ENROLLED BILL

Regular Session

SENATE BILL NO. 67

By Mr. [Signature] (my request)

PASSED February 7, 1933

IN EFFECT [Date] PASSAGE
ENROLLED BILL

(S. B. No. 67)

[Passed February 7, 1933; in effect from passage.]

AN ACT to amend and reenact sections one, two and ten, chapter twenty-six of the acts of the legislature of West Virginia, one thousand nine hundred twenty-five, (municipal charters) creating and relating to the board of park commissioners of the city of Huntington and defining its public duties and powers.

Be it enacted by the Legislature of West Virginia:

That sections one, two and ten, chapter twenty-six of the acts of the legislature of West Virginia, one thousand nine hundred twenty-five (municipal charters) be amended and reenacted so as to read as follows:

Section 1. The city of Huntington in the counties of Cabell 2 and Wayne shall constitute a public park district to be known 3 as the park district of Huntington.

Sec. 2. The board of park commissioners of the city of
2 Huntington shall be a public corporate body, and as such may
3 purchase, hold, sell, or convey, real or personal property, may
4 receive any gift, grant, donation or devise; may sue and be
5 sued or contract and be contracted with, and do other public
6 corporate acts; it shall have the management of and be vested
7 with the title to all real and personal property acquired for the
8 use of the public or useful to the public in the maintenance
9 or enjoyment of all public parks, parkways, playgrounds, ath-
10 letic fields, swimming pools, cemeteries and boulevards, within
11 the district, and shall manage and dispose of the same as in
12 its opinion will best serve the purpose of this act in the interest
13 of the public.
14 Provided, however, That nothing herein contained shall be
15 construed as limiting the board of park commissioners from
16 going beyond its territorial limits within the state of West
17 Virginia, to lease, purchase or otherwise acquire any real
18 estate for public parks, parkways, playgrounds, athletic fields,
19 swimming pools, cemeteries and boulevards.
20 Provided further, That the board of park commissioners
21 shall be given the right to sell and convey only such part of
22 said real estate as it may acquire by gift or purchase which is
23 determined by said park commissioners to be of no advantage
24 or value to said park commissioners in the management and
25 maintenance of said public parks, parkways, playgrounds,
26 athletic fields, swimming pools, cemeteries and boulevards.

Sec. 10. The board of park commissioners shall have and is
2 hereby given power to acquire land for a system of public
3 parks, parkways, playgrounds, athletic fields, stadiums, swim-
4 ming pools, cemeteries, boulevards and streets, which it shall
5 determine to be necessary for said public park system, or which
6 it shall determine to be necessary to connect up such system,
7 and if the land necessary for such purposes cannot be acquired
8 by purchase, the power of eminent domain is hereby conferred
9 upon said board of park commissioners of the city of Hunting-
10 ton, and it shall institute condemnation proceedings against
11 the owner thereof under the provisions of chapter fifty-four of
12 the code of West Virginia, one thousand nine hundred thirty-
13 one. The term "system of parks, parkways, playgrounds,
14 athletic fields, boulevards and streets" as used herein shall
15 embrace any body of land of whatever shape or area, designated
16 ultimately to be used for public parks, parkways, playgrounds,
17 athletic fields, boulevards or streets, necessary to connect the
18 same within said public park system, and the board of park
19 commissioners shall agree with the municipal authorities of the
20 city of Huntington upon what parts of the streets and boule-
21 vards are necessary for and are to be used as a part of the
22 public park system within its district.
23 The board of park commissioners shall have, and is hereby
24 given, the necessary authority to manage and control all public
25 parks, parkways, playgrounds, athletic fields, swimming pools,
26 stadiums, cemeteries, boulevards and streets, used as a part of
27 the public park system within its district, as a means of main-
28 taining places of beauty and recreation, promoting the health,
29 property, lives, decency and morality and good order of said
30 independent park district and its inhabitants; and by proper
31 ordinance to regulate the use thereof and driving thereon; to
32 abate, or cause to be abated, all nuisances, and to that end and
33 thereabout to summon witnesses and hear testimony, to regu-
34 late or prohibit peddling, selling, merchandising of anything
35 or of any article, goods, wares or merchandise, within said park
36 system as so designated; to regulate or prohibit the placing of
37 signs, bill boards, posters and advertisements within said park
38 system as so designated, or adjacent thereto; to have the same
39 kept in good order and free from obstruction for the use and
40 benefit of the public; to restrain and punish vagrants, mendi-
41 cants, beggars, tramps, prostitutes, or disorderly persons on
42 said public parks, parkways, playgrounds, athletic fields,
43 swimming pools, stadiums, cemeteries, boulevards and streets,
44 used as a part of said public park system; but persons arrested
45 under said ordinance shall be tried by the police judge of the
46 city of Huntington, who is hereby given jurisdiction of all
47 warrants issued under any such ordinance; to construct and
48 improve and repair public parks, boulevards, or streets, part
49 of the public park system, parkways, athletic fields, swimming
50 pools, stadiums, cemeteries, roads, bridges, culverts and sewers
51 on any grounds controlled by said board of park commission-
52 ers; to acquire, for public use, by lease or otherwise, lands
53 either within or without the city limits as they now exist or
54 such limits as may hereafter be enlarged or diminished; to
55 make contracts with the board of education, the municipal
56 authorities of the city of Huntington, the state authorities,
57 jointly or severally, for the purpose of the construction and
58 erection of a stadium to be used jointly by the school board,
59 Marshall college students and the public under such terms and
60 conditions as the said parties may deem best; to enter into a
61-62 contract with any internal improvement company for the joint
63 ownership of any bridge, to be built by the board of park com-
64 missioners and such company; but such bridge shall be a public
65 highway, and the interest of the internal improvement company
66 therein shall be only such a proportionate part thereof which
67 it may pay for; to cause any public boulevard, road, street or
68 alley which is a part of the public park system to be graded or
69 curbed or surfaced with stone, concrete or other suitable mate-
70 rials or paved or repaved between curbs with suitable mate-
71 rials, or to be graded, surfaced, resurfaced, curbed and re-
72 curbed, and paved or repaved, as aforesaid, or to be macad-
72-a mized or otherwise permanently improved or repaired in the
73 same manner and to the same extent, as similar power is con-
74 ferred upon the board of commissioners of the city of Hunting-
75 ton by sections sixty-seven, sixty-eight, sixty-nine and seventy,
76 chapter two, of the acts of the legislature one thousand nine
77 hundred nineteen; to order and cause to be constructed in any
78 public boulevard, street, alley or road, which is a part of said
79 public park system, a public sewer, either main or lateral, in the
80 same manner in which the board of commissioners of the city of
Huntington is authorized by section seventy-one, chapter two, of the acts of the legislature, one thousand nine hundred nineteen, and the liens created under the aforementioned sections are to be released and are subject to all the provisions of section seventy-two, chapter two of the acts of the legislature, one thousand nine hundred nineteen; to provide by contract with the municipal authorities of the city of Huntington for the joint construction of sewers, main or lateral, through parks, parkways, cemeteries, playgrounds, athletic fields, boulevards, roads, streets or alleys which are a part of the public park system of the city of Huntington, to be paid out of joint funds; to provide for the construction and maintenance of a stadium and swimming pools; and to provide the necessary equipment for the use and enjoyment of the public parks and playgrounds of said park system.

Provided, however, That in all of the enumerated powers contained herein, it shall be the duty of the board of park commissioners of the city of Huntington to so manage and control said public parks, parkways, cemeteries, playgrounds, athletic fields, boulevards, roads, streets or alleys which are a part of the public park system of the city of Huntington, as it may
102 deem for the good order of said park district and its inhab-
103 itants.
Enrolled S. B. No. 67

R. M. Shiner
Speaker of the House of Delegates

Fred Stace
Clerk of the House of Delegates.

P. H. Mahone
President of the Senate.

H. B. Finley
Clerk of the Senate.

The within is Approved

this 11th day of February, 1933.

Filed in the office of the Secretary of State of West Virginia.

George W. Sharp, Secretary of State.

R. Kennedy
Governor.