

2-8-32

#67

# ENROLLED BILL

Regular Session

SENATE BILL NO. 67

By Mr. Taylor (by request)

PASSED February 7 1933

IN EFFECT From and PASSAGE

Passage.

Takes effect.

Originating in the

*Wm. L. Hall*  
Clerk of the House of Delegates.

Clerk.

CORRECTLY ENROLLED

*Wm. L. Hall*  
Chairman Senate Committee.

*James L. Smith*  
Chairman House Committee.

## 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

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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

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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

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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 boulevards  
21 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 maintaining  
28 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 regulate  
34 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

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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

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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 amized 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

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*James D. Hyatt*  
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81 Huntington is authorized by section seventy-one, chapter two,  
82 of the acts of the legislature, one thousand nine hundred nine-  
83 teen, and the liens created under the aforementioned sections  
84 are to be released and are subject to all the provisions of sec-  
85 tion seventy-two, chapter two of the acts of the legislature,  
86 one thousand nine hundred nineteen; to provide by contract  
87 with the municipal authorities of the city of Huntington for  
88 the joint construction of sewers, main or lateral, through parks,  
89 parkways, cemeteries, playgrounds, athletic fields, boulevards,  
90 roads, streets or alleys which are a part of the public park sys-  
91 tem of the city of Huntington, to be paid for out of joint funds;  
92 to provide for the construction and maintenance of a stadium  
93 and swimming pools; and to provide the necessary equipment  
94 for the use and enjoyment of the public parks and playgrounds  
95 of said park system.  
96 *Provided, however,* That in all of the enumerated powers con-  
97 tained herein, it shall be the duty of the board of park com-  
98 missioners of the city of Huntington to so manage and control  
99 said public parks, parkways, cemeteries, playgrounds, athletic  
100 fields, boulevards, roads, streets or alleys which are a part of  
101 the public park system of the city of Huntington, as it may



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102 deem for the good order of said park district and its inhab-  
103 itants.

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*James L. Smith*  
Chairman Senate Committee.

*James L. Smith*  
Chairman House Committee.

*R. M. Shier*  
Speaker of the House of Delegates

*Geo. L. Stace*  
Clerk of the House of Delegates.

*B. B. Mainwaring*  
President of the Senate.

*W. B. Smith*  
Clerk of the Senate.

The within is *Approved*

this *11<sup>th</sup>* day of *February*, 1933.

Filed in the office of the Secretary of State  
of West Virginia **FEB 14 1933**  
GEORGE W. SHARP,  
Secretary of State.

*R. G. Conley*  
Governor.