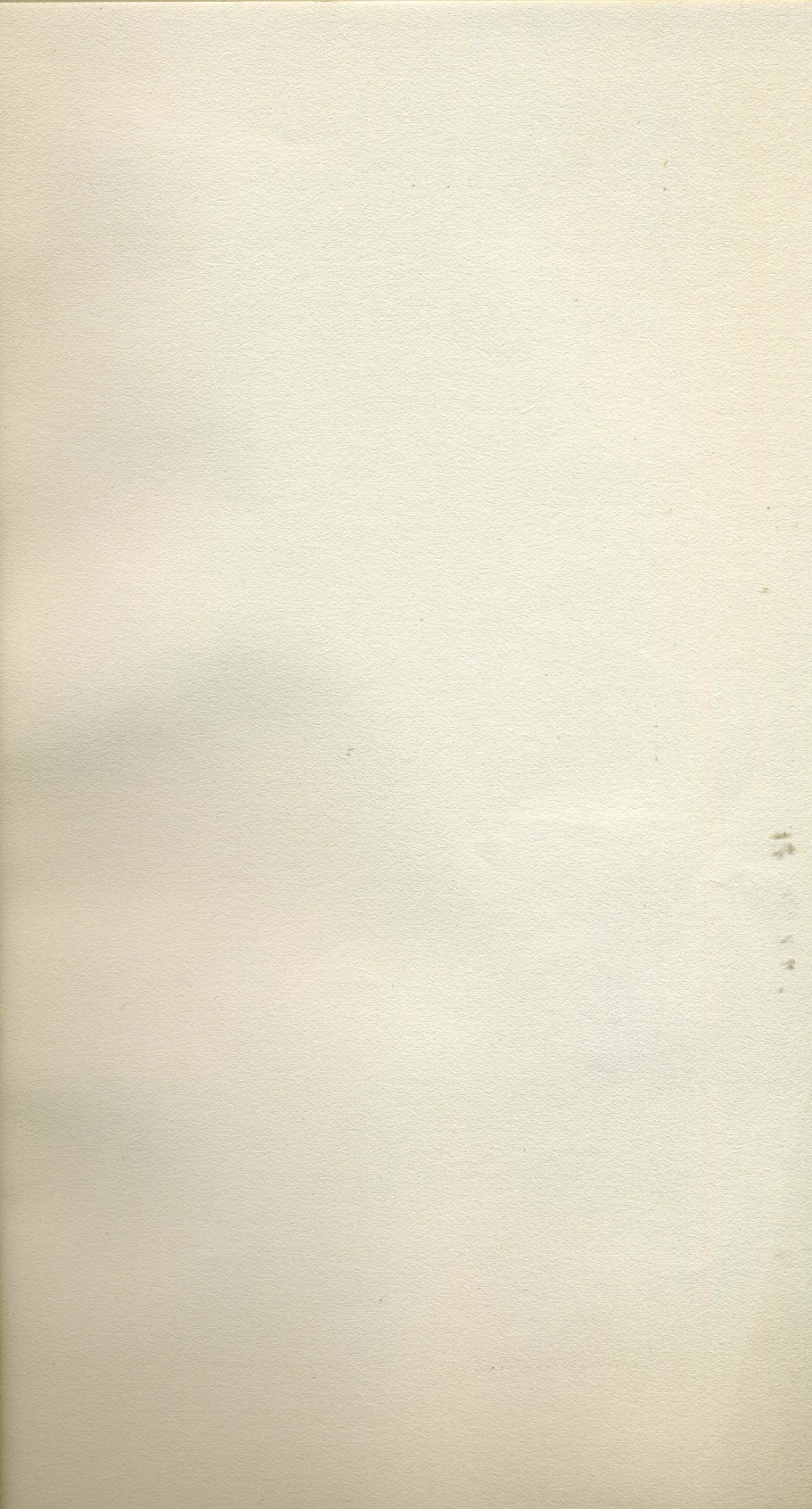
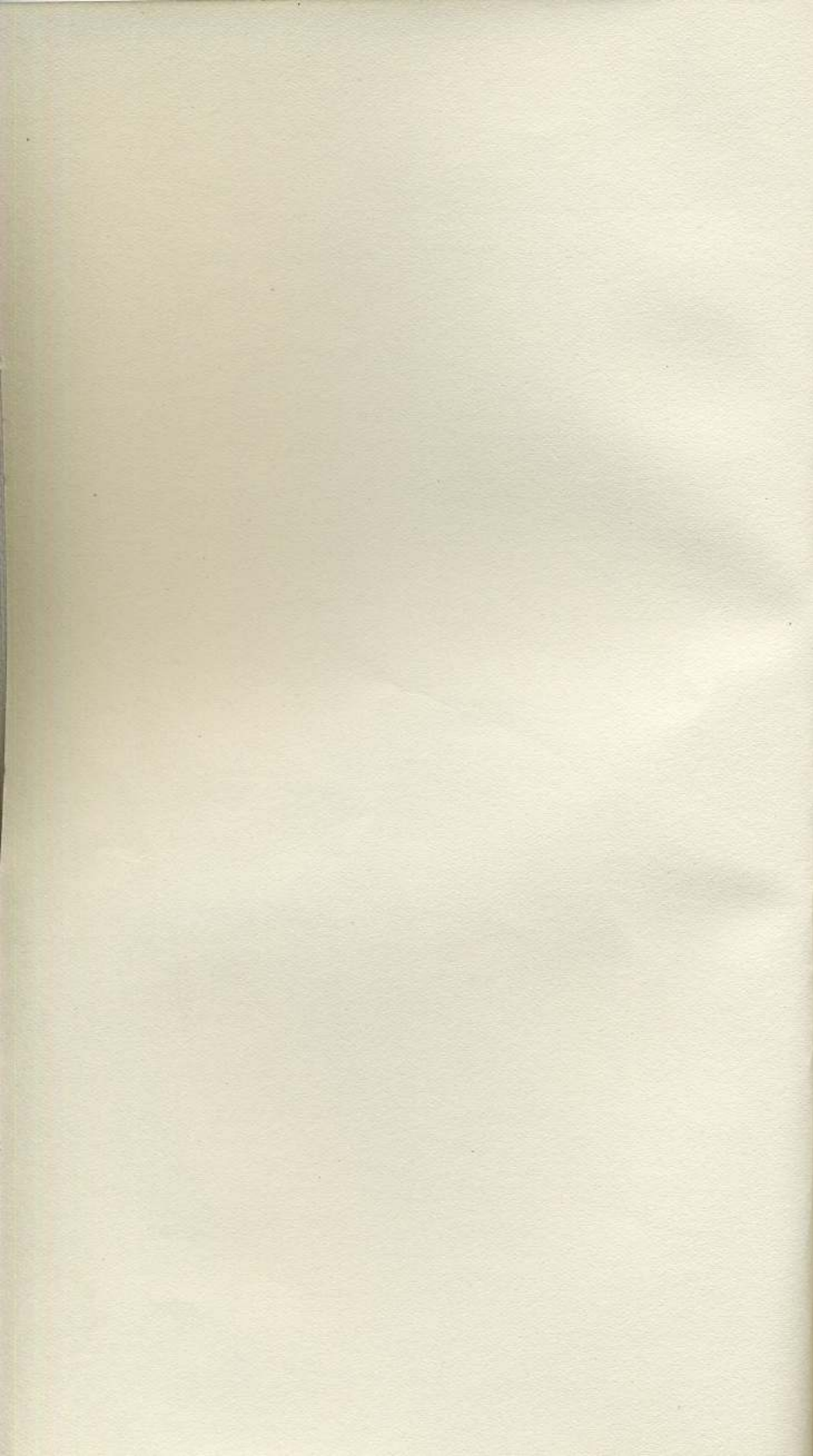


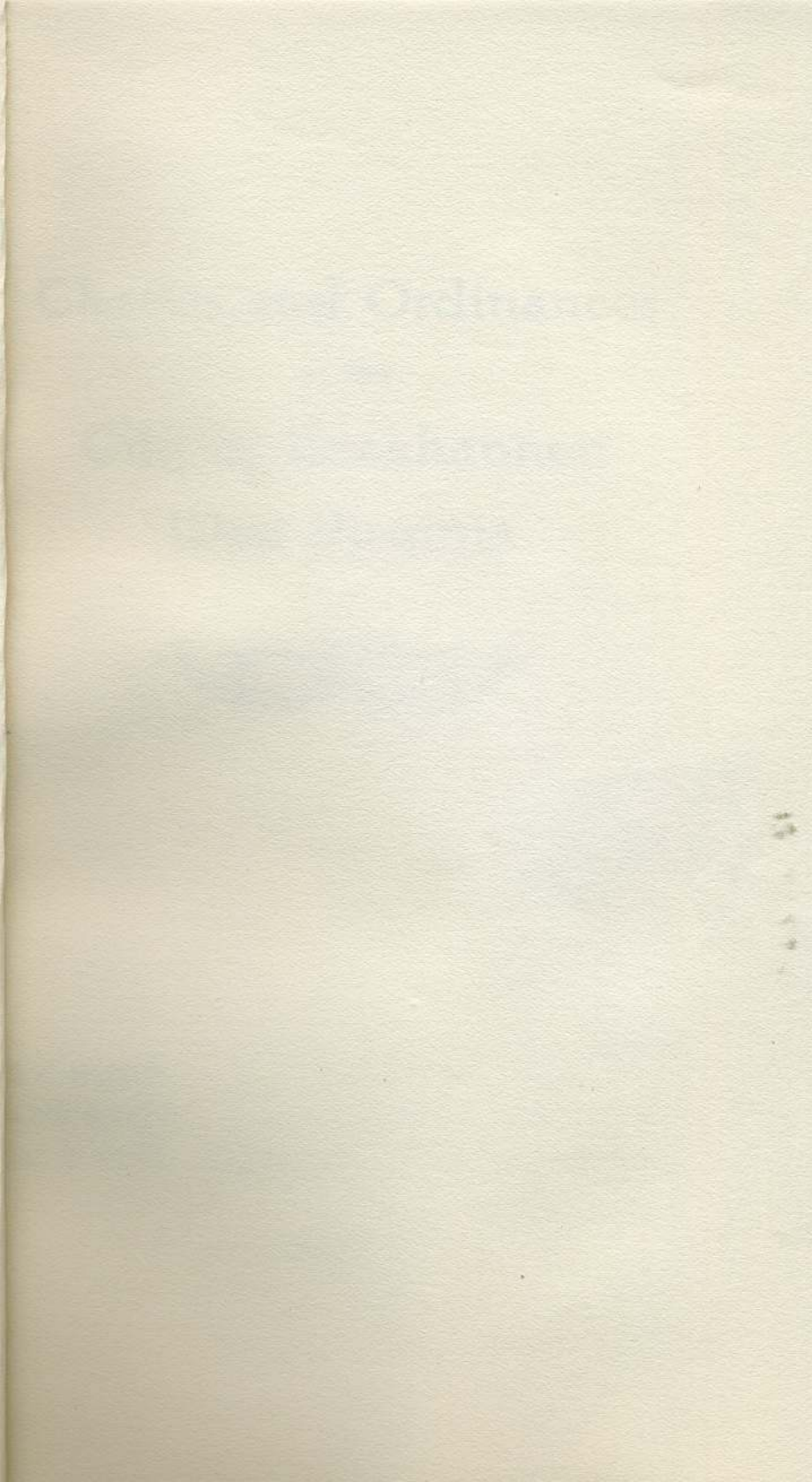
Charter and Ordinances
of the
City of Buckhannon
West Virginia



1923







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M. E. HYMES, Commissioner of Public Affairs
JOHN B. NEFF, Commissioner of Public Justice
GUY M. ROSS, Commissioner of Accounts and Finances

1923

Charter of the City of Buckhannon

An ACT to create and incorporate the municipal corporation of the city of Buckhannon, in the county of Upshur and state of West Virginia, and to grant a charter thereto, and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof.

(Passed February 8, 1919. In effect from passage. Became a law without Governor's approval.)

Be it enacted by the Legislature of West Virginia:

Section 1. That the inhabitants of so much of the county of Upshur as lies within the boundary prescribed by section two of this act shall be and remain, and they are hereby made, a body politic and corporate by the name and style of the city of Buckhannon, and as such, and by that name, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, take, receive, hold and use goods and chattels, lands and tenements, and choses in action, or any interest, right or estate thereto, either for the proper use of said city, or in trust for the benefit of any person, association or corporation therein, and the same may grant, sell, convey and assign, let, pledge, mortgage, charge and encumber, in any case and in any manner in which it would be lawful for a private individual so to do, except where such power may be limited by law; and may have and use a common seal, and alter and renew the same at pleasure; and generally shall have all the rights, franchises, capacities and powers conferred herein, and by the laws of this state upon municipal corporations not inconsistent with the provisions of this act.

Sec. 2. The corporate limits and boundaries of said city shall be as follows: Beginning at a stake, where a white oak formerly stood in a field of P. F. Pinnell's heirs, and running thence south 26 degrees ten minutes east four thousand one hundred and ninety-three feet to a white oak; corner to lands of Montreville Reger's heirs; thence south thirty-seven degrees fifty minutes east one thousand six hundred and sixty-four feet to a stake on the east side of Kawha street extended, the southwest corner to the Buckhannon Improvement company's addition to the town of Buckhannon; thence with the south line of the same south sixty-seven degrees east one thousand one hundred and forty-nine feet to the west bank of the Buckhannon river, thence down said river north thirty-five degrees east seven hundred and eighty-two feet to the corporation line of South Buckhannon; thence south fifty-six degrees fifty-four minutes east one hundred and eighty-nine feet crossing

the river to a stake thirty feet east of the bank thereof; thence with the lines of the South Buckhannon corporation, as surveyed in one thousand nine hundred and eleven, north thirty-six and one-half degrees east four hundred and four feet to a stake on the bank of the river; north fifty-three and one-half degrees east four hundred and twenty-nine feet to a stake; north forty-eight and one-half degrees east three hundred and ninety-six feet to a stake, one hundred and fifty feet from the forks of the road leading to Little Sand run; north twenty-seven and one-half degrees east eight hundred and ninety-one feet to a stake in the road; north thirty-three degrees east three hundred and sixty-three feet to a stake; north twenty-five and one-half degrees east four hundred and ninety-five feet to a stake; north sixteen degrees west five hundred and ninety-four feet to a stake; north sixty-one and one-half degrees east one hundred and forty-eight and one half feet to a stake; north fifty and one-half degrees east three hundred and thirty feet to a stake; north thirty-nine degrees east two hundred and sixty-four feet to a stake on the east bank of the river; thence north thirty-two and one-half degrees west two hundred and sixty-four feet crossing the river to a stake on the west bank thereof; thence down the river ten and one-half degrees east one thousand four hundred and nineteen feet to a stake; thence north seventeen degrees west one hundred and sixty-five feet to a stake; thence north sixty-seven and three-fourths degrees west one thousand one hundred seventy-five and one-half feet to a stake on the west bank of the river, a corner to the corporations of Buckhannon and South Buckhannon, where a sycamore was formerly called for; thence with the lines of the corporation of the town of Buckhannon, as surveyed in the year one thousand eight hundred and eighty-three, and by the bearings of that date east nine hundred and fifty seven feet crossing the river to a sycamore at the forks of the Staunton and Parkersburg turnpike and the old Crites mill road, thence north thirty-seven and one-half degrees east seven hundred and twenty-six feet to a spruce on the bank of the river; thence, by December, one thousand nine hundred and eighteen, magnetic bearing, north sixty-nine and one-half degrees west five hundred and eight feet crossing the river to stake, being the southeast corner to the Hudkins addition to the town of Buckhannon, as surveyed and platted by W. G. L. Totten, said stake being in the line extended with the east side of Seventh street; thence with Seventh street, eastern boundary, north seventeen and three-fourths degrees east one thousand and fifty-three feet to a stake; thence north one and one-half degrees east six hundred and twelve feet to a stake at the southeast corner of Seventh street and Morton avenue; thence with the south side of Morton avenue north seventy-one degrees west two thousand eight hundred and twenty-eight feet to the southwest corner of Morton avenue and First street; thence north eighty-nine and one-half degrees west with the south side of the county road four hundred and ninety-one feet; thence with the south side of said road as follows: South seventy-four degrees twenty-five minutes west six hundred and seventy-six feet; south forty-two and one-half degrees west three hundred and two feet; south forty-eight and one-fourth degrees west two hundred and thirty-three feet; south seventy-five and one-fourth degrees west eighty feet; north seventy-five and three-fourths west five hundred and fifty-eight feet to the east side of the Buckhannon and Clarksburg turnpike; thence with the south side of the same south zero degree fifteen minutes west eight hundred and thirty feet to the south side of Pink's run at the bridge; thence general direction of Pink's run south seventy-two and one-fourth degrees west eight hundred and forty-one feet to the northeast corner of railroad bridge across Pink's run; thence south fourteen and three-

fourths degrees west two thousand two hundred feet to the beginning.

Sec. 3. The said city and the board of commissioners hereinafter provided for, shall have and are hereby granted power to have the said city surveyed; to open, vacate, broaden, change grade of, grade and pave streets, sidewalks and gutters for public use, and to alter, improve, embellish and ornament and light the same, and to construct and maintain public sewers and laterals, and shall in all cases except as to lighting have power and authority to assess upon and collect from the property benefited thereby all, or such part of the expense thereof, as shall be fixed by ordinance; to have control of all streets, avenues, roads, alleys and grounds for public use in said city, and to regulate the use thereof and driving thereon, and to have the same kept in good order and free from obstruction, pollution or litter on or over them, but the said county shall be chargeable with the construction and maintenance of all bridges within the said city; to change the name of any street, avenue or road within said city, and to cause the numbering of houses on any street, avenue or road therein; to regulate and determine the width of streets, sidewalks, roads and alleys; to order and direct the curbing and paving of sidewalks and footways for public use in said city to be done and kept clean and in good order by the owners of adjacent property; to restrain and punish the abuse of animals; to restrain and punish vagrants, mendicants, beggars, tramps, prostitutes, drunken or disorderly persons within the city and provide for their arrest and manner of punishment; to prohibit by ordinance the bringing into the city of any person or animal afflicted with contagious or infectious disease, and to punish any violator of said ordinance who knows or has reason to believe such person or animal to be so afflicted; to control and suppress disorderly houses of prostitution or ill-fame, houses of assignation, and gaming houses or any part thereof, and to punish gaming; to prohibit within said city or within three miles thereof slaughter houses, soap or glue factories and houses of like kind; to control the construction and repair of all houses, basements, walls, culverts and sewers, and to prescribe and enforce all reasonable regulations affecting the construction of the same, and to require permits to be obtained for such buildings and structures, and plans and specifications thereof to be first submitted to the city council or board of commissioners; to control the opening and construction of ditches, drains, sewers, cesspools and gutters, and to deepen, widen and clear the same of stagnant water or filth, and to prevent obstructions therein, and to determine at whose expense the same shall be done; and to build and maintain fire station houses, police stations and police courts, and to regulate the management thereof; to acquire, lay off, appropriate and control public grounds, squares and parks, either within or without the city limits as herein defined; to purchase, sell, lease or contract for and take care of all public buildings, and structures and real estate, including libraries and hospitals, deemed proper for use of such city; and, for the protection of the public, to cause the removal of unsafe walls or buildings, and the filling of excavations; to prevent injury or annoyance to the business of individuals from anything dangerous, offensive or unwholesome; to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city; and all nuisances and causes thereof, and to that end and thereabout to summon witnesses and hear testimony; to declare and enforce quarantine against the introduction of any contagious or infectious disease prevailing in any other state, county or place, and of any and all persons and things likely to spread such contagion or infection; to regulate the keeping of gunpowder and other combustible or dangerous articles; to regulate, restrain or prohibit the use of firecrackers, or other explosives, or fire,

works, and all noises or performances which may be dangerous, annoying to persons or tend to frighten horses or other animals; to provide and maintain proper places for the burial of the dead and to regulate interments therein upon such terms and conditions as to price and otherwise as may be determined; to provide for shade and ornamental trees and the protection of the same; to provide for the making of division fences; to make proper regulation for guarding against danger or damage from fires; to provide for the poor of the city, and to that end may contract with the proper authorities of Upshur county to keep and maintain the poor, or any number thereof, upon terms to be agreed upon; but until the said city shall assume the maintenance and support of such poor by proper ordinance or resolution of the board of commissioners, the poor of said city are to be maintained and supported by the said county of Upshur under the general provision of law relating thereto; to make suitable and proper regulations in regard to the use of the streets and alleys for street cars, railroad engines and cars, and to regulate the running and operation of the same so as to prevent injury, inconvenience or annoyance to the public; to prohibit prize fighting, cock and dog fighting; to license, tax, regulate or prohibit theaters, circuses, the exhibition of showmen and shows of any kind and the exhibition of natural or artificial curiosities, caravans, menageries, pictures, motion pictures and musical exhibitions and performances; to regulate the construction, height, material used in all buildings, and the maintenance and occupancy thereof; to regulate and control the use for whatever purpose, of the streets and other public places; to create, establish, abolish and organize employments and fix the compensation of all employees; to organize and maintain fire companies and to provide necessary apparatus, engines and implements for the same; to regulate and control the kind and manner of plumbing and electric wiring for the protection of the health and safety of said city; to levy taxes on persons, property and licenses; to license and tax dogs and other animals, and regulate, restrain and prohibit them and all other animals and fowls from running at large; to assess, levy and collect taxes for general and special purposes upon all the subjects or objects which the city may lawfully tax; to levy and collect assessments for local improvements; to borrow money on the faith and credit of the city by the issue and sale of bonds in the manner prescribed by law; to appropriate the money of the city for all lawful purposes; to create, provide for, regulate and maintain all things in the nature of public works and improvements; to adopt rules for the transaction of business and for its own regulation and government; to promote the general welfare of the city and to protect the persons and property of citizens therein; to regulate and provide for the weighing of produce and other articles sold in said city and to regulate the transportation thereof, and other things through the streets; to have the sole and exclusive right to grant, refuse or revoke any and all licenses for the carrying on of any business within said city on which the state exacts a license tax; to establish and regulate markets and to prescribe the time for holding the same, and what shall be sold in such market, and to acquire and hold property for market purposes; to regulate the sale and distribution of food-stuffs; to regulate or prohibit the placing of signs, billboards, posters and advertisements in, on or over the streets, alleys, sidewalks and public grounds of said city; to preserve and protect the peace, order and safety and health of the city and its inhabitants, including the right to regulate the sale and use of cocaine, morphine, opium and poisonous drugs; to make, enforce and provide local police, sanitary and other regulations, and fully exercise all lawful police powers; to appoint and fix the places of holding city elections; to erect, own, lease, authorize or

prohibit the erection of gas works, telephone plant or electric light works in or near the city, and to operate the same and sell the products or services thereof, and to do any and all things necessary and incidental to the conduct of such business; to provide for the purity of milk, meats and provisions offered for sale in said city, and to that end provide for a system of inspecting the same and making and enforcing rules for the regulation of their sale, and to prohibit the sale of any unwholesome or tainted milk, meats, fish, fruits, vegetables, or the sale of milk containing water or other things not constituting a part of pure milk; to provide for inspecting dairies and slaughter houses, whether in or outside of the city, where the milk and meat therefrom are offered for sale within said city; to prescribe and enforce ordinances and rules for the purpose of protecting the health, property, lives, decency, morality and good order of the city and its inhabitants, and to protect places of divine worship in and about the premises where held, and to punish violations of said ordinances even if the offense under and against the same shall constitute offenses under the law of the state of West Virginia or the common law; to provide for the employment and safe keeping of persons who may be committed in default of the payment of fines, penalties or costs under this act, who are otherwise unable or fail to discharge the same, by putting them to work for the benefit of the city upon the streets or other places provided by said city, and to use such fees to prevent their escape while at work as the council may deem expedient; and the council may fix a reasonable rate per day as wages to be allowed such person until the fine and costs against him are thereby discharged; to compel the attendance at public meetings of the members of the council; to prevent any person, association or corporation for polluting in any manner any pond, lake, basin, reservoir, stream, spring, creek, or other body of water from which the city shall take water to be used for domestic purposes by the inhabitants thereof, or from casting into any such body of water, or on the bank thereof or in such proximity thereto that the same may enter therein, any filthy, unwholesome, or obnoxious substance, object, or liquid, or anything whatsoever, injurious to the health of the people of the city, or which impairs its value for the ordinary purposes of life, or which shall render the water offensive to taste or smell, or that is naturally calculated to excite disgust in those using such water for the ordinary purposes of life; to exercise all other powers that now are or hereafter may be granted to municipalities by the constitution or laws of the state of West Virginia; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, or when not prescribed herein, in such manner as shall be provided by the ordinances or resolutions of the council.

The city of Buckhannon shall have power and authority, within and without its territorial limits, to construct, condemn and purchase, acquire, lease, improve and make additions thereto, maintain and conduct and operate water works, light plants, power plants, heating plants, and incinerating plants, and do everything required therefor, for the use of the said city and the inhabitants thereof, and may enforce such purchases by proceeding at law or in equity by the right of eminent domain, and by condemnation; but the moneys necessary for the purchase and construction of such works, plants, or system of works and plants shall be derived from the issuance and sale of the bonds of said city approved by three-fifths of the qualified voters of the said city voting for and against the same, at any special election called and held for the purpose. The ordinance of the said city submitting such bond issue to a vote shall specify the purpose and amount for which said bonds are to be issued and sold, said amount being limited only by the constitution and laws of the state of West Virginia, and

the other provisions of this charter. Provided, That the power to condemn may be exercised for the purpose of acquiring such utilities now existing and operating under franchises granted by the said town of Buckhannon, or the said town of South Buckhannon, under the terms of the franchises, or under the rights of eminent domain, at the election of the city. Provided, further, That such utilities now existing shall not be acquired or purchased by said city except on ordinance of the said city submitted at a special election and approved by three-fifths of the qualified voters of the said city voting for and against the same, authorizing such purchase and the issuance and sale of bonds in payment of same, and such ordinance shall specify in detail the property and rights to be acquired and the price to be paid for the same.

The enumeration of particular powers of this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, impliedly thereby, or appropriate to the exercise thereof, the council shall have and exercise all other powers, which, under the constitution and laws of the state of West Virginia it would be competent for this charter specifically to enumerate.

The council shall provide for the enforcement of all ordinances by reasonable and proper penalties, consisting of fines or imprisonment, or fines and imprisonment, with suitable rules and regulations for the enforcement of such penalties. For all such purposes the jurisdiction of the city shall, when necessary, extend for one mile beyond the corporate limits of said city. In order to prevent the pollution of the waters from which the people of the city take water for domestic uses, the jurisdiction of the city shall be co-extensive with the location and extent of the waters from which such supply is taken, and each day such act of pollution of the water continues may be deemed a separate offense; provided, however, That in no event shall imprisonment for a longer period than sixty days or a greater fine than one hundred dollars, or both, be imposed for any one offense. The word "council" where used in this act shall be deemed to mean "board of commissioners" where also used herein.

Sec. 4. The city shall be divided into three wards, as follows:

First Ward—All that part of the city lying southward of a line drawn from the Buckhannon river by way of College avenue, and said line projected straight therefrom and therewith to its intersection with the southwestern exterior boundary line.

Second Ward—All that part of the remainder of the said city lying northward of a line beginning at the intersection of Main street with the western exterior line of said city, and running thence with Main street and Florida street to College avenue.

Third Ward—All the remainder of said city.

Sec. 5. The elective officers of this city shall be three commissioners, namely, the mayor, who is commissioner of public affairs; the police judge, who is commissioner of public justice; and the city clerk, who is commissioner of public accounts and finances, who shall be nominated and elected at large by the qualified electors of the city of Buckhannon, for a term of three years and until their successors are elected and qualified; provided, that the commissioners elected at the first election under this charter shall assume the duties of their respective offices on the first day of July, after their election, and their terms of office shall expire as follows: The term of office of the mayor and commissioner of public affairs first elected under this charter shall expire in one year from the beginning of his term; the term of the office of the police judge and commissioner of public justice first elected under this charter shall expire in two years from the commencement of his term; and the term of office of the city clerk and commissioner of public accounts and finances, first elected under this charter, shall expire in

three years from the commencement of his term. The annual election of commissioners shall be held on the second Tuesday in May. Each person elected or appointed to an office in the city shall within thirty days after his election or appointment and before entering upon the duties of his office, take and subscribe the oath of office prescribed by law for county officers, which shall be done before a notary public, and the certificate of the officer administering the oath shall be filed with the city clerk.

The term of office of a commissioner elected and qualified shall begin with the first day of July next following the day of his election. A vacancy in the office of commissioner shall be filled by appointment by the remaining commissioners until the said vacancy shall be filled at the next municipal election for the part of the term then unexpired. If the remaining commissioners fail to make appointment to fill a vacancy in the office of commissioner within ten days after the vacancy occurs, then said vacancy shall be filled until the next municipal election by appointment by the city clerk, as such.

Sec. 6. Each commissioner must be at least twenty-two years of age, an elector of the city, not in litigation with the city nor in arrears for city taxes when elected, and not the owner of stock or bonds of any public service corporation doing business in the city, and must for one year next preceding the date of his election have been a bona fide resident and taxpayer of the city of Buckhannon; provided, that at the first election held under this charter this provision as to residence shall be construed so as to make qualified to hold the office of commissioner any person possessing the qualifications required by this section who shall have been a bona fide resident and taxpayer for one year next preceding his election within the boundaries set out in section two of this act.

Sec. 7. The compensation of the mayor and commissioner of public affairs shall be fifty dollars per month, and the compensation of each of the other commissioners shall be twenty-five dollars per month, payable monthly; provided, that a larger or smaller salary may be paid when the amount shall first be fixed by a majority vote of all the votes of the city of Buckhannon cast at a regular annual general election held in said city; provided, a board of commissioners may, by proper ordinance or resolution, allow to the city clerk and commissioner of public accounts and finances, a commission not to exceed two and one-half per centum upon all taxes collected by him, as additional compensation, and in addition to his salary aforesaid, or such commission may be paid to any employee acting under said commissioner of accounts and finances in collecting such taxes.

Sec. 8. Each commissioner and all other officers of the city before entering upon the discharge of their duties, shall take and subscribe the oath of office prescribed for county officers in this state, and in addition thereto shall also take an oath that he is not under direct or indirect obligation or promise to appoint any person to office, position or employment under the city government.

Sec. 9. Each commissioner, as such, shall give a good and sufficient bond for the faithful performance of the duties of his office, the mayor and commissioner of public affairs and the commissioner of public justice each in the sum of three thousand five hundred dollars, and the city clerk and commissioner of public accounts and finances in the penalty of twenty thousand dollars, payable to the city of Buckhannon, for the use and benefit of said city, and to be executed by some surety company duly licensed to do business in this state, or by not fewer than two good and sufficient sureties, in such form as the board of commissioners may require, and to be approved by the other two commissioners; and each of said commissioners shall give such additional bond as the board of commissioners may by ordinance require, the cost of such

additional bond to be paid by the city; and all other officers and employees shall give such bond as may by ordinance be required.

Sec. 10. The mayor, as such, shall be the chief executive officer of the city, and chairman of the board of commissioners, and when present shall preside at all meetings of the board; and, in addition to all other duties imposed upon him by state and municipal laws and the board of commissioners, shall sign the commissions of all appointive officers, shall indorse the approval of all official bonds when same shall be approved by the commissioners, sign all warrants and orders drawn upon the commissioner of public accounts and finances for money, sign all bonds, contracts, conveyances and other written obligations of the city and all ordinances passed by the board of commissioners, and shall cause each of the above enumerated writings to be attested by the commissioner of public accounts and finances as the clerk of the board, under the seal of the city.

Sec. 11. The mayor, as commissioner of public affairs, shall have supervision of the health department and department of sanitation; he shall also have charge and be superintendent of the department of public affairs, which shall include water works, parks, libraries, cemeteries, public service corporations operating under city franchise; the opening, grading, paving, lighting, cleaning, repairing and sprinkling of streets, sewer and viaduct construction, sidewalks and crossings, and the city engineering department, and shall have charge of all other city property not delegated to other departments. He shall perform such other duties, not inconsistent herewith, as the board of commissioners may from time to time prescribe, and in case of absence from the city, sickness or inability of the police judge to perform the duties of his office the mayor shall temporarily act as judge of the police court.

Sec. 12. The police judge, as commissioner of public justice, shall be the head of the department of peace and safety, and he shall have supervision of the fire department and police department. He shall see, except as may be herein otherwise provided, that the laws and ordinances of the city and the resolutions and orders of the board of commissioners are enforced; that the peace and good order of the city are preserved; and that the persons and property therein are protected. In case of absence, sickness or inability of the mayor to perform the duties of his office he shall act as mayor. He shall also perform such other duties, not inconsistent herewith, as may be hereinafter prescribed, or by the board of commissioners from time to time imposed.

Sec. 13. The city clerk, as commissioner of public accounts and finances, shall have charge of the department of accounting and finance, which shall include the collection of all city taxes, rents, licenses, fees, and all revenues of the city from whatever source derived. He shall have charge of all bond issues, assessments, printing and city fiscal affairs generally. He shall be the purchasing agent for the city, and, subject to the directions of the board of commissioners and the provisions of this charter, shall purchase all supplies and make all contracts for city printing. He shall be clerk of the board of commissioners, and as such, perform such duties as usually devolve upon a city clerk, and shall perform such other duties, not inconsistent herewith, as the board of commissioners may, from time to time, prescribe. He shall also be the city treasurer and have custody of the funds of the city, and shall pay out the same only upon the order of the board of commissioners, duly signed and attested. He shall invest the funds of the city only in such securities as are provided by the constitution and the laws of the state of West Virginia in such cases made and provided, and such investments, if any, shall be made only upon the direction of the board of commissioners, and all uninvested funds shall be deposited in the city depositories in

the city of Buckhannon, and in the name of the city. The Traders National Bank of Buckhannon, the Peoples Bank of West Virginia, and the Buckhannon Bank, all located within the said city of Buckhannon, are here made depositories of the said city; and the board of commissioners may prescribe such bonds for such depositories, to be given by them to the city, as the board may deem proper.

Sec. 14. Each of the commissioners provided for in this charter shall be required to engage in the actual work of his office to the extent his services may be necessary for the full and proper discharge of his duties thereunder. At all times each commissioner shall have actual management and control of the affairs of his department and shall be responsible directly to the people therefor, and he shall also be held directly responsible by the people of the city for his vote upon any action taken by the board.

Sec. 15. The board of commissioners shall fix the number and salary of all officers and employees in each department, but every officer and employee of the city shall be appointed and employed by the commissioner in whose department their respective duties mainly fall and their services are required, and such commissioner shall be responsible to the people therefor; and all officers and employees shall hold their respective positions at the will and pleasure of the power appointing and employing them.

Sec. 16. All appointive officers and employees of the city shall be selected with reference to their qualifications and fitness and for the good of the public service; but no person who is a near relative by blood or marriage of any of the commissioners or any of the heads of any of the departments of the city, shall be appointed to any office or employment under the city, unless such appointment be approved of record by the whole commission; otherwise any such appointment or employment shall be void.

Legislative Department

Sec. 17. The legislative powers of the city are hereby vested in a board composed of the three commissioners herein provided for, sitting as a board of commissioners. Said board shall have the power to enact all ordinances for the city, not in conflict with this charter or the constitution and laws of this state, the intention being that the said board shall be vested with the power and charged with the duty of enacting and adopting all laws and ordinances not inconsistent with this charter, the statutes of this state and the constitution thereof, touching every subject and matter of local or general application within the boundaries of the city or within one mile thereof; within the purview of the local government instituted by this charter and within the powers granted and conferred by the constitution and laws of the state of West Virginia.

Sec. 18. In case of the death, resignation, removal from office, or removal from the corporate limits of the city of any commissioner, or when from any cause the office of any member of the board may become vacant, the remaining members or member shall elect a successor or successors to fill the vacancy, who shall hold office and perform the duties pertaining thereto until the next regular annual city election, and until a successor is elected by the people of the city to fill the unexpired term of said commissioner.

Sec. 19. The board of commissioners shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at its meetings; provided, that any commissioner who shall fail to attend at least one meeting in any month of the board of commissioners shall forfeit his salary as such commissioner for said month unless said commissioner shall be excused from said attendance by unanimous vote of the board of commissioners on account of sick-

ness, physical disability or other cause; and provided further, that any commissioner who shall from any cause fail or refuse to perform the duties of his position including attendance at the meetings of the board for a period of three months shall lose his office and the same shall be declared vacant by the remaining commissioner or commissioners and said vacancy filled as herein provided.

Sec. 20. The regular meetings of the board of commissioners shall be held on the first Monday after the election of the commissioners and thereafter at least twice a month, and on such day and at such hour as shall be designated by ordinance or resolution of the board. Adjourned meetings may be held and special meetings called at any time by the mayor or by two commissioners as circumstances may demand.

Sec. 21. Two members of the board shall constitute a quorum and the affirmative vote of two members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure, unless a greater number is provided for by this charter. Upon every motion involving the expenditure of money and for the letting of any public contract, and on all ordinances, the ayes and nays shall be taken and recorded, and every ordinance shall be reduced to writing and read before a vote is taken thereon. The chairman of the board shall have a vote on all questions, but shall have no veto power. Every resolution or ordinance passed by the board shall be signed by the chairman or acting chairman, attested by the clerk, or acting clerk, and recorded before the same shall be in force.

Sec. 22. Every ordinance shall embrace but one subject, which shall be clearly expressed in the title. Provided, that if subject matter be embraced in any ordinance contrary to the provisions of this section, such ordinance shall be void only as to so much of the ordinance as may not be clearly expressed in the title thereof. Such subject may be omitted when ordinances are published in book form.

Sec. 23. All ordinances passed by the board of commissioners, except emergency ordinances, shall take effect and become valid and binding at the expiration of thirty days from the date of their passage, unless otherwise provided in this charter.

Sec. 24. The board of commissioners, by unanimous vote, may pass an emergency ordinance when the public peace, public health or public safety shall, in the judgment of the board, demand it. Every emergency ordinance must as a part of the title, contain the words: "And declaring an emergency," and every such ordinance shall provide that such ordinance shall take effect and be in full force immediately upon its passage.

Sec. 25. The first board of commissioners elected under the provisions of this act shall have authority to compile and adopt **eo instanti** such of the ordinances of the present town of Buckhannon as may be applicable to the changed form of government under this charter, change the penalties fixed by such ordinances, and adopt the same together with such other proper ordinances as may be necessary to preserve the public peace and insure the general welfare of the said city, and to carry into effect the provisions and purposes of this charter; and it shall be their duty to so compile, adopt and enact such ordinances and publish all of said ordinances in one book or pamphlet, and the said ordinances, when so compiled, shall be, in effect, in the form compiled, after the tenor thereof, immediately from the date of said adoption and compilation, and all ordinances of the towns of Buckhannon and South Buckhannon, not included in such compilation, shall then cease to be effective in the said city; but until such adoption and compilation shall have been completed, the said ordinances of the towns of Buckhannon and South Buckhannon, to the extent that they are not in conflict with

the provisions of this charter, shall be deemed the ordinances of the said city and enforceable as such.

Judicial Department

Sec. 26. The judicial power of the city of Buckhannon shall be vested in a police court, which court is hereby created, and the police judge and commissioner of public justice shall be ex-officio the judge of said court. All trials shall be before said judge without any jury.

Sec. 27. The police court shall have original and exclusive jurisdiction to hear and determine all offenses against the ordinances or the charter of the city of Buckhannon; and for the collection of all licenses, fees, rents or other revenues required by ordinances except such actions and proceedings as fall within the exclusive jurisdiction of other courts under the provisions of the constitutions and laws of this state.

Sec. 28. The ordinances of the city of Buckhannon shall be enforced by the imposition of fines, forfeitures or penalties against any person violating such ordinances, or any of them; and the commissioners shall prescribe in each particular ordinance made for that purpose, the minimum and maximum fine for the infraction thereof, which maximum shall not exceed one hundred dollars, exclusive of costs, for any one specific offense. The same costs shall be taxed in each criminal case tried in the police court as is provided by law to be taxed by justices of the peace in the trial of misdemeanor cases coming under the jurisdiction of justices of the peace, except that in every contested criminal case, the police judge may also tax an attorney fee of not exceeding five dollars, to be paid to the city prosecutor for his services in said case, if a conviction be had in said case.

Sec. 29. The police court may provide in all judgments of conviction for the violation of any ordinance of the city a fine, and that the person against whom said fine is assessed shall be imprisoned until the fine and costs of prosecution shall be paid, but not to exceed thirty days. And any person committed for the nonpayment of fine and costs, while in custody, may be compelled to work on the streets, alleys, public grounds or works until such fine and costs are paid, allowing one dollar per day for the work of said prisoner to apply on said fine and costs.

Sec. 30. All fines, penalties, forfeitures and collections of every kind made by the police judge shall be the property of the city and shall be deposited with the commissioner of public accounts and finances within ten days after the collection thereof, to be by him applied to the proper fund of the city as may by ordinance be required.

Sec. 31. The style of all process of the police court shall run in the name of the city of Buckhannon.

Sec. 32. Appeals from the police court shall lie to the circuit or criminal court of Upshur county, as is now or may be provided by the statutes of this state governing appeals from police courts to circuit or criminal courts.

Elections

Sec. 33. The board of commissioners may by ordinance approved at a referendum election called for the purpose, and held not less than sixty days before any regular municipal election, change the boundaries of the city, the number of the commissioners, the length of their term and the manner of their election, except that municipal elections shall always be without political party designation and non-partisan. When an election is held for the purpose of annexing additional territory to the city, the qualified voters of the territory that it is sought to annex, shall also vote upon the proposition and it shall be necessary that a majority of the total vote cast within or without the city, be cast for the proposition. In the absence of other municipal authority to act for

the residents outside of the city of Buckhannon the county court shall appoint the necessary election officers, cause all necessary arrangements to be made for the holding of said election and the return of the results of same to the board of commissioners of the city of Buckhannon, who shall act as a canvassing board to ascertain the aggregate results of the said election both within and without the city. The cost of the election shall be borne by the city of Buckhannon, except that where another municipal corporation participates in the election, it shall bear such part of the total cost as shall have been incurred within its boundaries.

Sec. 34. The first election under this act shall be held on the second Tuesday of May, one thousand nine hundred and nineteen, at the regular voting places within the city, under the supervision of the council and officials of the town of Buckhannon as at present constituted, and be conducted, certified, returned and finally determined, in accordance with the provisions of this act and the laws and ordinances, or such parts thereof, as are now in effect and not inconsistent with the provisions of this act, and the nominations of candidates for such first election shall be certified to the clerk of said town and said clerk shall prepare the ballots therefor.

Sec. 35. Municipal elections under this act shall be conducted as follows:

(a) Every person who has been a bona fide resident of the city for six months next preceding a city election therein, and who is a qualified voter under the constitution and laws of this state, shall be entitled to vote as said city election in the election precinct in which he actually resides; but no person shall be deemed a bona fide resident who is residing within the city limits for any temporary purpose and expects to remove from the city after said purpose shall have been accomplished. The board of commissioners shall by ordinance provide for such regulations for the registration of voters as may be rendered necessary by state laws.

(b) Any person eligible to the office of commissioner may be a candidate and have his name placed upon the ballot by filing with the city clerk a declaration of his candidacy, stating specifically the particular commissionership for which he is a candidate, and a certificate of his eligibility signed not less than thirty days next preceding the day of the election by not less than one hundred qualified voters of the city, not less than one-third of whom shall reside in the same ward with the candidate. Said declaration and certificate shall be filed with the city clerk not less than fifteen days prior to the day of election. The names of all candidates for the several offices of commissioner shall appear on one ballot, having three columns, those for commissioner of accounts and finances in the second column, and those for commissioner of public justice in the third column, and said ballot shall be without party emblem or designation. The whole number of ballots to be printed for the election of commissioners shall be divided by the number of candidates appearing in the first column, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed.

(c) The names of the candidates shall be arranged in alphabetical order in each column, and the first series of ballots printed. The first name in the first column shall be placed last therein and the next series of ballots printed, and this process shall be repeated until each name in the first column shall have been first, and for each series the same changes, so far as may be, shall likewise be made in each of the other columns. These ballots shall then be compined into tablets in the order of the series with no two of the same series together.

(d) The ballot to be used for the election of commissioners shall be in the form as follows:

Candidates for Election to the Several Offices of Commissioner.**City of Buckhannon, W. Va.**

Commissioner of Public Affairs	Commissioner of Accounts and Finances	Commissioner of Public Justice
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Directions to Voter

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

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

(f) The candidate in each column receiving the highest number of votes cast for the office of commissioner indicated by such column shall be declared elected. During the counting of the votes all ballots or votes not counted shall be marked by the election commissioners of each precinct with the words "not counted" written upon the ballot or opposite the vote not counted, together with a statement with the reasons for not counted, and the total number of invalid ballots marked thus and not counted shall be ascertained by them at the conclusion of the counting, and be shown upon the precinct return certificate and subtracted from the total number of ballots taken from the ballot box.

(g) If at any election there be no candidate for the office of commissioner as indicated by the first column, then in making up the series of ballots as herein provided, the second column shall be used, and if there be no candidates as indicated for the office of commissioner under neither the first nor the second, then the third column shall be so used. If there be a tie in the votes for the candidates for the office of either of said commissioners, then selections shall be made by lot by the commissioners of election by placing within a hat the names of those candidates who are so tied and drawing therefrom one name, and the candidate whose name is thus drawn shall be declared elected for that particular office.

Sec. 36. Commissioners only shall be elected by popular vote. All other officials and employees shall be appointed by the commissioners in such manner as is provided by this act or as they may by ordinance properly prescribe.

Sec. 37. At least four weeks before the day of an election the city clerk, and one of the said commissioners, acting as ballot commissioners, shall prepare the ballots for such election, and the board of commissioners shall select the commissioners of election and poll clerks from the two leading political parties with the qualifications provided by the general laws of the state. The board of commissioners shall, by

ordinance, provide such additional regulations in conformity with the provisions of this act and the general laws of the state as are necessary for the proper conduct of election. Elections under this act shall be conducted, returned and the results thereof ascertained and declared in the manner prescribed by the constitution and laws of the state, in so far as said laws are not inconsistent with this act, and all penalties prescribed by said laws of the state in so far as consistent, shall be applicable unto this act.

The duties required by the clerks of the circuit and county courts under the election laws of West Virginia, shall be performed by the city clerk of said city. The duties required of the commissioners of the county court under the provisions of said laws shall be performed by the board of commissioners of said city. The duties required of the sheriff under the provisions of said laws shall be performed by the chief of police of said city. And the duties required of any constable under the provisions of said laws shall be performed by any member of the police force of said city. Whenever the word "county" appears in said laws, the same shall be taken to refer to the city of Buckhannon, and whenever the words "election precinct" or "precincts" appear in said laws, they shall be taken to refer to the election precinct or precincts for the municipal election, and whenever the word "court-house" shall appear in said laws designating the place of meeting of election officers, the same shall be taken to refer to the municipal building.

Sec. 38. The commissioner of accounts and finances shall, on or before the first day of August, of each year, prepare and submit to the board of commissioners an estimate of the amount of money necessary and advisable to be expended by the city for the current fiscal year next ensuing, and to be provided for by the tax levy as herein provided for each current year, in which estimate said commissioner shall ascertain and present a detailed itemized account or estimate of the money necessary to pay interest on the bonded indebtedness of the city, the amount required for the several sinking funds for the reduction of the principal thereof, the amount to be expended severally by the department of public affairs, the department of public accounts and finances, (the amounts to be expended by each of the other two departments to be furnished said commissioner of public accounts and finances by the commissioner having charge of each of such other departments,) together with a statement of the probable contingent expenses and miscellaneous expenses, and including in said estimate an itemized statement of the estimated receipts, other than to be derived from the annual levy, and after receiving such estimate, and before making the levy, the board of commissioners shall apportion the rate thereof, including estimated receipts from licenses and all other sources, among the several funds so ascertained and provided for, which said apportionment when adopted, shall be spread upon the records of the board of commissioners. Upon the estimate of such expenses, the board of commissioners shall thereupon, by an ordinance, lay a levy for the ensuing year of a sum not to exceed fifty cents on each one hundred dollars assessed valuation of all taxable property, real and personal, subject to taxation in said city, as well as capitation tax not to exceed two dollars upon every male inhabitant of said city over the age of twenty-one years who is subject to a capitation tax under the laws of the state of West Virginia, and said board of commissioners is authorized to levy to such maximum of fifty-five cents on each one hundred dollars of valuation, notwithstanding any general laws now in force, or which may be enacted, restricting the powers of municipal corporations to levy taxes.

Sec. 39. Whenever anything for which a state license is required, is to be done within said city, or within one mile of the corporate limits

thereof, the board of commissioners, as herein provided, may require a city license to be had for doing the same, except that no license taxes shall be levied by said city under paragraphs "r" and "s" of section two of chapter thirty-two of the code, and may in any case require from any person licensed a bond with sureties, and in such penalty and with such conditions as it may deem proper, and the board of commissioners may on notice revoke such license if the conditions of such bond are broken, or for any other good cause. The city authorities may prescribe, impose and enforce a fine, under order of the police judge of said city upon any person carrying on or attempting to carry on any business or doing anything for which a city license may by ordinance be required, without first obtaining a city license therefor and paying the city license tax assessed thereon. All licenses shall be paid to the commissioner of public accounts and finances. For the purpose of enforcing the provisions of this section the city shall have police jurisdiction for one mile beyond the corporate limits of the city.

Revenues

Sec. 40. The city taxes annually levied by the board of commissioners shall be collected as follows: Immediately after the annual levy for city taxes is laid, the city clerk shall extend the same on the property books made out by him, including thereon the proper capitation taxes. He shall make out proper tax tickets in the following manner, that is to say: There shall be a single ticket for the whole amount charged to any person, firm or corporation, and after the tickets have been examined and compared and found to be correct by the board of commissioners, they shall be turned over to the city clerk and commissioner of public accounts and finances, and said city clerk shall then give notice, by publication or posting for at least ten days, stating that the tax tickets are in his hands for collection, the penalty for the non-payment thereof, and the time and place where the same may be paid; provided, however, that the tax payer shall have the right to anticipate the payment of the whole or any part of the taxes as assessed. Immediately upon the payment of said taxes, or any part thereof, the said amount shall be deposited by the commissioner of public accounts and finances in the city depository to the credit of the city of Buckhannon. All taxes shall be due and payable within thirty days after the expiration of the notice posted by the city clerk, as hereinbefore set forth, and in case the same are not paid within said time, he may distrain and sell therefor, in like manner as the officer collecting the state taxes may distrain therefor, and he shall have in all other respects the same power to enforce the payment and collection thereof. On all tickets remaining uncollected in the hands of the commissioner of public accounts and finances, thirty days after the date of the expiration of the notice posted by him, there shall be added and collected, ten per cent interest until paid; provided, however, that the board of commissioners shall have the power any year, by resolution, to extend the time that such tax tickets may remain in the city clerk's hands and to be paid to him, before adding the interest, for a period not to exceed ninety days. The board of commissioners may by ordinance allow a discount not to exceed two and one-half per cent for prompt payment of taxes. The city clerk and commissioner of public accounts and finances shall have the power to collect said taxes so placed in his hands together with the interest thereon, heretofore provided, to be added thereto. The commissioner of public accounts and finances shall be charged with the gross amount of all tax tickets delivered to him for collection, and no deduction therefrom shall be allowed, unless on or before the first day of June of each year he makes out and publishes at least once in two newspapers of opposite politics in said city, and returns to the board of commis-

sioners a delinquent list of the taxes uncollected for the year previous, with his oath attached thereto, stating that such delinquent list is correct and just, that he has received no part of the taxes mentioned thereon, that he has used due diligence to find the property to distress for said taxes and has found none, and that the same are uncollectible. Interest, provided for in this section, to be added to such taxes, shall not be deemed or considered any part of the limitation in this act hereinbefore prescribed, restricting the annual levy to fifty-five cents on each one hundred dollars valuation. The commissioner of public accounts and finances shall not take or collect any thing but money for the payment of taxes and city revenues.

Sec. 41. There shall be a lien upon all real estate within said city for the city taxes assessed thereon, including such penalties and interest added thereto for non-payment thereof as prescribed by this act, from the first day of January of the year in which said taxes are assessed. Said liens may be enforced in any court of record in Upshur county by appropriate suit; provided, such suit be entered within five years from the time said liens attached as herein provided, and such suit may be either by and in the name of the said city of Buckhannon as plaintiff, or said city may intervene by petition in any suit pending to sell or enforce liens against real estate which is subject to such liens for taxes. Said liens for city taxes and attendant penalties, as well as for improvement assessments, may be enforced by certifying the same to the clerk of the county court of Upshur county for certification to the state auditor, and the same may be certified down by the state auditor and sold for taxes, interest and penalties and commissions thereon, in the same manner, at the same time and by the same officer as real estate is sold for taxes, interest, damage, costs and commissions due the state thereon, which officer shall account therefor on settlement with the board of commissioners and pay the same over to the commissioner of public accounts and finances of the city of Buckhannon.

Sewerage and Paving

Sec. 42. All the provisions of section forty-nine-c (1), forty-nine-c (2), forty-nine-c (3), forty-nine-c (4), forty-nine-c (5), forty-nine-c (6), forty-nine-c (7), forty-nine-c (8), forty-nine-c (9), forty-nine-c (10), forty-nine-c (11), forty-nine-c (12), forty-nine-c (13), forty-nine-c (14), forty-nine-c (15), forty-nine-c (16), forty-nine-c (17), and forty-nine-c (18) of chapter forty-seven of the Barnes code of West Virginia, of one thousand nine hundred and sixteen, not inconsistent herewith, are hereby made parts of this chapter as though set forth therein in detail, and the board of commissioners, by a majority vote of their members, shall have power to enforce the same in said city, and they shall adopt all such ordinances and resolutions as may be necessary to put said provisions into effect; and the adoption of this charter by a vote of the people of the said city as hereinafter provided, shall be taken and deemed an adoption of all said provisions of said sections without the vote thereon required by section forty-nine-c (17) of said chapter.

Sec. 43. The sewers heretofore constructed in any of the streets or alleys of said city at the expense of the property owners abutting thereon, and by the authority of the council of the town of Buckhannon, or council of the town of South Buckhannon, may be taken for public use by the said city, and the same may be used subject to the provisions of the preceding section; but before such sewer is so occupied by the city, compensation shall be made to the persons having paid for the same or entitled thereto. Such compensation shall be determined by the award of three arbitrators, one selected by the board of commissioners, one selected by the person or persons having paid for the construction of the said sewer, or his assigns, and the two selected shall choose a

third arbitrator, and the said arbitrators shall, after hearing all evidence as to what would be a just compensation for such sewer, make their award in writing, which award shall be final, and entered of record by said commissioners. The arbitrators so selected and chosen shall not be interested in the matters submitted to them, other than as tax payers of said city. And the owners of any real estate abutting on any such street or alley, in which any such private sewer has been constructed by authority of said councils, or either of them, and at their own expense, shall not be required to pay any assessment levied or assessed against the same for the construction of a sewer in a street or alley, in which such private sewer has been so constructed, until said private sewer is taken by said city and compensation made therefor as herein provided; and any private sewer so taken by said city shall be held, used and occupied as provided in the next preceding section, and the property abutting thereon subject to the assessments as therein provided.

Public Improvements

Sec. 44. All contracts pertaining to public improvements, maintenance of public property, public printing, purchase of supplies, and all other contracts of whatsoever character, shall be made by the board of other contracts whatsoever, involving an outlay of as much as five hundred dollars, shall be made by the board of commissioners and shall be based upon specifications provided for the competitive bids. Such competitive bids shall be sealed and one copy of each bid shall be filed with the clerk of the board. Each bidder shall accompany his bid with a sworn statement, in writing, that the bidder has not directly, nor indirectly, entered into any agreement, express or implied, with any other bidder or bidders, having for its object the control or amount of such bids, or limiting the bids or bidders, parceling or farming out to any bidder or bidders or other persons, of any part of the contract or any part of the subject matter of the bid or the parts thereof. No bidder shall divulge said sealed bid to any person whatever except those having a partnership or other financial interest with him in said bid, until after said sealed bids are opened. The violation of any of the foregoing provisions on the part of the bidder shall, at the election of the board of commissioners, make void any contract made by him with said city based upon such bid. The awarding of a contract upon a successful bid shall give the bidder no right of action or claim against the city upon such contract until the same shall have been reduced to writing and duly signed by the contracting parties. All bids filed with the clerk of the board shall be opened in the presence of the board of commissioners two days before the contract shall be entered into upon any such bids. The board of commissioners shall consider the bids and may reject any and all bids and ask other bids, or may enter into a contract with the party offering the lowest and best bid, or may have such work done under the supervision of the proper department and keep account of the expenses thereof. Pending acceptance of bids, the plans and specifications and profiles shall remain on file in the office of the clerk of the board subject to the inspection of any person. For safeguarding the interests of the city, the board of commissioners shall make such regulations providing for the filing of the estimates furnished them by the city engineer, or other persons making such estimates of cost, as they may deem best. The board of commissioners shall have power to require all bidders to make such bonds or cash deposits as they may deem proper to secure the performance of the contract awarded.

Sec. 45. All printed ordinances or codes of ordinances published by the authority of the board of commissioners shall, in all judicial proceedings in all courts, be admitted as prima facie evidence, and in any

such proceedings it shall not be necessary to plead the entire ordinance or section but only such parts thereof as are admitted in evidence.

Sec. 46. Every claim against the city must be approved by the commissioner in whose department it originated, and be filed with the clerk of the board in writing, with a full account of all items thereof, and must be subscribed by the claimant or his agent or attorney, who, on oath, shall declare that the same is correct, just, due and unpaid, and no claim or demand shall be allowed or suit filed thereon unless so prepared and filed, and unless suit shall be filed upon such claim within twelve months after the same shall have been so filed with the clerk of the board in writing, as above provided, such claims shall be forever barred, and upon all suits filed to enforce such claims such bar shall be pleaded.

Sec. 47. Every officer who shall knowingly prove, allow or pay any demand upon the treasury of the city not authorized by law, ordinance or this act, shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Sec. 48. Each commissioner of the city of Buckhannon shall be a public conservator of the peace, shall have power to administer oaths, and said commissioners and each member of the police department, in addition to the power of enforcing ordinances of the city and in aid of such powers, shall have the same police powers as are given to a constable in making arrests and in preserving the peace and safety within the city; provided, that such officer shall have power over territory outside of the city, but under its control, as may be conferred by the laws of the state and the provisions of this act; and, provided further, that all regular officers of the city of Buckhannon, except extra policemen serving less than one week at a time, appointed under the provisions of this act, shall give bond payable to the city of Buckhannon for the faithful performance of their duties in such amount as may be fixed by the board of commissioners; provided, that said bond shall be in a penalty of not less than one thousand dollars.

Sec. 49. Any commissioner shall be subject to removal from office in the manner and for the same cause or causes as provided by the laws of the state of West Virginia for the removal of county officers.

Sec. 50. The fiscal year of the city shall commence on the first day of July each year and shall end on the thirtieth day of June next following.

Sec. 51. The offices of mayor, recorder and councilmen of the town of Buckhannon and of the town of South Buckhannon shall be terminated and be and become vacant upon the election and qualification of the commissioners provided by this act. All other officers and employees of the present corporations of Buckhannon and South Buckhannon shall continue in office and to perform their duties until their successors are appointed, or until their services are dispensed with by the commissioner having charge of the department in which they are employed.

Sec. 52. The board of commissioners shall appoint a city solicitor who shall be an attorney at law admitted to practice in the state of West Virginia, and a citizen of the said city of Buckhannon. He shall be the legal advisor of and attorney and counsel for the municipality and for all officers thereof in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in writing in which the city is concerned, and shall certify thereon to the correctness thereof; and no such contract with the city shall take effect until so certified by him, or some attorney at law temporarily appointed by the board of commissioners to act in his place and stead in his absence, or during his sickness or other inability to attend to the duties of his

office. He or assistant, if any be provided, shall be the prosecuting attorney of the municipal court, and he shall perform such other duties as the board of commissioners shall require. In all criminal proceedings, before the department of justice of the said city in which there is conviction, and wherein a fine of twenty-five dollars or more, or imprisonment, or both, are imposed, an attorney's fee of \$5.00 shall be added thereto which, when collected, shall be received by the said city solicitor as a part of his compensation, and the board of commissioners shall otherwise provide for the compensation of the said city solicitor.

Sec. 53. The present municipal corporations of the towns of Buckhannon and South Buckhannon, the territories of which are embraced in the corporate limits of the proposed city, shall, for the purpose of raising revenue to liquidate respectively their existing indebtedness, bonded and otherwise, and for the purpose of collecting all outstanding taxes and other claims and demands due said respective towns, be taken and deemed separate assessment districts, and the said board of commissioners shall, in addition to the levy of taxes herein provided for the city of Buckhannon, have power to levy and collect, and shall levy and collect in like manner as herein provided for levying and collecting taxes for said city of Buckhannon, each year until such respective indebtedness of the said towns of Buckhannon and South Buckhannon shall have been fully paid, a special assessment of not to exceed twenty cents on each one hundred dollars of the assessed valuation, to be levied upon the property, real and personal, within the present respective corporate limits of the said towns, and upon none other, and the money so raised in said towns shall be applied to the liquidation of their respective said indebtedness, and to none other, and as soon as such respective indebtedness shall have been paid such special levies shall respectively cease, and said special assessment districts shall likewise respectively cease to exist. It is the intention of this provision to authorize said commissioners, in the manner aforesaid, to raise funds and pay off all existing indebtedness of the said respective towns of Buckhannon and South Buckhannon by taxes so assessed and levied upon the property, real and personal, located within the respective corporate limits of said towns, without rendering any other property situate within the corporate limits of the said proposed city and outside the present respective corporate limits of the said towns liable for any part thereof, and without making the property located in either such town liable to assessment and levy to pay the indebtedness of the other; and the said commissioners shall have no power or authority to create any other debt, or liability, for, in the name or on behalf of the said towns or either of them.

For the purpose of levying and collecting such taxes and outstanding claims and indebtedness in favor of said respective towns now unpaid, and for the purpose of levying and collecting said special tax and of enforcing against the said respective towns of Buckhannon and South Buckhannon the collection of their respective said indebtedness, the said towns of Buckhannon and South Buckhannon shall be deemed continuing corporations and may sue and be sued in their corporate name of the town of Buckhannon and the town of South Buckhannon, and process upon them may be had by service upon the said mayor and commissioner of public affairs of the city of Buckhannon. The said commissioners, if found necessary, shall have power to refund the bonded indebtedness of the said town of Buckhannon, but only for the period within which a special levy of twenty cents upon the one hundred dollars of the assessed valuation annually applied shall pay the same; and as soon as all of said claims and taxes so due or to become due the respective towns shall have been collected and all of said respective indebtedness shall have been paid the said towns of Buckhannon and South

Buckhannon shall cease respectively to have such corporate existence.

Sec. 54. The city of Buckhannon shall succeed to and be invested with all the rights preserved to the said municipalities of the towns of Buckhannon and South Buckhannon, and each of them, in franchises heretofore granted by them, and in all contracts made by them respectively through, to and with all public service corporations, including especially the reserved rights to purchase and take over the plant and holding of the Buckhannon Light and Water Company contained in the contracts and franchises under which the said company is operating in the said towns.

Sec. 55. The city of Buckhannon shall succeed to and be invested with all right, title and interest in and to all of the property, real and personal, owned and held for public use by the said towns of Buckhannon and South Buckhannon, except the taxes, claims and other demands due and to become due to the said towns and each of them; provided, that when the indebtedness and other liabilities of said towns, respectively, shall have been paid, as in this act provided, then any cash, funds, claims or demands in the hands of, or belonging to, said respective towns, shall be turned over to said city and it shall succeed thereto and shall have the right to collect and use the same for its public purposes.

Change in Form of Government

Sec. 56. At any time after the expiration of three years from the date of the election and installation of the first officers under this charter, upon a petition in writing signed by not less than twenty per cent of the legal voters of said city, praying for a change from the commission form of city government, the board of commissioners shall call a special election to be held within not less than sixty days before the next general city election, and submit the question of such change to a vote of the people, and if a majority of the votes cast at such special election be in favor of such change, then at the next succeeding general city election there shall be elected, in lieu of said commissioners, a mayor, a city recorder and five councilmen, who shall have the same qualifications as said commissioners, and who shall be nominated by conventions called therefor in writing signed by at least two hundred voters of said city and by notice thereof published at least two successive weeks in two public newspapers of opposite political parties published in said city, such published notice to be signed by a committee of not fewer than five, reciting the filing of said petition or petitions, with the city clerk. Such election shall be held in the manner and form as herein prescribed and as prescribed by general laws. Upon such change in the form of city government being made and the election and qualification of such mayor, city recorder and councilmen, and their induction into office, the terms of office of all the commissioners shall expire, and likewise the terms of office of all appointive officers and employees under said commissioners shall expire.

Upon the filing of the petition aforesaid, it shall be the duty of said board of commissioners then in office immediately to divide the city into five wards, make such division fair and equitable, having respect to a fair and equitable apportionment of the population in each ward, and the selection and nomination of such councilmen shall be made with respect to such wards, one councilman to be nominated from each ward upon each ticket; provided, that a failure to nominate or elect with respect to such wards shall not invalidate any election or the right of any officer elected to hold his office. Notwithstanding such conventions, any person may be nominated for any office under this section by petition duly signed by not fewer than fifty voters of the city, and in any event by not less than one per centum of the legal voters of the ward in

which he resides, in manner and form as provided by general law, such petition to be filed with the city clerk not less than fifteen days before such general election.

In case such change be made, the mayor shall be the chief executive officer of the city, and shall perform all the duties required of the mayor by sections ten, twelve, twenty-six, twenty-nine and thirty of this act, and shall perform such other duties not inconsistent herewith as are required by general law, and as are required by all other provisions of this act. He shall also be the police judge of the city and shall perform such duties as are herein required of the police judge with respect to the administration of the law and the enforcement thereof in the city, and also such other duties as may be prescribed by the city council from time to time by ordinances and resolutions not inconsistent herewith.

The city recorder shall perform such duties as are usually incident to the office of city clerk, and shall keep a record of all meetings of the council, ordinances, resolutions, orders and judgments of the police court, and shall perform such other duties as are herein required of the city recorder and commissioner of public accounts and finances, except the collection of taxes and accounts, claims and fines. He shall also perform such other duties as the city council may from time to time require by ordinances and resolutions not inconsistent with the provisions of this charter or the general law.

The mayor and city recorder shall be members of the city council and as such shall have a right to vote on all questions therein, and in the absence of the mayor, or in case of his sickness or other inability to attend to the duties of his office the city recorder shall act as mayor.

The city council shall do and perform all other duties required of the board of commissioners and the members thereof in the various sections of this act, and such other duties as come within the purview of this charter to carry into effect its provisions in the interest of the city and the inhabitants thereof, and especially the duties provided in sections seventeen, eighteen, nineteen, twenty, twenty-one, twenty-four, thirty-three, forty-eight and forty-nine, but the enumeration of said special sections shall not be construed to exclude any other section or provisions hereof respecting the duties of the said city council. No bond shall be required of the members of the council, but the mayor and city recorder shall be required to give bond as hereinbefore provided in such penalties as may be prescribed by ordinance.

The city council shall have power to appoint a city collector and fix his compensation, who shall be city treasurer and collector of all taxes and other claims and demands of the city, and who shall give bond as herein required of the city clerk and commissioner of public accounts and finances, and all funds of the city shall, immediately upon receipt thereof, or any part thereof, by him, be deposited by him in one or more of the city depositories in the name of the city of Buckhannon. The city council shall fix the salaries of the mayor, city recorder and councilmen, and of all appointive officers and employees, and shall select one of their own members, or some other person, to be a street commissioner who shall perform the duties with respect thereto required of the mayor as commissioner of public affairs by the provisions of this charter hereinbefore contained. The council shall have power to give to said collector, as compensation in whole or in part, a commission not to exceed two and one-half per centum upon all taxes collected by him, and the said city collector and the said street commissioner shall perform such other duties as the council may from time to time prescribe by appropriate ordinances and resolutions.

The term of office of the said mayor, city recorder and councilmen shall be one year.

Should the people of said city desire at any time to readopt the commission form of government as herein provided, they may do so by filing with the recorder a petition in writing as hereinbefore described praying therefor, and upon the filing of the same the city council shall call a special election therefor in manner and form as in this section provided to be held not less than sixty days before the next general city election, and if at such special election a majority of the votes cast be in favor of returning to said commission form of city government, then the form thereof as prescribed by this charter shall be readopted at the next general city election, and the commissioners shall be nominated and three of them elected as hereinbefore provided, and thereafter the commission form of city government as hereinbefore provided shall be in effect subject to all the provisions of this charter.

Sec. 57. This act shall not be effective unless the same shall first be submitted to the voters of said city at a special election jointly called for the purpose by the common councils of the towns of Buckhannon and South Buckhannon, and adopted by a majority of the votes cast at said election. Said special election shall be held on the first Tuesday in April, one thousand ninehundred and nineteen, after publication of this act one time not less than ten days immediately preceding said special election in two weekly papers of opposite politics published in said city. Said special election shall be conducted in the regular manner of holding municipal elections in said town. If this act is adopted at said election it shall go into effect in the manner provided in this charter and at the time therein fixed.

The ballot to be voted at said special election shall be printed upon plain white paper and in the following form:

City of Buckhannon Charter Election

Indicate how you desire to vote by a cross in the square.

For adoption of new charter.

Against adoption of new charter.

Ordinances of the City of Buckhannon

TRAFFIC ORDINANCE

An Ordinance to Regulate the Traffic and the Parking of Vehicles in the City of Buckhannon, West Virginia

Be it ordained by the Commissioners of the City of Buckhannon:—

Sec. 1. That the operators, drivers, or persons in charge of any vehicle, as hereinafter described, horses or other domestic animals, or street cars, and all pedestrians on the streets of the City of Buckhannon shall conform to and observe the following rules and regulations upon the streets, alleys, avenues, bridges, parks, roads, and public places of the said city.

Definitions

Sec. 2. The word "vehicle" as used in this ordinance shall include any contrivance used, or capable of being used, as a conveyance or means of transportation on land, excepting baby carriages and street cars.

Sec. 3. The word "driver" includes the driver, operator or person in charge of any vehicle, horse or other domestic animal.

Sec. 4. The word "street" shall include all streets, alleys, avenues, bridges, park roads, and public places in said city unless specially limited by the context.

Sec. 5. The term "congested district" as used in this ordinance is synonymous with the "business and closely built-in district," and shall include all that portion of the City of Buckhannon bounded and described as follows, to-wit: Main Street between the Upshur Building and the Post office; Kanawha Street between the B. & O. Depot and its intersection with Locust Street.

Pedestrians

Sec. 6. Pedestrians shall have the right of way to cross streets, and drivers, riders and motormen must exercise every care to prevent accidents. At corners and regular crossings, where a traffic policeman is stationed, pedestrians shall watch their signals and start so as to fall in with the movement of vehicles and cars.

Sec. 6A. Pedestrians crossing any street at the intersection thereof with another street within the congested district, where traffic officers are stationed, shall move as directed by the traffic officer in charge of such intersection.

Sec. 6B. Pedestrians shall pass to the right in passing others from an opposite direction, and to the left in overtaking others. Any person who shall refuse to obey any lawful order of a traffic officer, or who shall use any crossing in the congested district in violation thereof and shall thereby hinder or interfere with any other person lawfully using the streets shall be guilty of a misdemeanor and shall be punished upon conviction as hereinafter provided.

Signals

Sec. 7. (a) An operator intending to turn his vehicle to the left shall extend his arm outside his vehicle in a horizontal position, and slow down. (b) An operator intending to turn his vehicle to the right shall extend his arm, with the forearm raised at right angles, and slow down. (c) An operator intending to stop his vehicle shall extend his arm outside his vehicle, and move it up and down in a vertical direction. (d) An operator intending to back his vehicle shall extend his arm, turning the palm of his hand back.

Sec. 7A. Every bicycle, tricycle, motorcycle, automobile, motor car, motor truck and other horseless vehicle, car, engine or machine, except baby carts and toy wagons, in use upon the streets of Buckhannon, shall have attached thereto an adequate signal in good working order and of proper size and character sufficient to give warning of approach of such vehicle, but such signal shall not be sounded except when necessary to give warning. Provided, that no signal shall produce a sound unusually loud, annoying, or of a distressing character, or such as will frighten pedestrians or animals, or extremely annoying, as "sirens, exhaust whistles," or other similar instruments that produce unusually loud, annoying or distressing sounds; and the making of such extreme noises shall be termed a violation of this ordinance. Provided, further, that this section shall not apply to public ambulances, vehicles belonging to fire or police departments of the City, or vehicles required to respond to alarms of fire or emergency calls.

Sec. 8. At street intersections in the congested district, where traffic officers are located at such intersections, pedestrians when so directed, and all horses and vehicles shall stop, and not proceed until signaled so to do by the traffic officer.

Sec. 9. It shall be the duty of the police department of the City of Buckhannon to enforce all the provisions and terms of this ordinance, and to that end, every person driving, operating or propelling any vehicle shall stop or start the same immediately upon the request or upon the signal from the police officer, such signal to be given by the officer raising his hand, or club, blowing his whistle, or by any other signaling device.

Lights

Sec. 10. Four-wheeled motor vehicles shall be equipped with two front lights and one rear light. These lights shall be burning at all times when the vehicles are upon the streets, whether standing or moving, between the time commencing thirty minutes after sunset and ending thirty minutes before sunrise. The front lights when burning must be visible for a distance of two hundred feet. The rear light, when burning, must display a red signal visible at a distance of one hundred and fifty feet, and so arranged that a white light is thrown upon the license plates, so that the numbers of the license may be read at a distance of fifty feet. Provided, that nothing in this section shall be construed to mean that lights shall be required to be burning when cars are parked at any regular parking place set forth in this ordinance.

Sec. 10A. Whenever any time is specified in this ordinance, the time referred to and intended shall be official time of the City of Buckhannon.

Sec. 10B. Motorcycles, either with or without side-cars, shall be equipped with one front light and one rear light, which shall be burning under the same conditions and for the same time, as described in Section 10.

Sec. 10C. Bicycles shall be equipped with one light, which shall burn during the same time as described in Section 10, visible for at least one hundred feet.

Sec. 10D. No vehicle shall be equipped with any lighting apparatus, the rays of which shall rise more than forty-two (42) inches from the ground at a distance of one hundred feet when measured on a level road.

Sec. 10E. No acetyline, electric or other headlights shall be used on any motor vehicle while being operated in the City of Buckhannon, unless such lights are so lowered, controlled or dimmed as to comply with the preceding sections of this ordinance, and so as not to dazzle or blind any other driver, operator or pedestrian on the streets, alleys or sidewalks.

Vehicles

Sec. 11. A vehicle meeting another vehicle shall pass to the right.

Sec. 11A. A vehicle overtaking another shall pass to the left side of the overtaken vehicle, it being understood that traffic in the opposite direction shall have the right of way over that portion of the street beyond the center line.

Sec. 11B. A vehicle turning to the right into an intersecting street shall keep as close to the right-hand curb as possible.

Sec. 11C. A vehicle turning to the left into an intersecting street shall pass beyond and around the center of the street intersection.

Sec. 11D. All motor trucks, horse-drawn and other slow-moving vehicles shall keep as near to the right-hand curb as possible, leaving the center of the street clear for overtaking traffic of greater speed.

Sec. 11E. On streets divided longitudinally by a parkway, walk, sunkenway, viaduct, or other immovable object, vehicles shall keep to the right of such object.

Sec. 11F. Every person in charge of a vehicle shall turn to the right of the street or road when signaled from a vehicle behind desiring to pass.

Sec. 11G. No vehicle shall stop at any position more than one foot from the curb; no vehicle shall stop at any street intersection so that any part of such vehicle extends beyond the building line; no vehicle shall stop within ten feet of a fire hydrant; no vehicle shall stop cross-wise in any street. Provided, however, that vehicles stopping on police signal, or in case of accident or other emergency shall be excluded from this section and shall not be in violation thereof.

Sec. 11H. No vehicle shall stop or stand, backed up at an angle to the curb, except in parking places, or while actually loading or unloading. Horse-drawn vehicles, if backed to the curb, must stand with the horses facing the direction of traffic and parallel with the curb.

Sec. 11I. At theatres or public gatherings or under unusual circumstances, or at such places as the police department shall consider advisable, the vehicles shall stand or move as directed by the police.

Sec. 11J. When two or more vehicles shall arrive at a street intersection at the same time, the vehicle on the right hand of any driver shall have the right of way.

Sec. 11K. Before making a turn, a signal shall be given indicating the intention of the driver. Signals shall be in accordance with the rules as laid down by the State Road Commission.

Sec. 11L. Vehicles that have been standing by the curb and desire to get into the traffic line shall not break into line, but shall await their

turn at the end of the line, unless duly authorized by instructions of a policeman.

Right of Way

Sec. 12. The following vehicles shall have the right of way in the order of their enumeration: vehicles of the Fire Department, Police Department; vehicles carrying the United States mails, while in actual performance of duty; ambulances, surgeons and physicians' vehicles; funeral processions. Provided, further, that funeral processions shall keep to the right, and as near the curb as possible.

Sec. 12A. Every vehicle upon the approach of any fire apparatus, police patrol or public ambulance, shall draw up as near as practicable to the right hand curb of the street and stop until such apparatus, police patrol or ambulance shall have passed, and pedestrians shall remain on the sidewalks.

Sec. 12B. Vehicles at the curb, except under preceding section, which are not actually loading or unloading, shall immediately give place to any vehicle desiring to unload either passengers or freight at the same point.

Section 12C. In the congested district, particularly where traffic officers are located, a driver wishing to make a left turn shall pull up as near to the right side of the street as possible, just back of the center line of the intersecting street, and stop, allowing through traffic to proceed on the cross street, driver waiting to make turn, turns, sharp angle into intersecting street. (Note: Pulling over to the right and waiting on signal from traffic officer before making left turn, prevents holding up of through traffic while waiting on signal.)

Sec. 13. It shall be unlawful to lock any vehicle except a bicycle or to otherwise prevent its locomotion in such manner as to prevent the towing or moving of the same when necessary by the Police or Fire Department, and the locking of the wheels of the vehicle shall be deemed a violation of this section.

Speed

Sec. 14. No vehicle shall be driven or operated upon the streets of the City of Buckhannon at a rate of speed exceeding 15 miles an hour in the congested district; but no vehicle equipped with solid tires shall be driven at a rate of speed greater than 10 miles an hour in any district, and pneumatic tires at no greater speed than 15 miles an hour; and no steel tired vehicle shall be driven at a rate of speed greater than five miles an hour in any district; and 20 miles an hour in all other districts and connecting links in the system of state roads and highways.

Sec. 14A. No vehicle shall cross a street intersection at a rate of speed exceeding 10 miles an hour in congested district and 15 miles an hour in all other districts.

Sec. 14B. No vehicle shall emerge from an alley, stable, garage or repair shop, or any other driveway at a rate of speed greater than 5 miles an hour; at stables, garages and repair shops, an attendant shall precede the vehicle to give warning.

Sec. 14C. All vehicles in passing a school building shall slow down and exercise care and caution.

Horses

Sec. 15. No horse shall be left unattended in the streets or ways of the city unless the horse is securely fastened.

Sec. 15A. A driver shall continuously hold the reins in his hands while driving, riding or leading a horse.

Sec. 15B. No one shall overload any horse-drawn vehicle, nor over-ride, over-drive, ill-treat, or unnecessarily whip a horse.

Sec. 15C. No one shall crack or otherwise use or wield a whip, so as to excite horses other than the one he is driving, or so as to annoy, interfere with, or endanger any person.

Sec. 15D. No one shall use a horse unless fit for its work, free from lameness or sores likely to cause pain, or from any vice or disease likely to cause accident, injury or infection.

Sec. 15E. It shall be unlawful to feed any horse or horses or other animals on any street or alley in the City of Buckhannon, within the congested district.

Vehicle Restrictions

Sec. 16. No one shall drive or conduct any vehicle in such condition, or so constructed or so loaded as to be likely to cause delay of traffic or injury to man, beast or property.

Sec. 17. No vehicle shall be so enclosed, equipped or loaded as to prevent the driver from having a view of traffic sufficient for safety.

Sec. 18. Vehicles loaded with iron, lumber or other material that is likely to make a loud noise while being transported, shall be so loaded as to deaden the sound.

Sec. 19. No person under fourteen years of age shall drive any four wheel motor drawn vehicle.

Sec. 20. No intoxicated person shall drive any vehicle. Any person convicted of a violation of this section shall forfeit and pay to the City of Buckhannon a fine of not less than \$50.00 and not more than \$100.00, and in addition thereto shall be imprisoned for not less than one month nor more than one year, and pay the costs of prosecution.

Sec. 21. Subject to Section 7, of this ordinance, no person riding on any vehicle shall permit any portion of his body to extend beyond the limits of the vehicle.

Sec. 22. No person shall ride or jump upon any vehicle without the consent of the driver; and no person when so riding shall permit any part of his or her body to protrude beyond the vehicle. No person shall hang on any vehicle whatsoever.

Sec. 23. No vehicle shall tow more than one other vehicle, and the towing connection shall not be more than sixteen feet in length.

Sec. 24. Vehicles carrying loads which project from the rear shall display on the extreme end of such projection a red cloth signal during the day, and one red light, plainly visible, at night.

Sec. 25. It shall be unlawful for any person to haul or transport, or cause the same to be done, over or through any of the streets within the city, any coal, sand, gravel, stone, lime, dirt, offal, rubbish, manure or other loose material or substance in any wagon or other vehicle which is not so constructed as to prevent the material with which it is loaded from dropping, sifting through, or in any other manner being strewn upon any of the said streets, nor shall any person move or cause to be moved any vehicle through or upon any of the streets of the city containing any of the material named herein, and so placed on any such vehicle so that the same shall fall off and upon any of said streets.

Vehicles hauling or transporting loose paper, sawdust, excelsior or other like material which might be easily carried by wind, shall be provided with suitable covers sufficient to prevent said material from being blown over and upon the streets.

Sec. 25A. It shall be unlawful for any person, persons, company or corporation to haul or transport, or cause the same to be done, over or through any of the streets of the City of Buckhannon, any oil, petroleum, tar residuum, gasoline, or other acid material or substance, in any tank, kettle, cart, wagon or vehicle which is not so constructed as to prevent the material which it may contain from dripping, leaking or being spilled upon any of said streets; nor until the said tank, kettle,

wagon or vehicle shall be supplied with an efficient guard, pan or basin so constructed and arranged as to catch and hold all of the drippings from any faucet or spigot with which said tank, kettle, cart or wagon or vehicle may be equipped.

Sec. 26. All motor vehicles of whatsoever kind upon which by law or ordinance a number or numbers are required, shall have same number or numbers placed in horizontal position right side up; the said numbers shall at any times be maintained, both as to position and condition thereof, so that the number shall be plainly visible and free from any substance or material of any kind obscuring the said numbers, and the said numbers shall be at all times maintained in their entirety.

It shall be unlawful for any person to operate any such vehicle when the number thereof is not placed in a horizontal position right side up, or is in any manner obscured or is not present thereon in its entirety.

Sec. 27. Every motor vehicle using gasoline or other explosive mixtures as a motive power shall be equipped with a muffler which shall be sufficient to deaden the sound of the explosions; and such muffler shall not be disconnected or cut out while such motor vehicle is being operated upon any street within the City of Buckhannon.

Sec. 28. No person operating a self-propelled vehicle shall permit the motors of same to operate in such a manner as to emit an undue amount of steam, smoke or products of combustion from exhaust pipes or openings.

Sec. 29. No person shall ride any bicycle or motorcycle or use any mercantile or pushcart upon the paved or graveled sidewalks intended exclusively for pedestrians.

Sec. 30. The engine or power plant of any motor vehicle shall be shut down and not permitted to run or operate while such vehicle is standing on any street, alley or public way, unless some person competent to manage and operate such vehicle be present with the same.

Sec. 31. No motor-driven, or self-propelled vehicle, shall be left standing or parked all night on any street, alley or public way of the City of Buckhannon, unless by permission first obtained from the Police Department.

Sec. 32. No person shall wash any vehicle on any street, sidewalk, alley or public way within the congested district of the City of Buckhannon.

Sec. 33. Except in cases of accident or emergency, when a vehicle cannot conveniently be removed to a garage or other building where repairs can be made, no person shall dismantle or perform repairs on the streets or alley ways of the City of Buckhannon. The changing of solid tires on the streets in the congested district is prohibited.

Sec. 34. No vehicle shall stand at the curb in the congested district for a time longer than is sufficient to discharge its passengers, except at designated parking places; except that trucks or wagons may stand at the curb while freight or merchandise is being actually loaded or unloaded; provided, however, that they shall stand parallel with the curb except while actually loading or unloading freight or merchandise, when they may be backed up to curb.

Parking

Sec. 35. No parking of cars shall be permitted on any street where one side of the street is undergoing repairs.

Sec. 36. Parking in the congested district is forbidden on the north side of Main Street, and on west side of Kanawha Street.

Sec. 37. At all the above places cars shall be parked at an acute angle with the curb, and in such a position with reference to other vehicles so parked as not to occupy unnecessary space.

Sec. 38. Owners or occupants of any hotel, garage, business house, or private driveway, may make application to the Mayor to have a space in front of the entrance of their place of business staked off, and the parking of cars in such space prohibited. And the Mayor is hereby authorized to designate such prohibited space, and upon doing so the owner shall cause such space to be designated by an artistic metal sign which shall bear such inscription as will give warning of the object thereof. Such signs shall be uniform throughout the city and shall be procured at the expense of the applicant. No signs or notices prohibiting parking other than those in this section provided for, shall be placed in any street, sidewalk or other public way of the City of Buckhannon by any person; and any person placing any such sign or signs shall be guilty of a violation of this section.

Sec. 39. Vehicles stopping at parking places shall be subject to all the penalties prescribed in this ordinance for stopping at fire hydrants, street crossings, street intersections and all other prohibited stopping places.

Sec. 40. It shall be unlawful for any person or persons in charge of or operating any engine or train of cars to obstruct the streets or sidewalks of the City of Buckhannon by permitting any engine or train of cars to stand thereon for a longer period than ten minutes, except in case of necessity for the preservation of life or property.

Sec. 41. The Mayor shall be and is hereby authorized and directed to supply traffic officers and patrolmen with red tags, which shall be used for the purpose of giving due notice to owners, chauffeurs and drivers of automobiles and other vehicles, when there are violations of the traffic laws and rules of the Police Department, that they shall appear before the Judge of the Police Court of the City of Buckhannon, designating the date and time thereof; provided, however, that this provision shall not interfere with the rights of the policeman to arrest on view for crimes and misdemeanors, which power is given by law and ordinances now in existence.

Sec. 41A. Any person desiring to use any sidewalk, street or public way of the city for the purpose of holding public meetings, assemblies, or gatherings at which public speaking, lectures, debates, sermons or discourses are delivered, uttered or spoken, shall, at least 24 hours in advance of the time of any proposed meeting, notify the Mayor of the time and place of such proposed meeting, and the object thereof, and before any such meeting shall be held, the Mayor shall issue a permit therefor, which permit shall stipulate the time and place of holding such meeting, and such conditions governing the same as are necessary for the protection of the peace, health, morals and good order of the inhabitants of the city.

Special and Emergency Provisions

Sec. 42. No physician or surgeon shall be arrested for a violation of Sections 14, 14a, 14b and 14c of this ordinance, if at the time there is displayed on a prominent place of the vehicle occupied a red cross or other insignia to be designated by the Mayor of sufficient size to be easily seen. However, such physician or surgeon may be summoned to appear in Police Court and show cause why he or she should not be punished for such infraction. The recipient of such summons shall within forty-eight hours after the receipt thereof, file with the Chief of Police an affidavit to the effect that he or she was answering an emergency call in case of sickness or accident where death was reasonably expected to be imminent. If such physician or surgeon fail to comply with the provisions of this section, he or she shall be treated as any other violator of this ordinance.

Sec. 43. The Mayor may, when he deems it advisable, declare any or all of the streets and alleys within the congested district as open to one-way travel only, and shall designate the direction in which such traffic shall travel, and such regulations when made and published by the Mayor, shall be of the same force and effect as if included in this ordinance.

Sec. 44. In cases of emergency and when public safety may so require, the Mayor is hereby authorized and empowered to make special rules and regulations governing traffic for a limited time, and the Mayor is authorized in cases of emergency or unusual conditions to designate parking places in addition to those set out in this ordinance, and to prevent parking in any portion of the parking places in this ordinance specified, for so long a time as such emergency or unusual conditions may make it necessary.

Sec. 45. Every person who shall violate or fail to comply with any of the provisions of Sections 6, 6a, 6b, 7, 7a, 8, 9, 10, 10b, 10c, 10d, 10e, 11, 11a, 11b, 11c, 11d, 11e, 11f, 11g, 11h, 11i, 11j, 12, 12a, 12b, 12c, 13, 14, 14a, 14b, 14c, 15, 15a, 15b, 15c, 15d, 15e, 16, 17, 18, 19, 21, 22, 23, 24, 25, 25a, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 of this ordinance, shall upon conviction forfeit and pay to the City of Buckhannon a fine of not less than Five Dollars nor more than One Hundred Dollars, or imprisonment for not exceeding thirty days, or both fine and imprisonment for violation of this ordinance or may be sentenced to labor without compensation at any of the public works or improvements undertaken or to be undertaken by the City of Buckhannon.

Heavy Vehicles

Sec. 46. It shall be unlawful for any person, firm or corporation to drive or operate over the streets, alleys and avenues of the City of Buckhannon any motor-driven vehicle which, with its load, weighs in excess of twenty thousand pounds, at a greater speed than 10 miles per hour. It shall further be unlawful to drive or operate such motor vehicle at street intersections or from one street, alley or avenue into another at a greater speed than seven miles per hour. All such vehicles which, with their loads, weigh in excess of twenty thousand pounds, shall have displayed in large plain figures, not less than two inches in height, on both sides of such vehicles, the actual weight of the vehicle and the capacity in weight thereof as provided in this ordinance.

Sec. 47. It shall be unlawful for any person, firm or corporation to operate or permit to be operated any motor vehicle which, with its load, weighs in excess of ten thousand pounds, over any of the streets, alleys and avenues of the City of Buckhannon except the following:

Sec. 48. No motor or other vehicle which, with its load, weighs in excess of ten tons, and no motor or other vehicle bearing in excess of six hundred pounds per inch width of tire shall be operated or permitted to be operated upon any of the streets, alley and avenues of the City of Buckhannon, except by special permit of the Mayor; and then only conditioned that the owner thereof shall pay to the City any and all damages that may result from the operation of such vehicle to such streets, alleys and avenues.

Sec. 49. In loading vehicles for operation on the city streets, the same will be so adjusted that no more than six hundred pounds per inch width of tire shall bear on any tire of said vehicle, and any load concentrating weight upon any tire thereof bearing upon the surface of the street shall not be permitted; and any person, firm or corporation operating or permitting to be operated a vehicle loaded otherwise than in this section mentioned shall be punished as hereinafter provided.

Sec. 50. No traction engine, tractors, trucks or other vehicles hav-

ing cleats on the wheels thereof shall be driven over any of the streets, alleys or avenues of the City without the drivers or owners thereof having first removed said cleats or having placed between such cleats cushions to prevent the cleats coming into contact with the street surface. And no ice picks, spuds, rough-lock chains or metal shall be used upon any vehicle weighing with its load in excess of ten thousand pounds, unless cushions are used on the wheels of such vehicles so as to prevent said picks, spuds, chains and metal from coming in contact with the surface of the street.

Sec. 51. The Mayor shall have the power, in case of emergency and during the repairing of streets, alleys and avenues to change the route of vehicles as herein provided, and his re-route of such vehicles during such emergency and while any street, alley or avenue is being repaired, shall have the same validity and effect as if the same were done by ordinance.

Sec. 51A. Whenever any person, firm or corporation has damaged or is likely to damage by means of heavy loading or unusual traffic, any of the streets, alleys, avenues or park roads of the City to such an extent that the costs of repairs or maintenance will be more than the average cost of repairs and maintenance of said streets, alley, avenues or park roads, the Mayor shall have the power to regulate the loading of such vehicles and to assess the excessive cost of repairs and maintenance of such streets, alleys, avenues or park roads against such persons, firms or corporations causing such damage, and require the payment thereof before further use of such streets by such person, firm or corporation is permitted.

Sec. 52. Any person, firm or corporation violating any of the provisions of Sections 46, 47, 48 of this ordinance shall be fined not less than Twenty-five Dollars nor more than One Hundred Dollars; and in addition thereto shall be liable to the City for any damages that may result to the City by injury to its streets, alleys and avenues, by the unlawful operation of vehicles as provided herein; which said damages may be recovered in any proper action in a court of competent jurisdiction.

Sec. 53. Any and all ordinances in conflict with this ordinance are hereby repealed.

AN ORDINANCE RELATING TO CITY ELECTIONS

Be it ordained by the Board of Commissioners of the City of Buckhannon:

Sec. 1. The annual election of city officers shall be held on the Second Tuesday in May of each year.

Sec. 2. That for the purpose of said election the City is divided into voting precincts as follows:

(a) All that part of the city lying southward of a line drawn from the Buckhannon River by way of College Avenue, and said line projected straight therefrom and therewith to its intersection with the southwestern boundary line, shall constitute and be known as Precinct Number One, and the voting place for this precinct shall be at the building formerly used by the Town of South Buckhannon as a municipal building.

(b) All the remainder of the city shall constitute and be known as Precinct Number Two, and the place of voting for this precinct shall be at the Court House.

Sec. 3. At least four weeks before the day of election, the Board of Commissioners shall select and appoint from the two leading political

parties, for each precinct, three commissioners and two poll clerks to hold the election.

Sec. 4. Every commissioner of election, so appointed, shall, before entering upon the discharge of his duties, take and subscribe an oath to the following effect:

State of West Virginia, County of Upshur, to-wit:

I, A— B—, do hereby solemnly swear that I will support the constitution of the United States and the constitution of this State; that I will faithfully and impartially discharge the duties of commissioner of election for the City of Buckhannon, as assigned by law; that I will not knowingly permit any person to vote who is not qualified, and will not knowingly refuse the vote of any qualified voter, or cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualifications of such person as a voter; that I have been a resident of the State of West Virginia for one year, and of the City of Buckhannon for the six months next preceding this date; that I will not disclose nor communicate to any person how any voter has voted at such election, nor how any ballot has been folded, marked, printed or stamped; that I have nothing of value bet or wagered upon the result of the said election, and am not a candidate at this election. So help me God.

Subscribed and sworn to before me this — day of May, 19—
....., Notary.

Every poll clerk so appointed shall, before entering upon the discharge of his duties, take and subscribe an oath to the following effect:

State of West Virginia, County of Upshur, to-wit:

I, A— B—, do solemnly swear that I will faithfully and honestly discharge my duties as clerk of the election now about to be held in Precinct No. — of the City of Buckhannon, Upshur County, West Virginia, and that I will not disclose nor communicate to any person how any elector voted, nor how any ballot was folded, marked, printed or stamped.

Subscribed and sworn to before me this — day of May, 19—
....., Notary.

Sec. 5. The oaths above required may be taken before any person authorized to administer oaths, but if no such person be present at any place of holding an election, they may be taken before and administered by any one of the commissioners of election so appointed, who in turn may take the same before another of said commissioners. Either of the said commissioners may administer the oath to the poll clerks. The oath shall appear properly certified on one of the poll books of every election.

Sec. 6. The compensation for each of said commissioners and poll clerks, for holding the said election, shall be \$3.00, payable upon order properly drawn upon the City Treasurer.

Sec. 7. No registration of voters shall be required for the said election, but if any person offering to vote shall be challenged by any one of the commissioners of election, he shall stand aside and not be entitled to vote unless he makes an affidavit in writing before one of the commissioners of election, that he is a qualified voter of the State, that he actually resides in the precinct in which he offers to vote, that he has been a resident of the city for the six months next preceding the date of the election; that he is not residing in the city for a temporary purpose, and further stating his name, age, residence, occupation, place or places of residence for the twelve months preceding the date of elec-

tion, and the names of two persons residing in the city who have personal knowledge of his residence within the city for the six months next preceding.

Sec. 8. Any and all ordinances in conflict with the above ordinance are hereby repealed.

AN ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COMMISSIONERS

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That the following rules of procedure are hereby adopted for the government of the Board of Commissioners:

Rule 1. The regular meetings of the Board of Commissioners shall be held in the City Building on the first and third Thursdays of each and every month; from October to March of each year, inclusive, at 7:30 p. m., and from April to September, inclusive, at 8:00 p. m.

Rule 2. Adjourned meetings may be held for the purpose of disposing of any business remaining unfinished at the last regular meeting.

Rule 3. When circumstances demand it, a special meeting may be called at any time by the Mayor, or by two commissioners.

Rule 4. The Mayor shall take the chair at the hour appointed for the Board of Commissioners to meet, and having called the meeting to order shall preserve decorum and enforce a strict observance of these rules.

Rule 5. The meetings of the Board of Commissioners shall be presided over by the Mayor, or in his absence by the Police Judge.

Rule 6. All questions of order shall be decided by the presiding officer, subject to an appeal to the remaining commissioners.

Rule 7. An appeal from the presiding officer upon any question of order shall be allowed, or put upon demand of any two commissioners.

Rule 8. The question upon an appeal from the decision of the presiding officer shall be put in the following form: "Shall the decision of the chair be sustained?" And every member present when a question is put, shall vote.

Rule 9. Every motion or proposition shall be reduced to writing if any member of the Board of Commissioners shall demand it.

Rule 10. When a motion is made and seconded, it shall be deemed to be in possession of the Board of Commissioners and shall be stated by the presiding officer previous to debate or vote thereon. Such motion may be withdrawn at any time before decision or amendment, by consent of the Board of Commissioners.

Rule 11. The following shall be the order of business:

- (a) Reading and approving minutes.
- (b) Unfinished business appearing upon the minutes.
- (c) Reports from Board of Health and other officers.
- (d) Reports of Commissioners.
- (e) Presentation of petitions and action thereon.
- (f) Consideration of Ordinances, resolutions, etc.
- (g) Miscellaneous business.
- (h) Adjournment.

Rule 12. At each meeting the journal of the preceding meeting shall be read, corrected, approved, and signed by the presiding officer and the City Clerk.

Rule 13. A majority of the commissioners may at any time suspend the regular order of business for the time being only.

Rule 14. Any commissioner may call for a division of the question where the same will admit thereof.

Rule 15. All questions shall be put in this form: "As many as are of the opinion" (as the case may be) "say 'Aye!' Contrary, 'No!'"

Rule 16. Upon every motion involving the expenditure of money and for the letting of any public contract, and on all ordinances, the ayes and nays shall be taken and recorded.

Rule 17. Any member of the Board of Commissioners shall have the right to protest against any ordinance or resolution which he may think injurious to the public or any individual, and have the grounds of his objections entered upon the minutes of the meeting; but before such entry is made such protest shall be reduced to writing by the member making the same.

Rule 18. Every ordinance shall be reduced to writing and read at three regular meetings of the Board of Commissioners before it becomes a law; the first reading of the ordinance shall be for information, and if objections be made, the question shall be, "Shall the proposition be rejected?" If no objection be made, or the question to reject be lost, the ordinance shall be ordered to its second reading. When read a second time it shall be open for amendment and debate. When all amendments have been made, it shall be put upon its passage; and the ayes and nays shall be recorded. Provided, however, that by the affirmative vote of two members of the Board of Commissioners entered of record, this rule may be dispensed with, an ordinance read, ordered to its third reading, put upon its passage and passed, or rejected, at the same meeting.

Rule 19. When a question is before the Board of Commissioners, no motion shall be entertained, unless to amend, postpone or commit the previous question, or to adjourn.

Rule 20. A motion to adjourn shall always be in order unless the Board of Commissioners be engaged in voting.

Rule 21. A motion to adjourn or lay on the table shall be decided without debate.

Rule 22. All reports of commissioners or other officers shall be in writing, signed by the commissioner or officer making the same, and shall indicate in the way of recommendation such action as the commissioner or officer making the report shall deem proper.

Rule 23. No member of the Board of Commissioners shall leave a meeting of the Board of Commissioners without permission.

Rule 24. Any commissioner who fails to attend at least one regular meeting each month shall forfeit his salary for such month unless such commissioner shall be excused on account of sickness, physical disability or other cause, by a unanimous vote of the Board of Commissioners. Provided, however, that any commissioner who shall from any cause, fail or refuse to perform the duties of his position, including attendance at the meetings of the board, for a period of three months, shall lose his office and the same shall be declared vacant by the remaining commissioner or commissioners, and said vacancy filled as provided by the charter.

Rule 25. Charges preferred against any officer shall be in writing and verified by affidavit.

Rule 26. No bond, contract or other instrument of writing in which the city is concerned shall be approved by the board until the same has been certified to by the city solicitor, and the record shall show the approval or disapproval of all such writings, or other action of the board relative thereto. The oath of the commissioners, and all other officers of the city required to take such oath, shall be spread upon the record.

Rule 27. The board may adopt such other rules as may be necessary.

AN ORDINANCE IN RELATION TO OFFENSES AGAINST THE PEACE, GOOD ORDER, AND WELL BEING OF THE CITY OF BUCKHANNON, AND TO DEFINE, PROHIBIT, ABATE, SUPPRESS AND PREVENT ACTS DETRIMENTAL TO THE MORALS, HEALTH, COMFORT, SAFETY, CONVENIENCE, AND WELFARE OF ITS INHABITANTS.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful for any person to ride or drive any horse or other animal on any part of any iron or wooden bridge within said city at any gait faster than a walk.

Sec. 2. It shall be unlawful for any person to ride or drive any horse or other animal on any street, alley, road or public square in said city at a run or gallop, or at any dangerous speed, whatsoever.

Sec. 3. It shall be unlawful for any person to ride or drive any vehicle, or to ride, drive, or lead any horse, mare, gelding, mule, ass, bull, cow, calf or ox along or upon any sidewalk or path used as a sidewalk in said city, whether such sidewalk or path used as a sidewalk be maintained by the said city or by the owner of the property adjacent thereto; or for any person to drive any wagon, cart or other vehicle across any curbstone unless a bridge or apron extend over the gutter to the top of the curbstone.

Sec. 4. It shall be unlawful for any person to suffer any such animal or animals as named in the preceding section to stand on any street or alley without being properly fastened, or without having some person to watch the same and prevent their starting.

Sec. 5. It shall be unlawful for any person to obstruct any street, alley, or sidewalk, by placing thereon store-boxes, crates, barrels, or anything amounting to an obstruction to free passage; or to allow any team or vehicle to remain on any crossing to the obstruction of any person or persons desiring to cross the same, when requested to remove by such person or persons.

Sec. 6. It shall be unlawful for any person to cause a wagon, team, or other vehicle to remain over night, or any unnecessary time during the day, in any street, alley or park of the said city so as to cause an obstruction to said street, alley or park way.

Sec. 7. It shall be unlawful for any person to commit or perpetrate any indecent, immodest, lewd or filthy act, by words or action, in any street, alley, hotel, garage, or other place of public resort in said city.

Sec. 8. It shall be unlawful for any person to speak or utter any lewd or filthy word or words, or profane or abusive language in any street, alley, park, or other public place in said city.

Sec. 9. It shall be unlawful for any person to make an indecent and immoral exhibition or exposure of his or her person, or to cause or procure any other person to do the same, in the presence or view of any other person or persons.

Sec. 9A. It shall be unlawful for any person within the corporate limits of said town to import, print, publish, sell or distribute any book or other thing containing obscene language.

Sec. 10. It shall be unlawful for any person to publicly exhibit any indecent painting, engraving, print, sculpture, picture or representation within this city.

Sec. 11. It shall be unlawful for any person to commit or cause any riot, noise, disorder or tumult, or loud personal abuse of any person by words, to the disturbance, or tending to the disturbance of the peace or just quiet of the city.

Sec. 12. It shall be unlawful for any one to commit an assault and battery, or an assault, or aid or abet or encourage any on in so doing.

Sec. 13. It shall be unlawful for any one to wilfully cause a false alarm of fire, or cry fire, or ring any bell, or do any thing tending to create a false alarm of fire.

Sec. 14. It shall be unlawful for any person or persons to idly loiter at or near any dwelling house or store in said city, or to ring any door-bell, or rap upon any door or window with the intent to annoy or disturb the inmates of any such house or store; or to peep into any window of a dwelling house in the night time.

Sec. 15. It shall be unlawful for any person to wilfully engrave, deface, mutilate, injure or destroy any property of the City, or any house, fence, railing, or any goods or chattels, the property of any other person or persons in said city.

Sec. 16. It shall be unlawful for any person to commit adultery or fornication in said city.

Sec. 17. It shall be unlawful for any person or persons, on any of the sidewalks, streets or alleys, to conduct themselves in a manner annoying to persons passing by, or occupants or residents of adjacent buildings.

Sec. 18. If any person or persons shall by force intentionally resist or obstruct the Chief of Police, or police, or deputies thereof, of this city, or of any one of them, in the lawful exercise of any power or authority required of or granted to said officer or officers by law or by any ordinance of this city, or shall aid or abet any one in so doing, every such person so offending shall forfeit and pay to the said City a fine of not less than Five Dollars nor more than One Hundred Dollars, and pay the costs of prosecution for every such offense.

Sec. 19. It shall be unlawful for any person to keep in any store, shop, warehouse or other house or building within this city, without special permission or authority from the City Commission, a greater quantity of powder than 25 pounds.

Sec. 20. It shall be unlawful for any owner or occupant of any livery or other stable, or any out-house that may contain any hay, straw, fodder or other combustible, or any person or persons in his employ to use or carry therein any lighted candle, or other burning light unless the same be secured with in glass lantern.

Sec. 21. It shall be unlawful for any person to remove or aid in removing any part of the apparatus of the fire company of the City from the building containing the same, or to use the same for any purpose whatsoever without the knowledge and consent of the officers of the fire department having charge thereof.

Sec. 22. It shall be unlawful for any person to wilfully break or injure in any way extinguish a public lamp or light in the City, or any light erected or maintained by any private person to light the streets of the City or the premises of such person, without the authority of the City or the consent of such owner.

Sec. 23. It shall be unlawful for any person to practice any trick game or device with the intent to swindle; to pick or attempt to pick, or aid in picking pockets; to have in one's possession tools and instruments for the purpose of committing burglary, or for breaking and entering any dwelling unlawfully; or to carry off from any inclosure or lot within this City, property without authority from the owner of such property, or his agents.

Sec. 24. It shall be unlawful for any person to loiter or wander about the streets, alleys, parks or other public places in the said City, unless such person is able to give a satisfactory account of himself or herself.

Sec. 25. If the owner or owners, lessee or lessees of any room, building, arbor, booth, shed, stand, or tenement, shall know that any

table, instrument, device, or anything used for the purpose of gaming, is kept or used in or about the same, or that any game of chance or skill, by or at which money or other article or articles of value may be lost or won, is being played therein or thereon, and shall not forthwith cause a complaint to be made against the person or persons so keeping, or using the same or playing or suffering the playing of any such game therein or thereon, such owner or owners, lessee or lessees, shall be taken, held and considered to have knowingly permitted the same to be occupied and used for unlawful gaming, and upon conviction thereof, shall be fined and imprisoned, or both, as hereinafter provided.

Sec. 26. The Police Judge, or the Chief of Police or other policemen of the City may seize or direct to be seized any table, instrument, device or thing used for the purpose of unlawful gaming, and the property so seized may be demolished or destroyed under the direction of the Police Judge, in case the person or persons in whose possession the same was found, shall be convicted of unlawful gaming.

Sec. 27. It shall be unlawful for any person, without permission from the City Commission, to keep and maintain any slaughter house in the said City or jurisdiction thereof; and every day such house shall be so kept and maintained shall be taken as a distinct offense.

Sec. 28. It shall be unlawful for any persons to assemble in any street, alley, public park, or other public place, or at any house or out-house, office, stable, shed, board-yard, or lot of ground within the corporate limits of said city, for the purpose of prostitution, lewdness or indecency. It shall also be unlawful for any prostitute to be in such place between sunset and sunrise.

Sec. 28A. It shall be unlawful within the corporate limits of the said City of Buckhannon for any person to keep a house of ill-fame; to lease or let to any person any house or other building for the purpose of being used or kept as a house of ill-fame; or shall knowingly permit any house owned by him or under his control, to be kept for use as a house of ill-fame; or for any person to loaf, board or loiter in a house of ill-fame, or frequent the same.

Sec. 29. It shall be unlawful to bathe in any stream within the corporate limits of the City unless dressed in a proper bathing suit.

Sec. 30. It shall be unlawful for any person to fly a kite, roll a hoop, play at ball, bandy or shinny, or engage in any play, sport or exercise which might produce bodily injury to any one, or endanger the life, limbs or property of any person on any street, alley or public park of said city.

Sec. 31. It shall be unlawful for any person to fire or discharge, within the corporate boundaries of said city, any gun, pistol, cannon, fire-arm, or any fire-cracker, squibs, rockets or fire-works, without the written consent of the Police Judge.

Sec. 32. It shall be unlawful for any person or persons to interrupt or disturb an assembly of people met for the worship of God, or act in a disorderly manner in or about any church or place of public worship or entertainment in the city.

Sec. 33. It shall be unlawful for any person to break or injure any public or private street light or lamp, whether the same be electric, gas, or other light or lamp.

Sec. 34. It shall be unlawful to burn or cause to be burned shavings, paper, leaves or other combustibles, in any part of the streets, alleys, parks, or public squares, or in yards in the city, except workmen whose business necessarily requires outdoor fires, nor then, if in the opinion of any two respectable housekeepers, any house or building may be thereby endangered.

Sec. 35. It shall be unlawful for any person to obstruct a sidewalk or pavement of the City by leaving a gate open or partly open.

Sec. 36. It shall be unlawful for any person to throw water, slop or offal from his or her kitchen into or upon any street, alley, park or public square of the City, or permit or suffer the same to be done by any person in his or her employment, or for any person to permit the waste water, slop or offal from his or her house or kitchen to run or flow into or upon the premises of another; or for any person to throw, or place, or cause to be thrown or placed, any coal or wood, dirt, manure, or filth of any kind, or any lumber, wood, coal, coke or stone, so as to amount to an obstruction into or upon any street, alley, park or public square of said city, and suffer the same to remain there for the space of twenty-four hours, and every twenty-four hours it is allowed to remain thereafter shall constitute a distinct offense.

Sec. 37. It shall be unlawful for any person to throw or dump any rubbish within one hundred feet of any street or bridge within the city without permission from the Mayor.

Sec. 38. It shall be unlawful for any person to throw any paper, or for any person to sweep the dirt from any building upon or into any street, alley or public square of the city.

Sec. 39. It shall be unlawful for any person or persons to cast upon any of the sidewalks of the city, orange, lemon or banana peels, or any other filth of any kind whatsoever. And it shall be unlawful for any owner or occupant of any property to fail to keep the pavements in front of their places of business or residence swept clean of such dirt and filth as herein named. Any person violating this section shall be fined not less than one dollar and shall be required to pay the costs of prosecution.

Sec. 40. It shall be unlawful for any person having in charge any horse, mule, goat, cattle, swine or sheep to permit the same to run, walk or to be upon any pavement or board walk of the city.

Sec. 41. It shall be unlawful for any person, without the consent of the owner or occupant thereof, to enter into the enclosure, land or lot of another, or to do any damage thereon, or without consent, to tear down in whole and in part, or injure any fence, unfasten, open, or leave open any gate or bars of another; or cut down or otherwise injure any fruit, shade or ornamental shrub, bush, plant, or tree, in any yard, garden, street, or sidewalk of the city.

Sec. 42. It shall be unlawful for any person occupying any cellar or basement, the door of which is in any street, alley or walk of this city, to allow such door to remain open at any time from twilight in the evening until daylight the next morning, without having a light at such door, unless the same be properly guarded by railing.

Sec. 43. It shall be unlawful for any person owning or occupying any cellar or basement having a stairway therefrom, or any area opening into any street, alley or walk, to allow such stairway or area to remain insecured by a sufficient door or grating, covering the whole opening into such street, alley or walk, or having sufficient railing around the same; and every day such stairway or area shall remain without being so secured shall constitute a distinct and different offense under this section.

Sec. 44. It shall be unlawful for any person to cruelly, unnecessarily or needlessly beat, torture, mutilate or kill, or overload, overdrive, or wilfully deprive of any necessary sustenance within the city, any horse or other domestic animal in his possession or control, or cause the same to be done by another, whether such horse or other animal be his own or that of another person.

Sec. 45. When any animal whatsoever shall die within the limits

of said city, the person or persons owning or having in charge such animal and knowing of its death, whether it shall have died upon his premises or elsewhere, shall and he is hereby required forthwith to remove, or cause to be removed, the body of such animal, and deposit the same at least two hundred yards from the dwelling house of any person, and there bury the same at least three feet under the ground.

Sec. 46. If any person shall kill any animal, and suffer the same to remain within the corporate limits of the said city so as to become a nuisance, the person so offending shall upon conviction be fined not less than one nor more than ten dollars with costs of prosecution; and that for every twelve hours such dead animal or any part thereof shall remain within the city limits after it has become such nuisance and after such conviction and fine has been imposed, the offender upon conviction shall be fined double the amount of the first fine imposed with the costs of a second conviction; and in all cases of dead animals of any kind being found upon the premises of any one within the limits aforesaid, after notice to the owner of such property, the Mayor or Chief of Police may cause the same to be removed at the expense of such owner or occupant of said property, in the event he fail or refuse to remove the same at once, in addition to the fine and costs which may be imposed for offending against the provisions of this and the next preceding section.

Sec. 47. It shall be unlawful for the owner, harbinger or keeper of any savage dog, or other dangerous animal, or of any female dog in heat, or of any breachy cow, calf, horse, mule, or other domestic animal, to suffer such dog or domestic animal to run at large within the corporate limits of said city, and upon notice to such owner, harbinger or keeper of such dog, it be again found running at large, it shall be the duty of the Chief of Police to kill such dog.

Sec. 48. It shall be unlawful for any person keeping a hotel, restaurant, barber shop, garage, or other public place, to suffer or permit therein any rioting, drunkenness, or any lewdness or obscenity, or conduct which disturbs or tends to disturb the peace, order and morals of the city.

Sec. 49. It shall be unlawful for any person to be upon any street, alley, public square or park, or in any hotel, restaurant, barber shop, garage, barn, shed, or other place within the city in a state of intoxication or drunkenness.

Sec. 50. It shall be unlawful for any person to keep open on Sunday any house or place for the transaction of business in the city; or to sell, offer or expose for sale, any wares, goods or merchandise. Provided, however, that this section shall not apply to hotels, livery stables, offices of physicians, restaurants, refreshment rooms, gasoline stations, garages for sale of emergency supplies, and for making emergency repairs in the event such repairs can be made without disturbing the quiet and order of the Sabbath day, and drug stores for the purpose of filling physicians' prescriptions, and barber shops until ten o'clock a. m. with the written consent of the Mayor.

Sec. 51. It shall be unlawful for any railroad company to run trains at a greater rate of speed than 15 miles per hour at any of the public crossings within the corporate limits of the city.

Sec. 52. It shall be unlawful for any person to refuse to aid to the best of his ability, any fire company in going to or from any fire, when so ordered by the foreman, or any person in command of said company at any time.

Sec. 53. The Police Court may provide in all judgments of conviction for the violation of any ordinance of the City a fine, and the person against whom said fine is assessed shall be imprisoned until the fine

and costs of prosecution shall be paid, but not to exceed thirty days. And any person committed for the non-payment of fine and costs, while in custody, may be compelled to work on the streets, alleys, public grounds or works until such fine and costs are paid, allowing one dollar per day for the work of said prisoner to apply on said fine and costs.

Sec. 54. It shall be lawful for any one of the Commissioners, Chief of Police or other policeman of the city to arrest on view any person found violating any provision of the ordinances of the city, and convey such offender to jail, there to be detained for trial.

Sec. 55. It shall be unlawful for any person who has been regularly summoned by the Chief of Police or other authorized officer or person to appear and testify in any proceeding or case to be tried, or being tried in the Police Court of said City of Buckhannon, to refuse or fail to attend, testify and give evidence as required by law in such proceedings; provided, however, that such person shall have opportunity to show cause, if any he can, why he should not be punished for the failure to so attend and testify as the summons commanded.

Sec. 57. Any person offending against the provisions of the 15th, 23d, 25th, 28th, 28a, 32d, and 44th sections of this ordinance shall upon conviction thereof, forfeit and pay to the city a fine of not less than five nor more than twenty-five dollars, and the costs of prosecution, or be imprisoned not more than thirty days, or be both so fined and imprisoned at the discretion of the Police Judge; and any person offending against any of the provisions of the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 9a, 10th, 11th, 12th, 13th, 14th, 16th, 17th, 19th, 20th, 21st, 22nd, 24th, 27th, 29th, 30th, 31st, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 45th, 47th, 48th, 49th, 50th, 51st, 52nd and 55th sections of this ordinance shall upon conviction thereof forfeit and pay to the City of Buckhannon a fine of not less than one nor more than twenty-five dollars, and costs of prosecution, or be imprisoned not more than thirty days, or be so fined and imprisoned at the discretion of the Police Judge; and except where otherwise expressly provided, every day any provision of said ordinance shall be violated shall be taken to constitute a distinct offense.

Sec. 57. Any and all ordinances in conflict with the above ordinance are hereby repealed.

**AN ORDINANCE IN RELATION TO LOAFING AND LOITERING IN ANY
STAIRWAY, HALL-WAY, ENTRANCES TO CHURCHES AND
OTHER PUBLIC BUILDINGS**

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful for any person or person to loaf or loiter in any stairway, hall-way, or entrance thereto, leading to any public room or rooms in said city; or congregate in or about any entrance to any church, school-house, or other public place; or to throw paper or other waste matter along, in or about said stairway, hall-way, or hall-ways or entrance.

Sec. 2. Any one violating the provisions of this ordinance, or any one of them, upon conviction thereof, shall be fined not less than One Dollar and not more than Ten Dollars, and the costs of the prosecution, and may, in addition thereto, at the discretion of the Police Judge, be imprisoned not to exceed thirty days.

Sec. 3. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

AN ORDINANCE IN RELATION TO MINORS UNDER THE AGE OF SIXTEEN LOITERING UPON THE STREETS OF THE CITY OF BUCKHANNON, AFTER CERTAIN HOURS OF THE NIGHT.

Be it ordained by the Commissioner of the City of Buckhannon:

Sec. 1. It shall be unlawful for any person, boy or girl, under the age of sixteen years, to loiter or be found on the streets, alley, pavements, sidewalks, or parks of said city from April 1st to November 1st, after the hours of nine o'clock p. m. and until four o'clock a. m.; from November first to April first, after eight o'clock p. m. and until four o'clock a. m., each night, unless such person can give a satisfactory account of himself or herself, or be in the company of his or her parents or guardian.

Sec. 2. Any person found guilty of a violation of this ordinance shall be fined not less than one nor more than twenty dollars and costs, at the discretion of the Police Judge, if the fine and costs be not paid, be confined in jail not to exceed ten days unless the fine and costs are sooner paid.

Sec. 3. The striking of the clock in the Court House will be a signal for such persons to get off the streets, alley, pavements, sidewalks or parks, in compliance with this ordinance.

AN ORDINANCE IN RELATION TO WASHING AND CLEANING STREETS

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful for any person to wash or spray any brick street or sidewalk in said city in such manner as to remove the sand or dirt below the level of the top of said brick in said street or sidewalk.

Sec. 2. Any person violating said ordinance shall upon conviction be fined not less than one nor more than five dollars and the costs of the prosecution.

AN ORDINANCE IN RELATION TO GAMBLING AND THE OPERATING OF UNLAWFUL GAMES AND DEVICES IN THE CITY OF BUCKHANNON

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. It shall be unlawful for any person to keep or exhibit within the City any of the tables commonly called roulette, A. B. C. or E. O. tables, or faro bank, or keno table, or any kind of such table, under any name or denomination whatever, whether the game or table be played with cards, dice or in any other manner; or to act as doorkeeper, guard, or watch, or employ another person to act as doorkeeper, guard or watch, or employ another person to act as such for a keeper or exhibitor of any gaming tables or faro bank, or to resist, or by any means or device prevent, hinder or delay the lawful arrest of such keeper or exhibitor, or the seizure of said table or bank, nor shall any person permit any such gaming table, faro bank, keno or other table of like kind to be kept or exhibited on any premises in his occupation or under his control. In addition to the penalties hereinafter provided for violation of the provisions of this ordinance, the Police Court Judge shall upon the conviction of any person under this section for keeping or exhibiting such tables or faro bank, direct such tables and other things used in such games to be publicly burned by the Chief of Police. And all money staked or exhibited to allure persons to bet at such tables may be seized by order of the Police Court Judge, and the money so

seized, after deducting one-half for the person making seizure, shall be forfeited to the City of Buckhannon, in the manner provided in the thirty-first section of Chapter forty-six, Code of West Virginia, in respect to the forfeiture declared by that chapter. Any person found guilty of violating any of the provisions of this section shall be fined not less than one hundred nor more than five hundred dollars, and costs, and confined in jail not less than two nor more than four months.

Sec. 2. If any person bet or play at any such table or bank as is mentioned in the next preceding section, or if at any hotel or tavern, or other public place, or place of public resort, he plays at any game except bowls, chess, backgammon, draughts, dominoes, or a licensed game, or bet on the sides of those who play, he shall be fined not less than five nor more than one hundred dollars, and shall pay the costs of the prosecution.

Sec. 3. It shall be unlawful for the keeper of a hotel or tavern to permit unlawful gaming at his house or at any out-house, booth, arbor, or other place appurtenant thereto, or held therewith, and in any prosecution before the Police Court Judge, under this section, it shall be presumed that the game herein mentioned was permitted by the keeper of the house, unless it appears that he did not know of, or permit such game, or that he endeavored to prevent it, and gave information of it, with the names of the players, to the Chief of Police of the City of Buckhannon; and if the keeper of a hotel or tavern let or hire to another person any out-house or other place which is appurtenant to or held with the house kept by him, with intent that unlawful gaming be permitted therein, he shall suffer the same punishment and incur the same forfeiture as if such unlawful gaming were permitted at his own principal house; and in a prosecution therefor before the Police Court Judge, if gaming be proved, it shall be presumed that such out-house or other place was let and hired with intent aforesaid, unless the presumption be repelled in the manner mentioned in this section. Any person found guilty under this section shall be fined not less than twenty-five nor more than one hundred dollars, and shall pay costs of the prosecution, and in addition shall forfeit his license.

Sec. 4. If any person at any place within the corporate limits of the city, public or private, bet or wager money or other thing of value on any game of chance, or shall knowingly furnish any money or other thing of value to any other person to bet or wager on any such game, he shall be fined not less than five nor more than one hundred dollars, and may in addition to such fine or in lieu thereof be confined in jail not to exceed thirty days, at the discretion of said Police Judge.

AN ORDINANCE IN RELATION TO THE PUNISHMENT OF OFFENSES

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That whenever, hereafter, any male person over the age of eighteen years shall be found guilty of an offense under the ordinances of this city, the punishment of which is confinement in the county jail, the Police Judge shall sentence such person to work on the streets of the said city, under the supervision of the Mayor of said city as Commissioner of Public Affairs, during the term of his imprisonment, and thereafter until his fine and costs are paid by crediting such person on such fine and costs with the amount allowed by ordinance for such labor, unless for reasons appearing to the Police Judge, and entered upon his docket, the Police Judge omits from the sentence that part of the penalty requiring such person to work upon the streets of said city. The said Mayor, as Commissioner of Public Affairs, may cause a ball

and chain to be attached to such prisoner, if he deem it necessary to insure his safe-keeping while he is so employed.

Sec. 2. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**AN ORDINANCE RELATING TO REGULATIONS RESPECTING
LICENSES AND LICENSE TAXES**

Be it ordained by the Board of Commissioners of the City of Buckhannon:

Sec. 1. No person without a municipal license therefor shall within the city or within one mile of the corporate limits thereof,

(a) keep an hotel, eating house, or restaurant; or

(b) keep for public use or resort, bowling alley, pool table, billiard table, bagatelle table, or any table of like kind; or

(c) exhibit any circus, menagerie, circus and menagerie combined, theatrical performance, street or other carnival, or public show to which admission is obtained for money or reward, except for the benefit or under the auspices of a volunteer fire department; or

(d) run or operate for profit a merry-go-round, or roller coaster, or scenic railway, or like device, or keep for public use or resort a shooting gallery or skating rink; or run or operate a cane rack, doll baby rack, knife rack, striking device by which merchandise or other things of value are disposed of, games of chance or like device, or human laundry device, or dip device; or

(e) act as hawker or pedler; provided that bona fide farmers vend- ing farm products shall not be required to have a license.

(f) act as auctioneer; or

(g) practice the business of real estate agent, stock broker, or other broker, by buying or selling for others, stocks, securities or any other property for a commission or a reward; or

(h) practice the business of a money broker, buying or selling uncurrent or depreciated money or funds; or exchanging one kind of money or funds for another, for benefit or reward; or

(i) practice the business of pawn broker by lending money or other things for profit, for or on account of personal property deposited with the lender in pledge; or

(j) sell, or barter, or offer or expose for sale or barter, any patent right, or stamps, or certificates of like nature or character, or under- take with merchants to redeem such stamps or certificates in money or goods; or

(k) sell any sewing machines, pianos, organs, victrolas, phono- graphs, talking machines, or similar musical instruments, or being a traveling agent, canvasser or salesman, sell or contract to sell, any books, maps, prints, pamphlets and periodicals except such books, pam- phlets and periodicals that be of a religious and ethical nature, whether manufactured within or without the state; or

(l) sell, offer or expose for sale, or solicit or receive orders for manufactured tobacco, snuff, cigars, cigarettes, or other preparations of tobacco, or cigarette paper or wrappers, wholesale or retail; or

(m) carry on the business of junk dealer, or act as agent, solici- tor, canvasser, or salesman for any junk dealer; or

(n) sell pistols, revolvers, or weapons of like kind; or

(o) maintain any slot machine, or other automatic device, which for the same profit or reward, in each case, and without any violation of the law, furnishes music, or exhibits pictures, or provides facilities for weighing, or supplies any merchandise or other thing, or renders any other service; but no slot machine or other automatic device with

respect to which, or its operation, service or supplies, there is any element of chance (being a gaming table, within the meaning of section one of Chapter one hundred and fifty-one of the Code of West Virginia) shall be protected by any license; or

(p) solicit, carry on or practice the business of a collecting agency, or association, whether it be a person, firm or corporation; or

(q) keep, or maintain, a public park, admission to which is obtained for money or reward; or

(r) practice the business of telling or pretending to tell fortunes; or

(s) carry on the business of a labor agency; or

(t) any one manufacturing, selling or distributing either at retail or wholesale, any and all preparations of every kind, character or nature, such as are prepared, mixed and sold at a soda fountain, and all such preparations as bevo, pablo, milo, moxie, ginger ale, near-beer, coca cola, pop, grape juice and all other preparations of like nature and character, commonly known as soft drinks; or

(u) keep or maintain for public use or resort a taxi-cab stand or place of like character.

Provided, that nothing in this ordinance contained, and no license or payment under the provisions hereof shall be taken to legalize any act which otherwise may be in violation of law, or exempt any person from any penalty prescribed for such violation.

Sec. 2. Any person convicted of violating any of the provisions of the preceding section shall be fined not less than five dollars nor more than one hundred dollars, and costs of prosecution, and may within the discretion of the Commissioner of Justice be confined in the county or city jail not more than thirty days; and any person against whom a fine is imposed under this section shall be imprisoned in such jail until the fine and costs of prosecution shall be paid, but not to exceed thirty days.

Sec. 3. This ordinance shall not be construed

(a) to require a license to keep a boarding house; or

(b) to require any incorporated bank, or savings bank, or savings institution, or trust company, to obtain a license as broker or private banker; or

(c) to require any resident of this state to obtain a license to exhibit any work or production of his own invention or skill; or

(d) to require any license for any school exhibition, literary or scientific lecture, or musical concert; or

(e) to require license to furnish refreshments at any public dinner, fair, festival, or celebration; or

(f) to require any trustee, selling trust property, or any personal representative or committee selling property belonging to the estate under his charge, or any officer or commissioner selling property under the order, decree, execution or process of any court, or justice of this state, or of the United States, to obtain license to make such sale; or

(g) to require any colporteur, or person selling religious books, to obtain license therefor.

Sec. 4. The licenses mentioned in section one shall be issued by the Commissioner of Public Accounts and Finances when authorized by the Board of Commissioners; but no such license shall be issued until the application therefor, in writing, has been filed by the applicant, with the Commissioner of Public Accounts and Finances, and the Board of Commissioners has approved and authorized the issuance of the same.

Sec. 5. When the Board of Commissioners has authorized a license, as herein provided, the Commissioner of Public Accounts and Finances shall issue a certificate showing the date of the issuance of such license

and the expiration thereof, the business covered by such license, and the amount of license tax and his fee for issuing the same; and his receipt for such tax and fee written on such certificate shall, with said certificate, constitute a license.

Sec. 6. Every certificate issued as aforesaid, if it be to authorize the keeping of a hotel or tavern, eating house or restaurant, or bowling alley, pool table, billiard table, bagatelle table, or any table of like kind; or carrying on the business of a druggist, or the keeping of a shooting gallery or skating rink; or the selling, offering or exposing for sale of manufactured tobacco, snuff, cigars, cigarettes, or other preparation of tobacco, or cigarette paper or wrappers at retail, shall specify the house in which it is to be kept or carried on; and to keep and carry on the same at a different place shall be deemed a violation of this ordinance. Other licenses shall be co-extensive with the city.

Sec. 7. Any person holding a license for any of the purposes specifically mentioned in the last preceding section, shall keep such license posted in a conspicuous place where any such business is carried on.

Sec. 8. Any person convicted of violating any of the provisions of section six or section seven of this ordinance, shall be fined not less than ten dollars nor more than one hundred dollars and the costs of prosecution, and may, within the discretion of the Commissioner of Justice, be imprisoned in the county or city jail not more than thirty days; and any person against whom a fine is imposed under this section shall be imprisoned in such jail until the fine and costs of prosecution shall be paid, but not to exceed thirty days.

Sec. 9. Any person holding a license for any purpose mentioned in the first section may, with the consent of the Board of Commissioners, assign the unexpired term thereof to another; such assignment when so authorized shall be attested on the original license by the Commissioner of Public Accounts and Finances. Any person holding license which is limited to a particular house may, with the consent of the Board of Commissioners, have the same transferred to another house or place; such transfer when so authorized by the Board of Commissioners, shall be attested on the original license by the Commissioner of Public Accounts and Finances; but the assignment and transfer herein provided shall not be effective until so authorized by the Board of Commissioners, and attested by the Commissioner of Public Accounts and Finances, as aforesaid.

Sec. 10. Every license for any purpose mentioned in section one of this ordinance, except as hereinafter otherwise provided, shall expire on the thirtieth day of the following June. If granted for a less time than a year, the tax thereon shall be computed from the annual tax in proportion to such time as the license has to run, unless otherwise specifically provided.

Sec. 11. For every order entered authorizing the issuance of a license, the assignment of the same to another person, or the transfer of the same to another house or place of business, the Commissioner of Public Accounts and Finances shall collect a fee of fifty cents; for every certificate of license or assignment or transfer attested as aforesaid, the Commissioner of Public Accounts and Finances shall collect a fee of fifty cents. The said fees, together with the license tax, shall be paid to the Commissioner of Public Accounts and Finances before the certificate of license is delivered, or the assignment or transfer is attested.

Sec. 12. The Board of Commissioners may, for good cause shown, revoke any license granted by it, upon the petition in writing of any citizen of the city; but the person holding the license must have reasonable notice of the proposed revocation and the privilege of being heard

in person or by counsel. After such revocation the license shall be of no effect to protect him from any penalty imposed by this ordinance.

Sec. 13. On every license to keep or maintain a lunch wagon, five dollars; on every license to keep or maintain a restaurant or other eating place not operated in connection with a hotel, ten dollars.

Sec. 14. On every license to practice the business of a stock broker, merchandise broker, or other broker, other than that of pawn broker, by buying or selling for others, stock, securities, merchandise or other property, for commission or reward, twenty-five dollars.

On every license to practice the business of real estate agent or real estate broker, twenty-five dollars. The term real estate agent shall include any person or corporation that, for a commission, compensation or reward, is engaged in the selling of, or who negotiates sales of real estate belonging to another or others, or obtains or places loans for others on real estate or advertises for sale or solicits the sale of real estate belonging to another or others, or collects rents and attends to the letting and sale of houses and lands.

Sec. 15. On every license to sell at retail cigarettes, cigarette paper or wrappers, cigars, tobacco, snuff and other preparations of tobacco, ten dollars; to sell at retail cigars, tobacco, snuff or other preparations of tobacco, other than cigarettes or cigarette paper or wrappers, five dollars.

Sec. 16. On every license to carry on the business of a druggist, two dollars.

Sec. 17. On every license to keep a bowling alley for public use or resort, where any charge is made for the use of the same, forty dollars; but if more than one be kept in one house, by the same person, forty dollars for the first one and fifteen dollars for each additional one.

Sec. 18. On every license to keep a billiard table or pool table, or table of like kind, for public use or resort, where any charge is made for the use of same, fifty dollars; if more than one of such tables be kept in the same house, by the same person, fifty dollars for the first one and twenty-five dollars for each additional one.

Sec. 19. On every license to carry on the business of junk dealer, twenty-five dollars; to act as agent, solicitor, canvasser or salesman for any junk dealer, ten dollars.

Sec. 20. On every license to sell to merchants trading stamps, premium stamps, or stamps or certificates of like nature or character, or undertake with merchants to redeem such stamps in money or goods, two hundred and fifty dollars.

Sec. 21. On every license to maintain a penny slot machine or other automatic device which is not a gambling device under section one of chapter one hundred and fifty-one of the Code, two dollars for each machine or device; on every license to maintain any other slot machine or device which is not a gambling device under section one of chapter one hundred and fifty-one of the Code, five dollars for each machine or device.

Sec. 22. On every license to operate a roller coaster, a merry-go-round, scenic railway, or like device, for one week, ten dollars; for four months thirty dollars; for six months, fifty dollars; and for one year, one hundred dollars. On every license to run or operate a doll baby rack or cane rack, striking machine or like device, or human laundry device, or dip device, the tax shall be five dollars for one week, twenty dollars for four months, thirty dollars for six months, and fifty dollars for one year.

Sec. 23. On every license to keep a roller skating rink for public use or resort, twenty-five dollars.

Sec. 24. On every license to keep and maintain a public park, to which admission is obtained for money or reward, twenty-five dollars;

but such license for such park shall not be construed to be in lieu, or to include any other license required by law on any subject of taxation located at or in said park or elsewhere, and every park to which admission is obtained for money or other reward shall be construed and held to be subject to the provisions of this ordinance. This license shall be either for one year, three months or six months from the commencement thereof; if for three months, the tax shall be one-third, and if for six months, three-fifths of the annual tax.

Sec. 25. On every license to act as a palmist, clairvoyant, or fortune teller, twenty dollars.

Sec. 26. On every license to conduct the business of a labor agency, one hundred dollars; and any person or corporation who hires or contracts with laborers, male or female, to be employed by persons other than himself, and to be transported out of the state for employment into another state, shall be deemed a labor agency within the meaning of this ordinance.

Sec. 27. On every license to act as auctioneer, five dollars.

Sec. 28. On every license to practice the business of pawn-broker, one hundred dollars.

Sec. 29. On every license to sell or barter patent rights, ten dollars.

Sec. 30. On every license to carry on or practice the business of a collecting agency, ten dollars; provided, however, that this license shall not be required of attorneys-at-law engaged in the practice of their profession, unless a separate collection department is maintained in connection with their law business, in which case the license fee of ten dollars shall be paid.

Sec. 31. On every license to act as hawker or peddler, if the person licensed travel without a horse, fifty dollars; if he travel with one horse with or without a wagon or other vehicle, one hundred and fifty dollars; if he travel with two or more horses, with or without a vehicle, two hundred dollars. Said license shall be issued for the time and upon the basis fixed in section twenty-four of this ordinance. Such license shall be placed in some conspicuous place in his wagon or about his pack; provided, that nothing in this ordinance shall be construed as levying a license tax on farmers selling produce, or what are commonly known as hucksters, who, for the purposes of this ordinance, are persons that travel with a wagon or other vehicle with one or more horses and buy and sell farm, dairy, garden or poultry produce and pay or receive pay therefor with money, or with articles of merchandise for the sale of which no license tax is required by law; provided, further, that no tax or fee shall be imposed on any license to act as hawker or peddler, granted to any soldier of the late civil war.

Sec. 32. On every license to sell sewing machines, stoves or ranges, if the salesman thereof travel with or without a vehicle, ten dollars; on every license to sell organs or other musical instruments, if the salesman thereof travel with or without a wagon or other vehicle, twenty dollars; and on every license to sell lightning rods, if the salesman thereof travels, ten dollars; on every license to travel and receive subscriptions for, or in any manner furnish books, maps, prints, pamphlets or periodicals, except such books, pamphlets or periodicals as may be of a religious nature, ten dollars.

Sec. 33. On every license for a theatrical performance, ten dollars for one week, and no such license shall be issued for less than a week; provided, that a theater, opera house, or other permanent place for public shows may have a license by paying tax as follows: three months, for ten dollars; six months for fifteen dollars; or for one year, twenty dollars.

Sec. 34. The provisions of this ordinance shall not apply to liter-

ary, dramatic, musical or benevolent societies, composed of the residents of the city.

Sec. 35. The tax on every license:

(a) To exhibit a circus, or menagerie, or circus and menagerie combined, wild-west show, trained animal show, or dog and pony show, shall be fifty cents for each railroad car used in transporting said show into or through the city, for each exhibition or performance. Where the transportation of such show is by wagon, motor truck or other vehicle, the tax upon such show shall be ten dollars per day;

(b) The license to exhibit a side show in the vicinity of any other show, shall be ten dollars per day.

(c) The tax on every license to exhibit a street or other carnival, or any show connected with county or other fair, five dollars a week for each separate entertainment or exhibition for which a fee is charged.

(d) The tax on every license to exhibit any other show, five dollars.

Every show, exhibition or performance, such as is described in clause (a) of this section whether under the same canvas or not being concluded, so that an additional fee for admission be charged in lieu of a check authorizing the holder to re-enter without charge, shall be construed to require an additional license for any further or other show, exhibition or performance.

Sec. 36. On every license to keep or maintain a hotel or tavern, where rooms are kept or maintained for transient guests, the charge for which is by the day or night, the annual license tax shall be ten dollars.

Sec. 37. On every license to keep or maintain a taxicab stand or any place of like kind or character, the sum of ten dollars. On every license to operate a roller-coaster, a merry-go-round, scenic railway, or like device, for one week, ten dollars; for three months, thirty dollars; for six months, fifty dollars; and for one year, one hundred dollars. On every license to run a doll-baby rack, or cane rack, or knife rack, striking machine, or jingle board, punch board, artful dodger, candy wheel, or scheme or device by which merchandise or other thing of value is disposed of by game or chance, or like device, or human laundry device, or dip device, the tax shall be five dollars for one week; twenty dollars for four months; thirty dollars for six months; and fifty dollars for one year.

Sec. 38. The corporate tax on every wholesaler, distributor or manufacturer engaged in the manufacturing, preparing, mixing, compounding, selling or distributing of any and all preparations of every kind, character and nature commonly called and known as soft drinks, such as are prepared, mixed and sold at what is commonly called a soda fountain, and all such preparations as bevo, pablo, milo, moxie, ginger ale, near beer, coca cola, grape juice, pop, and all other preparations, mixtures and compounds of every kind and character, commonly called and known as soft drinks, shall be on such manufacturer, wholesaler, or distributor, the sum of fifty dollars annually, and on each retailer, five dollars annually.

Sec. 39. All ordinances or parts of ordinances coming within the purview of the foregoing ordinances, inconsistent therewith, are hereby repealed.

AN ORDINANCE IN RELATION TO THE NAMING OF THE STREETS AND THE NUMBERING OF THE BUILDINGS THEREON.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. The City Commissioners shall cause to be placed at each and every crossing of the streets of said city, upon a building when

such building is conveniently situated, otherwise upon a telegraph, telephone, electric light pole or special pole or post to be erected for the purpose, at a height not greater than twelve nor less than eight feet from the sidewalk, a suitable sign bearing the name of the street. Each sign to be placed in position so that its wording surface will front on and be parallel with the street whose name it bears, and said marking shall forever be maintained. The expense of naming, making and maintaining the same shall be assumed and paid by the city.

Sec. 2. That the City shall provide for the surveying and the assigning of a number to each house or building of said city, and lots, and houses and buildings that may hereafter be erected, in such manner and form as the mayor of said city may deem proper—the expense of said survey and numbering to be assumed by the City.

Sec. 3. That when said streets have been properly named and marked, and numbers assigned for the houses and buildings on said street, in accordance with the first and second sections of this ordinance, then it shall become the duty of the owner of such house or building, included within the purview of this ordinance, to place thereupon at such owner's expense, at or near its main or principal entrance, the number belonging or assigned to it.

Sec. 4. If any one be guilty of interfering with, destroying or mutilating a street marking, sign or house number, after the same has been once put in place, he shall upon conviction thereof be fined not to exceed ten dollars, at the discretion of the Police Judge, and the costs of the proceedings.

AN ORDINANCE IN RELATION TO THE INSULATION OF ELECTRICAL EQUIPMENTS

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. No electrical wiring or installation of electrical apparatus or appliances for furnishing light, heat and power shall be introduced into the City of Buckhannon, except in compliance with the rules and regulations of the National Board of Fire Underwriters, known as "The National Electrical Code," and said rules and regulations are hereby made a part of the requirements of this ordinance.

Sec. 2. It shall be the duty of the Police Judge to see that these rules and regulations are complied with.

Sec. 3. Any person offending against the provisions of this ordinance shall, upon conviction, be fined not less than ten nor more than fifty dollars, and pay the costs of the prosecution.

AN ORDINANCE IN RELATION TO GAS BRACKETS, AND RUBBER HOSE CONNECTIONS TO STOVES, ETC.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful to use in any building whatsoever swinging gas brackets or rubber tube connections to gas stoves or other appliances for heating.

Sec. 2. That it shall be the duty of the building inspector, chief of the fire department, plumber or plumbers engaged in the plumbing business in the City of Buckhannon, to report all violations of this ordinance.

Sec. 3. That if within ten days after notice from the Police Judge, any person or persons shall have continued the use of said appliance or appliances, he or they shall be, upon conviction, be fined not less than one nor more than ten dollars for each offense; and every day any person or persons continue the use of said prohibited appliances, after said notice, shall constitute a distinct offense.

AN ORDINANCE IN RELATION TO THE FIRE LIMITS AND THE BUILDINGS THEREIN

Be it ordained by the Board of Commissioners of the City of Buckhannon:

Sec. 1. That no new building or extension of old one shall be erected within the limits hereinafter described, except they be built of brick, stone, tile, iron or concrete with fire-proof roof, and all buildings of whatever kind in process of construction and not in conformity with this ordinance, without the consent of said council, shall be deemed a violation of this ordinance.

Sec. 2. In all cases where the provisions of this ordinance are being violated, the mayor shall have the power to stop the work of building or extending, until the matter can be brought before the council.

Sec. 3. And this ordinance shall be so construed and understood as to prohibit not only the owners, but their agents, or any person assisting in constructing the same.

Sec. 4. Any person violating the provisions of this ordinance shall, upon conviction thereof, be fined in a sum not exceeding one hundred dollars.

Sec. 5. The following boundary lines shall constitute the fire limit of the City of Buckhannon: Beginning at the railroad crossing on Locust street, and running with said Locust street in a southerly direction to where it intersects with Franklin street; thence in an easterly direction to a point on Florida street six feet south of the United Brethren Church lot; thence with Florida street in a northerly direction to a point in the bridge spanning the Buckhannon River, near the Star Mill, which point is half way across said bridge; thence by direct line to the beginning. Provided, however, that all lots fronting upon and adjacent to said Florida street on the east side thereof, and between the point designated and the bridge, are included in the said fire limit.

Sec. 6. That no new building shall be erected within the fire limit as defined in section 5 of this ordinance, except it be constructed of brick, stone, tile or concrete, and the walls shall not be less than twelve inches thick and the roof shall be of metal, slate, tile or fire-proof roofing.

Sec. 7. Any and all ordinances in conflict with the above ordinance are hereby repealed.

AN ORDINANCE REGULATING THE DIGGING INTO, OR THE TAKING UP OF ANY SIDEWALK, CURB, OR PAVEMENTS BETWEEN CURBS IN THE CITY OF BUCKHANNON.

Be it ordained by the Board of Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful for any person to dig into, or take up, or remove any sidewalk, curb or pavement between curbs in or upon any street or alley of the City of Buckhannon, without first obtaining a written permit signed by the Mayor and Clerk of said City.

Sec. 2. That no such written permit shall be issued except upon written application, setting out the specifications of the work contemplated; the point or location thereof; the time the work is to begin; the approximate time to complete the same, and agreeing to do the work as specified, and complete the same within the specified time, and put the sidewalk, curb, or pavement in as good condition as found without delay; and to save the city harmless from any and all damage, expense and costs accruing to it by reason of said work, and further upon the making of a deposit with the Treasurer of said city for such fixed sum as the mayor shall designate for the sole purpose of securing the said city against any necessary expense incurred by said city in putting said

sidewalk, curb or pavement in as good condition as when the work commenced, in the event the said party to whom said permit is issued fails to faithfully perform his covenants contained in said application. Said amount of deposit shall be between ten and fifty dollars, inclusive, at the discretion of the said Mayor. Said deposit or any part remaining thereof, after first saving the city harmless as provided herein, shall, after thirty (30) days from the completion of the work, and repair or replacing, be paid by the said Treasurer to the said applicant. The provisions herein as to said deposit shall not be construed in any manner or form so as to relieve the said applicant, or any party interested in or involved in said work, from any liability for damages growing out of negligence or otherwise, or for any loss or expense, or damage, over and above the said deposit which the said city may suffer by reason of said applicant's failure to put said sidewalks, curbs and pavements in condition as aforesaid, and to use due care in the performance of said work. Any one attempting to do, or doing, or having done, any of the said work without having a permit as provided in the aforesaid sections, shall, upon conviction thereof, be fined not less than \$25.00 nor more than \$50.00, in the discretion of the Police Judge, and pay the cost, assessed as the ordinances and general law provide.

Sec. 3. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

AN ORDINANCE IN RELATION TO KEEPING THE SIDEWALKS FREE FROM ICE AND SNOW

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful for any owner or occupier of any real estate adjoining and abutting on any sidewalk in said City of Buckhannon, to permit snow or ice to accumulate and remain on said sidewalk in front of said real estate or abutting thereto. Any person having control of said abutting or adjoining real estate, and failing or refusing to clear the said sidewalk thereof from such ice and snow, in such manner as the Chief of Police shall direct for more than six (6) hours after having been ordered so to do by the said Chief of Police, shall be deemed a violator of this ordinance, and upon conviction thereof shall be fined not less than one dollar nor more than ten dollars, and the costs of the prosecution. Every six hours that said ice or snow is allowed to remain after the notice to remove is given shall constitute a separate and distinct offense, each punishable upon conviction as aforesaid.

Sec. 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

AN ORDINANCE RELATING TO KEEPING THE SIDEWALKS FREE FROM WEEDS, ETC.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful for any person, firm or corporation owning real estate adjoining and abutting any sidewalk or sidewalks in said city to permit weeds, grass, or other vegetation to grow or accumulate in said sidewalk or sidewalks, or within three inches of either curb thereof. Any person owning real estate as aforesaid and failing or refusing to dig up, cut off said growth or accumulation, or otherwise clean up said sidewalk after three days' notice in writing from either the Mayor or Board of Health of said city, shall be fined not less than one dollar nor more than ten dollars for the first offense, and the costs of the prosecution; and every failure upon such notice to keep said sidewalk or sidewalks free from said grass, weeds and other

vegetation, shall be deemed a separate offense and liable to the same punishment.

Sec. 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

AN ORDINANCE IN RELATION TO SPITTING ON SIDEWALKS

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful for any person to spit upon the sidewalks or side pavements of and in the City of Buckhannon, or in any public building, or the approaches thereto, or in the hallways therein, open to the general public and used by it for the purpose of business or pleasure; provided, however, that the owner, proprietor or custodian of any such building, the approaches thereto, and the hallways thereof, may provide and keep for such purposes, clean and sanitary cuspidors or other receptacles, and when so provided, no person shall spit in any other place in said building, the approaches thereto, or the hallways thereof, than the place so provided for such purpose.

Sec. 2. That any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined for each offense not less than one dollar, nor more than five dollars, and shall pay the costs of prosecution therefor.

AN ORDINANCE IN RELATION TO SEWERS

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That no one shall be permitted to tap any sewer line owned by the City without a written permit from the Mayor or acting mayor.

Sec. 2. No one shall be permitted to make the tap entering any city sewer, except competent persons, and they must hold a permit from the Mayor authorizing them to do such work.

Sec. 3. A tax or fee of fifteen dollars shall be paid to the City by each party whose private line or sewer leads directly into any sewer owned by the city.

Sec. 4. All persons owning residence property near any sewer line, shall be required to put in the necessary sewerage fixtures and connections, if the Health Commissions of said city consider it necessary to the general health of said city and shall give ten days' notice in writing to said property owner to put in said fixtures and connections.

Sec. 5. At any time the City constructs a sewer line along any street of the city, an assessment of thirty-five dollars (\$35.00) shall be made against the owner of each lot abutting on said street for the privilege of tapping said sewer, whether the tap is utilized at the time or not. Such charge shall be against said abutting lot, and shall be collected as other charges and assessments.

Sec. 6. A fine of not less than ten dollars (\$10.00) and costs, shall be assessed against each person violating any of the provisions of this ordinance.

AN ORDINANCE IN RELATION TO THE CONSTRUCTION AND REPAIR OF BUILDINGS, ETC.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That any person desiring to erect any building, or repair any building heretofore erected, or make any addition or additions to any building in said city, shall make application in writing to the Commissioners of said City for permission to erect, repair or add to any building in said city, which application shall state the place where said building, or repairs or addition or additions are desired to be located or made; upon what street and distance therefrom; the kind of building and for what purpose; kind of material to be used; giving a general

plan, with the dimensions and description thereof, and estimated cost when completed. Upon consideration thereof, the Commissioners deeming it proper and to the best interest of the city, they shall make an order granting a permit to said applicant.

Sec. 2. Any person who shall do or attempt to do any of the things for which a permit is required in the next preceding section without having such permit shall, upon conviction, be fined not to exceed one hundred dollars and costs, and at the discretion of the Police Judge be confined in the county jail not to exceed thirty days.

Sec. 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

AN ORDINANCE IN RELATION TO THE FIRE DEPARTMENT AND THE PREVENTION OF FIRES

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. The fire department shall be in charge of the Police Judge, who shall provide for the safe keeping of all fire apparatus purchased by the Commission at convenient and central places. He shall cause to be made all repairs to such apparatus when notified by the foreman of any regularly organized fire company, and shall cause to be kept in good serviceable condition all fire apparatus belonging to the city and shall, after any conflagration, cause all the fire apparatus to be returned to the usual place of keeping.

Sec. 2. The walls of all brick chimneys and flues shall not be less than four inches in thickness, and shall stand either upon the ground or upon a suitable stone, brick or metallic base; and shall, at their intersection with any floor, ceiling, partition or roof, be well plastered both on the outside and inside thereof.

Sec. 3. All stove pipes and metallic flues shall be so constructed and kept that, at their intersection with any floor, ceiling, partition, roof or side of any house or building, they shall pass through a crotch, stone, or other earthen or metallic substance; and the same shall be so constructed and arranged in other respects as to protect against accidents by fire.

Sec. 4. It shall further be the duty of the Police Judge to examine or cause to be examined by some competent person, during the months of April and September of each year, every chimney and flue in the city.

Sec. 5. Any person who shall construct or place, or cause to be constructed or placed, any chimney or flue without conforming to the provisions of the preceding sections two and three, or who shall, for the period of ten days after notice of the defect, suffer any chimney or flue under his control to remain in a state or condition not in conformity with such provisions, shall, upon conviction, be fined not less than one nor more than ten dollars.

Sec. 6. It shall be unlawful for any person to place or keep, or cause to be placed or kept, in any building or within five feet of the walls thereof, or of any wooden fence or lumber pile, any ashes, cinders or coals, unless it be in an iron or otherwise incombustible vessel.

Sec. 7. It shall be unlawful for any person to burn, or cause to be burned, any shavings, rubbish or other combustible matter or materials on any street, alley, lot or piece of land within twenty feet of any wooden building, fence or structure.

Sec. 8. It shall be unlawful for any person to burn out any chimney or flue, unless in the day time, or when it is raining, or when there is a covering of snow upon the roof and premises.

Sec. 9. The Board of Commissioners shall, from time to time, make report to the Police Judge such suggestions and measures as they may deem advisable or necessary; and shall, under the direction of the said

Board, purchase all needed and proper apparatus for preventing and extinguishing fires.

Sec. 10. It shall be unlawful for any person, during the time the fire company may be extinguishing fire or out for practice or any other lawful purpose, to ride or drive any vehicle over the hose of said company or by any means injure any of the fire apparatus, and when the fire company stretches ropes on streets or alleys to keep the people back, it shall be unlawful for any person to intrude within that boundary without leave of the chief or fire police. Any one violating any provisions of this section shall be subject to a fine of not less than one dollar nor more than twenty dollars.

Sec. 11. Any and all ordinances in conflict with the above ordinance are hereby repealed.

AN ORDINANCE IN RELATION TO FIRE CRACKERS AND OTHER EXPLOSIVES IN THE CITY OF BUCKHANNON

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. It shall be unlawful for any person, firm or corporation to sell at retail, fire crackers, toy pistols, or other explosives of like nature, in the City of Buckhannon.

Sec. 2. Any person, firm or corporation violating this ordinance shall, upon conviction, be fined not less than one dollar nor more than five dollars, for each and every violation thereof, and the costs of prosecution.

AN ORDINANCE IN RELATION TO HOGS; THEIR KEEPING, ETC.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. It shall be unlawful for any person at any time or place, to keep or maintain any hog or hogs, large or small, within the corporate limits of said City of Buckhannon.

Sec. 2. Any person violating any of the provisions of the next preceding section shall, upon conviction, be fined not less than five nor more than twenty-five dollars for each and every such offense, with the costs of prosecuting the same.

AN ORDINANCE RELATING TO STABLES WHEREIN HORSES, COWS OR OTHER ANIMALS ARE KEPT WITHIN THE CORPORATE LIMITS OF THE CITY.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be the duty of every person, firm or corporation, who shall keep a horse or horses, cow or cows, mule or mules, or other animals, in stables within the corporate limits, to keep said stables and confines clean, and remove or cause to be removed therefrom all accumulations of manure or other offals, at least once each month, or as much oftener as may be required by the City Board of Health.

Any person, firm or corporation failing or refusing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and costs of the prosecution.

Sec. 2. A failure to comply with the requirements of the foregoing section in each and every month; or a failure to comply immediately after each and every notice from the said Board of Health, shall constitute separate and distinct offenses.

Sec. 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

AN ORDINANCE CREATING THE CITY BOARD OF HEALTH; PRESCRIBING THE DUTIES OF THE MEMBERS THEREOF; AND RELATING TO THE PUBLIC HEALTH.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. At the first regular meeting of the Board of Commissioners in July, 1919, or as soon thereafter as possible, the mayor shall appoint two health officers for the city, who shall serve at the will and pleasure of the mayor. Such officers shall be residents of the city, physicians in good standing in their profession, and their compensation shall be fixed by the board of commissioners. These health officers, together with the mayor, shall constitute the City Board of Health; and the mayor shall be chairman of said board.

Sec. 2. The said health officers shall, upon request of the mayor, attend any indigent person who is a bona fide resident of the city and is in need of medical attention, and shall perform such other duties as are prescribed or required by this ordinance.

Sec. 3. The city board of health shall meet on the first Monday of each month, and at such other times as the condition of the public health may require, upon the call of the chairman; and two members of the said board shall constitute a quorum for the transaction of business. The city board of health shall have power and authority to adopt all necessary rules and regulations pertaining to the public health and require the enforcement thereof, and it shall be the duty of the said board and each member thereof to exercise a general supervision over all matters relating to the public health and to observe carefully as to the cleanliness of the city and the healthfulness of its inhabitants.

Sec. 4. If any person shall violate any of the rules or regulations of the city board of health, or fail or refuse to obey or carry out any order made by it, he shall be fined not less than five nor more than twenty dollars, or imprisoned in the county jail not more than thirty days, or both, in the discretion of the trial officer.

Sec. 5. The mayor may, upon request of the city board of health, designate any one or more of the regular policemen of the city to act as Sanitary and Food Inspector. Such inspector shall make a careful inspection of all public buildings, residences, places of business and the premises connected therewith; and he shall make careful inspection of all creameries, stores, dairies, slaughter houses, or any other place or places where human food is manufactured, prepared, stored or sold, and all dairies either within or without the city limits producing milk offered or exposed for sale within said city limits, shall be inspected by him. The said inspector shall make report to the city board of health of any unsanitary condition found to exist on the premises or in or about the places aforesaid, and he shall also report any and all violations of this ordinance or of the rules and regulations, or orders, of the said city board of health; and he shall perform such other duties as the said board may require.

Sec. 6. Any owner or occupant of property who shall refuse to permit said inspector or any member of the city board of health to enter upon his premises for the purposes of this ordinance, or shall in any way interfere with the said inspector or member of the city board of health in the discharge of his duties under the provisions of this ordinance, shall be deemed guilty of a violation of this ordinance, and, upon conviction thereof, shall be fined not less than one nor more than twenty-five dollars.

Sec. 7. It shall be the duty of every physician practicing in the city or within one mile of the city limits thereof to report to the city board of health every case of infectious or contagious disease that may arise or come under his treatment, or of which he may have knowledge; and

it shall be the duty of the said board immediately upon receipt of information that a case of infectious or contagious disease exists within the city or within one mile of the limits thereof, to visit the case, or cause the same to be visited by one of the health officers; and if in the opinion of the city board of health such infectious or contagious disease exists, it may establish or declare a strict quarantine of the case and may confine any such infected person, or any person liable to spread such contagion or infection, to the house or premises in which he resides, or if he have no residence within the jurisdiction of the city, at such detention hospital, camp or place as they may provide. And the city board of health may declare quarantine in the city, or in any part or parts thereof, against the introduction of any infectious or contagious disease prevailing in any other state, place or community, and of any and all persons and things likely to spread such infection or contagion.

Sec. 8. The owner or occupant of all residences, tenements or rooms, within the city or within one mile of the corporate limits thereof where infectious or contagious disease exists, shall immediately notify the health officers of the city of the existence and character of such disease.

Sec. 9. It shall be the duty of the city board of health to give notice to the City Superintendent of Public Schools of the existence of infectious or contagious disease; and the said superintendent shall not admit to the public schools of the city any teacher, pupil or employee, residing in the residence, tenement or rooms where such infection or contagion exists, without a written certificate of a health officer of the city.

Sec. 10. It shall be unlawful for any person to bring into the city any other person known to have or suspected of having any infectious or contagious disease; or, without permission of the health officers in writing, to bring into the city the body of any person that has died of such disease; or, without such permission in writing, to bring into the city any furniture, clothing or other property previously used in any house or building in which such infection and contagion existed.

Sec. 11. When the city board of health shall declare a quarantine of any building, as herein provided, it shall cause to be posted on the door or porch of such building, or on the fence inclosing the same, a card with the name of the disease printed thereon. These cards shall not be less than twelve inches in length and four inches in width, and the letters in which the name of the disease is printed shall be in type not less than one and one-half inches in height. For smallpox a yellow card shall be used, and for all other diseases a white card. Any person who shall deface, cover up or remove any card placed upon any door, porch or fence, as aforesaid, shall, upon conviction, be fined not less than two nor more than ten dollars.

Sec. 12. In any case of infectious or contagious disease, where proper isolation cannot be had, the health officers, if they consider that the public health and safety so demands, may order the removal of the case, if the life of the person will not be endangered by such removal; and if the person infected be an indigent, the city board of health may provide a suitable place for his or her accommodation, employ nurses and provide and supply necessaries; provided, that nothing in this section shall be so construed as to prevent relatives or friends from removing any person so infected to such place as may be approved by the board of health.

Sec. 13. If it should become necessary for the enforcement of a quarantine declared by the board of health, the board shall summons a sufficient guard for the carrying out of their orders on the premises so

quarantined, and every person summoned as such guard who shall, without a lawful excuse, fail or refuse to obey the orders and directions of the board in enforcing said quarantine, shall, upon conviction, be fined not less than five nor more than fifty dollars.

Sec. 14. Any person entering the premises of any place under quarantine may be isolated by the health officers, as a suspect, for such time as they deem proper.

Sec. 15. In case of a smallpox epidemic, the city board of health may enforce upon any person or persons compulsory vaccination or quarantine, and any person refusing to be vaccinated when it is so ordered by the board of health and who cannot give satisfactory proof of having been vaccinated previous to that time, or a certificate from a reputable physician showing that a successful vaccination upon his or her body is impossible or improper, shall, upon conviction, be fined not less than five nor more than twenty-five dollars, and may be placed under quarantine.

Sec. 16. It shall be unlawful for any person knowing or suspecting that he has an infectious or contagious disease to go into the company of any other person who may become infected, or for any person who has had such disease to go in public until discharged by the health officers; nor shall any person wear in public any clothing exposed to such disease until the same has been thoroughly fumigated. Any person convicted of a violation of this section shall be fined not less than two nor more than twenty-five dollars.

Sec. 17. The health officers shall direct, in all such cases as they think proper, a thorough disinfection of any house or premises in which there has been a contagious or infectious disease; the expenses of such disinfection to be paid by the owner or occupant of the property; and any person failing or refusing to make such disinfection when so ordered, shall, upon conviction, be fined not less than two nor more than twenty-five dollars.

Sec. 18. It shall be unlawful to sell, or cause to be sold, or otherwise disposed of, any clothing, bed clothing or other article that has been exposed to an infectious or contagious disease, without the written permission of the health officers.

Sec. 19. There shall be no public or church funeral of any person who has died of an infectious or contagious disease; nor shall any undertaker or other person retain or expose, or assist in the retention or exposure of the dead body of a person who has died from such disease, except in a coffin or casket properly sealed; nor shall any person permit such body to be placed in any coffin or casket unless the same be immediately and permanently sealed. Any violation of this or the preceding section shall, upon conviction, be punished by a fine of not less than ten nor more than one hundred dollars.

Sec. 20. The city board of health shall furnish to the practicing physicians of the city suitable blank forms, and the said physicians shall, at the close of each month, report to the board all births, deaths, cases of infectious and contagious diseases, and such other matters as said forms shall prescribe; this report shall not relieve such physician from making the report of infectious and contagious diseases hereinbefore required.

Sec. 21. Every physician failing to make the reports required by section seven and section twenty of this ordinance, and every owner or occupant failing to give the notice required by section eight hereof, and every person violating section nine or section ten hereof, shall, upon conviction, be fined not less than five nor more than fifty dollars, or imprisoned in the county jail not more than thirty days, or both, at the discretion of the trial officer.

Sec. 22. It shall be unlawful for any person to sell, offer for sale, or deliver milk in the city that is not clean and safe; nor shall any person sell, offer for sale, or deliver milk in the city until he has obtained the permit in writing hereinafter provided. Any person desiring to sell, offer for sale, or deliver milk in the city, shall make application for a permit to the health officers, and such application shall be accompanied by the certificate of a licensed veterinarian showing that such veterinarian has examined and tested the cow or cows from which such milk is produced, and that said cow or cows are free from tuberculosis and any other disease that would render the milk unsafe for human consumption. Said certificate shall show the date on which such examination and test was made, the number of cows examined and tested, and a general description of each cow. When said application and certificate are filed, the health officers shall make or cause to be made, an inspection of the barn and premises where the said cow or cows are kept, the manner in which the milk is handled and distributed, and if in its opinion from said certificate and inspection, the milk is safe and clean, they shall issue a permit in writing, giving the applicant the right to sell, offer for sale, and deliver milk from such cow or cows. If at any time the health officers find that the holder of such permit does not keep his barn or premises in a clean and sanitary condition, or is not handling or distributing the milk in a sanitary way, they shall revoke such permit; or, if the said officers shall require a re-examination and re-testing of the cow or cows within a specified time, and the owner fails or refuses to have such re-examination or re-testing done within that time, or does have his cow or cows re-examined and re-tested and the certificate of the veterinarian shows that such cow or cows are infected with tuberculosis or other disease that renders their milk unsafe for human consumption, then they shall revoke such permit, and when a permit has been revoked, it shall have no further effect, and shall not protect the holder thereof from prosecution under this ordinance. Any violation of this section shall be punishable by a fine of not less than twenty nor more than one hundred dollars.

Sec. 23. It shall be unlawful for the owner or occupant of any residence, building, or place of business, to permit garbage, trash, filth, ashes, tin cans, or other refuse to accumulate on or about his premises; nor shall any person deposit or cause to be deposited in any street or alley or upon any lot, the carcass of any dead animal or fowl, or permit such carcass to remain on any property owned or occupied by him; nor shall the owner or occupant permit an accumulation of stable manure in or about any stable, stall, shed, pen or other place where animals are kept on the premises owned or occupied by him; nor shall any person throw or cause to be thrown into any street or alley, or on any private or public property, any rubbish, newspapers, dirt, filth, shavings, slops, ashes, fruit, fruit skins, broken glass, tacks, or other things calculated to render such streets, alleys or premises unclean, unsafe or unsightly; nor shall any person permit slops, waste or other offensive matter or liquid, from any water closet, kitchen or kitchen sink, to be discharged into any street or alley, from any property owner or occupied by him; nor shall any person deposit any garbage, rubbish, waste or other triacle or matter mentioned in this section, at any place in the city except such place as the city board of health may designate as a crematory or public dumping ground. Every person violating this section shall, upon conviction, be punished by a fine of not less than two nor more than twenty-five dollars.

Sec. 24. It shall be the duty of the owner or occupant of the premises upon which any dry closet is located to keep such closet in a clean and sanitary condition; to keep privies, open vaults, sinks and cesspools

well cleaned and disinfected. Every privy or dry closet shall be well roofed, and so constructed as to prevent the access of flies and fowls to the excrement, sufficiently strong, water tight, and with handles convenient for its removal and cleaning. No privy, dry closet, open vault, sink, or cesspool shall hereafter be built in the city except in accordance with the regulations prescribed by the city board of health. No privy, dry closet, open vault, sink or cesspool shall be open for the escape of excrement or other waste into any street or alley, or into the channel of any creek or drain, or into any open sewer; no such privy, dry closet, dry vault, sink or cesspool shall be located within thirty feet of any street, or within ten feet of any alley or channel of any creek or drain; and no privy, dry closet, open vault, sink or cesspool shall be permitted upon any property abutting upon a street or alley in which there is located a public sewer, nor within three hundred feet of such sewer, unless permitted by the city board of health on the ground that a connection with such public sewer is not practicable. No person shall deposit any human excreta upon the ground or in any place where it is accessible to animals, fowls or flies. Any owner or occupant failing to comply with the requirements of this section shall, upon conviction, be punished by a fine of not less than five nor more than one hundred dollars.

Sec. 25. If upon any ground in the city there is a drain or running water, it shall be the duty of the owner or occupant of the ground over and through which the said water runs, or the owner or occupant of the property abutting on such drain, to keep the same clean and free from obstruction, rubbish and refuse; if there is stagnant water or a marshy place upon any premises, it shall be the duty of the owner or occupant of such premises to drain the same, or with the permission of the health officers to treat the same with petroleum products so that it will not be unsafe to the public health.

Sec. 26. No owner or occupant of any property in the city shall permit the discharge thereof, from a drain or sewer, of waste water, slops, or other refuse from a water closet, bath room, kitchen or kitchen sink; nor shall the owner or occupant of any house, tenement or rooms permit waste, water, slops, or other refuse from a water closet, bath room kitchen, or kitchen sink, from such house, tenement or rooms, to enter a drain or sewer which discharges such water, waste, slops or other refuse on any property within the city. Any violation of this or the preceding section shall be punished by a fine of not less than twenty nor more than one hundred dollars.

Sec. 27. No stock pens shall be maintained within one hundred yards of any dwelling.

Sec. 28. It shall be unlawful for any person to expectorate upon the sidewalk, or crossings of the street, or in any church, or school building, or upon the steps or doorways thereof, or upon the steps or doorways of any store or office building, or on the floor or pavement of any railroad station, or in any other public place. A violation of this section shall be punishable by a fine of not less than one nor more than ten dollars.

Sec. 29. It shall be unlawful for any person to show or expose for sale, or exhibit for sale, any meats, fish or fowls on any sidewalk.

Sec. 30. Individual one-service drinking cups shall be provided in all places dispensing soft drinks, or beverages, where there are not proper facilities for the sterilization of glasses or other utensils used in dispensing such soft drinks or beverages; and the one-service cup shall be destroyed immediately after being used to serve a customer. Drinking glasses, spoons and other utensils used for dispensing soft drinks and beverages at fountains and other places where such drinks are dis-

pensed, shall not be used a second time unless sterilized in the interim by one of the following methods: boiling in closed sterilizers under steam pressure, or in a solution of chloride of lime at a strength of one-third of an ounce to two and one-half gallons of water, for one-half minute; provided, that if milk drinks have been served in such glasses, spoons and other utensils, a solution of one ounce of chloride of lime to two and one-half gallons of water shall be used.

Sec. 31. It shall be the duty of any utility company furnishing and distributing water to the inhabitants of the city to furnish the health officers with a copy of all reports made by it to the State Board of Health, and copies of all analyses showing the condition of the water so furnished and distributed; and failure to furnish such copies shall constitute an offense under this ordinance and be punished by a fine of not less than five nor more than twenty-five dollars.

Sec. 32. It shall be unlawful for any person, association or corporation to pollute in any manner, any pond, lake, basin, reservoir, stream, spring, creek or other body of water from which the city shall take water to be used for domestic purposes by the inhabitants thereof; or, to cast into any such body of water, or on the banks thereof or in such proximity thereto that the same may enter therein, any filthy, unwholesome or obnoxious substance, object or liquid, or anything whatsoever injurious to the health of the people of the city, or which impairs its value for the ordinary purposes of life, or which shall render the water offensive to taste or smell, or that is naturally calculated to excite disgust in those using such water for the ordinary purposes of life; and the jurisdiction of the city under this section shall be co-extensive with the location and extent of the waters from which the supply is taken, and each day such act of pollution continues may be deemed a separate offense. Any violation of this section shall be punishable by a fine of not less than ten nor more than one hundred dollars.

Sec. 33. Every violation of this ordinance for which a penalty is not herein specifically provided, shall be punishable by a fine of not less than two nor more than twenty dollars.

AN ORDINANCE IN RELATION TO KEEPING CHICKENS IN THE CITY OF BUCKHANNON

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful for any person to permit his or her chickens to run at large, or to be out of the inclosure of the owner or keeper of said chickens, within the corporate limits of said city, and for the purpose of this ordinance the husband, if living, shall be deemed the owner of said chickens, and if the husband be dead, his widow shall then be deemed the owner of said chickens, as well as the owner of the property where such owner resides. Any person violating the above ordinance, upon conviction thereof, shall be fined not less than one dollar nor more than five dollars and the costs of the prosecution.

Sec. 2. Any and all persons owning or having possession of real estate in said city, and chickens belonging to other party or parties come or are found thereon, the owner or person having possession of said real estate is hereby authorized to kill said chickens, either while on said real estate or while running at large; but such killing shall be done in a way as not to injure or damage other property, or persons.

Sec. 3. Any or all ordinances in conflict with this ordinance are hereby repealed.

AN ORDINANCE IN RELATION TO ANIMALS RUNNING AT LARGE.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. It shall be unlawful for any owner of any horse, mule, jack,

hog, sheep, cow, or stock of any description, to allow the same to be at large within the corporate limits of the said city, except the aforesaid stock is being driven, accompanied by the owner, or some person or persons competent to take charge of same.

Sec. 2. No stock shall be pastured in any uninclosed field or lot within the corporate limits unless securely tethered, or haltered, and held by a competent person.

Sec. 3. Any person or persons violating the above sections, on conviction, shall be fined in a sum of not less than one dollar nor more than five dollars; and in addition thereto, the owner shall be liable and pay, in case the animal is impounded, the regular fee for impounding, which fee shall be collected by the chief of police, and paid over by him to the treasurer of said city.

Sec. 4. It is further provided that the Police Judge is hereby empowered to use his discretion in the matter of remitting fines, when persons charged with allowing their stock to run at large can produce satisfactory evidence that said stock had escaped from an inclosed lot, shed or stable, and that they were aware of the fact in time to secure said stock or animal, but in no case shall the fee for impounding be remitted or released.

Sec. 5. It shall be unlawful for any person owning or having in charge any horse, mule, cow, goat, swine, cattle, or stock of any kind to permit the same to run at large within the limits of the city, except that this section shall not be construed to apply to cows being driven to and from pasture. Any one offending against this section shall be fined not less than one nor more than twenty dollars, and pay the costs of prosecution.

Sec. 6. It shall be the duty of the Chief of Police, at the cost of said city, to provide a suitable pound, and to take charge thereof, and place and maintain therein any animal found or ascertained to be running at large, contrary to the first and second sections.

Sec. 7. Immediately after impounding any animal, the Chief of Police shall give written notice to the owner or the person lately having charge of same, if such owner or person having charge be known, requiring him to take possession of such animal, and to pay the costs consequent upon such impounding. If such owner or person be not known, the Chief of Police shall post a like notice addressed to the unknown owner of such animal, at the City Hall, and at another public place in said city.

Sec. 8. If such impounded animal be not redeemed within ten days after the impounding, the Chief of Police shall report the fact to the Police Judge, who, if there has been no proceeding under the first section, shall thereupon issue a summons against such owner or person last in charge, if known, requiring him to answer for a violation of said first section, which summons shall name the time and place of making answer, and be returnable not more than five days from the date of service thereof. If such person or owner be served with a copy of the summons, or appear thereto, and judgment be given against him for the fine and costs, there shall be included in the costs the fees due to the chief of police or policeman under the ninth section. In addition to other remedies for enforcing such a judgment, the Police Judge may order the sale of the animal after a notice thereof, giving the time, terms and place of sale, has been posted for five days at three public places in said city, one of which shall be at the door of the City Hall.

Sec. 9. If the owner or person lately in charge of such impounded animal be unknown, it shall be the duty of the Police Judge to ascertain and determine the correctness of the report of the Chief of Police, and if found to be correct, to order the sale of such animal at public

auction, after the notice prescribed in the next preceding section is duly posted as provided therein, and direct that the proceeds of such sale be applied to the payment of all costs that may have accrued.

Sec. 10. If a surplus of the proceeds arising from the sale of any impounded animal shall remain after satisfying the fine, if any, and all costs, expenses and fees accruing, the same shall be paid to the owner of such animal, upon his making satisfactory proof of such ownership.

Sec. 11. The owner of any impounded animal, or his agent, may redeem the same by paying such costs, fees and expenses as may be properly charged by reason of such impounding and procedure as provided in this ordinance, and by payment of any fine and costs which may have been adjudged against him under the first section.

Sec. 12. Under this ordinance, the following charges shall be assessed and paid: Impounding an animal \$.....; supporting any horse or mule, per day, \$.....; supporting any other animal named, \$.....; serving summons or notice, \$.....; posting summons or notice, \$..... And he shall also pay any necessary expense incurred in removing any animal to or from the pound.

Sec. 13. Any policeman shall be fined not less than two nor more than five dollars for any failure on his part to take in charge and impound any animal running at large that he may discover, or to which his attention is directed by any citizen of the city.

Sec. 14. All ordinances or parts of ordinances conflicting with this ordinance are hereby repealed.

AN ORDINANCE IN RELATION TO BULLDOGS RUNNING AT LARGE.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful for any bulldog to run at large, or be upon any street or public place whether at large or under leash, in the said City of Buckhannon, unless such dog be securely muzzled. Any owner permitting such dog to run at large, or be upon any street or in any public place of the city either at large or under leash unless so muzzled, shall, upon conviction, be fined not to exceed ten dollars and the costs of prosecution.

Sec. 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

AN ORDINANCE IN RELATION TO DOG TAGS AND LICENSES, AND DOGS RUNNING AT LARGE

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. It shall be unlawful for any person to suffer or permit any dog in his possession or kept by him about his premises, to run at large on any unenclosed land, or trespass upon any enclosed or unenclosed lands of another within the corporate limits of the City of Buckhannon.

Sec. 2. The Commissioners of the said City of Buckhannon shall furnish to its Chief of Police, consecutively numbered aluminum or brass tags, bearing the calendar year, and bearing the name "Buckhannon," which shall be delivered by said policeman to any citizen of Buckhannon who may apply therefor and pay into its treasury a fee of twenty-five cents for each tag, which tags shall be fastened upon the collars worn by the dogs owned or kept by such citizens, and for which fee such officer shall issue a receipt showing the name and address of the said citizen, and the year and number of the tag. Such officer shall also keep a record book showing the name and address of each citizen to whom such tag is issued, the number of such tag so issued, and the year thereof.

Any police officer of the said City of Buckhannon shall seize any dog found unaccompanied by its owner or keeper, and running at large

on any road, street or other public place, or on any premises other than the premises of the owner. If such dog is wearing a collar bearing such tag, it shall be impounded and the officer so seizing and impounding said dog shall immediately thereafter by written or printed notice notify the owner or keeper of such dog as disclosed by the records herein provided for to be kept, that such dog has been seized and impounded by him, and unless such owner or keeper of such dog, shall within seven days from the receipt of said notice claim such dog and pay such officer a fee of two dollars for seizing, and a fee of ten cents for each day it was impounded, it shall be killed forthwith in any humane manner. Provided, that any police officer may kill any dangerous or vicious dog, or any dog not registered as herein provided for, or any dog permitted to run at large after the owner or keeper shall have had notice not to permit such dog to run at large, if such dog be off the premises and out of the control of its owner or keeper. No officer shall be liable in damages or to prosecution by reason of killing any dog as herein provided.

Sec. 3. Any person who shall remove from any dog a collar bearing a tag as provided for in this ordinance, or who shall alter or remove any such tag as provided for in this ordinance, or shall alter or remove any tag from a dog properly registered as herein provided for, shall, upon conviction thereof, be fined not to exceed one hundred dollars and the costs of prosecution, or sentenced to imprisonment in the county jail not to exceed thirty days, or to both fine and imprisonment.

Sec. 4. On complaint being duly made, all owners of dogs running at large shall be required to have their dogs muzzled, when notified so to do by the Chief of Police, and any person failing to have his or her dog properly muzzled, when so notified, shall, upon conviction, be fined not less than one nor more than five dollars for every such failure, and pay the costs of the prosecution.

AN ORDINANCE CONCERNING THE DISPLAY OF VEGETABLES, ETC. IN THE CITY OF BUCKHANNON

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That it shall be unlawful for any person, firm or company to exhibit and display any merchandise on the sidewalks on streets of the City of Buckhannon.

Any person violating the above ordinance shall upon conviction be fined for each offense, not less than one dollar nor more than five dollars, and the costs of prosecution.

AN ORDINANCE IN RELATION TO THE KEEPING OF THE POOR

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That, hereafter, the poor of the City of Buckhannon be supported by the County Court of the County of Upshur, State of West Virginia, in the same manner as the other paupers of the said county are kept and supported; and that the said County Court of said Upshur County shall have the right hereafter to levy a poor tax upon the citizens of the corporation of the said city for the support and maintenance of the said county of Upshur the same as upon the citizens of the residue of said county.

Sec. 2. All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed.

**FRANCHISE OF THE PEOPLES UNITED TELEPHONE SYSTEM,
ITS SUCCESSORS AND ASSIGNS.**

Be it ordained by the Board of Commissioners of the City of Buckhannon:

Sec. 1. That permission be and the same is hereby granted to the Peoples United Telephone Company, its successors and assigns, to erect, operate and maintain lines of telephone, including the necessary poles, fixtures and electrical conductors, upon, along and over the public roads, streets and highways of the City of Buckhannon, as its business may from time to time require; provided, however, that all poles shall be neat and symmetrical, and that no poles shall be erected upon or along any street of the City until permission shall be granted by the Commissioners of the City by resolution or ordinance, in each particular instance, and then only where the alleys of said city cannot be used for said purpose.

Sec. 2. That the work of erecting poles by virtue of this ordinance shall be done under the supervision of the Commissioner of Public Affairs, and said Peoples United Telephone System shall replace and properly re-lay any sidewalk or street that may be misplaced by reason of the erection of such poles, and upon failure of the Company so to do, after five days' notice in writing, shall have been given by the Mayor of the City of Buckhannon to the said Company, the City may repair such portion of the sidewalk or street that may have been disturbed by said company, and collect the cost so incurred from said company.

Sec. 3. In consideration of the rights and privileges herein granted, said company shall provide one attachment on each pole for the free use of the Police and Fire Alarm System of the City of Buckhannon, and shall furnish to the said City, free of cost, not more than four telephones, subject, however, to the future ruling of the Public Service Commission.

Sec. 4. Said Company shall at all times be subject to the city ordinances now in existence or which may be hereafter passed relative to the use of the public streets by telephone companies, and said company agrees to place its wires in an underground conduit at any time it may be required to do so, by general ordinance passed by the Commission requiring all telephone and like companies to place their lines underground.

Sec. 5. Said company shall indemnify the City of Buckhannon against and assume all liability for damages which may arise or accrue to the City of Buckhannon from any injury to persons or property from the doing of any work herein authorized, or the neglect of said company or of any of its employees to comply with any ordinance relative to the use of the streets and alleys of the said city, and the acceptance by the company of this ordinance shall be an agreement by it to pay to the City of Buckhannon any sum of money for which the City may become liable from or by reason of such injury.

Sec. 6. Said company shall file with the Clerk of the City of Buckhannon its acceptance of this ordinance within sixty days from the date when it shall take effect.

Sec. 7. This ordinance shall be in force from and after the date of its passage for a term of fifty years.

Passed February 21, 1920.

AN ORDINANCE PROHIBITING RECKLESS AND CARELESS DRIVING OR HANDLING OF ANY MOTOR VEHICLE, OR HORSE, OR OTHER ANIMAL UPON THE STREETS, ALLEYS, OR PARKS OF THE CITY OF BUCKHANNON.

Be it ordained by the Commissioners of the City of Buckhannon:

Cec. 1. That it shall be unlawful for any person to drive, or handle any motor vehicle, or horse, or other animal upon the streets, alleys or parks of the city of Buckhannon, in a careless or reckless manner.

Sec. 2. Any one violating any of the provisions of this ordinance shall, upon conviction, be fined not less than Five Dollars nor more than One Hundred Dollars, in the discretion of the Police Judge, and the costs of the prosecution.

AN ORDINANCE DIVIDING THE CITY OF BUCKHANNON INTO FIVE WARDS.

Be it ordained by the Commissioners of the City of Buckhannon:

Sec. 1. That the City of Buckhannon be divided into five (5) wards, bounded and designated as follows:

First Ward. All that portion of the city bounded on the North by Buckhannon River and Fink's Run; on the East by Buckhannon River; on the South by the center line of Main Street and College Avenue and easternly projection thereof to Buckhannon River; on the West by the center line of Main Street, and the western boundary of the city between Main Street and Fink's Run.

Second Ward. All that portion of the city bounded on the North by the center line of Main Street; on the East by the center line of Florida Street; on the South by the center line of College Avenue and the westernly projection thereof to the corporation limits; and on the West by the limits of the corporation between the projection of College Avenue and the center line of Main Street.

Third Ward. All that portion of the city bounded on the North and East by the center line of Main Street; on the South by the center line of College Avenue; and on the West by the center line of Florida Street.

Fourth Ward. All that portion of the city lying West of Buckhannon River and south of the center line of College Avenue and the projection thereof on the East to Buckhannon River; and on the West to the corporation limits.

Fifth Ward. All the remainder of the city, including that portion known as the Island and that portion known as North Buckhannon.

Adopted April 5th, 1923.

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