WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

SENATE BILL No. 131

(By Mr. Hannig)

PASSED February 19, 1947

In Effect from Passage
ENROLLED

Senate Bill No. 131
(By Mr. Hannig)

[Passed February 19, 1947; in effect from passage.]

AN ACT to amend section ten, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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, be amended and reenacted to read as follows:

Section 10. General Powers of Council; Extra-territorial Operation of Powers.—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 provisions of article eight of this chapter, to order the sidewalks, footways and crosswalks to be curbed, paved, repaved 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 persons for keeping a house of ill-fame,
or for letting to another person any house or other build-
ing 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 pub-
lications; to arrest, convict and punish any person for
cruelly, unnecessarily or needlessly beating, torturing,
mutilating, killing or overloading or overdriving, or will-
fully 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 con-
cerned 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 main-
taining for hire of pool and billiard tables, notwithstand-
ing 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 bil-

liard 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 dis-

criminatory 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, con-
vict 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 pun-
ish 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 pen-
alties 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 opin-
ion of a majority of the whole council, shall be a nui-
sance; to regulate the keeping of gunpowder and other
combustibles; to establish and maintain a library and/or
museum for the public use; to acquire, establish, equip
and maintain a recreation park for the public use; to
acquire, by purchase, condemnation and otherwise, land in or near the town for providing and maintaining 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 acquire any cemetery or cemeteries already established; to acquire, construct, equip and maintain incinerator plants and equipment; to provide for the regular building of houses or other structures, and for making of division fences by the owners of adjacent premises and the drainage of lots by the proper drains and ditches; to make regulations guarding against danger or damage by fire; to prevent the illegal sale of intoxicating liquors, drinks, mixtures and preparations therein; to protect the persons and property of the inhabitants of such town, and to preserve peace and good order therein, and, for this purpose, to appoint, when necessary, a police force to assist the sergeant in the discharge of his duties; except as otherwise provided, to prescribe the powers and define the duties of the officers appointed by the council,
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fix their terms of service and compensation, and require
and take from them bonds, when deemed necessary, pay-
able to such town, in its corporate name, with such sure-
ties and in such penalty as the council may see fit, con-
ditioned for the faithful discharge of their duties; to
require and take from employees and contractors bonds
in such penalties, with such sureties and with such con-
ditions, as council may see fit; to erect, or authorize or
prohibit the erection of gas works, electric light works,
water works, and sewage treatment and disposal works
within or without the town, or partly within and partly
without the town, except that it shall not erect or author-
ize 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 col-
lect 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 main-
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133 tenance in a healthful condition for public use within
134 the town; to regulate and provide for the weighing of
135 hay, coal and other articles sold or for sale in the town;
136 to provide a revenue for the town and appropriate the
137 same to its expenses, which power shall include the
138 power to tax dogs; to impose a license tax upon persons
139 or companies keeping for hire carriages, hacks, buggies
140 or wagons, or for carrying passengers for pay in any
141 such vehicles, in such town; to adopt rules for the trans-
142 action of business, and the government and regulation
143 of its own body.

144 Wherever the powers herein granted cannot be reason-
145 ably and efficiently exercised by confining the exercise
146 thereof within the corporate limits, the powers of the
147 corporation shall extend beyond the corporate limits to
148 the extent necessary to the reasonably efficient exercise
149 of such powers within the corporate limits. But such
150 powers, unless otherwise provided, shall not extend more
151 than one mile beyond the corporate limits, and such pow-
152 ers shall not extend into the corporate limits of another
153 municipal corporation; however, in the erection and ex-
tension of water works, water mains, sewerage works
and sewers, such powers may, without regard to whether
or not such extension of powers is necessary to the rea-
sonably efficient exercise of such powers within the cor-
porate limits be extended to fifteen miles beyond the cor-
porate limits, and within the corporate limits of another
municipal corporation if the latter by ordinance requests
such extension.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 7th day of Feb., 1947.

Governor.

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