WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1935

ENROLLED

SENATE BILL No. 4

(By Mr. Greene)

PASSED February 24, 1935

In Effect from Passage
AN ACT to amend and reenact section ten, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to the general powers of municipal councils, and the extra territorial operation of such powers.

Be it enacted by the Legislature of West Virginia:

That section ten, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to the general powers of municipal councils and the extra territorial operation of such powers, be amended and reenacted so as to read as follows:

Section 10. The council shall have plenary power and
authority therein by ordinance or resolution as the case may
require, (so far as such power or authority is not in conflict
with the constitution and laws of this state or the constitution
of the United States) to lay off, vacate, close, open, alter,
curb, recurb, pave or repave and keep in good repair roads,
streets, alleys, sidewalks, crosswalks, drains and gutters, for
the use of the public, and to improve and light the same, and
have them kept free from obstructions on or over them; to
prevent by proper fines and penalties the throwing, depositing
or permitting to remain on any street, sidewalk, alley, lane,
square or other public place any glass, scrap iron, nails, tacks,
wire, other litter, or any offensive matter or anything likely
to injure the feet of persons or animals or the tires of vehicles;
to regulate the use of streets, alleys, lanes and sidewalks for
vehicles propelled by man power, and for other vehicles the
use of which is not regulated by general laws; to regulate the
width of sidewalks on the streets, and, subject to the pro-
visions of article eight of this chapter, to order the sidewalks,
footways and crosswalks to be curbed, recurbed, paved, re-
paved and kept in good order, free and clean, by the owners
or occupants thereof, or of the real property next adjacent
thereto; to establish and regulate markets, and prescribe the
time of holding the same; to prevent injury or annoyance to
the public or individuals from anything dangerous, offensive
or unwholesome; to prevent hogs, cattle, horses, sheep or other
animals, and fowls of all kinds, from going at large in such
town; to protect places of divine worship and to preserve
peace and order in and about the premises where held; to
arrest, convict and punish any person for keeping a house of
ill-fame, or for letting to another person any house or other
building for the purpose of being used or kept as a house of
ill-fame, or for knowingly permitting any house owned by
him, or under his control, to be kept or used as a house of
ill-fame, or for loafing, boarding or loitering in a house of
ill-fame, or frequenting same; to arrest, convict and punish
any person for importing, printing, publishing, selling or
distributing any pornographic publication; to arrest, con-
vict and punish any person for cruelly, unnecessarily
or needlessly beating, torturing, mutilating, killing
or overloading or overdriving, or wilfully depriving of
necessary sustenance, any horse or other domestic animal;
to arrest, convict, and punish any person for gambling or
keeping gaming tables, commonly called "A, B, C", or "E, O," table or faro bank or keno table, or table of like kind, under any denomination, whether the gaming table be played with cards, dice or otherwise, or any person who shall be a partner or concerned in interest, in keeping or exhibiting such table or bank, or keeping or maintaining any gaming house or place, or betting or gambling for money or anything of value; to license, or for good cause to refuse to license in a particular case, or at its discretion to prohibit in all cases, the operation of pool and billiard rooms and maintaining for hire of pool and billiard tables, notwithstanding the general law as to state licenses for such business. When the council, in the exercise of its discretion, shall have refused to grant a license to operate a pool or billiard room mandamus shall not lie to compel the council to grant such license, unless it shall clearly appear that the refusal of the council to grant such license is discriminatory or arbitrary. In the event that the council decides to license any such business, the council shall have power, and it shall be the duty of the council, to make and enforce reasonable ordinances regulating the licensing and operating of such businesses; the council shall also have
such power and authority to arrest, convict and punish any
person for carrying about his person any revolver or other
pistol, dirk, bowie-knife, razor, sling shot, billy, metallic or
other false knuckles, or any other dangerous or other deadly
weapon of like kind or character, within such town; to arrest,
convict and punish any person for driving or operating, within
such town, a motor vehicle when intoxicated or under the
influence of liquor, drugs or narcotics; to provide penalties
for the offenses and violations of law mentioned herein in
addition to the penalties provided in section twenty-three of
this article, but which shall not exceed the penalties provided
for like offenses and violations in this chapter, and in chapter
sixty-one of this code; to abate or cause to be abated anything
which, in the opinion of a majority of the whole council, shall
be a nuisance; to regulate the keeping of gunpowder and
other combustibles; to acquire, by purchase, condemnation and
otherwise, land in or near the town for providing and main-
taining proper places for the burial of the dead and to regulate
interments therein upon such terms and conditions as to price
and otherwise as may be determined by the council, and, in
order to carry into effect such provisions the council may
90 acquire any cemetery or cemeteries already established; to
91 provide for the regular building of houses or other structures,
92 and for making of division fences by the owners of adjacent
93 premises and the drainage of lots by the proper drains and
94 ditches; to make regulations guarding against danger or dam-
95 age by fire; to prevent the illegal sale of intoxicating liquors,
96 drinks, mixtures and preparations therein; to protect the per-
97 sons and property of the inhabitants of such town, and to
98 preserve peace and good order therein, and, for this purpose,
99 to appoint, when necessary, a police force to assist the ser-
100 geant in the discharge of his duties; except as otherwise
101 provided, to prescribe the powers and define the duties of the
102 officers appointed by the council, fix their terms of service,
103 and compensation, and require and take from them bonds,
104 when deemed necessary, payable to such town, in its corporate
105 name, with such sureties and in such penalty as the council
106 may see fit, conditioned for the faithful discharge of their
107 duties; to require and take from employees and contractors
108 bonds in such penalties, with such sureties and with such
109 conditions, as council may see fit; to erect, or authorize or
110 prohibit the erection of gas works, electric light works, water
works, and sewer treatment and disposal works within or without the town, or partly within and partly without the town, except that it shall not erect or authorize the erection of any such works partly without the town to serve persons already obtaining service from existing works of the character proposed, and where such works are by the municipality erected, or have heretofore been so erected, partly within and partly without the town, it shall have the right to lay and collect charges for service rendered to those served within and those served without the town, and to prevent injury to such works or the pollution of the water and its maintenance in a healthful condition for public use within the town; to regulate and provide for the weighing of hay, coal and other articles sold or for sale in the town; to provide a revenue for the town and appropriate the same to its expenses, which power shall include the power to tax dogs; to impose a license tax on persons or companies keeping for hire carriages, hacks, buggies or wagons, or for carrying passengers for pay in any such vehicle, in such town; to adopt rules for the transaction of business, and the government and regulation of its own body.
Wherever the powers herein granted cannot be reasonably and efficiently exercised by confining the exercise thereof within the corporate limits, the powers of the corporation shall extend beyond the corporate limits to the extent necessary to the reasonably efficient exercise of such powers within the corporate limits. But such powers, unless otherwise provided, shall not extend more than one mile beyond the corporate limits, nor shall such powers extend into the corporate limits of another municipal corporation.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect

passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 11th day of March, 1935.

Governor

Filed in the office of the Secretary of State of West Virginia. MAR 6, 1935

Wm. S. O'Brien,
Secretary of State