

ACTS
OF THE
LEGISLATURE
OF
WEST VIRGINIA,
AT ITS
TWENTY-FOURTH REGULAR SESSION,

Commencing January 11th, 1899.



CHARLESTON:
PRESS BUTLER PRINTING CO.
1899.

Powers of council.	28. The council of said city shall have power to lay off, vacate, close, open, alter, grade and keep in good
Roads, streets and alleys.	repair the roads, streets, alleys, pavements, sidewalks, crosswalks, drains and gutters therein, for the use of the citizens or of the public, and to improve and light the same, and to keep them free from obstructions of every kind; to regulate the width of the pavements and sidewalks on the streets and alleys, and to order the pavements, sidewalks, foot ways, drains and gutters to be kept in good order, free and clean, by the owner or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time of holding the same, provide suitable and convenient buildings therefor, and prevent the fore-stalling of such markets; to prevent injury or annoyance to the public, or to individuals, from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses, tan houses and soap factories within the city limits; or the exercise of any unhealthy or offensive business, trade or employment; to abate all nuisances within the city limits, or to require and compel the abatement or removal thereof, or at the expense of the persons causing the same, or by or at the expense of the owner or occupant of the grounds on which they are placed or found; to cause to be filled up, raised or drained, by or at the expense of the owner, any city lot or tract of land covered or subjected to be covered by stagnant water; to prevent horses, hogs, cattle, sheep or other animals, and fowls of all kinds, from going or being at large in such city, and as one means of prevention, to provide for impounding and confining such animals and fowls, and upon failure to reclaim, for the sale thereof; to protect places of divine worship, and preserve order in and about the premises where and when such worship is held; to regulate the keeping of gun powder and other inflammable or dangerous substances; to provide for the regular building of houses or other structures, and for the making and maintaining of division fences by the owners of adjoining premises, and for the proper daining of city lots or other parcels of land by or at the expense of the owner or occupant thereof; to provide against danger of damage by fire; to punish for assault and batteries; to prohibit the keeping of or loitering in or visiting houses of ill-fame, or loitering in saloons, or upon the streets: to prevent lewd or lascivious conduct, the sale or exhibition of indecent
Markets.	
Slaughter-houses, etc.	
Nuisances.	
Drainage, etc.	
Animals running at large.	
Divine worship, protection of.	

pictures or other representations: the desecration of
 the Sabbath day, profane swearing, the illegal sale of
 all intoxicating liquors, mixtures and preparations,
 beer, ale, wine or drinks of a like nature; to protect Sale of intoxicants.
 the persons of those residing or being within said city;
 to appoint when necessary or advisable a police force, Police
 permanent or temporary, to assist the chief of police
 in the discharge of his duties; to build or purchase, or
 lease and use as a suitable place of imprisonment,
 within or near the said city, for the safe keeping or
 punishment of persons charged with or convicted of
 the violation of ordinances; to erect or authorize or Gas and water works.
 prohibit the erection of gas or water works within the
 city limits; to prevent injury of such works, or the
 pollution of any gas or water used or intended to be
 used by the public or by individuals: to provide for weights and measures.
 and regulate the weighing or measuring of hay, coal,
 lumber or other articles sold or kept, or offered for
 sale within said city, and to establish rates and Committees and boards.
 charges for said weighing or measuring; to regulate
 the running and speed of engines and cars within the
 said city; to create by ordinance such committees
 and boards and delegate such authority thereto as
 may be deemed necessary or advisable; to provide Taxes.
 for the annual assessments of the taxable property
 therein, including dogs kept in said city and regulate
 their running at large, and to provide a revenue for
 the city for municipal purposes, and to appropriate Appropriation of revenues.
 such revenue to its expenses, and generally, to take
 such measures as may be deemed necessary or advis-
 able to protect the property, public and private, with-
 in the city; to preserve and maintain peace, quiet and
 good order therein, and to preserve and promote the
 health, safety, comfort and well being of the inhabi-
 tants thereof.

The council shall have authority to pass all ordi- Ordinances; how adopted and enforced.
 nances, (not repugnant to the Constitution and laws
 of the United States and of this State), which shall
 be necessary or proper to carry into full effect and
 power the authority, capacity and jurisdiction which
 is or shall be granted or vested in the said city, or in
 the council, or in any officer or body of officers of
 said city, and to enforce any or all ordinances by
 reasonable fines and penalties, and by imprisoning
 the offender or offenders, and upon failure to pay any
 fine or penalty imposed, by compelling them to labor Fines; offenders may be required to work out.
 without compensation on any of the public works or
 improvements, undertaken or to be undertaken by

What ordinances to extend beyond city limits.	said city, or to labor at any work which the said city may lawfully employ labor upon, at such a rate <i>per diem</i> as the council may fix, but not at a less rate than is fixed by said city council for like labor from other employees of said city, until any fine or fines imposed upon any such offender or offenders, by said city, shall have been fully paid and discharged, after deducting charges of support while in the custody of the officers of said city; and all ordinances relating to licenses, and the sale of spiritous liquors, malt liquors or wines, and the keeping of or dwelling or loitering in houses of ill fame; and such police regulations as may be ordained for said city, and the right and power to enforce the same shall extend one mile, in the State of West Virginia, beyond the corporate limits of the city: <i>provided, however</i>, that no fine shall be imposed exceeding one hundred dollars, and that no person shall be imprisoned or compelled to labor, as aforesaid, more than thirty days for any one offense. And in all cases where a fine is imposed for an amount exceeding ten dollars, or a person be imprisoned or compelled to labor as aforesaid, for a term greater than ten days, an appeal may be taken from any such decision, upon the same terms and conditions, that appeals are taken from the judgment of a justice of this state. Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced by and under the judgment of the mayor of the city, or in case of his absence or inability to act, by the clerk of said city, or if he be unable to act, then a member of the council, to be appointed by the council for that purpose.
Maximum fine, etc.	
Appeal from judgment of mayor.	
Additional powers of council: water works.	In addition to the powers above enumerated, the said city council shall have power to improve, amplify and expand the water works of said city, and to contract for an adequate supply of pure, healthful water for said city, and do all things necessary to adequately supply said city with pure, wholesome water; and provide, contract for and construct an adequate sewerage system for said city.
Sewers.	
State licenses: sole power in council to grant or refuse.	When anything for which a state license is required, is to be done within the limits of said city, the council may decide whether such license may be granted or not, and if granted it shall be assessed and collected the same as if granted by the county court of Tyler County; such license shall be issued in the manner and form provided by sections ten and eleven of chapter thirty-two, of the Code of West Virginia. And the

sole and exclusive power is vested in the said city council to grant or refuse State licenses within the limits of said city. When any such license, as is here-
City tax on licenses.
 inbefore mentioned, is granted by said city council, said city council may impose a tax thereon for the use of the city in conformity with the Statelaw, and shall also require of the licensee bonds payable to the said city in its corporate name, with good security; such bonds to be approved by said council, and to be in the same penalty as required by the State law. And
Bond of licensee.
 said city council may revoke such license at any time the condition of said bond be broken, upon ten days previous notice to the person, persons or corporation holding the same.
Power to revoke license.

And suits may be prosecuted and maintained on such bond, as prescribed in section twenty-two of chapter thirty-two of the Code of West Virginia, by the same person, in the same manner, and to the same extent, as upon the bonds mentioned in said section, and all the provisions of said section in relation to the bonds therein mentioned shall be applicable to the bonds required by this section.
Suit on such bond.

No license to sell brandy, whiskey, rum, gin, porter, ale, beer, or any other spirituous, vinous, or malt liquor or drink of like nature, shall be granted without the affirmative vote of at least a majority of the councilmen elected in said city, entered of record, in each case. No such license shall be granted until after the first election of councilmen under this Act.
Majority of councilmen elected necessary to grant liquor license

29. A book, well bound and indexed, to be denominated the "docket," shall be kept in the office of the mayor: in which shall be noted each case brought before or tried by him, together with the proceedings therein, including a statement of the complaint, the summons, the return, the fact of appearance or non-appearance, the defense, the hearing, the judgment, the costs, and in case the judgment be one of conviction, the action taken to enforce the same. The record of each case shall be signed by the mayor, and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office: and the mayor shall deliver to his successor the docket and all books and papers pertaining to his office.
Mayor's docket; what to show in relation to cases before him.
Papers to be filed.

30. The council shall cause to be made up annually and spread upon its minute book an accurate estimate of all sums which are or may become lawfully chargeable against the city, and which ought to be
Annual estimate of charges.