

**CHARTER
OF THE
CITY OF BUCKHANNON**

Sec.

1. City of Buckhannon a municipal corporation: powers.
2. Corporate limits.
3. Number and boundaries of wards.
4. Change in number and boundaries of wards.
5. Powers of council: bond issues for waterworks, etc.
6. Oaths and bonds of officers.
7. Salaries of officers.
8. Legislative powers of council.
9. Filling vacancy of office.
10. Council to determine its rules of procedure: penalty for nonattendance by councilman.
11. Regular, adjourned and special meetings of council; executive sessions.
12. Quorum of council: ayes and noes on ordinances and money expenditures.
13. Minutes: ayes and noes.
14. Presiding officer at council meetings.
15. Ordinances in force and officers in power at passage of act to continue.
16. Ordinances: title; effective date; emergency.
17. Ordinances as prima facie evidence.
18. Mayor as police court judge.
19. Jurisdiction of police court.
20. Enforcement of ordinances; fines; costs.
21. Street work to pay fine and costs.
22. Disposition of fines.
23. Style of process of police court.
24. Appeals from police to circuit court.
25. Of whom council constituted
26. Appointive officers; removal; compensation.
27. Eligibility of elective office.
28. Eligibility of voters.
29. Registration of voters
30. Number and terms of elective officers; terms if councilmen are elected by wards.
31. Referendum elections as to officers and boundaries.
32. How elections conducted, returned, etc.
33. Form of declaration and certificate of candidacy: fees; form; validity and counting of ballots.
34. Publications of election proclamation; ballots and election officials; election, how conducted and returned; how election laws of state apply to municipality.
35. How the vote for elective officer decided.
36. Procedure in contested elections.
37. Filling vacancy when ineligible officer elected.
38. Procedure for removal of elective officers.
39. What officers may be appointed by council.
40. Powers and duties of mayor: as police judge; when recorder acts as mayor; mayor's docket; appointment of standing committees by.
41. Powers and duties of recorder.
42. Powers and duties of treasurer: collection of taxes; deposit of funds; lien of and distraint for taxes; bond; compensation.
43. Qualifications, powers, duties and compensation of city attorney.

44. Qualifications, powers and duties of city engineer.
45. Duties of street commissioner.
46. Qualifications, powers and duties of city physician.
47. Duties of chief of police
48. Duties of chief of fire department.
49. Duties and compensation of assessor.
50. Method of disbursing city funds.
51. Annual and special levies amounts; capitation and dog tax, amounts; special levies for bonded indebtedness.
52. County assessor to furnish assessment to recorder; correction of assessments.
53. Lien of city taxes, fines, penalties and assessment; how enforced.
54. Licenses and license taxes; revocation of license; penalty for doing business without required license.
55. Condemnation proceedings by council.
56. Bond issues for improvements of refunding to be submitted to voters.
57. When competitive bids for contracts required; procedure.
58. Limitation on indebtedness; penalty for violation.
59. Claims against city; how collected; when barred.
60. Illegal payment of demands against city.
61. Police power of city officials and city police.
62. Fiscal year.
63. Contents and publication of financial statement; penalty for failure.
64. Article nine, chapter eight of code of West Virginia to apply to city.
65. Public utility franchise
66. Penalty for polluting city's water supply.
67. Licensing and regulations of motor vehicles.
68. How notices, warrants, etc., served.
69. Special assessments for removing snow, rubbish and noxious weeds.
70. Method and cost of laying sidewalks, curbs and gutters; lien of assessment against property owner.
71. Act to be liberally construed; when special benefit assessments conclusive.
72. Former acts repealed.

8 and in any wise growing out of any work done for, or by, the
 9 said New-Kanawha Power Company, and upon the further con-
 10 dition that the said Electro Metallurgical Company, its succes-
 11 sors or assigns, shall pay all judgments, if any, which may be
 12 rendered against the said New-Kanawha Power Company upon
 13 any attachments or suggestions which have been or may here-
 14 after be issued and served upon the said New-Kanawha Power
 15 Company in connection with the construction of the hydro-
 16 electric plant development on New River in Fayette county.

CHAPTER 116

(House Bill No. 384—By Mr. Hyre)

AN ACT to incorporate the city of Buckhannon, in the county of Upshur, to fix its corporate limits, to divide the same into wards, and to describe and define the powers, rights and duties of said city of Buckhannon, and of the officers and citizens of same; to repeal chapter fifteen of the acts of the legislature of West Virginia, one thousand nine hundred nineteen (municipal charters), and all acts amendatory thereof; and to repeal all other acts or parts of acts inconsistent or in conflict herewith, said bill to be known as the "Charter of the City of Buckhannon."

[Passed March 9, 1933; in effect from passage. Became a law without the approval of the Governor.]

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| 43. Qualifications, powers, duties and compensation of city attorney. | 62. Fiscal year. |
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| 45. Duties of street commissioner. | 64. Article nine, chapter eight of code of West Virginia to apply to city. |
| 46. Qualifications, powers and duties of city physician. | 65. Public utility franchises. |
| 47. Duties of chief of police. | 66. Penalty for polluting city's water supply. |
| 48. Duties of chief of fire department. | 67. Licensing and regulations of motor vehicles. |
| 49. Duties and compensation of assessor. | 68. How notices, warrants, etc., served. |
| 50. Method of disbursing city funds. | 69. Special assessments for removing snow, rubbish and noxious weeds. |
| 51. Annual and special levies, amounts; capitation and dog tax, amounts; special levies for bonded indebtedness. | 70. Method and cost of laying sidewalks, curbs and gutters; lien of assessment against property owner. |
| 52. County assessor to furnish assessment to recorder; correction of assessments. | 71. Act to be liberally construed; when special benefit assessments conclusive. |
| | 72. Former acts repealed. |

Be it enacted by the Legislature of West Virginia:

Section 1. That the inhabitants of so much of the county
 2 of Upshur, in the State of West Virginia, as lies within the
 3 boundary prescribed by section two of this act, be and they
 4 are hereby constituted to remain and continue a municipal
 5 corporation by the name of "the city of Buckhannon," by
 6 which name they shall have perpetual succession and a com-
 7 mon seal, and by which name they may sue and be sued, plead
 8 and be impleaded, contract and be contracted with, answer
 9 and be answered unto, and may purchase, take, receive, hold
 10 and use goods and chattels, lands and tenements, and choses in
 11 action, goods or any interest, right or estate thereto, for the
 12 proper use of said city, and the same may grant, sell, convey,
 13 and assign, let, pledge, mortgage, charge and encumber, in
 14 any case and in any manner in which it would be lawful for a
 15 private individual so to do, except where such power may be
 16 limited by law, and generally shall have all the rights, fran-

17 chises, capacities and powers conferred herein, and by the
18 laws of this state upon municipal corporations not inconsistent
19 with the provisions of this act.

Sec. 2. The corporate limits and boundaries of the city of
2 Buckhannon shall be as follows: Beginning at a stake, where
3 a white oak formerly stood in a field of P. F. Pinnell's heirs,
4 and running thence south twenty-six degrees, ten minutes
5 east, four thousand one hundred ninety-three feet to a white
6 oak, corner to lands of Montreville Regers heirs; thence south
7 thirty-seven degrees, fifty minutes east, one thousand six hun-
8 dred sixty-four feet to a stake on the east side of Kanawha
9 street extended, the southwest corner to the Buckhannon Im-
10 provement Company's addition to the town of Buckhannon;
11 thence with the south line of the same south sixty-seven degrees
12 east one thousand one hundred forty-nine feet to the west
13 bank of the Buckhannon river, thence down said river north
14 thirty-five degrees east seven hundred eighty-two feet to the
15 corporation line of South Buckhannon; thence south fifty-six
16 degrees fifty-four minutes east one hundred eighty-nine feet,
17 crossing the river to a stake thirty feet east of the bank there-
18 of; thence with the lines of the South Buckhannon Corpora-
19 tion, as surveyed, in one thousand nine hundred eleven, north
20 thirty-six and one-half degrees east four hundred four feet to
21 a stake on the bank of the river; north fifty-three and one-half
22 degrees east, four hundred twenty-nine feet to a stake, north
23 forty-eight and one-half degrees east three hundred and
24 ninety-six feet to a stake, one hundred fifty feet from the
25 forks of the road leading to Little Sand run; north twenty-
26 seven and one-half degrees east, eight hundred ninety-one feet
27 to a stake in the road; north thirty-three degrees east three
28 hundred sixty-three feet to a stake; north twenty-five and one-
29 half degrees east four hundred ninety-five feet to a stake;
30 north sixteen degrees west five hundred ninety-four feet to a
31 stake; north sixty-one and one-half degrees east one hundred
32 forty-eight and one-half feet to a stake; north fifty and one-
33 half degrees east three hundred thirty feet to a stake; north
34 thirty-nine degrees east two hundred sixty-four feet to a stake;
35 north thirty-nine degrees east two hundred sixty-four feet
36 to a stake on the east bank of the river; thence north thirty-
37 two and one-half degrees west two hundred sixty-four feet,

33 crossing the river to a stake on the west bank thereof; thence
39 down the river ten and one-half degrees east one thousand
40 four hundred nineteen feet to a stake; thence north seventeen
41 degrees west one hundred sixty-five feet to a stake; thence
42 north sixty-seven and three-fourths degrees west one thousand
43 one hundred seventy-five and one-half feet to a stake on the
44 west bank of the river, a corner to the corporations of Buck-
45 hannon and South Buckhannon, where a sycamore was for-
46 merly called for; thence with the lines of the corporation of
47 the town of Buckhannon, as surveyed in the year one thou-
48 sand eight hundred eighty-three, and by the bearings of that
49 date east nine hundred fifty-seven feet, crossing the river
50 to a sycamore at the forks of the Staunton and Parkersburg
51 turnpike and the old Crites mill road, thence north thirty-
52 seven and one-half degrees east seven hundred twenty-
53 six feet to a spruce on the bank of the river; thence,
54 by December, one thousand nine hundred eighteen, magnetic
55 bearing north sixty-nine and one-half degrees, west five hun-
56 dred eight feet, crossing the river to a stake, being the south-
57 east corner to the Hudkins addition to the town of Buckhannon
58 as surveyed and platted by W. G. L. Totten, said stake being
59 in the line extended with the east side of Seventh street; thence
60 with Seventh street to Morton avenue; thence with the south
61 side of Morton avenue north seventy-one degrees west two
62 thousand eight hundred twenty-eight feet to the southwest
63 corner of Morton avenue and First street; thence north eighty-
64 nine and one-half degrees west with the south side of the
65 county road four hundred ninety-one feet; thence with the
66 south side of said road as follows: South seventy-four degrees
67 twenty-five minutes west six hundred seventy-six feet; south
68 forty-two and one-half degrees west three hundred two feet,
69 south forty-eight and one-fourth degrees west two hundred
70 thirty-three feet; south seventy-five and one-fourth degrees
71 west eighty feet; north seventy-five and three-fourths degrees
72 west, five hundred fifty-eight feet to the east side of Buck-
73 hannon and Clarksburg turnpike; thence with the south side
74 of the same south zero degree fifteen minutes west eight hun-
75 dred thirty feet to the south side of Finks run at the bridge;
76 thence in the general direction of Finks run, south seventy-two
77 and one-fourth degrees west eight hundred forty-one feet to

78 the northeast corner of the railroad bridge across Finks run;
 79 thence south fourteen and three-fourths degrees west two thou-
 80 sand two hundred feet to the beginning.

Ward Boundaries.

Sec. 3. The said city of Buckhannon shall consist of five
 2 wards, which shall be bounded as follows:

3 *First Ward*—All that portion of the city bounded on the
 4 north by the Buckhannon river and Finks run; on the east by
 5 the center line of Florida street to Madison street; on the south
 6 by the center line of Madison street to Kanawha street; thence
 7 center line South Kanawha street to Lincoln street; thence
 8 center line of Lincoln street to corporation line; on the west
 9 by the corporation line.

10 *Second Ward*—All that portion of the city bounded on the
 11 north and east by the center line of South Florida street to
 12 College avenue; on the east and south by the center line of
 13 College avenue to the corporation line; on the west by the
 14 corporation line to Lincoln street; thence with the center line
 15 of Lincoln street to Kanawha street; thence with the center line
 16 of Kanawha street to Madison street; thence with the center
 17 line of Madison street to South Florida street to the be-
 18 ginning.

19 *Third Ward*—All that portion of the city bounded on the
 20 north and east by the Buckhannon river, on the south and west
 21 with the center line of Florida street, extending from Buck-
 22 hannon river bridge at Star Mill to swinging bridge crossing
 23 from Buckhannon to the village of Vicksburg.

24 *Fourth Ward*—All that portion of the city bounded on the
 25 north by the center line of South Florida street; on the east
 26 by the Buckhannon river; on the south and west by the city
 27 boundary line to the north side of College avenue extended;
 28 from this point with the north side of College avenue to the
 29 beginning.

30 *Fifth Ward*—All the remainder of the city, including that
 31 portion known as the Island and that portion known as North
 32 Buckhannon.

Council May Change Boundaries of Wards

Sec. 4. At any time after the passage of this act the city

2 council may by ordinance modify and change the boundaries
3 and increase or decrease the number of wards.

Powers of Council

Sec. 5. The council of said city shall have and are hereby
2 granted power to have the said city surveyed; to open, vacate,
2-a broaden, change grade of, grade and pave streets, sidewalks
3 and gutters for public use, and to alter, improve, embellish,
4 ornament and light the same, and to construct and maintain
5 public sewers and laterals, and shall in all cases, except as to
6 lighting, have power and authority to assess upon and collect
7 from the property benefited thereby all, or such part of the
8 expense thereof as shall be fixed by ordinance; to have con-
9 trol of all streets, avenues, roads, alleys and grounds for pub-
10 lic use in said city, and to regulate the use thereof and driving
11 thereon, and to have the same kept in good order and free
12 from obstruction, pollution or litter on or over them, but the
13 said county shall be chargeable with the construction and
14 maintenance of all bridges within the said city; to change the
15 name of any street, avenue or road within said city and to
16 cause the numbering of houses on any street, avenue or road
17 therein; to regulate and determine the width of streets, side-
18 walks, roads and alleys, to order and direct the curbing and
19 paving of sidewalks and footways for public use in said city,
20 to be done and kept clean and in good order by the owners
21 of adjacent property; to restrain and punish the abuse of
22 animals; to restrain and punish vagrants, mendicants, beggars,
23 tramps, prostitutes, drunken or disorderly persons within the
24 city and provide for their arrest and manner of punishment;
25 to prohibit by ordinance the bringing into the city of any
26 person or animal afflicted with contagious or infectious disease,
27 and to punish any violator of said ordinance who knows or has
28 reason to believe such person or animal to be so afflicted; to
29 control and suppress disorderly houses of prostitution or ill
30 fame, houses of assignation, and gaming houses or any part
31 thereof, and to punish gaming; to prohibit within said city or
32 within three miles thereof slaughter houses, soap or glue
33 factories and houses of like kind; to control the construction
34 and repair of all houses, basements, walls, culverts and sew-
35 ers, and to prescribe and enforce all reasonable regulations
36 affecting the construction of the same, and to require permits

37 to be obtained for such buildings and structures, and plans
38 and specifications thereof to be first submitted to the city
39 council; to control the opening and construction of ditches,
40 drains, sewers, cesspools and gutters, and to deepen, widen
41 and clear the same of stagnant water or filth, and to prevent
42 obstructions therein, and to determine at whose expense the
43 same shall be done; and to build and maintain fire station
44 houses, police stations and police courts, and to regulate the
45 management thereof; to acquire, lay off, appropriate and con-
46 trol public grounds, squares and parks, either within or with-
47 out the city limits as herein defined; to purchase, sell, lease
48 or contract for and take care of all public buildings, and struc-
49 tures and real estate, including libraries and hospitals, deemed
50 proper for use of such city; and, for the protection of the pub-
51 lic, to cause the removal of unsafe walls or buildings, and the
52 filling of excavations; to prevent injury or annoyance to the
53 business of individuals from anything dangerous, offensive or
54 unwholesome; to define, prohibit, abate, suppress and prevent
55 all things detrimental to the health, morals, comfort, safety,
56 convenience and welfare of the inhabitants of the city, and
57 all nuisances and causes thereof, and to that end and there-
58 about to summon witnesses and hear testimony; to declare and
59 enforce quarantine against the introduction of any contagious
60 or infectious disease prevailing in any other state, county or
61 place, and of any and all persons and things likely to spread
62 such contagion or infection; to regulate the keeping of gunpow-
63 der and other combustible or dangerous articles; to regulate, re-
64 strain or prohibit the use of firecrackers, or other explosives, or
65 fireworks, and all noises or performances which may be danger-
66 ous, annoying to persons or tend to frighten horses or other
67 animals; to provide and maintain proper places for the burial
68 of the dead and to regulate interments therein upon such
69 terms and conditions as to price and otherwise as may be de-
70 termined; to provide for shade and ornamental trees and the
71 protection of the same; to provide for the making of division
72 fences; to make proper regulation for guarding against danger
73 or damage from fire; to provide for the poor of the city,
74 and to that end may contract with the proper authorities of
75 Upshur county to keep and maintain the poor, or any num-
76 ber thereof, upon terms to be agreed upon; but, until the

77 said city shall assume the maintenance and support of such
78 poor by proper ordinance or resolution of the council, the
79 poor of said city are to be maintained and supported by the said
80 county of Upshur under the general provision of law relating
81 thereto; to make suitable and proper regulations in regard to
82 the use of the streets and alleys for street cars, railroad engines
83 and cars, and to regulate the running and operation of the
84 same so as to prevent injury, inconvenience or annoyance to
85 the public; to prohibit prize fighting, cock and dog fighting;
86 to license, tax, regulate or prohibit theaters, circuses, the ex-
87 hibition of showmen and shows of any kind and the exhibition
88 of natural or artificial curiosities, caravans, menageries, pic-
89 tures, motion pictures and musical exhibitions and perform-
90 ances; to regulate the construction, height and material used in
91 all buildings, and the maintenance and occupancy thereof; to
92 regulate and control the use, for whatever purpose, of the
93 streets and other public places; to create, establish, abolish and
94 organize employments and fix the compensation of all em-
95 ployees; to organize and maintain fire companies and to pro-
96 vide necessary apparatus, engines and implements for the
97 same; to regulate and control the kind and manner of plumb-
98 ing and electric wiring for the protection of the health and
99 safety of said city; to levy taxes on persons, property and
100 licenses; to license and tax dogs and other animals, and reg-
101 ulate, restrain and prohibit them and all other animals and
102 fowls from running at large; to assess, levy and collect taxes
103 for general and special purposes upon all the subjects or ob-
104 jects which the city may lawfully tax; to levy and collect as-
105 sessments for local improvements; to borrow money on the
106 faith and credit of the city by the issue and sale of bonds in the
107 manner prescribed by law; to appropriate the money of the
108 city for all lawful purposes; to create, provide for, regulate
109 and maintain all things in the nature of public works and im-
110 provements; to adopt rules for the transaction of business and
111 for its own regulation and government; to promote the general
112 welfare of the city and to protect the persons and property of
113 citizens therein; to regulate and provide for the weighing of
114 produce and other articles sold in said city and to regulate the
115 transportation thereof and other things through the streets;
116 to have the sole and exclusive right to grant, refuse or revoke

117 any and all licenses for the carrying on of any business within
118 said city on which the state exacts a license tax; to establish
119 and regulate markets and to prescribe the time for holding the
120 same, and what shall be sold in such markets and to acquire
121 and hold property for market purposes; to regulate the sale
122 and distribution of foodstuffs; to regulate or prohibit the plac-
123 ing of signs, billboards, posters and advertisements in, on or
124 over the streets, alleys, sidewalks and public grounds of said
125 city; to preserve and protect the peace, order, safety and health
126 of the city and its inhabitants, including the right to regulate
127 the sale and use of cocaine, morphine, opium, and poisonous
128 drugs; to make, enforce and provide local police, sanitary and
129 other regulations, and fully exercise all lawful police powers;
130 to appoint and fix the place of holding city elections; to erect,
131 own, lease, authorize or prohibit the erection of gas works,
132 telephone plant or electric light works in or near the city, and
133 to operate the same and sell the products or services thereof,
134 and to do any and all things necessary and incidental to the
135 conduct of such business; to provide for the purity of milk,
136 meats and provisions offered for sale in said city, and to that
137 end provide for a system of inspecting the same and making
138 and enforcing rules for the regulation of their sale, and to
139 prohibit the sale of any unwholesome or tainted milk, meats,
140 fish, fruits, vegetables, or the sale of milk containing water or
141 other things not constituting a part of pure milk; to provide
142 for inspecting dairies and slaughter houses, whether in or out-
143 side of the city, where the milk and meat therefrom are offered
144 for sale within said city; to prescribe and enforce ordinances
145 and rules for the purpose of protecting the health, property,
146 lives, decency, morality and good order of the city and its in-
147 habitants, and to protect places of divine worship in and about
148 the premises where held, and to punish violations of said
149 ordinances even if the offense under and against the same shall
150 constitute offenses under the law of the State of West Virginia
151 or the common law; to provide for the employment and safe-
152 keeping of persons who may be committed in default of the
153 payment of fines, penalties or costs under this act, who are
154 otherwise unable or fail to discharge the same, by putting them
155 to work for the benefit of the city upon the streets or other
156 places provided by said city, and use such means to prevent

157 their escape while at work as the council may deem expedient;
158 and the council may fix a reasonable rate per day as wages
159 to be allowed such person until the fine and costs against him
160 are thereby discharged; to compel the attendance at public
161 meetings of the members of the council; to prevent any person,
162 association or corporation from polluting in any manner any
163 pond, lake, basin, reservoir, stream, spring, creeks or other
164 body of water from which the city shall take water to be used
165 for domestic purposes by the inhabitants thereof, or from
166 casting into any such body of water, or on the bank thereof or
167 in such proximity thereto that the same may enter therein, any
168 filthy, unwholesome, or obnoxious substance, object, or liquid,
169 or anything whatsoever injurious to the health of the people
170 of the city, or which impairs its value for the ordinary pur-
171 poses of life, or which shall render the water offensive to taste
172 or smell, or that is naturally calculated to excite disgust in
173 those using such water for the ordinary purposes of life; to
174 exercise all other powers that now are or hereafter may be
175 granted to municipalities by the constitution or laws of the
176 State of West Virginia; and all such powers, whether expressed
177 or implied, shall be exercised and enforced in the manner pre-
178 scribed by this charter, or when not prescribed herein, in such
179 manner as shall be provided by the ordinances or resolutions of
180 the council.

181 The city of Buckhannon shall have power and authority,
182 within and without its territorial limits, to construct, condemn
183 and make additions thereto, maintain and conduct and operate
184 water works, light plants, power plants, heating plants, and in-
185 cinerating plants, and do everything required therefor, for the
186 use of the said city and the inhabitants thereof, and may en-
187 force such purchases by proceeding at law or in equity by the
188 right of eminent domain, and by condemnation; but the moneys
189 necessary for the purchase and construction of such works,
190 plants, or system of works and plants shall be derived from the
191 issuance and sale of the bonds of said city approved by three-
192 fifths of the qualified voters of the said city voting for and
193 against the same, at any special election called and held for the
194 purpose. The ordinance of the said city submitting such bond
195 issue to a vote shall specify the purpose and amount for which
196 said bonds are to be issued and sold, said amount being limited

197 only by the constitution and laws of the State of West Vir-
198 ginia, and the other provisions of this charter: *Provided*, That
199 the power to condemn may be exercised for the purpose of
200 acquiring such utilities now existing and operating under
201 franchises granted by the said city, the town of Buckhannon,
202 or the town of South Buckhannon, under the terms of the
203 franchises, or under the rights of eminent domain, at the elec-
204 tion of the city: *Provided further*, That such utilities now ex-
205 isting shall not be acquired or purchased by said city except
206 on ordinance of the said city submitted at a special election and
207 approved by three-fifths of the qualified voters of the said city
208 voting for and against the same, authorizing such purchase and
209 the issuance and sale of bonds in payment of same, and such
210 ordinance shall specify in detail the property and rights to be
211 acquired and the price to be paid for the same.

212 The enumeration of particular powers of this charter shall
213 not be held or deemed to be exclusive, but in addition to the
214 powers enumerated herein, implied thereby, or appropriate to
215 the exercise thereof, the council shall have and exercise all
216 other powers, which under the constitution and laws of the State
217 of West Virginia it would be competent for this charter spe-
218 cifically to enumerate.

219 The council shall provide for the enforcement of all ordi-
220 nances by reasonable and proper penalties, consisting of fines
221 or imprisonment, or fines and imprisonment, with suitable rules
222 and regulations for the enforcement of such penalties. For all
223 such purposes the jurisdiction of the city shall, when necessary,
224 extend for one mile beyond the corporate limits of said city.
225 In order to prevent the pollution of the waters from which the
226 people of the city take water for domestic uses, the jurisdiction
227 of the city shall be coextensive with the location and extent
228 of the waters from which such supply is taken, and each day
229 such act of pollution of the water continues may be deemed a
230 separate offense: *Provided, however*, That in no event shall im-
231 prisonment for a longer period than sixty days or a greater
232 fine than one hundred dollars, or both, be imposed for any one
233 offense.

Oath of Officers and Bonds.

Sec. 6. The mayor, recorder and councilmen, and all other
2 officers provided for in this act, shall each, before entering upon

3 the duties of their offices, and within fifteen days after receiving
4 their certificates of election or appointment, take the oath or
5 affirmation that they will truly, faithfully, and impartially, to
6 the best of their ability, discharge the duties of their respective
7 offices so long as they continue therein. Said oath or affirma-
8 tion may be taken before any person authorized to administer
9 oaths under the laws in force at the time the same is taken,
10 or before the mayor or recorder of said city; but in any event
11 a copy of said oath of said officer shall be filed with the recorder,
12 and copy filed with county clerk: *Provided further*, That be-
13 fore entering upon their duties, the mayor and recorder shall be
14 required to give bond in the penalty of one thousand dollars
15 each: *And provided further*, That all regular police officers of
16 the city of Buckhannon, except extra policemen serving less
17 than one month at a time, appointed under the provisions of
18 this act, shall be required to give bond in the amount of three
19 thousand five hundred dollars, payable to the city of Buckhan-
20 non, which shall be approved by the council and when approved
21 and accepted shall be recorded by the city recorder in the minute
22 record book, kept by him at his office, and shall be open to public
23 inspection. The city recorder shall be the custodian of all
24 bonds. The said bonds shall in all respects comply with the state
25 laws relating to the bonds of public officials.

Compensation Elective Officers.

Sec. 7. The compensation of the mayor, recorder and council-
2 men shall be fixed by the council at their first meeting held in
3 the fiscal year: *Provided, however*, That the salary of the
4 mayor shall not exceed the sum of six hundred dollars per year,
5 the salary of the recorder shall not exceed three hundred sixty
6 dollars per year, and the salary of councilmen shall not exceed
7 one hundred eighty dollars per year. The salary of all appoin-
8 tive officers shall be fixed by the council when appointments are
9 made.

Legislative Department: Duties.

Sec. 8. The legislative powers of the city are hereby vested in
2 a council composed of mayor, recorder and five councilmen.
3 Said council shall have power to enact all ordinances for the
4 city, not in conflict with this charter or the constitution and
5 laws of this state, the intention being that the said council shall

6 be vested with the power and charged with the duty of enacting
7 and adopting all laws and ordinances not inconsistent with this
8 charter, the statutes of this state and constitution thereof,
9 touching every subject and matter of local or general application
10 within the boundaries of the city or within one mile thereof;
11 within the purview of the local government instituted by this
12 charter and within the powers granted and conferred by the con-
13 stitution and laws of the State of West Virginia.

Vacancy: How Filled.

Sec. 9. Whenever a vacancy from any cause shall occur in the
2 office of mayor, the recorder shall become the mayor of said
3 city, and shall serve as such until the next city election or until
4 his successor is elected and qualified, and in the case of a
5 vacancy in the office of recorder or councilmen the remaining
6 council shall, by a majority vote, fill such vacancy.

Rules of Procedure.

Sec. 10. The council shall determine its own rules of pro-
2 cedure, may punish its members for disorderly conduct and com-
3 pel their attendance at its meetings: *Provided*, That any council-
4 man who shall fail to attend at least one regular meeting in any
5 month of the council shall forfeit his salary as such councilman
6 for said month unless said councilman shall be excused from said
7 attendance by unanimous vote of the council on account of sick-
8 ness, physical disability or other cause: *And provided further*,
9 That any councilman who shall from any cause, fail or refuse to
10 perform the duties of his position, including attendance at the
11 meetings of the council, for a period of two months shall lose
12 his office and the same shall be declared vacant by the remain-
13 ing councilmen and said vacancy filled as herein provided.

Public Meetings and Special Meetings of Council.

Sec. 11. The regular meetings of the council shall be publicly
2 held in the council chamber on the first and third Thursdays of
3 each month, or at other designated times fixed by ordinance or
4 resolution and at such hour as shall be designated by ordinance
5 or resolution of the council. Adjourned meetings may be held,
6 special meetings called by the mayor or a majority of the council,
7 on such date, or at such time as they may deem necessary or
8 circumstances demand, by a verbal or written notice served upon

9 the mayor, recorder or members of the council, stating the pur-
10 pose of the meeting. Executive sessions may be held at the dis-
11 cretion of the council.

Quorum

Sec. 12. Four members of the council shall constitute a
2 quorum and the affirmative vote of a majority of the members
3 present, shall be necessary to adopt any motion, resolution or
4 ordinance, or pass any measure, unless a greater number is
5 provided for by this charter. Upon every motion involving the
6 expenditure of money and for the letting of any public contract,
7 and on all ordinances, the ayes and noes shall be taken and
8 recorded, and every ordinance shall be reduced to writing and
9 read before a vote is taken thereon. The chairman of the council
10 shall have a vote on all questions, but shall have no veto power.
11 Every resolution or ordinance passed by the council shall be
12 signed by the mayor or acting mayor, attested by the recorder,
13 or acting recorder, and recorded before the same shall be in
14 force.

Minutes: Ayes and Noes.

Sec. 13. At each regular meeting of the council the proceed-
2 ings of the last regular meeting and subsequent special meetings
3 shall be read, and corrected if erroneous, and signed by the
4 mayor and recorder. Upon the call of any member the ayes and
5 noes on any question shall be taken and recorded by the recorder
6 in the minute book. The call of members for such vote shall be
7 made alphabetically.
8 Every resolution or ordinance passed by the council shall be
9 signed by the mayor, attested by the recorder, and recorded
10 before the same shall be in force.

Presiding Officer.

Sec. 14. The mayor, or in his absence the recorder, shall pre-
2 side at the meetings of said council, or in their absence the coun-
3 cil shall elect a chairman.

Powers to Adopt Present Ordinances.

Sec. 15. All ordinances, by-laws, resolutions and rules of the
2 city of Buckhannon in force on the day preceding the passage of
3 this act, which are not inconsistent therewith, shall be and re-

4 main in full force over the whole boundary of said city of
5 Buckhannon, as established by this act, until the same are
6 amended or repealed by the council of said city, and the officers
7 elected at the last election in the city of Buckhannon, shall re-
8 main in office until their successors under this act are elected and
9 qualified as hereinbefore provided, and after this act takes effect,
10 shall have jurisdiction over all the territory embraced in the
11 boundaries specified in this act, and shall perform all the duties
12 of such respective officers under this act; but nothing in this
13 act shall be construed or held to in any way affect or impair
14 any of the bonds, obligations or indebtedness of the city of
15 Buckhannon, as though the same had been created under this
16 charter.

Ordinances.

Sec. 16. Every ordinance shall embrace but one subject, which
2 shall be clearly expressed in the title. Provided that its subject
3 matter be embraced in any ordinance contrary to the provisions
4 of this section, such ordinance shall be void only as to so much
5 of the ordinance as may not be clearly expressed in the title
6 thereof; such subject may be omitted when ordinances are pub-
7 lished in book form.

8 All ordinances passed by the council, except emergency ordi-
9 nances, shall take effect and become valid and binding at the
10 expiration of thirty days from the date of their passage, unless
11 otherwise provided in this charter.

12 The council by unanimous vote, may pass an emergency ordi-
13 nance when the public peace, public health or public safety shall
14 in the judgment of the council demand it. Every emergency
15 ordinance must as a part of the title, contain the words: "And
16 declaring an emergency," and every such ordinance shall pro-
17 vide that such ordinance shall take effect and be in full force
18 immediately upon its passage.

Ordinances Admitted as Prima Facie Evidence in Judicial Proceedings.

Sec. 17. All ordinances or codes of ordinances adopted by the
2 authority of the council shall, in all judicial proceedings in all
3 courts, be admitted as prima facie evidence, and in any such
4 proceedings it shall not be necessary to plead the entire ordi-

5 nance or section, but only such parts thereof as are admitted in
6 evidence.

Judicial Department: Police Court.

Sec. 18. The judicial power of the city of Buckhannon shall
2 be vested in a police court, which court is hereby created, and
3 the mayor shall be the judge of said court. All trials shall be
4 before said mayor without a jury.

Jurisdiction of Said Court.

Sec. 19. The police court shall have original and exclusive
2 jurisdiction to hear and determine all offenses against the ordi-
3 nances or the charter of the city of Buckhannon; and enforce
4 the collection of all licenses, fees, rents, taxes, assessments, or
5 other revenues required by ordinances except such actions and
6 proceedings as fall within the exclusive jurisdiction of other
7 courts under the provisions of the constitution and laws of this
8 state.

Enforcement of Ordinances.

Sec. 20. The ordinances of the city of Buckhannon shall be
2 enforced by the imposition of fines, forfeitures or penalties,
3 against any person violating such ordinances or any of them;
4 and the council shall prescribe in each particular ordinance made
5 for that purpose, the minimum and maximum fine for the in-
6 fraction thereof, which maximum shall not exceed one hundred
7 dollars, exclusive of costs, for any one specific offense. The same
8 costs shall be taxed in each criminal case tried in the police court
9 as is provided by law to be taxed by justices of the peace, except
10 that in every contested criminal case, the mayor may also tax an
11 attorney fee of not exceeding five dollars, to be paid to the city
12 prosecutor for his services in said case, if a conviction be had
13 in said case.

Fines and Costs: Prisoners May Be Worked on Streets.

Sec. 21. The mayor may provide in all judgments of convic-
2 tion for the violation of any ordinance of the city a fine, and
3 that the person against whom said fine is assessed shall be im-
4 prisoned until the fine and costs of prosecution shall be paid,
5 but not to exceed ten days. Any person committed for the non-
6 payment of fine and costs, while in custody, may be compelled
7 to work on the streets, alleys, public grounds or works until such

8 fine and costs are paid, allowing one dollar fifty cents per day
9 for the work of said prisoner to apply on said fine and costs.

Collection of Fines: Disposition of Same.

Sec. 22. All fines, penalties, forfeitures and collections of
2 every kind made by the mayor shall be the property of the city
3 and shall be deposited with the city treasurer within sixty days
4 after the collection thereof, to be by him applied to the proper
5 fund of the city as may by ordinance be required.

Style of Process.

Sec. 23. The style of process of the police court shall run in
2 the name of the city of Buckhannon.

Appeals to Higher Courts.

Sec. 24. Appeals from the police court shall lie to the circuit
2 court or criminal court of Upshur county, as is now or may be
3 provided by statute of this state, governing appeals from police
4 courts to circuit or criminal courts.

Elective Officers: City Council: Who Shall Vote.

Sec. 25. The municipal authorities of the said city of Buck-
2 hannon shall consist of a mayor, recorder, and five councilmen;
3 who shall constitute the council of the said city, and who shall
4 be entitled to vote on all proceedings.

Appointive Officers: Removal and Compensation.

Sec. 26. The council shall appoint a city treasurer, chief of
2 police, and such additional police officers as they may deem
3 proper; a city attorney, chief of the fire department, assistant
4 chief of the fire department, city engineer, city physician, city
5 assessor, street commissioner and such additional street labor
6 that is necessary to repair and maintain the streets of said city,
7 and such other officers as may be provided for by ordinance of
8 the city council or by this act. Such officers shall hold their
9 respective offices during the pleasure of the council, and may be
10 removed therefrom by the majority vote of the council at any
11 time with or without cause. Such officers shall receive such
12 compensation as the council may prescribe by ordinance or reso-
13 lution, unless said compensation be fixed by this act.

Eligibility to Elective Office.

Sec. 27. No person shall be eligible to be elected to the office

2 of mayor, recorder or councilman, unless at the time of his elec-
3 tion he is legally entitled to vote in the city election for member
4 of the common council; and he was for the preceding year
5 assessed with taxes upon real or personal property and shall not
6 be delinquent for city tax.

Eligible to Vote.

Sec. 28. Each resident of the city of Buckhannon who is a
2 citizen of the United States and who has resided in the State of
3 West Virginia for at least one year and in the city of Buck-
4 hannon for at least sixty days, and who is a bona fide resident
5 of the city, shall be qualified to vote: *Provided*, That no person
6 shall be deemed a bona fide resident who is residing within the
7 city limits for any temporary purpose and expects to remove
8 from the city after said purpose shall have been accomplished,
9 and no person who is a minor, or of unsound mind, or a pauper,
10 or who is under conviction of treason, or bribery in an election,
11 or who may otherwise be legally disqualified from voting in this
12 state, shall be permitted to vote therein.

Registration of Voters.

Sec. 29. The city council under the provision of this act may
2 provide by ordinance for the registration of all persons entitled
3 to vote at each subsequent municipal election, and the city coun-
4 cil upon passing such registration ordinance shall appoint the
5 registrars, specify the time for making the registration, and
6 cause all persons entitled to vote in the city to be registered.
7 The laws in force in the State of West Virginia for registering
8 persons who are entitled to vote at a general election held in the
9 state shall insofar as applicable govern the registration of per-
10 sons entitled to vote at municipal elections, and the duties im-
11 posed by the general laws of the state upon county courts and
12 the clerks thereof shall be discharged respectively by the city
13 council and the recorder, except the fee paid for registering the
14 voters shall be fixed by the council.

Elections.

Sec. 30. On the first Tuesday of June, one thousand nine
2 hundred thirty-three, there shall be elected by the qualified
3 voters of said city a mayor, recorder, and five councilmen. The
4 term of office of the mayor and councilmen of the first, third and

5 fifth wards shall be for a period of two years, and the term of
6 office for the said recorder and councilmen of the second and
7 fourth wards shall be for a term of one year, and after the first
8 said election held hereunder the term of office of all officers shall
9 be for a term of two years: *Provided, however,* That the voters
10 of the city shall by a separate ballot determine at this election
11 whether at future elections the councilmen of the city shall be
12 elected by the qualified voters of the entire city, or by the quali-
13 fied voters of their respective wards.

14 The form of the ballot for such proposition shall be:

15 For election of councilmen by the voters of their respec-
16 tive wards.

17 Against election of councilmen by the voters of their re-
18 spective wards.

19 If at such election the proposition carried by a majority vote
20 then said section thirty as set out above shall be amended and
21 shall read as follows:

22 On the first Tuesday of June, one thousand nine hundred
23 thirty-three, there shall be elected by the qualified voters of said
24 city a mayor, recorder, and five councilmen. The term of office
25 of the said mayor and councilmen of the first, third and fifth
26 wards shall be for a period of two years and the term of office
27 for the said recorder and councilmen of the second and fourth
28 wards shall be for a term of one year, and after the first said
29 election held hereunder the term of office of all officers shall be
30 for a term of two years, and after said first election the mayor
31 and recorder shall be elected by the qualified voters of the city
32 and the councilmen by the qualified voters of their respective-
33 wards. And the said section so amended shall be a part of the
34 charter of said city and shall stand in lieu of section thirty as
35 written above.

Elections.

Sec. 31. The council may by ordinance approved at a referen-
2 dum election called for the purpose, and held not less than
3 ninety days before any regular municipal election, change the
4 boundaries of the city, the number of officers, the length of their
5 term and the manner of their election, except that municipal
6 elections shall always be without political party designation and

7 nonpartisan. When an election is held for the purpose of annex-
8 ing additional territory to the city, the qualified voters of the
9 territory that it is sought to annex shall also vote upon the
10 proposition, and it shall be necessary that a majority of the total
11 vote cast within or without the city be cast for the proposition.
12 In the absence of other municipal authority to act for the resi-
13 dents outside of the city of Buckhannon, the county court shall
14 appoint the necessary election officers, cause all necessary ar-
15 rangements to be made for the holding of said elections and the
16 return of the results of same to the council of the city of Buck-
17 hannon, who shall act as a canvassing board to ascertain the
18 aggregate results of the said election both within and without
19 the city. The costs of the election shall be borne by the city of
20 Buckhannon, except that where another municipal corporation
21 participates in the election, it shall bear such part of the total
22 cost as shall have been incurred within its boundaries.

Sec. 32. The annual election shall be held on the first Tuesday
2 in June of each year at the regular city voting places within the
3 city and at such other voting places as the council by ordinance
4 may provide. Said annual elections and all special elections shall
5 be held under the supervision of the council and officials of the
6 city and be conducted, certified, returned and finally determined
7 in accordance with the provisions of this act and the laws and
8 ordinances, or such parts thereof, as are now in effect or may
9 hereafter be provided by ordinance not inconsistent with the
10 provisions of this act, and the nominations of candidates for such
11 elections shall be certified to the recorder of said city who shall
12 prepare the ballots therefor.

Municipal Elections.

Sec. 33. (a). Municipal elections under this act shall be con-
2 ducted as follows: Any person eligible to office may become a
3 candidate and have his name placed upon the ballot, upon his
4 own motion, by filing with the city recorder a declaration of his
5 candidacy and a certificate of his eligibility, duly acknowledged
6 by him, within thirty days next preceding the day of the elec-
7 tion. Said declaration and certificate shall be accompanied by
8 an announcement fee as follows: If a candidate for mayor,
9 the fee shall be ten dollars; if a candidate for recorder, the fee
10 shall be seven dollars fifty cents; and if a candidate for council-

11 man, the fee shall be five dollars; which fee shall be paid to the
 12 recorder, who shall pay the same over to the treasurer of the
 13 city. The names of all candidates for elective offices of the city
 14 shall appear on one ballot at the election held in June, one
 15 thousand nine hundred thirty-three, having seven columns, one
 16 for mayor; one for recorder, and one for each ward within the
 17 city, and thereafter the ballot shall have a column for each
 18 office for the candidates to be elected at said election, and said
 19 ballot shall be without party emblem or designation. The whole
 20 number of ballots to be printed for the election of mayor, re-
 21 corder and councilmen, mayor and councilmen, or recorder and
 22 councilmen, as the case may be, shall be divided by the greatest
 23 number of candidates for any one office and the quotient so ob-
 24 tained shall be the number of ballots in each series of ballots to
 25 be printed.

26 The form of the declaration of candidacy and certificate of
 27 eligibility of candidates shall be substantially as follows:

28 I,.....hereby certify that I am a candidate
 29 for the office of.....and desire my name
 30 printed on the official ballot to be voted for at the city election
 31 to be held on the.....day of.....19...; that I am a
 32 qualified voter of the city of Buckhannon, county of Upshur,
 33 State of West Virginia; that I reside in ward No....., in
 34 said city; and that my residence number is.....
 35 in said city; that I am eligible to hold the said office; and that I
 36 am a candidate for said office in good faith.

37
 38 Signature of candidate.

39 Subscribed to and acknowledged before the undersigned
 40 authority by.....this.....day of
 41....., 19....

42
 43 Mayor, recorder or notary public.

44 (b) The names of candidates shall be arranged in alphabetical
 45 order in each column, and the first series of ballots printed. The
 46 first name in the column shall be placed last therein and the
 47 next series of ballots printed and this process shall be repeated
 48 until each name in each column shall have been first. These
 49 ballots shall then be combined into tablets in the order of the
 50 series with no two of the same series together.

51 (c) The ballot to be used for the election of officers shall be in
52 the form as follows:

| | | |
|----------------------------|--------------------------|--------------------------|
| Mayor | <input type="checkbox"/> | <input type="checkbox"/> |
| Recorder | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman, First Ward | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman, Second Ward | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman, Third Ward | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman, Fourth Ward | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman, Fifth Ward | <input type="checkbox"/> | <input type="checkbox"/> |

Direction to Voter.

76 Vote for only one candidate in each column by putting a cross
77 mark in the square opposite the name of the candidate for whom
78 you desire to vote. Do not mark more than one candidate in each
79 column. If you spoil this ballot, tear it across and hand to the
80 election officer in charge and he will give you another.

81 (d) A valid ballot shall be one on which the voter has clearly
82 expressed his choice of one or more candidates. If a voter
83 express the same choice for more than one candidate in any
84 column his vote, as to that column, shall be void.

85 (e) The candidate in each column receiving the highest num-
86 ber of votes cast for the office for which he is a candidate, in-
87 dicated by such column, shall be declared elected. During the
88 counting of the votes all ballots or votes not counted shall be
89 marked by the election commissioners of each precinct with the
90 words "not counted" written upon the ballot or opposite the
91 vote not counted, together with a statement with the reasons
92 for not counting, and the total number of invalid ballots marked
93 thus and not counted shall be ascertained by them at the con-
94 clusion of the counting, and be shown upon the precinct return
95 certificate and subtracted from the total number of ballots taken
96 from the ballot box.

Sec. 34. At least six weeks before any city election the mayor
2 shall issue his proclamation calling the same, which shall be
3 published in one or more newspapers published in said city for
4 one week. At least fifteen days before the day of an election the
5 city council shall prepare the ballots for such election, and shall
6 select three commissioners and two poll clerks for each voting
7-8 place, and may provide for a counting board for each voting
9 place. The commissioners and poll clerks shall be qualified
10 voters of the city and have such other qualifications as provided
11 by general laws of the state for such officers at state, county, and
12 district elections. The council shall, by ordinance, provide
13 such additional regulations in conformity with the provisions of
14 this act and the general law of the state as are necessary for the
15 proper conduct of elections. Elections under this act shall be
16 conducted, returned and the results thereof ascertained and
17 declared in the manner prescribed by the constitution and laws
18 of the state, insofar as said laws are not inconsistent with this

19 act, and all penalties prescribed by said laws of the state insofar
20 as consistent, shall be applicable unto this act.

21 The duties required by the clerk of the circuit and county
22 courts under the election laws of West Virginia, shall be per-
23 formed by the recorder of said city. The duties required of
24 commissioners of the county court under the provisions of said
25 laws shall be performed by the council of said city. The duties
26 required of the sheriff under the provisions of said laws shall
27 be performed by the chief of police of said city, and the duties
28 required of any constable under the provision of said laws shall
29 be performed by any member of the police force, or member of
30 the council, of said city. Whenever the word "county" appears
31 in said laws, the same shall be taken to refer to the city of Buck-
32 hannon, and whenever the words "election precinct" appears
33 in said laws, the same shall be taken to refer to the election
34 precinct or precincts for the municipal election, and whenever
35 the word "court house" shall appear in said laws as designating
36 the place of meeting of election officers, the same shall be taken
37 to refer to the council chamber.

Tie Vote, Elective Officers: How Decided.

Sec. 35. Whenever two or more persons receive an equal num-
2 ber of votes for mayor, recorder or councilman, such tie votes
3 shall be decided by the council in existence at the time the elec-
4 tion is held, by placing their names in a hat and some member
5 designated by the mayor shall withdraw one name therefrom;
6 the person whose name is withdrawn shall be declared elected.

Contested Elections.

Sec. 36. All contested elections shall be heard and determined
2 by the council in existence at the time the election is held, and
3 the contest shall be made and conducted in the manner as
4 provided for in contests for county and district officers, and the
5 council in their proceedings in such cases shall, as nearly as
6 practicable, conform with like proceedings of the county court.

Proceedings When Elected Officer Ineligible.

Sec. 37. If any person elected to any office shall not be eli-
2 gible thereto under the provisions of this act, or shall fail to
3 qualify as herein required, the council shall declare his said
4 office vacant and proceed to fill the vacancy as set out in section
5 nine of this act.

Removal of Elective Officers.

Sec. 38. Any elective officers may be removed at any time by
2 the circuit court of Upshur county, West Virginia on any
3 ground or cause for which a member of the county court of the
4 county or other county officer may be removed, unless other-
5 wise provided in this act. The proceedings for the removal of
6 an elective officer shall conform in all respects with the proceed-
7 ings to remove a county officer. On hearing of any such pro-
8 ceeding no person called as a witness shall be excused from
9 answering any question or giving any testimony because the
10 answer or testimony might incriminate or tend to incriminate
11 him, or render him liable to prosecution for an offense. But no
12 witness called to testify in any such proceeding shall thereafter
13 be prosecuted in any court in the state for any act concerning
14 which he is required to testify or disclose by his testimony.
15 Any person who shall be removed from office under the pro-
16 visions of this section shall not thereafter hold any office or
17 employment in the city of Buckhannon.

Power to Appoint Officers by the Council.

Sec. 39. The council shall have authority to provide by ordin-
2 ance for the appointment of such officers as shall be necessary
3 and proper, to carry into full force and authority the power,
4 capacity, jurisdiction and duties of said city, which are or shall
5 be vested therein, or in the council, or in the mayor, recorder
6 or any other officer or body of officers thereof, and to grant to the
7 officers so appointed the power necessary or proper for the pur-
8 pose above mentioned. The council by ordinance shall define
9 the duties of all officers so appointed.

Mayor: His Powers and Duties.

Sec. 40. The mayor shall be the chief executive officer of the
2 city and chairman of the city council and when present shall
3 preside at all the meetings of the council; and in addition to
4 all other duties imposed upon him by state and municipal laws
5 and the council, shall indorse the approval of all officials bonds
6 when same shall be approved by the council, sign all warrants
7 and orders drawn upon the treasurer for money, sign all bonds,
8 contracts, conveyances and other written obligations of the city,
9 and all ordinances passed by the council, and shall cause each of

10 the above enumerated writings to be attested by the recorder,
11 under the seal of the city.

12 The mayor shall have supervision of the health department,
13 and department of sanitation; he shall also have charge and be
14 superintendent of the department of public affairs which shall
15 include water works, parks, libraries, cemeteries, public service
16 corporations operating under city franchise; the opening, grad-
17 ing, paving, lighting, cleaning, repairing and sprinkling of
18 streets, sewer and viaduct construction, sidewalks and crossings,
19 and the city engineering department; he shall be the head of the
20 department of peace and safety, and he shall have supervision
21 and control of the fire department and police department. He
22 shall see, except as may be herein otherwise provided, that the
23 laws and ordinances of the city and the resolutions and orders of
24 the council are enforced; that the peace and good order of the
25 city are preserved; and that the persons and property therein
26 are protected. He shall have the power to discharge or suspend
27 any member of the police force, the chief or assistant chief of
28 the fire department: *Provided, however,* That the council may
29 reinstate any member discharged or suspended by an affirmative
30 vote of a majority of all the members of the council.

31 The judicial power of the city of Buckhannon shall be vested
32 in a police court, which court is hereby created, and the mayor
33 shall be the judge of said court. All cases shall be tried by the
34 mayor without a jury.

35 The police court may provide in all judgements of conviction
36 for the violation of any ordinance of the city a fine and jail
37 sentence, and that the person against whom said fine is assessed
38 shall be imprisoned not to exceed ten days for the payment of
39 the fine and sixty days for the jail sentence. And any person
40 committed for the nonpayment of fine and costs, while in
41 custody, may be compelled to work on the streets, alleys, public
42 grounds or works until such fine and costs are paid, allowing one
43 dollar fifty cents per day for the work of said prisoner to apply
44 on said fine and costs.

45 All fines, penalties, forfeitures and collections of every kind
46 made by the mayor shall be the property of the city and shall
47 be deposited with the treasurer of the city within sixty days
48 after the collection thereof, to be by him applied to the proper
49 fund of the city as may by ordinance be required.

50 He shall also perform such other duties as may be prescribed
51 by the council from time to time by ordinances and resolutions
52 not inconsistent herewith.

53 In case of absence, sickness, or inability of the mayor to per-
54 form the duties of his office, the recorder shall act as mayor and
55 be empowered to enforce all rules and regulations pertaining to
56 the office of mayor.

57 The mayor shall keep a well bound and indexed book to be
58 denominated the "mayor's docket" in his office, in which he
59 shall note each case brought or tried by him, together with the
60 proceedings therein, including a statement of complaint, the
61 summons, the return, the fact of appearance or nonappearance,
62 the defense, the hearing, the judgment, the costs, and in case
63 the judgment be one of conviction, the action taken to enforce
64 the same; the record of such case shall be signed by the mayor
65 or other person acting in his stead; and the original papers
66 thereof, if no appeal be taken, shall be kept together and pre-
67 served in his office.

68 The mayor shall have the power to issue an execution for any
69 fine and cost imposed by him, for the violation of any ordinance,
70 or he may at the time of rendering judgment therefor, or at
71 any time thereafter and before satisfaction of such judgment,
72 by his order in writing, require the immediate payment thereof,
73 and in default of such payment he may cause the person so in
74 default to be apprehended and brought before him, and com-
75 mit him to the city jail or the jail of Upshur county, until the
76 fine and costs are fully paid but not to exceed seventy days.

77 The mayor may be ex officio a justice and conservator of the
78 peace within the city, and shall, within the same, have, and
79 exercise all powers, and perform all duties vested by law in a
80 justice of the peace, except that he shall have no jurisdiction in
81 civil cases or causes of action arising out of the corporate limits
82 of the city.

83 The mayor shall have power to appoint the following standing
84 committees: Finance; ordinance; fire department; streets,
85 alleys and sewers; building; street lighting; cemetery; and
86 board of health.

87 The committee shall consist of three men, the first being named
88 shall be the chairman.

Recorder: His Duties and Powers.

Sec. 41. It shall be the duty of the recorder to keep the record
2 of the proceedings of the council. He shall enter in a separate
3 volume all ordinances of a general nature, and carefully index
4 the same. He shall enter in the municipal assessment docket all
5 special assessments made for public improvements, showing the
6 name of the owner of the property, the particular property on
7 which the assessment is levied, the date of entry, and the minute
8 book and page showing the entry of the ordinance or resolution
9 creating the assessment, and the maturing time of the assess-
10 ment. When and as the installments upon principal and in-
11 terest on each assessment shall be paid, he shall enter such pay-
12 ments showing the amount paid upon principal, the amount of
13 interest, and penalty, if any, under the heading and in the ac-
14 count of such special assessment. When special assessment,
15 principal, and interest, and penalty, if any, imposed shall have
16 been paid in full he shall make an entry in red ink on the face
17 of the amount showing that the special assessment is fully satis-
18 fied and paid and shall issue a release deed and have executed
19 by the mayor and deliver same to the persons paying the same.
20 In the absence from the city, or in case of sickness, of the
21 mayor, or during any vacancy in the office of mayor, the record-
22 er shall perform the duties of the mayor and be invested with
23 all his powers.

24 He shall have charge of all bond issues, assessments, and print-
25 ing. He shall be the purchasing agent for the city, subject to
26 the direction of the council, and shall perform such other duties
27 as usually devolve upon a city recorder, not inconsistent here-
28 with, as the council may from time to time prescribe.

29 He shall prepare and cause to be served all notices required to
30 be given to any person, firm or corporation, and after proper
31 service and return thereof of any notice, he shall file and pre-
32 serve the same.

33 He shall file in convenient form so as to be readily accessible
34 all correspondence carried on by the city or by any department
35 thereof, and as custodian of all the books, records, and pro-
36 ceedings of the council, he shall make and certify copies thereof
37 whenever required, and affix the corporate seal of the city to
38 any paper required to be sealed and to any certified copy of any
39 paper, order, or proceeding which he may make.

40 A copy of any record, paper, entry, order, ordinance, resolu-
41 tion or proceeding made by the council or by the police court
42 judge when properly certified under the seal of the city shall be
43 admissible as evidence in any court in the state in any proceeding
44 in which the original paper or record, if present, would be
45 admissible.

46 In preparing for and holding city elections, the duties required
47 by the clerks of the circuit and county court under the election
48 laws of West Virginia, shall be performed by the city recorder.

49 The duties of preparing and publishing the annual financial
50 statement of the city as provided for in another section of this
51 charter shall be performed by the city recorder, for which he
52 shall be paid a reasonable compensation.

Treasurer's Duties and Powers.

Sec. 42. It shall be the duty of the city treasurer, when the
2 extended copies of the assessor's books are completed, to receive
3 a copy thereof, make out the tax tickets and receipt to the coun-
4 cil for the entire amount of city taxes extended thereon, and it
5 shall be his duty to collect from the persons or corporations the
6 entire amount of the taxes with which they are severally charg-
7 ed therein, and may proceed to collect the same at any time
8 after the first day of August, and may enforce the payment
9 thereof by levy upon the personal property and sale thereof.
10 All taxes assessed on both real and personal property by the
11 city of Buckhannon, beginning with taxes assessed for the year
12 one thousand nine hundred thirty-two, shall be collected by the
13 city treasurer and may be paid in equal installments; the first
14 installment shall be paid on or before November first of the
15 year in which the assessment is made; the second installments
16 shall be paid on or before the first day of the following May.
17 All taxes paid on or before the date such taxes are payable, in-
18 cluding both first and second installments, shall be subject to a
19 discount of two and one-half percent. If the first installment
20 is not paid before December first of the year, interest at the
21 rate of nine percentum per annum shall be added from said
22 December first until paid; if the second installment is not paid
23 before June first, interest at the rate of nine percentum shall
24 be added from said June first until paid. The treasurer shall
25 on the first day of December and the first day of June following

26 the year for which the taxes were levied proceed immediately
27 to collect the taxes then due.

28 It shall be the duty of the city treasurer to keep all funds of
29 the city in some bank or banks within said city, which shall pay
30 interest on such deposits and on the average daily balances of
31 such funds of the per cent equal at least to that paid by state
32 depositories on all funds of the State of West Virginia and in
33 the same manner and at the same time. The said bank shall
34 also deposit with the city a bond or sufficient security to cover
35 an equal amount of the city's money in said bank. If no bank
36 within said city is willing at any time to receive deposits of the
37 treasurer and pay such interest thereon, and secure the deposits
38 by a bond or security, the treasurer shall report this fact to the
39 council, whereupon the council shall designate the bank or banks
40 in which he shall deposit said funds for the time being and until
41 some bank in said city will receive such deposits on such terms.

42 Said taxes shall be a lien upon the property upon which they
43 are assessed from the time the assessor's books are completed,
44 verified and returned to the city council, and he shall write the
45 word "paid" opposite the name of each person who pays the
46 taxes against him, and shall also give to the person paying such
47 taxes a receipt therefor: *Provided, however,* That the said
48 treasurer may distrain at any time for any taxes assessed
49 against a person who is about to remove or who has removed
50 from said city, after such taxes are assessed, and the books re-
51 turned as aforesaid. He shall also receive such other moneys of
52 the city as he is authorized by this act to receive, and also all
53 moneys ordered by the council to be paid to him, giving receipt
54 therefor to the persons paying the same, and shall keep an ac-
55 curate, itemized account of all money received by him. His
56 books shall, at all times, be open for the inspection of the mayor,
57 council, city recorder and to any taxpayer of the city. He shall
58 also make up monthly statements of the money received by him
59 and the amount paid out by him and to whom, showing the
60 amounts in his hands from all sources, and shall file the same
61 with the council not later than first regular meeting of the suc-
62 ceeding month. He shall pay out the money in his hands upon
63 the order of the city council, upon orders signed by the mayor
64 and the recorder. He shall, on or before the expiration of term
65 of office of the mayor, and at such other times as the council may

66 require, present to the council a full and complete statement of
67 all the moneys, with which he is chargeable, or that have been
68 received by him and not previously accounted for, and shall at
69 the same time, in like manner, furnish a complete statement, by
70 separate items, of all disbursements made by him during such
71 period, with his vouchers evidencing the same. He shall receive
72 street paving assessments, all taxes and licenses and receipt to
73 the person paying the same by endorsement upon the permit
74 granted by order of the council, or mayor as the case may be.
75 He shall, upon the expiration of his term of office, turn over to
76 the council all books and other possessions belonging to the city,
77 except the money in his hands, which he shall turn over to his
78 successor, upon the order of the council, as hereinbefore pro-
79 vided; and shall before entering upon the duties of office, execute
80 a bond with good security, payable to said city in a penalty of
81 not less than ten thousand dollars nor more than twenty thou-
82 sand dollars, conditioned that he will faithfully discharge the
83 duties of his office and account for and pay over as required
84 by law and the orders, ordinances, rules and regulations of the
85 council of said city, all money which shall come into his hands
86 which bond shall be subject to the approval of the council. He
87 shall be chargeable with all the city taxes, levies and assessments
88 and money of the city, which shall come into his hands and
89 shall account therefor.

90 The city treasurer shall receive such compensation as shall be
91 fixed by the council by ordinance or resolution, and the salary
92 so fixed shall include the compensation for making out tax tickets
93 and such other duties as the council shall prescribe: *Provided,*
94 That such compensation shall at no time exceed two per cent
95 upon the taxes collected by such treasurer.

City Attorney: Duties and Compensation.

Sec. 43. The city attorney shall be a member of the bar of
2 Upshur county in good standing and shall perform and dis-
3 charge all duties and exercise all powers which shall be con-
4 ferred upon him by any ordinance or resolution of the city
5 council, and in addition he shall exercise the following powers:

6 (a) Be the legal adviser of and attorney and counsel for
7 the city and for all administrative officers thereof, in respect
8 to their official duties;

9 (b) Prosecute and defend all suits for or against the city
10 and prepare all contracts, bonds and other writings in which
11 the city is concerned, and endorse on each his approval of the
12 form and correctness thereof;

13 (c) Be prosecuting attorney of the police court and prose-
14 cute all cases brought before such court, and perform the same
15 duties so far as they are applicable thereto as are required of
16 the prosecuting attorney of the county: *Provided, however,* That
17 it shall be necessary for said city attorney to appear in criminal
18 cases only when so requested by the mayor, or other proper
19 authority;

20 (d) The city council and all administrative officers of the
21 city may require the opinion of the city attorney upon any
22 question of law involving their respective powers and duties,
23 and he shall furnish the same in writing when so requested;

24 (e) Be present at all regular meetings and special meetings
25 of the city council to advise the mayor and council on legal
26 questions arising and to advise the city recorder in the prepara-
27 tion of resolutions and ordinances, and perform such other
28 services relating to his profession as may be required by the
29 council;

30 (f) The city attorney shall receive for his services an annual
31 retainer fee not to exceed three hundred dollars, said fee to be
32 fixed by the council payable out of the city treasury.

City Engineer: Duties.

Sec. 44. The city engineer shall be a competent civil and
2 mechanical engineer and shall discharge all duties and exercise
3 all powers which shall be conferred upon him by any ordinance
4 or resolution of the city council, and in addition he shall exer-
5 cise the following powers:

6 (a) Make surveys and fix grades when required by the city
7 council or mayor; prepare plans, plats and specifications of all
8 improvements which may be undertaken when required; and
9 inspect all work done by any contractor for the city while the
10 work is being performed;

11 (b) Supervise the construction of all buildings, the erection
12 of which is controlled or regulated by the city;

13 (c) Furnish to any resident any street or sewer grade when-
14 ever required on such terms as the council shall prescribe;

15 (d) Make complete maps of all streets, alleys, lanes, parks
16 and public property owned by the city and keep the same on
17 file in the city office and furnish a copy thereof to the mayor.
18 He may make recommendations as to the kind of improvements
19 required or suitable for any street, alley, lane, or locality in the
20 city;

21 (e) He shall also perform such other duties as may be pre-
22 scribed by the council from time to time by ordinances and
23 resolutions not inconsistent herewith.

Street Commissioner: Duties.

Sec. 45. The street commissioner shall have general supervi-
2 sion and control of the trucks, road machines, graders and all
3 property and machinery of the city to be used for maintaining
4 and upkeep of the city streets.

5 (a) General supervision of the work of repairing and keep-
6 ing in repair all pavements, sidewalks, curbs and sewers in the
7 city;

8 (b) General supervision over the men employed by the city
9 to work in the street department and shall keep an accurate
10 statement of their time at work and file same with the recorder
11 of the city, signed by him;

12 (c) He shall also perform such other duties as may be
13 prescribed by the council from time to time by ordinance or
14 resolutions not inconsistent herewith.

City Physician: Duties and Powers.

Sec. 46. The city physician shall be a member of the medical
2 profession in good standing and shall discharge all duties and
3 exercise all powers which shall be conferred upon him by any
4 ordinance or resolution of the city council; and, in addition, he
5 shall exercise the following powers:

6 (a) See that all property and premises within the city are
7 kept clean and free from unsightly or obnoxious rubbish and
8 in a thoroughly sanitary condition;

9 (b) See that all ponds, cesspools and swamps within or
10 adjacent to the city are drained, cleaned and rendered sanitary
11 so as not to injuriously affect the inhabitants of the city;

12 (c) Institute before the police court judge all proceedings
13 and prosecutions necessary to enforce all laws, ordinances and

14 regulations relating to the preservation and promotion of the
15 public health and necessary to make the city sanitary, and to
16 prevent and restrict diseases, and in so doing, he shall have the
17 assistance of the city attorney;

18 (d) Institute and prosecute proceedings before the city coun-
19 cil for the supervision, prevention or abatement of nuisances,
20 and in so doing, he shall have the assistance of the city attorney;

21 (e) Provide for the sanitary inspection and supervision of
22 the production, transportation, storage and sale of food and
23 foodstuffs, the regulation and inspection of weights and meas-
24 ures, and the collection and disposal of all waste and garbage;

25 (f) In time of epidemic or threatened epidemic, he shall
26 enforce such quarantine and isolation rules and regulations as
27 are appropriate for the emergency;

28 (g) Provide for study and research into cases of poverty,
29 delinquency, crime and disease. He shall by lectures, public
30 instructions and otherwise instruct and educate the people of
31 the community in matters affecting the public welfare which
32 relate to sanitation, cleanliness, and how to avoid insofar as
33 possible sickness and disease;

34 (h) Instruct the least informed and most ignorant members
35 of the community how best to avoid and to cure all venereal
36 diseases, and afford them all assistance required in carrying
37 out such instructions;

38 (i) Supervise the discharge of all obligations of the city
39 under any law of the United States of America or of the State
40 of West Virginia to treat and care for persons addicted to the
41 use of drugs.

Chief of Police.

Sec. 47. The chief of police shall discharge such duties as
2 may be required of him by ordinance or resolution of the council
3 and shall act under the orders of the mayor in administering
4 the police department.

Chief of Fire Department: Duties.

Sec. 48. The chief of the fire department shall have general
2 supervision and control of the property and appliances of the
3 city to be used for the prevention and extinguishment of fires.
4 He shall be under the direction, authority and subject to the

5 orders of the mayor at all times in the administration of the
6 fire department. He shall make such inspections as may be re-
7 quired of buildings and property throughout the city in rela-
8 tion to the matter of fire risks.

9 He shall, under the direction of the mayor, discharge all the
10 duties which may be imposed upon him by any ordinance or
11 resolution adopted or passed by the city council.

Assessor: Duties.

Sec. 49. The council may appoint a city assessor each year
2 and prescribe his duties and fix his compensation by resolution
3 or ordinance.

Moneys and How Expended.

Sec. 50. All moneys belonging to the city shall be paid over
2 to the city treasurer; and no money shall be paid out by him
3 or her except as the same shall have been approved by the coun-
4 cil and upon an order signed by the mayor and recorder, and
5 not otherwise, except at the expiration of his or her term of
6 office upon order of the council, signed by the mayor and re-
7 corder, he or she shall pay over to his successor all the money
8 remaining in his hands.

*Levies Annual or Special, Poll Tax, License Tax on Animals,
Annual Levy, Special Levies for Outstanding
Indebtedness.*

Sec. 51. The council shall lay an annual levy or an addi-
2 tional or special levy each year and may include a poll tax of
3 not exceeding two dollars each year upon each male citizen over
4 the age of twenty-one years, who is not exempted from paying
5 poll tax under the laws of the State of West Virginia, and the
6 said council may also impose a tax of one dollar per annum upon
7 each male dog, and two dollars per annum upon each female
8 dog owned by any resident of the city and collect the same from
9 the said owners of such animals, as other taxes are collected,
10 and prescribe such rules, regulations and penalties governing
11 the payment of said tax on animals as they may deem reason-
12 able. The general annual levy upon the taxable property within
13 the corporate limits of said city shall not exceed the sum of
14 fifty-five cents upon each one hundred dollars' assessed valua-

15 tion. But in addition to said levy above mentioned and in ad-
16 dition to any levies provided by the general law, the council
17 of said city, are empowered to and shall lay a special levy not
18 to exceed fifteen cents on each one hundred dollars' valua-
19 tion of the property in said city for the purpose of creating
20 a sinking fund with which to pay off the principal of the pres-
21 ent outstanding bonded indebtedness of said city when the same
22 becomes due and of retiring the bonds so outstanding in accord-
23 ance with the provision thereof, and for the further purpose
24 of paying annually when due, the interest coupons of the said
25 present outstanding bonded indebtedness of the said city,
26 which said special levy shall be continued annually by the coun-
27 cil for as many years as it may be necessary to pay off the
28 present and any future bonded indebtedness and the interest
29 coupons that may become due thereon. The above mentioned
30 special sinking fund levy shall be used for no other purpose
31 except as set out above.

*Certificate by County Assessor to Recorder of Assessment;
Rate of Levy; Correction of Erroneous Assessment.*

Sec. 52. The officer whose duty it is to make out the land
2 and personal property assessment books for the county court of
3 Upshur county, shall annually, not later than the twentieth day
4 of July, furnish to the city recorder of the city of Buckhannon,
5 a certified statement showing in separate amounts the aggregate
6 value of all the personal property, and the aggregate value of
7 all the real estate and the aggregate value of all property
8 assessed by the board of public works, or other board in lieu
9 thereof, in said city, as ascertained from said land and personal
10 property books, and from the assessments furnished by the state
11 auditor to the county clerk showing the value of the property
12 assessed in said city by the board of public works for the cur-
13 rent year. The statement so furnished shall be laid by the city
14 recorder before the council at its next meeting (not later than
15 the first day of August), and shall be taken by the said council
16 as the proper valuation of all property in said city liable for
17 taxation for municipal purposes for the current fiscal year, and
18 as soon as rate shall have been determined upon, the city re-
19 corder shall furnish the officer whose duty it is to make out
20 land and personal property books, a certified copy of said order

21 fixing the rate of such levy; and such officer shall make and
22 furnish to the city copies of those portions of the land and
23 personal property books of the county of Upshur showing all
24 persons and property assessed within the city of Buckhannon,
25 and shall extend against said property and persons the amount
26 of taxes thereon based upon said levy, for which said officer
27 shall be paid by the city of Buckhannon, such compensation
28 as may be fixed by ordinance.

29 In case there has been made an erroneous or improper assess-
30 ment, evidence, submitted to the council of the correction of
31 such assessment upon the county's books, or the granting of an
32 exoneration or abatement by the county court, shall be taken
33 as the basis for the correction of the city's books and the grant-
34 ing by the council of the proper abatement or exoneration.

Liens for Assessments, Taxes, Etc.

Sec. 53. There shall be a lien on all real estate within the
2 said city for the city taxes assessed thereon, and for all fines
3 and penalties assessed against or imposed upon the owners
4 thereof, by the authorities of said city, including expenses for
5 making, maintaining, and repairing, paving and macadamizing
6 sidewalks, drains, gutters and streets, otherwise improving
7 from the time work is begun, which shall have priority over all
8 the other liens except taxes due the United States and the lien
9 for taxes due the state, and county and district, and such lien
10 may be enforced by the council in the manner provided by law
11 for the enforcement of the lien for county taxes. And the laws
12 of the State of West Virginia in relation to delinquent taxes,
13 and the sale of property therefor, are hereby and in all respects
14 adopted as to all proceedings in relation to taxes for city pur-
15 poses delinquent in said city. And the powers and duties con-
16 ferred by the laws of said state upon county courts and their
17 clerks and sheriffs in regard to delinquent taxes and their col-
18 lection, are hereby in all things conferred upon said city council,
19 its recorder and other city officials, insofar as the same may
20 be directly or by implication applicable in the collection of de-
21 linquent taxes due said city.

License, License Tax, Etc.

Sec. 54. The council shall prescribe by ordinance the time
2 and manner in which licenses of all kinds shall be applied for

3 and granted, and shall require the payment of the tax thereon
4 to the city treasurer before the delivery thereof to the persons
5 applying therefor, which tax shall include the same fees for the
6 issuing of such license as are charged for similar services by
7 state and county officers, which fees shall be paid to the city
8 recorder.

9 The council may revoke any license for a breach of any of the
10 conditions, or for other good causes shown, but the person hold-
11 ing such license must first have reasonable notice of the time
12 and place of hearing and adjudicating the matter as well as the
13 cause alleged; and shall be entitled to be heard in person or
14 by counsel, in opposition to such revocation. The term for
15 which licenses provided for in this charter shall be granted and
16 be governed by the general law providing for state licenses.

17 The mayor may prescribe, impose and enforce a fine, upon
18 any person carrying on or attempting to carry on any business
19 or doing anything for which a city license may by ordinance be
20 required, without first obtaining a city license therefor and
21 paying the city license tax thereon. For the purpose of en-
22 forcing the provisions of this section the city shall have police
23 jurisdiction for one mile beyond the corporate limits of the
24 city.

Condemnation.

Sec. 55. The council shall have the right to institute and
2 prosecute proceedings in the name of the city for condemnation
3 of real estate for streets, alleys, roads, drains, sewers, market
4 grounds, city prison, city hall, water works, electric light plant,
5 or other works, or purposes of public utility. Such proceedings
6 shall conform to the provisions of the general law of West Vir-
7 ginia and the expenses thereof shall be borne by the city, except
8 in cases where it is proper under said chapter to charge said
9 expenses or any part thereof against the defendant.

Improvement Bonds.

Sec. 56. The council of said city shall have the right to bond
2 the city for the purpose of paving the said streets, or for other
3 permanent improvements or for the purpose of taking up, pay-
4 ing off or refunding any already outstanding city bonds or items
5 of indebtedness, whenever the council thereof may deem the

6 same necessary; but the aggregate indebtedness of the said
7 city for all purposes shall never at any time exceed five per-
8 centum of the assessed valuation of the taxable property there-
9 in according to the last assessment next preceding said date.
10 The said council shall provide a fund for the payment of the
11 interest annually on the said indebtedness so created, and to
12 pay the principal thereof within and not exceeding thirty-four
13 years: *Provided*, That no debt shall be contracted hereunder,
14 unless all questions connected with the same be first submitted
15 to a vote of the qualified voters of said city, and have received
16 three-fifths of all the votes cast for and against the same.

Contracts of Public Improvements, Etc.

Sec. 57. All contracts pertaining to public improvements,
2 maintenance of public property, public printing, purchase of
3 supplies and all other contracts whatsoever, involving an out-
4 lay of as much as five hundred dollars, shall be made by the
5 council and shall be based upon specifications provided for the
6 competitive bids. Such competitive bids shall be sealed and one
7 copy of each bid shall be filed with the recorder of the city.
8 Each bidder shall accompany his bid with a sworn statement, in
9 writing, that the bidder has not directly, nor indirectly, entered
10 into any agreement, express or implied, with any other bidder
11 or bidders, having for its object the control or amount of such
12 bids, or limiting the bids or bidders, parceling or farming out
13 to any bidder or bidders or other persons, or any part of the
14 contract or any part of the subject matter of the bid or the
15 parts thereof. No bidder shall divulge said sealed bid to any
16 person whatever except those having a partnership or other
17 financial interest with him in said bid, until after said sealed
18 bids are opened. The violation of any of the foregoing provi-
19 sions on the part of the bidder shall, at the election of the
20 council, make void any contract made by him with said city
21 based upon such bid. The awarding of a contract upon a suc-
22 cessful bid shall give the bidder no right of action or claim
23 against the city upon such contract until the same shall have
24 been reduced to writing and duly signed by the contracting
25 parties. All bids filed with the recorder of the council shall be
26 opened in the presence of the council two days before the con-
27 tract shall be entered into upon any such bids. The council

28 shall consider the bids and may reject any and all bids and
29 ask other bids, or may enter into a contract with the party
30 offering the lowest and best bid, or may have such work done
31 under the supervision of the proper department and keep ac-
32 count of the expense thereof. Pending acceptance of bids, the
33 plans and specifications and profiles shall remain on file in the
34 office of the recorder subject to the inspection of any person.
35 For safeguarding the interests of the city, the council shall
36 make such regulations providing for the filing of the estimates
37 furnished them by the city engineer, or other persons making
38 such estimates of cost, as they may deem best. The council
39 shall have power to require all bidders to make such bonds or
40 cash deposits as they may deem proper to secure the perform-
41 ance of the contract awarded.

Limitation on Indebtedness, Penalty for Violation.

Sec. 58. The council of the said city shall not, at any time,
2 for any purpose, create any indebtedness against the said city
3 except as provided in the next preceding section, exceeding
4 the available assets of the said city for the current year; and
5 if the said council shall create such indebtedness or issue orders
6 on the city for an amount exceeding the amount of money avail-
7 able for that year for said city from all sources, and the amount
8 of money then in the treasury appropriated, the members of
9 said council shall be severally and jointly liable for the payment
10 of the excess of such indebtedness or orders over the amount
11 of the money applicable thereto, and the same may be recovered
12 in any court having jurisdiction thereof. Any councilman vio-
13 lating the provisions of this section shall be deemed guilty of
14 malfeasance in office, and may be removed as such councilman
15 in pursuance of section fifteen of this act: *Provided, however,*
16 *That this shall not be applicable to such members who have*
17 *voted against said excess: And provided further, That the vote*
18 *of each member of the council shall be recorded.*

Claims Against the City.

Sec. 59. Every claim against the city must be approved by
2 the officer in whose department it originated, and be filed with
3 the recorder of the city in writing, with a full account of all
4 items thereof, and must be subscribed by the claimant or his

5 agent or attorney, who, on oath, shall declare that the same is
6 correct, just, due and unpaid, and no claim or demand shall
7 be allowed or suit filed thereon unless so prepared and filed,
8 and unless suit shall be filed upon such claim within twelve
9 months after the same shall have been so filed with the recorder
10 of the city as above provided, such claims shall be forever
11 barred, and upon all suits filed to enforce such claims such bar
12 shall be pleaded.

Payments of Demands Unauthorized.

Sec. 60. Every officer who shall knowingly prove, allow or
2 pay any demand upon the treasury of the city not authorized
3 by law, ordinance or this act, shall be liable to the city individ-
4 ually and on his official bond for the amount of the demand so
5 illegally approved, allowed or paid.

Conservators of the Peace.

Sec. 61. The mayor, recorder and councilmen of the city of
2 Buckhannon shall each be a public conservator of the peace,
3 and said officers and each member of the police department, in
4 addition to the power of enforcing ordinances of the city and
5 in aid of such powers, shall have the same police powers as are
6 given to a constable in making arrests and preserving the peace
7 and safety over territory outside of the city, but under its con-
8 trol, as may be conferred by the laws of the state and the pro-
9 visions of this act.

Fiscal Year.

Sec. 62. The fiscal year of the city shall commence on the
2 first day of July each year and shall end on the thirtieth day
3 of June next following.

Publication of Financial Statement.

Sec. 63. The city of Buckhannon shall cause to be published
2 in two newspapers of opposite politics, if there be such published
3 therein, at a compensation not to exceed the rate provided by
4 the law for like publications, for one issue, or, to be published
5 in pamphlet form not less than one hundred copies of a sworn
6 statement of the financial condition of such corporation. Such
7 statement shall contain an itemized statement of the receipts
8 and expenditures of the city, showing the source from which

9 all money was derived, and the name of the person to whom an
10 order was issued, showing the total amount issued to him, ar-
11 ranging the same under distinct departments, showing the pur-
12 pose for which any debt was contracted and the amount of
13 money in the treasury at the end of the preceding administra-
14 tion and the debts contracted by it.

15 Such statement shall be prepared by the city every twelve
16 months and then shall be printed according to the provisions
17 of this section. Either method of making the report shall be
18 sworn to by the recorder.

19 If a city council fail or refuse to perform the duties herein-
20 before named, every member of such council and the recorder
21 thereof concurring in such refusal shall be guilty of a mis-
22 demeanor, and, upon conviction thereof, shall be fined not less
23 than ten nor more than one hundred dollars.

24 If any of the provisions in this section are violated, it shall
25 be the duty of the prosecuting attorney of Upshur county to
26 immediately present the evidence thereof to the grand jury if
27 in session, and if not in session, he shall cause such violation
28 to be investigated by the next succeeding grand jury.

Sewerage and Paving.

Sec. 64. All provisions of sections one, two, three, four, five,
2 six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen,
3 fifteen, sixteen, seventeen and eighteen, article nine, chapter
4 eight of the code of West Virginia, one thousand nine hundred
5 thirty-one, not inconsistent herewith, are hereby made parts of
6 this chapter as though set forth herein in detail, and the council,
7 by a majority vote of their members, shall have power to enforce
8 the same in said city; they shall adopt all such ordinances and
9 resolutions as may be necessary to put said provisions into
10 effect.

Public Utility Franchises.

Sec. 65. The city council may by ordinance grant permission
2 to any individual, firm or corporation to construct and operate
3 a public utility in, over and under the streets, alleys and pub-
4 lic grounds of the city under the provisions of law applicable
5 thereto; but no franchise shall be considered an emergency
6 measure. It may by ordinance renew any franchise to construct

7 and operate a public utility in, over and under the streets, alleys
8 and public grounds of the city, or may grant to any individual,
9 firm or corporation operating a public utility the right to ex-
10 tend the appliances and service of such utility; but the right to
11 use and maintain any such extension shall expire with the ori-
12 ginal grant to the utility or of any renewal thereof. It shall
13 control the distribution of space in, over or across all streets or
14 public grounds occupied by public utility fixtures. All rights
15 hereafter granted for the construction and operation of public
16 utilities shall be subject to the continuing right of the council
17 to require such reconstruction, relocation, change or discontinu-
18 ance of fixtures and appliances used by the utility in such
19 streets, alleys or public grounds, as the council may deem neces-
20 sary for the public convenience: *Provided*, That no franchise
21 shall be granted for a period exceeding fifty years, and no re-
22 newal thereof shall exceed a like period.

Pollution of Water Supply of the City.

Sec. 66. In order to preserve the health and insure the com-
2 fort of the inhabitants of the city of Buckhannon by preventing
3 the pollution of the water and water supply of the city for
4 domestic use, it shall be unlawful for any person, firm, or cor-
5 poration to deposit, discharge, throw or cause to be thrown into
6 the Buckhannon river above the water station of the city, or into
7 any tributary brook or stream which falls or flows into said
8 river above said point, any dead carcass of any animal, fowl, or
9 fish, any sewage or sewage effluent, or the content of any privy
10 or privy vault, or any offal from any slaughter house or butcher
11 establishment, or any spoiled fish, meat, cheese, lard, molasses,
12 grain or any obnoxious vegetable, mineral or animal substance, or
13 any tins in which foods or liquids have been preserved, or any
14 crude oil, refined oil, petroleum, or any compound or mixture of
15 oil or filth from any oil well, oil tank, oil vat or place of deposit
16 of crude or refined oil, or any other vegetable, mineral or animal
17 substances, or waters charged and polluted with minerals, or
18 combination of two or more of such substance, which of itself
19 or in connection with other matter will or might corrupt, pollute,
20 or impair the quality of the water in said river and streams; or
21 to throw or deposit, cause to be thrown or deposited, or permit
22 to be thrown or deposited upon any premises owned by him or
23 them, upon or near to the margin of said river, creeks, and

24 streams, in such proximity as to permit the obnoxious substances
25 to be washed or carried into said river or streams by rains, flood-
26 ing and drainage; but all liquid substances, the discharge of
27 which into said stream or streams is prohibited, shall be dis-
28 charged or deposited in the fields at a distance from the margin
29 of any said streams so that they will be thoroughly filtered and
30 cleansed before reaching the streams.

31 Any person convicted of violating any of the provisions of
32 this section by a court of competent jurisdiction shall be fined
33 not more than one thousand dollars and imprisoned in the
34 county jail of the county for not more than one year.

Motor Vehicles.

Sec. 67. The city council shall have power to license and regu-
2 late by ordinance all taxicabs, automobiles and vehicles of like
3 motive power engaged in the transportation of passengers or
4 freight for hire over the streets and alleys of the city, and may
5 require bond from the owners thereof for their faithful com-
6 pliance with all ordinances and rules and regulations made in
7 pursuance thereof; also to regulate and fix the rate of charges
8 to be made for transporting and hauling passengers and freight,
9 and to make it unlawful to charge a higher rate than the
10 maximum fixed by the council.

Services of Notices.

Sec. 68. Whenever any notice is required to be given by the
2 city or any department thereof, or any summons, warrant or
3 other process is required to be served or otherwise executed
4 under the provisions of this act, it shall be sufficient if such
5 notice, summons, warrant or other process be served or executed
6 and return thereof be made by any member of the police force
7 of said city in the same way or manner in which the laws of the
8 state provide for serving and executing notices, summons and
9 warrants by state officers, unless otherwise provided in this act.

Assessments for Removing Snow, Weeds, Etc.

Sec. 69. The city council shall have power to provide by
2 ordinance for assessing against the abutting property the cost
3 of removing from sidewalks all accumulations of snow and ice
4 and for assessing against the property the cost of removing rub-
5 bish and the cutting and removing of noxious weeds from any
6 lot or grounds in the city.

Sidewalks.

Sec. 70. The city council is hereby authorized and empowered
2 to cause to be put down a suitable sidewalk and curb of brick,
3 stone or other material along and for the footways and sidewalks
4 of the public streets and alleys of said city, and to order and
5 cause the grading, laying or relaying or repair of sidewalks and
6 gutters, of such material and width as the council may deter-
7 mine; and to require the owners or occupiers of the lot or lots
8 or parts of lots facing upon said streets and alleys to keep such
9 sidewalks clean and in good repair. The owners or occupiers
10 of the lots or fractional parts of lots abutting upon such streets
11 and alleys shall not grade or lay any such sidewalk, curb or
12 gutter, unless specially requested to do so by resolution adopted
13 by the council, and then only of the kind prescribed by the
14 council; but the city may lay such sidewalk, curb or gutter and
15 grade therefor, or may let said work by contract, and in either
16 case the total cost of said work shall be charged upon and
17 assessed against the lots or fractional parts of lots abutting upon
18 the streets and alleys so improved, or specially benefited by
19 said work, in proportion to the number of feet frontage thereon
20 of each such lot or part of lot, and shall be and remain a lien
21 thereon from the date of acceptance of the work by the city,
22 and said lien shall have priority over all other liens except those
23 for taxes due to the state, and shall be on a parity with the
24 taxes and assessments due the city, and shall bear interest from
25 the date of acceptance of the work by the city, or from the
26 completion thereof when done by the city, and shall become due
27 and payable when declared final by the council. The amount so
28 assessed against any lot, or fractional part of lot, together with
29 the interest shall also be a debt against the owner of such lot or
30 part of lot. Immediately upon completion of the work, if done
31 by the city, or upon acceptance of the work if done by contract,
32 the council shall cause the city recorder to serve a notice upon
33 the owners of each lot or fractional part of lots over which such
34 sidewalks are graded, paved, curbed or laid, shall describe such
35 lot or part of lot with reasonable certainty sufficient to identify
36 the same, and shall also state the number of feet over each lot
37 or part of lot so graded, curbed or laid with sidewalk, together
38 with the amount assessed against each owner; which notice shall
39 be served as provided for the service of notices in this act and

40 shall cite all said owners to appear before the council at a
41 regular meeting to be held within fifteen days following the
42 service of publication thereof and show cause, if any they can,
43 why such assessments should not become final. Protests against
44 said assessments shall be heard and determined and said assess-
45 ment shall become final and be recorded by the city recorder,
46 certified for collection, and the collection thereof enforced
47 against the property assessed and against the owner thereof,
48 and a certificate of said assessments certified to the clerk of the
49 county court for recordation, and recorded in all respects in
50 the same manner and with the same legal effect as provided in
51 the case of assessments for street paving or other local improve-
52 ments in this act.

Act Construed.

Sec. 71. All provisions contained in this act in respect to
2 making improvements shall be liberally construed by the council
3 and by the courts. Immaterial and technical objections shall be
4 disregarded; all special benefit assessments ascertained and not
5 contested before the council within the time specified by law
6 from the ascertainment thereof shall be deemed conclusive, and
7 in any contested case the ascertainment by the council shall be
8 conclusive.

Repeal of Former Acts.

Sec. 72. The act of the legislature of West Virginia, passed
2 February eighth, one thousand nine hundred nineteen, known as
3 senate bill number one hundred four, relating to the charter of
4 the city of Buckhannon, and being chapter fifteen of the acts
5 of one thousand nine hundred nineteen, relating to municipal
6 charters, and all acts and parts of acts inconsistent with this act
7 are hereby repealed.

ORDINANCE NO. 261 OF THE CITY OF BUCKHANNON, AN ORDINANCE SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE QUALIFIED VOTERS OF THE CITY OF BUCKHANNON SEEKING TO CHANGE AND INCREASE THE LENGTH OF TERM OF OFFICE OF THE MAYOR, CITY RECORDER AND FIVE (5) COUNCIL PERSONS FROM TWO (2) YEARS AS IS PRESENTLY PROVIDED FOR BY THE CITY CHARTER, TO FOUR (4) YEARS, SAID PROPOSED CHARTER AMENDMENT TO BE FORMALLY PRESENTED UPON THE BALLOT, TO THE QUALIFIED VOTERS OF THE CITY OF BUCKHANNON DURING THE NEXT REGULAR MUNICIPAL ELECTION TO BE HELD ON JUNE 8, 1993

WHEREAS, pursuant to Section 30 of the Charter of the City of Buckhannon, it is expressly provided that all terms of office of the Mayor, City Recorder and all Council members shall be for a term of two (2) years; and,

WHEREAS, the Council of the City of Buckhannon now deems it to be reasonable and proper to formally submit a proposed charter amendment to the qualified voters of the City of Buckhannon, which if said amendment were approved, all terms of office of the Mayor, City Recorder and five (5) Council persons would be increased from the current two (2) years to four (4) years; and,

WHEREAS, the Council of the City of Buckhannon formally moved during its regularly convened meeting on January 7, 1993, to submit the proposed charter amendment to the qualified voters of the City of Buckhannon, which if said amendment were approved, would increase the term of office of the Mayor, City Recorder and five (5) Council persons from two (2) years to four (4) years, except with respect to the 1993 municipal election only, during which 1993 municipal election the Mayor and three (3) Council persons then elected would upon approval by the qualified voters of the City of Buckhannon, serve a three (3) year term only; and,

WHEREAS, the manner of generally revising or amending a municipal charter is specifically described and set forth pursuant to the statutory provisions of Chapter 8, Article 4, Section 7 of the West Virginia Code, as amended; and,

WHEREAS, the specific manner of establishing longer terms for the officers of a city is described and set forth pursuant to Chapter 8, Article 5, Section 5 of the West Virginia Code, as amended; and,

WHEREAS, the Council of the City of Buckhannon now desires to formally submit a proposed charter amendment to the qualified voters of the City of Buckhannon, which if said amendment were approved, would increase all of the terms of office of the Mayor, City Recorder and all Council members from the current two (2) years to four (4) years, said submittal of the proposed charter amendment to be conducted in the manner as is required pursuant to State law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

ARTICLE I: The Council of the City of Buckhannon deems it to be reasonable and proper to seek to change and increase the length of the terms in office of the Mayor, City Recorder and the five (5) Council persons, from terms of two (2) years to four (4) years, which change and increase must first be approved by a majority of the legal votes cast by the qualified voters of the City of Buckhannon at an election thereon, and which proposed charter amendment shall be

put forth to the qualified voters of the City of Buckhannon during the next regularly scheduled municipal election to be held on June 8, 1993.

ARTICLE II: In order to establish a pattern whereby the municipal elections of the City of Buckhannon would be conducted on a staggered, or alternating year basis, the Council of the City of Buckhannon finds it to be reasonable, necessary and proper to provide as part of the proposed charter amendment, that the municipal officers to be elected during the June 8, 1993, municipal election only, and in the event that the charter amendment is approved by the qualified voters, that said officers elected during the June 8, 1993, municipal election, being the Mayor and three (3) of the five (5) Council persons would be elected to serve a three (3) year term only, but provided that commencing with the regular 1994 City of Buckhannon municipal election, and at all regular, municipal elections occurring thereafter, that the term of service for the Mayor, City Recorder and all five (5) Council persons would then be for terms of four (4) years.

ARTICLE III: The City Recorder of Buckhannon is expressly hereby directed and authorized upon the passage, adoption and enactment of this Ordinance, to have placed upon the ballot to be tendered to the qualified voters of the City of Buckhannon during the next regularly scheduled municipal election of the City of Buckhannon to be conducted on June 8, 1993, the proposed revision or amendment to the Charter of the City of Buckhannon in the manner as follows:

"PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF BUCKHANNON TO INCREASE THE TERMS OF OFFICE OF THE MAYOR, CITY RECORDER AND FIVE (5) COUNCIL PERSONS FROM TWO (2) YEARS TO FOUR (4) YEARS, AND SPECIFICALLY AMENDING SECTION 30 OF THE CITY CHARTER AS FOLLOWS:

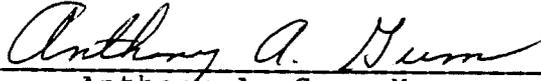
"On the second Tuesday of June, 1993, there shall be elected by the qualified voters of said city, a mayor and three (3) council persons. The term of office of the mayor and the said three (3) council persons elected during the 1993 election shall be for a period of three (3) years. On the second Tuesday of June, 1994, there shall be elected by the qualified voters of said city, a city recorder and two (2) council persons. The term of office of the city recorder and the said two (2) council persons elected during the 1994 election shall be for a period of four (4) years, and after the said 1994 city election held hereunder, the mayor, city recorder and the five (5) council persons then shall all be elected to serve four (4) year terms. Following the 1994 city election, all subsequent city elections then shall be held on alternating years, with the city election there following to be held in 1996 at which time there shall be elected by the qualified voters of said city, a mayor and three (3) council persons, all of whom shall be elected to serve four (4) year terms."

" _____ FOR THE PROPOSED CHARTER AMENDMENT
 _____ AGAINST THE PROPOSED CHARTER AMENDMENT"

ARTICLE IV: This Ordinance shall be deemed effective immediately upon the second reading, adoption and passage by the Council of the City of Buckhannon, insofar as this Ordinance authorizes and directs the City Recorder to have the proposed charter revision or amendment to be placed upon the ballot to be tendered to the qualified voters of the City of Buckhannon during the June 8, 1993, municipal election.

FIRST READING: January 21, 1993

SECOND READING, PASSAGE AND ADOPTION: February 4, 1993



 Anthony A. Gum, Mayor

CERTIFICATE OF ENACTMENT

I, Nancy C. Shobe, Recorder of the City of Buckhannon, do hereby certify that the foregoing Ordinance No. 261, was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the Council assembled on February 4, 1993.



 Nancy C. Shobe, City Recorder

DM47/20

Salary

ORDINANCE NO. 210
OF THE CITY OF BUCKHANNON,
AN ORDINANCE INCREASING THE SALARIES
OF THE RECORDER, MAYOR, AND
COUNCILMAN OF THE CITY OF BUCKHANNON

WHEREAS, Chapter 8, Article 5, Section 12, of the West Virginia Code provides that the governing body of each municipality shall by ordinance fix or cause to be fixed the salaries or compensation of each municipal officer and employee; and,

WHEREAS, the Council has determined that salaries of the recorder, mayor and councilman have not been increased for a number of years and that the salaries of said officials are not adequate to compensate said officials for the responsibilities of the positions and the time which they must expend in discharging their responsibilities; and,

WHEREAS, the Council realizes that it cannot adequately compensate the parties holding said positions, but deems it appropriate to provide for an increase in their salaries;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUCKHANNON THAT:

FIRST: The salary of the Recorder of the City of Buckhannon shall be increased to Sixty Dollars (\$60.00) per month.

SECOND: The salary of the Mayor of the City of Buckhannon shall be increased to One Hundred Dollars (\$100.00) per month.

THIRD: The salary of Councilmen for the City of Buckhannon shall be increased to Fifty Dollars (\$50.00) per month.

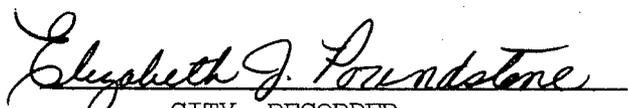
FOURTH: In view of the restrictions contained in the provisions of Chapter 8, Article 5, Section 12 of the West Virginia Code to the effect that the salary of any officer shall not be increased or diminished during his term, the effective date of any salary increase for the recorder and the councilmen from Wards 2 and 4, whose terms of office shall not be completed prior to July 1, 1981, shall be postponed until July 1, 1982.

The effective date of the salary increases for the mayor and councilmen from Wards 1, 3 and 5 all of whose terms of office shall be completed on June 30, 1981, shall be July 1, 1981.

FIRST READING March 5, 1981
SECOND READING April 2, 1981
THIRD READING April 16, 1981
ADOPTED

I hereby certify that this is a true copy of an ordinance adopted by the Council of the City of Buckhannon at its regular meeting held on

Given under my hand and seal of the City of Buckhannon this


CITY RECORDER