WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1953

ENROLLED

HOUSE BILL No. 78

(By Mr. Hubbard)

PASSED March 10, 1953

In Effect Ninety Days from Passage
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 thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. Powers and Duties of Mayor.—The mayor shall be the chief executive officer of the town, when not otherwise provided by law, and shall take care that the orders, by-laws, ordinances, acts and resolutions of the council thereof are faithfully executed. He shall be ex officio a justice and conservator of the peace within
the town, and shall, within the same, have and exercise all of the powers, both civil and criminal, and perform all duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases or causes of action arising out of the corporate limits of the town. He shall have the same power to issue attachments in civil suits as a justice of his county has, though the cause of action arose out of his town. But in such case he shall have no power to try the same but such attachments shall be returnable and be heard before some justice of his county. Upon complaint he shall have authority to issue a search warrant in connection with the violation of a municipal ordinance. Any search warrant, warrant of arrest or other process issued by him may be directed to the chief of police or any member of the police department of the town, and the same may be executed at any place within the county or counties in which the town is situated. He shall have control of the police of the town and may appoint special police officers whenever he deems it necessary, except when otherwise provided
by law; and it shall be his duty especially to see that
the peace and good order of the town are preserved,
and that persons and property therein are protected;
and to this end he may cause the arrest and detention
of all riotous and disorderly persons in the town before
issuing his warrant therefor. He shall have power to
issue executions for all fines, penalties and costs imposed
by him, or he may require the immediate payment
thereof, and, in default of such payment, he may commit
the party in default to the jail of the county or counties
in which such town is situated, or other place of imprison-
ment in such corporation, if there be one, until the
fine or penalty and costs shall be paid; but the term
of imprisonment in such case shall not exceed thirty
days. He shall, from time to time, recommend to the
council such measures as he may deem needful for the
welfare of the town. The expense of maintaining any
person committed to the jail of the county by him,
except it be to answer an indictment, or be under the
provisions of sections eight and nine, article eighteen,
chapter fifty in this code, shall be paid by the town
and taxed as part of the costs of the proceeding. But such mayor shall not receive any money belonging to the state or to individuals, unless he shall give bond and security required of a justice of the peace by article one, chapter fifty of this code; and all the provisions of said article one relating to moneys received by justices shall apply to like moneys received by such mayor.

Sec. 5. Powers and Duties of Sergeant and Policemen;

Bond of Sergeant.—In addition to the powers and duties prescribed in section two, article seven of this chapter, the sergeant, chief of police and any member of the police department of the town shall have all the powers, rights and privileges within the corporate limits of the town in regard to the arrest of persons, the collection of claims, and the execution and return of any search warrant, warrant of arrest or other process that can legally be exercised by a constable of a district within the same. In order to arrest for violation of municipal ordinances and as to all matters arising within the corporate limits and coming within the scope of his official duties, the powers of the sergeant or of any
policeman shall extend anywhere within the county or counties in which the municipality is situated. For an offense committed in his presence, such officer may arrest the offender without a warrant and take him before the mayor or other police court to be dealt with according to law. He and his sureties shall be liable to all the fines, penalties and forfeitures that a constable of a district is liable to, for any failure or dereliction in such office, to be recovered in the same manner and in the same courts in which such fines, penalties and forfeitures are now recovered against such constable. The sergeant shall, before entering upon the duties of his office, execute a bond, conditioned according to law, with surety satisfactory to the council, payable to the town, in such penalty not less than one thousand dollars, as the council may prescribe.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect [blank]

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

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President of the Senate

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Speaker House of Delegates

The within approved this the 16th

day of March, 1953.

[Signature]
Governor

MAR 16 1953

D. PITT O'BRIEN,
SECRETARY OF STATE