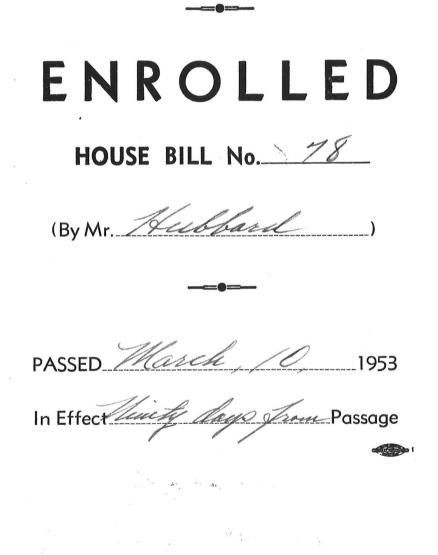
## WEST VIRGINIA LEGISLATURE

**REGULAR SESSION, 1953** 





## ENROLLED

## House Bill No. 78

(By MR. HUBBARD)

[Passed March 10, 1953; in effect ninety days from passage.]

AN ACT to amend and reenact sections three and five, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers and duties of the mayor and the powers and duties of the sergeant and policemen of a municipality. Be it enacted by the Legislature of West Virginia:

That sections three and five, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirtyone, as amended, be amended and reenacted to read as follows:

Section 3. Powers and Duties of Mayor.—The mayor 2 shall be the chief executive officer of the town, when 3 not otherwise provided by law, and shall take care that 4 the orders, by-laws, ordinances, acts and resolutions of 5 the council thereof are faithfully executed. He shall be 6 ex officio a justice and conservator of the peace within

## Enr. H. B. No. 78]

2

7 the town, and shall, within the same, have and exercise all of the powers, both civil and criminal, and per-8 9 form all duties vested by law in a justice of the 10 peace, except that he shall have no jurisdiction in civil 11 cases or causes of action arising out of the corporate 12 limits of the town. He shall have the same power to issue 13 attachments in civil suits as a justice of his county has, 14 though the cause of action arose out of his town. But 15 in such case he shall have no power to try the same 16 but such attachments shall be returnable and be heard 17 before some justice of his county. Upon complaint he shall have authority to issue a search warrant in con-18 nection with the violation of a municipal ordinance. 19 Any search warrant, warrant of arrest or other process 20 21 issued by him may be directed to the chief of 22 police or any member of the police department 23 of the town, and the same may be executed at any 24 place within the county or counties in which the town 25 is situated. He shall have control of the police of the 26 town and may appoint special police officers whenever he deems it necessary, except when otherwise provided 27

by law; and it shall be his duty especially to see that 28 29 the peace and good order of the town are preserved, and that persons and property therein are protected; 30 31 and to this end he may cause the arrest and detention of all riotous and disorderly persons in the town before 32 33 issuing his warrant therefor. He shall have power to issue executions for all fines, penalties and costs imposed 34 by him, or he may require the immediate payment 35 36 thereof, and, in default of such payment, he may commit the party in default to the jail of the county or counties 37 in which such town is situated, or other place of imprison-38 ment in such corporation, if there be one, until the 39 40 fine or penalty and costs shall be paid; but the term 41 of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the 42 council such measures as he may deem needful for the 43 welfare of the town. The expense of maintaining any 44 person committed to the jail of the county by him, 45 except it be to answer an indictment, or be under the 46 provisions of sections eight and nine, article eighteen, 47 48 chapter fifty in this code, shall be paid by the town

3

Enr. H. B. No. 78]

49 and taxed as part of the costs of the proceeding. But 50 such mayor shall not receive any money belonging to 51 the state or to individuals, unless he shall give bond and 52 security required of a justice of the peace by article one, 53 chapter fifty of this code; and all the provisions of said 54 article one relating to moneys received by justices shall 55 apply to like moneys received by such mayor.

Sec. 5. Powers and Duties of Sergeant and Policemen; 2 Bond of Sergeant.-In addition to the powers and duties prescribed in section two, article seven of this chapter, 3 the sergeant, chief of police and any member of the 4 police department of the town shall have all the powers, 5 rights and privileges within the corporate limits of the 6 7 town in regard to the arrest of persons, the collection of claims, and the execution and return of any search 8 9 warrant, warrant of arrest or other process that can 10 legally be exercised by a constable of a district within the same. In order to arrest for violation of municipal 11 ordinances and as to all matters arising within the 12 13 corporate limits and coming within the scope of his official duties, the powers of the sergeant or of any 14

4

15 policeman shall extend anywhere within the county or 16 counties in which the municipality is situated. For an 17 offense committed in his presence, such officer may arrest the offender without a warrant and take him 18 19 before the mayor or other police court to be dealt with 20 according to law. He and his sureties shall be liable to 21 all the fines, penalties and forfeitures that a constable 22 of a district is liable to, for any failure or dereliction in 23 such office, to be recovered in the same manner and 24 in the same courts in which such fines, penalties and 25 forfeitures are now recovered against such constable. 26 The sergeant shall, before entering upon the duties 27 of his office, execute a bond, conditioned according to 28 law, with surety satisfactory to the council, payable 29 to the town, in such penalty not less than one thousand 30 dollars, as the council may prescribe.

5

Enr. H. B. No. 78]

6

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

is From passage. ul Takes effect. Clerk of the Senate

f Delegates rk of President of the Senate

Speaker House of Delegates

 $\ell$  this the 16 tThe within a sprone

march, 1953. day of.

William C. Marlow Governor

MAR 16 1953 D. PITT O'BRIEN,