measures as he may deem useful and needful for the welfare of  
16 the city. For his services as mayor he shall receive the sum of  
17 three hundred dollars per year, to be paid out of the city  
18 treasury in monthly installments, and no other fees, commis-  
19 sions, emoluments, salaries or compensation whatever shall be  
20 allowed him for his services as mayor.

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Sec. 21. The recorder shall keep an accurate record of  
2 all the proceedings of the council, and shall have charge of and  
3 preserve the records of the city.

4 In case of the absence of the mayor from the city, or his  
5 inability from any cause to act, or during any vacancy in the  
6 office of the mayor, the recorder shall perform such duties  
7 of mayor as pertain to the office of mayor, and to that end, in  
8 addition to the other powers herein conferred upon him, the  
9 recorder is hereby vested with all the powers necessary for the  
10 performance of the duties of the mayor while acting as such.

11 The recorder shall be ex officio assessor of said city and shall  
12 perform such duties as are imposed by law. He shall be paid a  
13 salary of four hundred dollars, payable in equal monthly in-  
14 stallments, for his services as such recorder and assessor, to be  
15 paid out of the city treasury. He shall be ex officio justice  
16 of the peace within said city and shall, within the same, have,  
17 possess and exercise all the powers and perform all the duties  
18 vested by law in a justice of the peace, except he shall have  
19 no jurisdiction in civil causes of action arising out of the  
20 corporate limits of the city, unless the defendant resides or is  
21 found therein and process therein served upon him. He shall

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22 have the same power to issue attachments in civil suits as a  
23 justice of the peace of his county; but, in such case, he shall  
24 have no power to try the same, but such attachments shall be  
25 made returnable and heard before a justice of the peace of his  
26 county.

27 Any warrant issued by him, or other process, may be ex-  
28 ecuted at any place in said county. He shall have power to  
29 issue his warrant for the arrest and apprehension of all persons  
30 violating the ordinances of the city, and shall have power to  
31 try the same and impose on such violators of the ordinances of  
32 the city such fines and penalties as are prescribed by the  
33 ordinances thereof.

34 He shall have the power to issue executions for all fines,  
35 penalties and costs imposed by him, or he may require the  
36 immediate payment thereof, and in default of such payment, he  
37 may commit the party in default to the jail of said county or  
38 other place of imprisonment used by such corporation, if there  
39 be one, until the fine or penalty and the costs be paid, but the  
40 imprisonment in such cases shall not exceed thirty days. And  
41 in all cases where a person is sentenced to imprisonment or pay-  
42 ment of a fine of ten dollars or more (and in no case shall a

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43 judgment for a fine be for less than ten dollars) if the de-  
44 fendant, his agent or attorney objects to a less fine being im-  
45 posed, such person shall be allowed an appeal from such de-  
46 cision to the criminal court of the county of Mercer, upon the  
47 execution of an appeal bond with security deemed sufficient by  
48 said recorder to cover the fine and costs, and the cost in the  
49 criminal court, in case said judgment be affirmed, with condi-  
50 tion that the person proposing to appeal will perform and  
51 satisfy any judgment which may be rendered against him by the  
52 criminal court on such appeal. If such appeal be taken, the  
53 warrant of arrest, if any, a transcript of the judgment, the  
54 appeal bond and other papers in the case shall be forthwith de-  
55 livered by said recorder to the clerk of said court, and said  
56 court shall proceed to try the case as upon an indictment or  
57 presentment and render such judgment, including costs, as the  
58 law and evidence may require.

59 The expense of maintaining any person committed to jail  
60 hereinbefore set forth by the recorder, except it be to answer an  
61 indictment, shall be paid and taxed as costs against the de-  
62 fendant. He shall have the right to charge and collect the  
63 same fees which a justice of the peace is authorized to charge

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64 and collect for similar acts in cases tried before him. The re-  
65 corder shall also be ex officio treasurer of the said city, and as  
66 such shall perform all the duties of this act imposed upon the  
67 treasurer of the said city and be vested with all the powers  
68 herein vested in and imposed upon the treasurer of the said  
69 city. It shall be the duty of the treasurer to collect the city  
70 taxes, license, levies, assessments, and other such city claims as  
71 are placed in his hands for collection by the council, and he  
72 may distrain and sell therefor in like manner as a sheriff may  
73 distrain and sell for state taxes; and he shall, in all other  
74 respects, have the same power as sheriff to enforce the payment  
75 and collection thereof.

Sec. 22. The presence of the mayor, or ex officio mayor,  
2 and four members of said council shall be necessary to make a  
3 quorum for the transaction of business at all meetings of the  
4 council of said city.

Sec. 23. The council shall cause to be kept by the re-  
2 corder in a well bound book to be called "minute book," an  
3 accurate record of all its proceedings, ordinances, acts, orders,  
4 and resolutions, and in another to be called "ordinance book,"  
5 accurate copies of all general ordinances adopted by the coun-

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6 cil; both of which shall be accurately indexed and open to the  
7 inspection of anyone required to pay taxes in the city, or who  
8 may be otherwise interested therein. All oaths and bonds of  
9 officers in the city, and all papers of the council shall be en-  
10 dorsed, filed and securely kept by the recorder. The bonds of  
11 officers shall be recorded in a well bound book to be called  
12 "record of bonds."

13 The recorder shall perform such other duties as by ordi-  
14 nance of the council may be prescribed. The transcript of  
15 ordinances, acts, orders and resolutions certified by the re-  
16 corder under the seal of the city shall be admissible in evidence  
17 in any court or before any justice.

Sec. 24. At each meeting of the council the proceedings  
2 of the last meeting shall be read and corrected, if erroneous,  
3 and signed by the presiding officer for the time being. Upon  
4 the call of any member the ayes and noes on any question shall  
5 be taken and recorded by the recorder in the minute book. The  
6 call of the members for such vote shall be made alphabetically.

Sec. 25. The mayor, or in his absence the recorder, shall  
2 preside at the meetings of said council; the mayor and recorder  
3 shall have no vote as members of said council except in case of

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4 a tie vote in the council in which case the presiding officer  
5 shall vote.

Sec. 26 The regular meetings of the council shall be  
2 publicly held at such times and in such places in the city as  
3 they shall from time to time ordain and appoint; and it shall  
4 be lawful for the council by ordinance to vest in any officer  
5 of the city, or in any member, or members of its own body, the  
6 authority to call special meetings and prescribe the mode in  
7 which notice of such special meetings shall be given; if a  
8 majority of the members of the council do not attend any  
9 regular or special meeting, those in attendance may compel  
10 the presence of absent members under such reasonable pen-  
11 alties as they may think proper to impose by ordinance. All  
12 questions put to vote, except such matters as are hereinafter  
13 provided for, shall be decided by a majority of the members  
14 present.

Sec. 27. All moneys belonging to the city shall be paid  
2 over to the city treasurer; and no money shall be paid out by  
3 him except as the same shall have been appropriated by the  
4 council, and upon an order signed by the mayor and recorder,  
5 and not otherwise, except at the expiration of his term of

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6 office upon the order of the council, signed by the mayor and  
7 recorder, he shall pay over to his successor all the money re-  
8 maining in his hands.

Sec. 28. The council of said city shall have power to  
2 lay off, vacate, close, open, alter, grade, improve and keep  
3 in good repair the roads and streets, alleys, pavements, side-  
4 walks, crosswalks, drains, sewers and gutters therein, for the  
5 use of the citizens and the public. And to improve and light  
6 the same, and keep them free from obstructions of every kind;  
7 to regulate the width and kind of pavements and sidewalks,  
8 footways, drains and gutters, and cause the same to be built  
9 and kept in good repair and order, and free and clean by the  
10 owners and occupants of the real property next adjacent  
11 thereto; to establish public parks and playgrounds, and to  
12 this end purchase and acquire necessary and appropriate  
13 grounds and improve the same and regulate the use thereof;  
14 to establish markets, prescribe the time for holding the same,  
15 provide suitable and convenient buildings therefor, and pre-  
16 vent the forestalling of said markets; to prevent injury or  
17 annoyance to the public or individuals from anything danger-  
18 ous, offensive or unwholesome; to prohibit or regulate



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19 slaughter houses, tan houses and coal factories within the  
20 city limits, or the exercise of any unhealthful or offensive  
21 business, trade or employment; to abate all nuisances with-  
22 in the city limits, or to compel the abatement or removal  
23 thereof, at the expense of the person causing the same, or by  
24 or at the expense of the owner or occupant of the ground on  
25 which said nuisance is placed or found; to cause to be filled  
26 up, raised or drained, by or at the expense of the owner, any  
27 city lot or tract of land covered or subject to be covered by  
28 stagnant water; to prevent horses, hogs, cattle, sheep or other  
29 animals and fowls of all kinds from going or being at large in  
30 such city, and as one means of prevention provide for im-  
31 pounding or confining such animals and fowls at the expense  
32 of the owner thereof; to protect places of divine worship and  
33 to preserve order in and about the premises when and where  
34 worship is held; to regulate the keeping and sale of gun-  
35 powder, and other inflammable or dangerous substances; to  
36 regulate the manner of exhibiting for sale and selling of milk,  
37 meats and vegetables; to permit and regulate the building of  
38 houses, or other structures, and regulate the kind of material  
39 to be used in the construction thereof, and provide for the

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40 making and maintaining of division fences by the owners of  
41 adjoining property, and for the proper drainage of city lots  
42 and other parcels of land by or at the expense of the owner or  
43 occupant thereof; to provide against danger or damage by  
44 fire; to punish assault and battery; to prohibit the keeping  
45 or loitering in or visiting houses of ill fame or loitering in  
46 saloons or upon the streets; to prevent lewed or lascivious  
47 conduct, the sale or exhibition of indecent pictures, papers or  
48 other representations; to prevent adultery and fornication;  
49 to prohibit the carrying of concealed or dangerous weapons  
50 within the corporate limits of said city; to punish drunken-  
51 ness; to punish larceny where the amount stolen is less than  
52 twenty dollars; to prevent gambling, and the keeping and  
53 using of slot machines and gaming devices; to prohibit any-  
54 thing against good morals and common decency, and to fix  
55 punishment therefor; to prevent the desecration of the Sab-  
56 bath day, profane swearing, the illegal sale of intoxicating  
57 drinks, mixtures or preparations; to protect the person of  
58 those residing or being in said city; to appoint when neces-  
59 sary or advisable, a police force, permanent or temporary, to  
60 assist the chief of police in the discharge of his duty, and who,

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61 when appointed, will have the same power and authority in  
62 and about the arrest of offenders, as the chief of police may  
63 have; to build or purchase, or lease a suitable place of im-  
64 prisonment within said city, for the safekeeping or punish-  
65 ment of persons charged with or convicted of a violation of  
66 the ordinances of the city, or they may adopt the county jail  
67 of Mercer county for that purpose; to erect or authorize or  
68 prohibit the erection of gas, water works, or electric works,  
69 or all of them, within the city limits, or near the same, to  
70 prevent injury to such works, or the pollution of any gas or  
71 water used or intended to be used by the public or any in-  
72 dividual; to provide for and regulate the weighing of hay,  
73 coal, lumber and other articles sold or kept within said city,  
74 and to establish rates and charges for the weighing and meas-  
75 uring thereof; to create by ordinance such committees and del-  
76 egate such authority thereto as may be necessary or advis-  
77 able; to provide for the annual assessment of taxable prop-  
78 erty therein, and for the revenue for the city for municipal  
79 purposes, and to appropriate such revenue to its expenses; and  
80 generally to have power to take such measures as are deemed  
81 necessary or advisable to protect persons or property, public

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82 or private, within the city; to preserve peace, quiet and good  
83 order therein, and to promote the health, safety, comfort and  
84 well-being of the inhabitants thereof; to organize one or more  
85 fire companies and provide necessary apparatus, tools, im-  
86 plements, engines, or any of them, for their use, and in their  
87 discretion to organize a paid fire department; to make regula-  
88 tions with respect to the erection and location of telephone,  
89 telegraph, electric light or other poles by any individual or  
90 corporation; to grant and regulate all franchises in, upon,  
91 over and under such restrictions, as shall be provided by  
92 ordinances; but no exclusive franchises shall be granted by  
93 said council to any individual or corporation, nor shall any  
94 franchise be granted for a longer period than fifty years;  
95 to regulate, license and restrict the use of motor buses, auto-  
96 mobiles, drays and wagons, upon the streets, alleys and public  
97 grounds of said city when the same are being used for hire or  
98 reward.

99 The council shall have authority to pass all ordinances not  
100 repugnant to the constitution and laws of the United States  
101 and of this state, which shall be necessary and proper to carry  
102 into full effect the power, authority, capacity and jurisdiction

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1103 which is or shall be granted to or vested in the said city, or in  
1104 the council or in any officer or body of officers of said city,  
1105 and to enforce any and all of the ordinances by reasonable fines  
1106 and penalties, and, upon the failure to pay any fine or penalty  
1107 imposed, may compel the offender to labor without compensa-  
1108 tion at and upon any of the public works or improvements  
1109 undertaken, or to be undertaken, by said city, or to labor at  
1110 any work which the said council may lawfully employ labor  
1111 upon, at such reasonable rates per diem as the council may fix,  
1112 until any fine or fines and costs so imposed upon any offender  
1113 by said city have been fully paid and discharged, after de-  
1114 ducting reasonable charge of support while in the custody of  
1115 the officers of the city: *Provided, however,* That no fine shall  
1116 be imposed exceeding one hundred dollars and costs, and that  
1117 no person shall be imprisoned or compelled to labor as afore-  
1118 said for more than ninety days for any one offense. And in  
1119 all cases where a fine is imposed for an amount exceeding ten  
1120 dollars and costs, or a person be imprisoned, or be compelled  
1121 to labor as aforesaid for a greater term than ten days, an  
1122 appeal may be taken from such decision upon the terms and  
1123 conditions as appeals are taken from the judgment of a justice

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124 of this state. Such fines and penalties shall be imposed and  
125 recovered and such imprisonment inflicted and enforced by  
126 and under the judgment of the recorder of said city; or in case  
127 of his absence or inability to act, then by any member of the  
128 council to be appointed by the council for that purpose; and  
129 for his services in trying cases, whether civil, criminal or in-  
130 fractions against ordinances, the recorder shall be entitled to  
131 charge and collect such fees as are paid to justices of the  
132 peace for similar services. And in all such cases the chief of  
133 police or other officers performing the service shall be en-  
134 titled to receive such fees as are paid to constables for similar  
135 services, which shall be paid to the city treasury at the end  
136 of each month, taking proper vouchers therefor: *Provided*  
137 *further:* That the fee for making any arrest shall be one  
138 dollar, whether such officer be the chief of police or other  
139 officer. In addition to the powers above enumerated, the said  
140 city council shall have power to build, construct, maintain and  
141 operate a sufficient sewerage system and water works as may be  
142 necessary for the proper supply of water to the inhabitants of  
143 the said city, for both public and private use, and said city  
144 shall have the power to purchase any water works now in the

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145 said city or hereafter placed therein by any party other than  
146 said city, whenever the council of said city shall deem proper  
147 and such order shall have been ratified by a vote of the quali-  
148 fied voters of said city at an election called for that purpose,  
149 with due notice, and at least two-thirds of the vote cast at said  
150 election shall vote for the ratification of said council to pur-  
151 chase said water works; and the said city shall have the power  
152 to enlarge the said water works, if so purchased, by putting ad-  
153 ditional reservoirs either within or out of said city, and the  
154 said city shall have the right, if its council shall deem proper,  
155 and the order of said council be ratified by a vote as aforesaid,  
156 to build, construct, maintain and operate such water works in  
157 the said city as may be deemed proper without the purchase or  
158 acquisition of any water works then in said city, and said city  
159 shall have the right to lay pipes and mains for the proper dis-  
160 tribution of said water, either in or out of said city, as shall be  
161 necessary for the proper distribution of same, and for that pur-  
162 pose may acquire by lease, purchase or condemnation of such  
163 lands as shall be necessary, either within or without the said  
164 city, or they may contract for such work to be done, in either  
165 event, to supply and do all things necessary to supply the said

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*Chairman Senate Committee.*

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166 city and inhabitants thereof with water as aforesaid; and the  
167 said city may acquire by purchase any electric light plant now  
168 in said city or hereafter placed therein by any party other than  
169 said city, and shall have the right to build, construct, main-  
170 tain and operate such plant for furnishing electricity for said  
171 city and for the inhabitants thereof, but no electric light plant  
172 shall be purchased or built or operated unless voted on by the  
173 qualified voters of said city at an election called and held as  
174 aforesaid, and the same be ratified by a two-thirds vote of  
175 all votes cast at said election. Whenever anything for which a  
176 state license is, or may be required to be done within said city,  
177 or within two miles of the corporate limits thereof, the council  
178 as herein provided, may by ordinance require a city license to  
179 be had for doing the same, the amount of which license shall be  
180 fixed by the council; and may in any case, require from the  
181 person licensed a bond, with sureties, and in such penalty and  
182 with such conditions as it may deem proper, and the council on  
183 notice may revoke such license at any time if the condition of  
184 the said bond be broken. The council may impose a license and  
185 assess a tax thereon on all wheeled vehicles for public hire and  
186 upon all dogs kept within said corporate limits. The council



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*Henry D. Hyatt*  
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187 may prescribe, impose and enforce reasonable fines and pen-  
188 alties, including imprisonment, under the order of the police  
189 judge of said city, or the persons lawfully exercising his func-  
190 tions, upon any person carrying on, or attempting to carry on,  
191 any business for which a city license is required without first  
192 obtaining a city license therefor, and paying the city license  
193 tax assessed thereon. All licenses provided for in this act shall  
194 be paid to the treasurer of the city; and for the purpose of  
195 enforcing the provisions of this section, the city shall have  
196 police jurisdiction for two miles beyond the corporate limits  
197 thereof. The council shall have the power to make any regu-  
198 lations and pass all ordinances necessary and proper con-  
199 cerning the granting and revoking of license, but the public  
200 shall be given notice by publication for two issues in a news-  
201 paper of general circulation by any firm, person or corpora-  
202 tion desiring a license of any character.

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203 Whenever the council shall deem it expedient to cause any  
204 street or alley in said city or portion thereof to be paved,  
205 curbed or macadamized or otherwise improved in a permanent  
206 manner, upon the petition in writing signed by the owners of  
207 not less than three-fifths in lineal feet frontage of the lots

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A. Hyatt

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208 abutting on both sides of any street or alley, between any two  
209 cross streets or between a cross street and an alley, it shall  
210 order the work done in the following manner and upon the  
211 following terms: The contract for such paving or other im-  
212 provements shall, after due advertisement in which the coun-  
213 cil shall reserve the right to reject any and all bids, be let to  
214 the lowest responsible bidder. The contractor shall look only  
215 to the city for payment of the work and in no sense to the  
216 abutting land owners. The total cost of curbing, grading and  
217 paving or otherwise improving any such street or alley, with  
218 the exception in the case of a street occupied by street car  
219 tracks or other railways of the distance between the rails and  
220 two additional feet outside of each rail, which portion shall be  
221 borne and paid entirely by the street car or other railway  
222 company operating such street car line or other railway (un-  
223 less otherwise provided by the franchise of such street or other  
224 railway company granted previous to the passage of this act)  
225 shall be borne by the owners of land abutting upon said street,  
226 alley or portion thereof, according to the following plan,  
227 that is to say: Payment is to be made by all land owners on  
228 either side of such portion of a street or block so paved and

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229 improved in such portion of the total cost, less the portion,  
230 if any, chargeable to such street or other railway company,  
231 as the frontage in feet of his land so abutting bears to the  
232 total frontage of all land so abutting on such street, alley  
233 or portion thereof so paved or improved as aforesaid: *Pro-*  
234 *vided*, That the entire cost of such paving or improvement  
235 shall be chargeable to the abutting property owners as afore-  
236 said, or such part of the cost thereof as may be agreed upon  
237 between the council and the owners of at least three-fifths of  
238 such frontage. The cost of such paving of improvement  
239 chargeable to the abutting owners is not to include any portion  
240 or amount paid for paving of squares at intersections of  
241 streets, which shall in all cases be borne and paid by the city.  
242 When the paving of any street or alley, or portion thereof,  
243 shall have been let to contract, it shall be the duty of the  
244 engineer of the city to cause the several frontages abutting  
245 thereon be measured and to calculate the assessment upon  
246 each and every land owner so abutting and to certify the same  
247 to the council, showing the proper amount to be determined  
248 as provided in the foregoing plan. It shall be the duty of the  
249 council to examine and compare such assessments, amounts

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250 and names so certified to it, and thereupon said council  
251 shall give notice by publication for two successive weeks in  
252 some newspaper published in said city that an assessment  
253 under this section is about to be laid against the abutting prop-  
254 erty for paving or improvements done on said street or alley,  
255 describing the location of such paving or improvements, and  
256 any owner or owners thereof shall have the right to appear be-  
257 fore said council, within two weeks from the first publication  
258 thereof and move said council to correct any apportionment or  
259 assessment excessive or improperly made as charged, which  
260 corrections said council shall have the power to make, and if  
261 found to be correct or when corrected by the council as afore-  
262 said, it shall center the same together with a description of the  
263 lots of land as to location, frontage, depth and ownership, so  
264 far as the same may be ascertained, upon its record and to  
265 enter in its records that such owners and lots be assessed and  
266 chargeable with the amount so ascertained to be borne by them,  
267 respectively, and when so approved, certified and entered of  
268 record, the same shall be and constitute an assessment against  
269 said owners and liens upon said lots for such respective  
270 amounts. And it shall be the duty of the council to im-

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*Chairman House Committee.*

271 mediatly certify such assessment to the treasurer for collec-  
272 tion as herein provided, and a copy of said order shall be  
273 certified by the recorder to the clerk of the county court of  
274 Mercer county, who shall be required to record and index the  
275 same in the proper trust deed book in the name of each person  
276 against whose property assessments appear therein. The  
277 amounts so assessed against said abutting land owners shall  
278 be paid in five payments as follows, that is to say: one-fifth  
279 of said amount, together with interest on the whole assess-  
280 ment for one year, shall be paid into the city treasury of the  
281 city, before the first day of May next after said work is com-  
282 pleted and said assessments have been certified to the county  
283 clerk; and a like one-fifth together with interest for one year  
284 upon the whole amount remaining unpaid on or before the  
285 first day of May in each succeeding year thereafter until all  
286 has been paid and each of said installments of one-fifth be-  
287 ginning with the first shall bear interest on the amount of  
288 said installment at six percentum per annum from the date of  
289 the record of same in the county court clerk's office until paid:  
290 *Provided, however,* That any abutting owner so liable for any  
291 portion of the cost of such paving shall have the right at any

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292 time after the same is certified as aforesaid to the treasurer  
293 for collection to anticipate the payment of any or all of said  
294 assessments and shall be allowed to pay the face of said assess-  
295 ment with interest at six percentum per annum only to the  
296 time of payment. To each of such installments of assessments  
297 remaining unpaid in the treasurer's hands on the days herein  
298 specified for the payment thereof, a penalty of ten percentum  
299 per annum shall be added to any assessments so remaining un-  
300 paid in the treasurer's hands on such date, shall be taken up by  
301 the council, on such settlement had with the treasurer on such  
302 dates, and thereupon the council shall place such assessments,  
303 with the penalty added thereto, in the hands of the chief of  
304 police or other officer of the said city, whose duty it is to col-  
305 lect delinquent taxes and assessments, to be treated and con-  
306 sidered, and the payment thereof enforced in all respects as  
307 hereinbefore and hereinafter provided for the collection of  
308 taxes due the city, and such assessments with the penalty ad-  
309 ded thereto shall constitute and continue to be a lien upon the  
310 property liable therefor the same as for taxes, which lien may  
311 be enforced in the same manner as provided for taxes, or by a  
312 suit in equity to enforce this lien. The liens hereinbefore

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313 provided for shall have priority over all other liens except  
314 those for taxes due the state and shall be on a parity with taxes  
315 and assessments due the city. Whenever all such assessments  
316 for paving, curbing, macadamizing or other improvements  
317 heretofore mentioned shall be paid in full to the treasurer,  
318 he shall deliver to the party paying the same a release of the  
319 lien therefor, which may be recorded in the office of the clerk  
320 of the county court as other releases of liens.

321 In addition to the methods hereinbefore and hereinafter  
322 prescribed for the payment of the cost of construction and  
323 improvement of streets, the council may on the petition in  
324 writing signed by the owners of not less than three-fifths in  
325 lineal feet frontage of the property abutting upon any street,  
326 avenue or roadway in said city or of the property abutting up-  
327 on any portion thereof between any two intersecting streets,  
328 order any street, alley or portion thereof, to be graded and  
329 paved, repaved, or otherwise permanently improved, and the  
330 council may order to be issued a certificate for each install-  
331 ment of the amount of the assessment to be paid by the owner  
332 of any lot or fractional part thereof abutting on the street,  
333 or alley so improved, or portion thereof, which certificates

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334 are to represent the annual installments as hereinbefore pro-  
335 vided in this section, that is, five equal installments due on or  
336 before the first day of May in each year. The amount speci-  
337 fied in said assessment shall be a lien as aforesaid in the hands  
338 of the holder of such certificate upon such abutting lot or  
339 part of lot and such certificate shall draw interest from the  
340 date of said assessment and payment may be enforced in the  
341 name of the holder of said certificate by proper suit in equity  
342 in any court having jurisdiction to enforce such lien; the  
343 council shall fix the amount of such assessment, advertise for  
344 bids and do all things in connection therewith as hereinbefore  
345 and hereinafter provided in this act. Paving certificates shall  
346 be issued in the same number of installments and payable at  
347 the same time as other paving assessments provided for in this  
348 section. Nothing contained in this act shall be construed as  
349 imposing a time limit upon the enforcement by appropriate  
350 suit of any lien for street improvements heretofore or here-  
351 inafter created. Certificates authorized by this section shall  
352 be subject to the same penalty clause as heretofore provided  
353 for installments due on paving assessments. The council shall  
354 shall have authority to assign, sell or negotiate to any bank or



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355 person the certificates authorized by this action: *Provided*,  
356 That no sale or transfer of such certificates shall be made at  
357 less than the face value and accrued interest of such certifi-  
358 cates so sold or transferred, and in selling and assigning the  
359 said certificates, or in placing the same as collateral for money  
360 advanced to the city the endorsement of the city shall be a  
361 special endorsement and shall be binding on the city only in  
362 regard to the street improvement, paving installment or certi-  
363 ficate fund, and in no wise a debt, liability or guarantee  
364 against the general levy of the city. The owners of the lot or  
365 land assessed under this section may at any time anticipate  
366 and pay such assessment or certificate with accrued interest  
367 thereon as is heretofore provided.

368 Property owners desiring that the street on which their  
369 property abuts be improved may petition the council as is  
370 hereinbefore and hereinafter provided, and in said petition  
371 may have the privilege of requesting which method herein-  
372 before and hereinafter provided that their street or alley or  
373 portion thereof be improved under; in the absence of any re-  
374 quest in the petition so submitted by property owners as afore-  
375 said stated, the council may pave or otherwise permanently

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376 improve said street, alley or portion thereof, so petitioned to  
377 be improved, under any one of the methods hereinbefore or  
378 hereinafter provided.

Sec. 29. A well bound book, indexed, to be denominated  
2 "police docket" shall be kept in the office of the recorder, in  
3 which shall be noted each case brought before or tried by him,  
4 together with the proceedings therein, including a statement of  
5 complaint, the warrant or summons, the return, the fact of  
6 appearance or nonappearance, the defense, the hearing, the judg-  
7 ment, the costs, and, in case the judgment be one of conviction,  
8 the action taken to enforce the same. The record of each case  
9 shall be signed by the recorder, and the original papers thereof,  
10 if no appeal be taken, shall be kept together and preserved in  
11 his office.

Sec. 30. The council shall lay an annual levy or an additional  
2 or special levy at such times as may be provided by the general  
3 laws then in force and may include a poll tax of not exceeding  
4 two dollars each year upon each able-bodied man residing within  
5 the limits of the city who is over the age of twenty-one years,  
6 which poll tax shall be used exclusively for opening, improving  
7 and maintaining roads, streets and alleys of the city, and shall

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*Chairman House Committee.*

8 designate the same as the "street tax;" and the said council  
9 may also impose such license tax upon dogs, cows, horses and  
10 other animals as they may deem proper, and collect the same  
11 from the owners of such animals as other taxes are collected, and  
12 prescribe such rules, regulations and penalties governing the  
13 payment of said tax on animals as they may deem reasonable.  
14 The general annual levy upon the taxable property within the  
15 corporate limits of said city shall not exceed the sum of sixty  
16 cents upon each one hundred dollars' valuation. But in addi-  
17 tion to said levy above mentioned and in addition to any levies  
18 provided by the general law, the council of said city, beginning  
19 with the year one thousand nine hundred thirty-three, are em-  
20 powered to and shall lay a special annual levy not to exceed  
21 ten cents on each one hundred dollars' valuation of the property  
22 in said city for the purpose of creating a sinking fund with  
23 which to pay off the principal of the present outstanding bonded  
24 indebtedness of said city when the same becomes due, and of  
25 retiring the bonds so outstanding in accordance with the pro-  
26 visions thereof, and for the further purpose of paying annually  
27 when due, the interest coupons of the said present outstanding  
28 bonded indebtedness of the said city, which said special levy

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*James A. Boyce*  
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29 shall be continued annually by the council for as many years  
30 as it may be necessary to pay off the present outstanding bonded  
31 indebtedness and the interest coupons that may become due  
32 thereon, but no longer. Also in addition to the above, the said  
33 council, beginning with the year one thousand nine hundred  
34 thirty-three, are empowered to and shall lay a special annual  
35 levy not to exceed fifteen cents on each one hundred dollars'  
36 valuation of the property in said city for the purpose of paying  
37 off any outstanding orders issued against the treasury of said  
38 city prior to July first, one thousand nine hundred thirty-two,  
39 and for the further purpose of paying off any and all debts  
40 contracted prior to said date or any judgment, taken against the  
41 said city; and after said orders and debts have been paid, the  
42 council may continue to lay said special levy for such public  
43 improvements as the council shall from year to year certify by  
44 resolution as necessary to be made during the succeeding year.  
45 And both of the aforesaid special levies when collected shall be  
46 used for no other purpose than for the aforesaid purpose for  
47 which they shall be laid as aforesaid.

Sec. 31. It shall be the duty of the assessor to make an assess-  
2 ment of the property within the city subject to taxation sub-

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*Henry A. Hyman*

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*Chairman Senate Committee.*

*Chairman House Committee.*

3 stantially in the manner and form in which assessments are  
4 made by the assessor of the county, and return the same to the  
5 council on or before the first day of June of each year, and for  
6 this purpose he shall have all the powers conferred by law upon  
7 county assessors. He shall list the numbers of dogs and other  
8 animals subject to license tax in the city, and the names of the  
9 persons owning the same, which list shall be returned to the  
10 council at the same time his assessment books are returned. But  
11 in making his assessment on real and personal property, he shall  
12 be governed by the assessment on real and personal property for  
13 state and county purposes for said year, and the value placed  
14 on said property shall not exceed the value of such assessment  
15 for county and state purposes. In order to aid the assessor in  
16 ascertaining the property subject to taxation by said city, he  
17 shall have access to all books and public records of said Mercer  
18 county, without expense to him or said city, and he shall have  
19 the same power and be subject to the same penalties in ascer-  
20 taining and assessing the property and subjects of taxation in  
21 said city, as are granted and imposed on the county assessors  
22 throughout the state by general law; and the council shall have  
23 authority to prescribe by general ordinance, such other rules

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*James L. Smith*

*Chairman Senate Committee.*

*Chairman House Committee.*

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24 and regulations as may be necessary to enable and require such  
25 treasurer to ascertain and properly assess all property liable to  
26 be taxed by said city, so that such assessments and taxation shall  
27 be uniform and equal, and the council may enforce such rules  
28 and regulations by reasonable fines to be imposed on anyone  
29 failing to comply therewith. When he shall complete his assess-  
30 ment book he shall deliver the same, when sworn to, to the city  
31 council.

Sec. 32. There shall be a lien on all real estate within the  
2 said city for the city taxes assessed thereon, and for all fines and  
3 penalties assessed against or imposed upon the owners thereof,  
4 by the authorities of said city, including expenses for sidewalks,  
5 drains, gutters and streets from the time work is begun, which  
6 shall have priority over all the other liens except taxes due the  
7 United States and the lien for taxes due the state, and county  
8 and district, and such lien may be enforced by the council in  
9 the manner provided by law for the enforcement of the lien for  
10 county taxes. And the laws of the State of West Virginia in  
11 relation to delinquent taxes, and the sale of property therefor,  
12 are hereby and in all respects adopted as to all proceedings in  
13 relation to taxes for city purposes delinquent in said city. And

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D. H. Rogers  
Chairman Senate Committee.

14 the powers and duties conferred by the laws of said state upon  
15 county courts and their clerks and sheriffs in regard to delin-  
16 quent taxes and their collection are hereby in all things con-  
17 ferred upon city council, its recorder and other city officials  
18 whose duties are of a similar nature as those said county officials,  
19 insofar as the same may be directly or by implication applicable  
20 in the collection of delinquent taxes due said city.

Sec. 33. It shall be the duty of the city treasurer when the  
2 extended copies of the assessor's books are completed, to receive  
3 a copy thereof, receipting to the council for the same, and it  
4 shall be his duty to collect from the parties the entire amount  
5 of the taxes with which they are severally charged therein, and  
6 may proceed to collect the same at any time after the first day  
7 of August, and may enforce the payment thereof by levy upon  
8 the personal property, and sale thereof, of the person charged  
9 with taxes at any time after the first of October next, after  
10 said taxes are assessed. He may allow a discount of two and  
11 one-half per cent on all taxes paid on or before the thirtieth  
12 day of November. Said taxes shall be a lien upon the property  
13 upon which they are assessed from and after the time the  
14 assessor's books are completed, verified and returned to the city

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*James D. Smith*

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*Chairman House Committee.*

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15 council, and he shall write the word "paid" opposite the name  
16 of each person who pays the taxes against him, and shall also  
17 give to the person paying such taxes a receipt therefor: *Pro-*  
18 *vided, however,* That the said treasurer may distrain at any time  
19 for any taxes assessed against a person who is about to remove,  
20 or who has removed from said city, after such taxes are assessed,  
21 and the books returned as aforesaid. He shall also receive other  
22 moneys of the city as he is authorized by this act to receive, and  
23 also all moneys ordered by the council to be paid to him, giving  
24 receipt therefor to the parties paying the same, and shall keep  
25 an accurate, itemized account of all money received by him.  
26 His books shall, at all times, be open for the inspection of the  
27 mayor, council, city recorder, and to any taxpayer of the city.  
28 He shall also make up monthly statements of the money received  
29 by him and the amount paid out by him and to whom, showing  
30 the amounts in his hands from all sources, and shall post the  
31 same in the mayor's office on the last day of each month. He  
32 shall pay out the money in his hands upon the order of the city  
33 council, upon orders signed by the mayor and the recorder. He  
34 shall, on or before the expiration of the term of office of the  
35 mayor, and at such other times as the council may require, pre-



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36 sent to the council a full and complete statement of all the  
37 moneys with which he is chargeable, or that have been received  
38 by him and not previously accounted for, and shall at the same  
39 time, in like manner, furnish a complete statement, by separate  
40 items, of all disbursements made by him during such period,  
41 with his vouchers evidencing the same. He shall receive all taxes  
42 and licenses and receipt to the party paying the same by en-  
43 dorsement upon the permit granted by order of the council, or  
44 mayor, as the case may be. He shall, upon the expiration of his  
45 term of office, turn over to the council all books and other pos-  
46 sessions belonging to the city, except the money in his hands,  
47 which he shall turn over to his successor upon the order of the  
48 council, as hereinbefore provided; and shall, before entering  
49 upon the duties of office, execute a bond with good security  
50 payable to said city in a penalty of not less than ten thousand  
51 dollars, conditioned that he will faithfully discharge the duties  
52 of his office and account for and pay over as required by law  
53 and the orders, ordinances, rules and regulations of the council  
54 of said city, all money which shall come into his hands, which  
55 bond shall be subject to the approval of the council. He shall  
56 be chargeable with all the city taxes, levies and assessments, and

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57 money of the city, which shall come into his hands and shall  
58 account therefor.

Sec. 34. In addition to the other duties of the assessor, it  
2 shall be his duty on or before the first day of August, in each  
3 year, to make a copy from the real and personal property  
4 books of the assessor of Mercer county of all property shown  
5 to be liable for taxes within the limits of the city of Prince-  
6 ton, and certify such under his hand as a true and correct  
7 copy thereof, and deliver the same to the council, to assist  
8 said council in preparing the annual estimate of expenses to  
9 be certified as a basis for the annual levy. After such an-  
10 nual levy is made in each year, it shall be the duty of the  
11 assessor to extend said levy upon said real estate and personal  
12 property books for said city, but the treasurer shall pre-  
13 pare proper tax tickets therefrom against all owners of real  
14 estate and personal property subject to taxation in said city.

Sec. 35 The council shall prescribe by ordinance the time  
2 and manner in which license of all kinds shall be applied for  
3 and granted, and shall require the payment of the tax there-  
4 on to the city recorder before the delivery thereof to the per-  
5 son applying therefor, which tax shall include the same fees

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D. H. Hays

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*Chairman Senate Committee.*

6 for the issuing of such license as are charged for similar services  
7 by state and county officers, which fees shall be paid into the  
8 city treasury. The council may revoke any license for a breach  
9 of any of the conditions, or for other good cause shown, but the  
10 person holding such license must first have reasonable notice of  
11 the time and place of hearing and adjudicating the matter as  
12 well as the cause alleged; and shall be entitled to be heard in  
13 person or by council in opposition to such revocation. The terms  
14 for which license provided for in this charter shall be granted  
15 shall be governed by the general law providing for state  
16 licenses.

Sec. 36. The council shall have the right to institute and  
2 prosecute proceedings in the name of the city for condemnation  
3 of real estate for streets, alleys, roads, drains, sewers, electric  
4 light plants or other works, or purposes of public utility, or  
5 for any other public purposes. Such proceedings, and pro-  
6 cedure therefor, shall conform, be governed by and be followed  
7 as is provided by the laws of the State of West Virginia in  
8 effect at the time such condemnation is sought to be made for  
9 the condemnation of real estate by county courts.

Sec. 37. The council of the said city shall have the right to

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

Sec. 38. The council of the said city shall not, at any time,  
2 for any purpose, create an indebtedness against the said city  
3 except as provided in the next preceeding section, exceeding  
4 the available assets of the said city for the current year; and  
5 if the said council shall create such indebtedness or issue  
6 orders on the city for an amount exceeding the amount of money

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*James L. Smith*

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Chairman House Committee.

7 available for that year for said city from all sources, and the  
8 amount of money then in the treasury appropriated, the mem-  
9 bers of said council shall be severally and jointly liable for the  
10 payment of the excess of such indebtedness of orders over the  
11 amount of the money applicable thereto, and the same may be  
12 recovered in any court having jurisdiction thereof. Any council-  
13 man violating the provisions of this section shall be deemed  
14 guilty of malfeasance in office, and may be removed as such  
15 councilman in pursuance of section fifteen of this act: *Pro-*  
16 *vided, however,* That this shall not be applicable to such mem-  
17 bers who have voted against said excess: *And provided further,*  
18 That the vote of each member of the council shall be recorded.

Sec. 39. The said city shall construct, conduct and main-  
2 tain its own roads and streets, and by reason thereof shall not  
3 be required to pay any district or county road levies for the  
4 construction and maintenance of roads outside of the city  
5 limits.

Sec. 40. All ordinances, by-laws, resolutions and rules of  
2 the city of Princeton in force on the day preceding the passage  
3 of this act, which are not inconsistent therewith, shall be and  
4 remain in full force over the whole boundary of said city of  
5 Princeton, as established by this act, until the same are

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6 amended or repealed by the council of said city, and the officers  
7 elected at the last election in the city of Princeton, shall re-  
8 main in office until their successors under this act are elected  
9 and qualified as hereinbefore provided, and after this act takes  
10 effect shall have jurisdiction over all the territory embraced  
11 in the boundary specified in this act, and shall perform all the  
12 duties of such respective officers under this act; but nothing  
13 in this act shall be construed or held to in any way affect or  
14 impair any of the bonds, obligations or indebtedness of the city  
15 of Princeton as though the same had been created under this  
16 charter.

Sec. 41. The council shall have power to provide for the  
2 construction, maintenance and repair of sidewalks, drains and  
3 gutters upon the streets of the city, and the expenses of the  
4 construction, maintenance and repair of the same upon the  
5 property abutting thereon and the owners thereof, and collect  
6 the same in the same manner as other taxes and levies are col-  
7 lected, and shall have plenary power to macadamize and pave  
8 or otherwise improve the streets of the said city, or any of  
9 them, and assess part of the expenses of macadamizing and  
10 paving not to exceed one-half thereof upon the abutting prop-

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Chairman Senate Committee.

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erty on each side thereof, and the owners thereof, and collect the same in the same manner as other taxes and levies are collected; and such assessments for sidewalks, drains, gutters, macadamizing and paving shall be a lien upon such abutting property, the same as other taxes and levies within said city upon the property therein: *Provided*, That nothing herein shall be construed to prevent the council from arranging for the abutting property owners if the council shall so desire and deem it advisable to do so.

Upon a petition in writing signed by the owner of not less than three-fifths in lineal feet frontage of the property abutting upon any street, avenue or roadway in said city, or of the property abutting upon any portion thereof between any two intersecting streets, asking the city to grade, curb, pave or otherwise permanently improve such street, avenue or road, or portion thereof, and offering in such petition to have their proportionate part of the entire cost thereof, in proportion to the frontage thereon, the council may order such work to be done as hereinafter provided and charge and assess the entire cost thereof, or such part of the cost thereof as may be agreed upon between the council and the owners of at least three-fifths

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32 of such frontage, to the property abutting upon such street,  
33 avenue or roadway, or portion thereof, in proportion to the  
34 frontage of the respective properties abutting thereon, and col-  
35 lect the same as taxes are collected or by action at law or suit  
36 in equity.

37 Upon the filing of such petition the council shall set a  
38 date for a hearing and shall give notice thereof for at least  
39 one week by posting copies of the order reciting the filing of  
40 such petition and its object, together with the date set for a  
41 hearing, in at least three places upon or adjacent to the street,  
42 avenue or roadway proposed to be improved.

43 Upon such hearing the council shall adopt the plans and  
44 specifications for the proposed improvement and shall there-  
45 upon determine whether the work shall be done or not.

46 If the council determines to do such work, then the same  
47 shall be let to the lowest responsible bidder after advertise-  
48 ment of the letting thereof for once a week for at least two  
49 weeks in some newspaper of general circulation in the city of  
50 Princeton. Upon the receipt of such bids the council may re-  
51 ject any or all bids. The council may require deposit to be  
52 made with each bid as evidence of good faith, and shall have



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53 plenary power to decide upon the responsibility, etc., of the  
54 several bidders. The council shall also take bond with good  
55 security from the successful bidder in a sum equal to the esti-  
56 mated value of the work conditioned for the faithful and  
57 proper performance thereof. When the said improvement shall  
58 have been completed, or when the said improvement shall have  
59 been completed between any two cross streets intersecting the  
60 street, avenue or roadway improved, then the city may assess the  
61 cost thereof against the property abutting upon the said street,  
62 avenue or roadway, or such part thereof as may be completed,  
63 and collect the same from the owners thereof as aforesaid.

64 Every assessment made hereunder shall be a lien upon the  
65 property liable therefor the same as for taxes, which liens  
66 may be enforced in the same manner provided for collection of  
67 taxes and shall have priority over all other liens upon said  
68 property except for taxes due the state and county, and shall be  
69 on a parity with the taxes and assessments due the city.

70 The city shall pay the contractor for such work as shall  
71 be provided in the contract out of such fund as may be avail-  
72 able or provided, and shall reimburse itself or such funds out  
73 of the assessments when collected.

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*James L. Smith*  
*Chairman House Committee.*  
*James D. Dwyer*  
*Chairman Senate Committee.*

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Sec. 42. The council of the city of Princeton shall provide  
2 places for voting in each ward in all municipal elections of the  
3 city and appoint commissioners residing therein to hold and con-  
4 duct the election hereinbefore provided to be held, and shall pass  
5 all proper ordinances to give this act full force and effect, and  
6 the council may establish as many voting precincts in each ward  
7 as it may deem proper.

Sec. 43. The city attorney, if there be one, shall be the legal  
2 advisor of the city and all of its officers in all matters arising  
3 and in which legal proceedings may be taken; he shall prosecute  
4 all suits, actions and proceedings instituted on behalf of said  
5 city, and defend all suits and actions against said city, and when  
6 requested in writing shall give his written opinion to the mayor  
7 or council or any standing committee thereof upon such legal  
8 questions as may be referred to him affecting the city's interest;  
9 he shall perform such other duties as may be required. It shall  
10 be his duty to attend the sessions of the council when requested  
11 and prosecute all trials before said recorder and all appeals that  
12 are taken from such recorder to the criminal or circuit court,  
13 and for his services he shall receive such compensation as the  
14 council shall provide, and in addition thereto, in all criminal

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*Henry A. Byrnes*

*Chairman House Committee.*

*Chairman Senate Committee.*

15 prosecutions conducted by said city attorney, where there is a  
16 conviction of the defendant, there shall be taxed an attorney's  
17 fee in favor of said city attorney of not less than five nor more  
18 than ten dollars, which said fee shall be taxed as part of the costs  
19 of the case.

Sec. 44. It shall be the duty of the city treasurer to keep all  
2 funds of the city in some bank or banks within said city, which  
3 shall pay interest on such deposits and on the average daily  
4 balances of such funds of the per cent, equal, at least, to that  
5 paid by state depositories on all funds of the State of West  
6 Virginia and in the same manner and at the same time. If no  
7 bank within said city is willing at any time to receive deposits  
8 of the treasurer and pay such interest thereon, the treasurer  
9 shall report this fact to the council, whereupon the council shall  
10 designate the banks in which he shall deposit said funds for the  
11 time being and until some bank in said city will receive such  
12 deposits on such terms.

Sec. 45. Each councilman of said city shall receive from the  
2 city to be paid out of the city treasury the sum of one hundred  
3 dollars a year, payable in monthly installments, and in addition  
4 thereto, two dollars fifty cents for each meeting of the council

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*James L. Smith*  
*Henry D. Rogers*

*Chairman House Committee.*

*Chairman Senate Committee.*

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5 actually attended by him.

Sec. 46. All ordinances of the city of Princeton, as they exist  
2 at the time of the passage of this act, which are inconsistent  
3 therewith, are hereby abrogated, and all acts and parts of acts  
4 inconsistent with any of the provisions of this act are hereby  
5 repealed.

Sec. 47. Should any part, provision or section of this act be  
2 held, by a court of competent jurisdiction, void or unconsti-  
3 tutional, then it is the intention that the part or section not so  
4 held be and remain in full force and effect.

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*James A. Hare*  
Chairman Senate Committee.

*James L. Smith*  
Chairman House Committee.

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*Wm. M. Shrier*  
Speaker of the House of Delegates.

*Geo. S. Hare*  
Clerk of the House of Delegates.

*Wm. M. Shrier*  
President of the Senate.

*James D. Smith*  
Clerk of the Senate.

The within is.....

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

.....  
Governor.

Filed in the office of the Secretary of State  
of West Virginia. MAR 13 1933

*Wm. O. C. Brice*  
Secretary of State.