

P5116

James R. Wilson

ORDINANCES

James R. Wilson

CITY OF WELLSBURG

WEST VIRGINIA

NINETEEN HUNDRED AND THREE

ACTS
OF THE
LEGISLATURE OF WEST VIRGINIA
RELATING TO THE
CITY OF WELLSBURG.

Be it enacted by the Legislature of West Virginia:

1. That section one, relating to the "boundaries of the city," chapter two hundred and fifty-two of the acts of one thousand eight hundred and thirty-nine-forty, of the General Assembly of Virginia, as amended and re-enacted by chapter two hundred and seventy-two of the acts of one thousand eight hundred and fifty-five-six of the General Assembly of Virginia, and as further amended and re-enacted by chapter one hundred and eighty-seven of the acts of one thousand eight hundred and fifty-nine-sixty, of the General Assembly of Virginia, and as further amended and re-enacted by chapter fourteen of the acts of one thousand eight hundred and eighty-seven of the acts of West Virginia, be amended and re-enacted so as to read as follows:

BOUNDARIES OF THE CITY.

The boundaries of the city of Wellsburg shall be as follows: Beginning at the mouth of Buffalo Creek and extending eastwardly along a center line of the meandering of said creek to a point where the county bridge now crosses said creek a short distance east of the Panhandle railroad bridge and the bridge of the Northern Ohio Valley Traction Company, thence in a northeastwardly direction in a straight line to the southwestern corner of the land now owned by Mary A. Sage, thence along the western line of the land now owned by the said Mary A. Sage and the land owned by M. Hubbard to the intersection of the Wellsburg & Washington Turnpike; thence in a northwardly direction along the present eastern boundary line of the said city to a point in the public road where the said road intersects the southern boundary lines of the lands now

owned by George W. Freshwaters at and near a brick tenement house of the said George W. Freshwaters, thence along the eastern boundary line of said public road which is a thoroughfare between the city of Wellsburg and Steubenville, Ohio, to the property of the Brooke Cemetery Company; thence with the lines of the land of the said Brooke Cemetery Company in an eastwardly direction to the lands now owned by T. H. Caldwell, trustee, thence along the eastern boundary line of the land of the said Brooke Cemetery Company to the northeastern corner thereof, so as to include all of the property of the said Brooke Cemetery Company; thence from the northeast corner of the said Cemetery Company property in a northwardly direction in a straight line to the east side of the barn on the property now owned by Robert McNabb, thence continuing in the same direction to the run or ravine lying on the north side of the property of the said Robert McNabb; thence in a westwardly direction and following the meanderings of said run or ravine to the east shore of the Ohio river; thence on a direct line crossing the said Ohio river to the west shore of said river and thence extending along the western shore of the Ohio river in a southerly direction to a point in said western shore of the Ohio river opposite the mouth of Buffalo creek; thence from said point to the mouth of Buffalo creek, the place of beginning, including all of the land and water between the boundary lines aforesaid.

The eastern boundaries of the said city may be extended to include what is known as the Harker or Hervey & Cree addition lying east of Commerce street at the head of Tenth street, providing a majority of the property owners of said addition so petition the City Council at any time within six months from the passage of this act.

NAME AND CORPORATE POWERS.

2. The inhabitants of so much of the county of Brooke as are within the aforesaid boundaries and their successors, shall be, and they are hereby made a body politic and corporate, by the name and style of "The City of Wellsburg," 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 therein, for the proper uses of the said city, and may grant, sell, convey, transfer and assign, let, pledge, mortgage, charge and encumber the same in any case and in any manner in which it would be lawful for a private individual so to do, and may have and use a common seal and alter and renew the same at pleasure; and generally, shall have

all the rights, franchises, capacity and powers, appertaining to municipal corporations of this State.

OFFICERS.

3. The officers of said city shall be a Mayor, four Council men from each ward, City Collector and Treasurer, City Clerk, Street Commissioner and Chief of Police. The Mayor, members of the Council, City Collector and Treasurer, Clerk and Chief of Police shall be elected by the voters of the said city as hereinafter provided.

POWERS AND DUTIES OF THE MAYOR.

4. The Mayor shall be the chief executive officer of said city, and shall be paid a salary of two hundred dollars per annum. He shall take care that the provisions of this act, and the orders, by-laws, ordinances, acts and resolutions of the Council of said city are faithfully executed. He shall have authority to convene Council in special session whenever he may deem it advisable to do so, and shall be ex-officio a justice and conservator of the peace within said city, and shall within the same have, possess, and exercise all the powers, and perform all the duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases of causes of action arising without the corporate limits of said city. He shall have the same power to issue attachments in civil suits as a justice of his county has, although the cause of action may have arisen out of the city. But in such case he shall have no power to try the same, but such attachments shall be returnable to and be heard by some justice of his county. Any warrant or other process issued by him may be executed any place within the county of Brooke. He shall have control of the police of said city, and may appoint special police officers whenever he may deem it necessary; and it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require immediate payment thereof, and in default of such payment he may commit the party in default to the jail of Brooke county, or other place of imprisonment in said city, if there be one, until the fine or penalty and costs are paid; but the term of imprisonment shall not exceed thirty days. He shall from time to time recommend to the Council such measures as he may deem needful for the welfare of the city. The expense of

maintaining any person imprisoned by him, except it be to answer an indictment, or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty of the Code of West Virginia, shall be paid by the city. The Mayor shall not receive any money belonging to the State or individuals, unless he shall give the bond and security required of a justice of the peace by chapter fifty of the Code of West Virginia; and all the provisions of said chapter relating to moneys received by justices shall apply to like moneys received by such Mayor; and for such services when acting in the capacity of a justice of the peace, he shall receive such fees as are allowed by law to justices for similar services.

5. It shall be lawful for the Mayor, when any person is fined by him, at his discretion, to sentence such person to labor without compensation, on any of the streets or alleys, or any of the public works or improvements, undertaken or to be undertaken by the city, in lieu of the fine so imposed for a period not exceeding thirty days. In rendering such judgment, and giving such sentence, the Mayor shall ascertain and fix the amount of the fine upon the payment of which, with the costs of prosecution, such person shall be discharged from sentence to labor. Such person so sentenced to labor, shall be confined in the jail of Brooke county, or other place of imprisonment in said city, while not at labor, and while at labor they shall be secured by a ball and chain attached to the leg, or otherwise, so as to prevent their escape, and not unnecessarily obstruct the performance of their labor.

DUTIES OF CITY COLLECTOR AND TREASURER.

6. It shall be the duty of the City Collector and Treasurer, at least once in every six months during his continuance in office, and oftener if required by Council, to render an account of the taxes, fines, penalties, assessments and other claims in his hands for collection, and return a list of such as he shall not have been able to collect, by reason of insolvency, removal or other causes; to which list he shall make affidavit that he used due diligence to collect the same, but has been unable to do so; and if the Council shall be satisfied of the correctness of said list and affidavit, it shall allow the City Collector and Treasurer a credit for said claims. He shall pay any money in his hands belonging to the city upon the order of Council and not otherwise. For services rendered he shall receive the same percentum on the amount collected, and accounted for, as the Sheriff of Brooke county receives for similar services. For all moneys received by the City Collector and Treasurer,

outside of the ordinary revenues of said city, he shall receive such compensation as Council may prescribe, not exceeding five per cent.

WARDS.

7. The city of Wellsburg shall be divided into three wards as nearly equal in population as practicable. The members of Council from each ward shall be elected by the voters thereof, and Council shall establish a voting place in each ward. The Council shall have authority to alter the boundaries of any of the wards of said city, or to increase the number of said wards, keeping in view the equality of population.

BOUNDARIES OF WARDS.

8. The boundaries of the First ward shall be as follows: All that portion of said city bounded on the north by Liberty street, on the east by the corporate limits of said city, on the south by the corporate limits of said city, and on the west by the State line of West Virginia, shall constitute the First ward of said city. The Second ward shall include all that portion of said city bounded on the north by Walnut street, on the east by the corporate limits of said city, on the south by Liberty street and on the west by the State line of West Virginia. The Third ward shall include all that portion of said city bounded on the north and east by the northern and eastern boundary lines of said city, on the south by Walnut street, and on the west by the State line of West Virginia.

ELECTIONS.

9. The first election under this act shall be held on the second Tuesday of April, 1887, and an election shall be held annual thereafter, on the second Tuesday of April.

10. The officers first elected under this act shall hold their offices from the first Monday in May next succeeding their election until their successors are elected and qualified. The terms of all officers elected after the said election shall commence on the first Monday in May next succeeding their election. Vacancies in all offices shall be filled by the Council of said city until the next city election, at which time the unexpired time of any officer who has died, resigned, or in any manner been removed, shall be filled by election.

OATH OF OFFICE.

11. Every person elected or appointed to an office in said city, shall within twenty days after his election or appoint-

ment, and before entering upon the duties of his office, take and subscribe to the oath required by law, to be administered by the Mayor, a clerk or any other person legally authorized so to do.

VOTERS.

12. All male citizens of this State who have been bona fide residents of the said city for not less than sixty days next preceding the election, and who are qualified voters under the constitution and laws of this State, shall be entitled to vote at all municipal elections held in said city, but only in the ward of which they are residents.

COUNCIL—HOW COMPOSED.

13. The Council of said city shall consist of two branches, to be designated as the First and Second branches, and each branch shall be composed of six members, two of whom shall be elected from each ward.

14. At the election of officers to be held on the 2nd Tuesday in April, one thousand nine hundred and three, after the passage of this act, there shall be elected a Mayor, City Collector and Treasurer, six Councilmen, and Chief of Police; and thereafter the Mayor, City Collector and Treasurer and Chief of Police shall be elected every two years, and shall hold their offices for the term of two years and until their successors are elected and qualified.

The Clerk elected in said city at the election held therein on the second Tuesday in April, one thousand nine hundred and two, shall hold his office for the term of two years from the said date, and thereafter a Clerk shall be elected every two years, who shall hold his office for the term of two years, and until his successor is elected and qualified.

The six members of Council in said city at the election held therein on the second Tuesday of April, one thousand nine hundred and two, shall hold their offices for the term of two years, and until their successors are elected and qualified. And at the election to be held on the second Tuesday in April, one thousand nine hundred and three, in said city, two members of Council shall be elected from each ward, one for the first branch of Council and one for the second branch of Council, who shall hold their offices for the term of two years, and until their successors are elected and qualified. And annually after said election to be held on the second Tuesday in April, one thousand nine hundred and three, three members of each branch of Council of said city, one of whom shall be chosen

from each ward, shall be elected annually, and shall hold their offices for the term of two years, and until their successors are elected and qualified.

STREET COMMISSIONER.

15. The Street Commissioner shall be appointed by Council, and shall hold his office at their pleasure; and perform such duties and receive such compensation therefor as Council may from time to time prescribe.

FIRST BRANCH CLERK.

16. The first branch of Council shall appoint its own clerk, who shall perform such duties and receive such compensation therefor as Council may from time to time prescribe.

TIE VOTE.

17. When two or more persons shall received an equal number of votes for the same office, if such number be the highest sumber cast for such office, the Council shall decide by lot which of them shall be returned as elected.

CONTESTED ELECTION.

18. All contested elections shall be decided by the Council. The first branch of Council shall at its first meeting after each annual meeting, elect one of its members as President, who shall, in the absence or disability of the Mayor, perform the duties appertaining to the office of Mayor.

PRESIDING OFFICER.

19. The Mayor shall preside over the first branch of Council, and the second branch shall elect one of its own members as President, and in the absence of the presiding officer of either branch, such branch shall have authority to elect one of its own members president pro tempore. Neither branch shall transact any business at any meeting thereof, unless a majority of the members be present at such meeting; but a lessnumber than a majority may compel the attedance of the absent members.

No member of Council shall vote upon any order, measure, resolution or proposition, in which he may be interested otherwise than as a citizen of said city.

JOURNAL.

20. Each branch of Council shall cause to be kept in a well bound book, an accurate record of all its proceedings, which shall be fully indexed and open to the inspection of the public.

DUTIES OF THE CLERK.

21. The clerk of said city shall be clerk of the second branch of Council, and of all the committees thereof, for which services he shall receive a salary of one hundred and fifty dollars per annum, and he shall perform such other duties and receive such compensation therefor as Council shall from time to time prescribe.

READING OF MINUTES.

22. At each meeting of Council the proceedings of the last meeting shall be read and corrected, if erroneous, and signed by the presiding officer for the time being. Upon the call of any member, the yeas and nays on any question shall be taken and recorded in the Journal.

VOTE OF MAYOR.

23. The Mayor shall vote in Council only in case of a tie, except as provided in section thirty-eight of this act.

POWERS AND DUTIES OF COUNCIL.

24. The Council of said city shall have power therein to lay off, vacate, close, open, alter, curb, pave and keep in good repairs, roads, streets, alleys, sidewalks cross walks drains and gutters for the use of the public, or any of the citizens thereof, and to improve, repair and light the same, and to keep them free from obstructions; to regulate the width thereof; and to order the sidewalks, footways, to be curbed and paved and kept in good order, free and clean, by the owners of the real property next adjacent thereto; to establish and regulate markets, to prescribe the times and places for holding the same, provide suitable buildings therefor, and to ordain and enforce such regulations respecting the said markets as the interest or convenience of the inhabitants of said city may require, or as shall be necessary to prevent the forestalling or regrating of said markets. Upon reasonable notice to any officer whose election or appointment is provided for in this act, Council shall have authority upon motion of any member thereof, or of any citizen of said city to remove such officer for drunken-

ness, incompetency, or neglect of duty, or any non feausance, misfeasance or malfeasance in office. But no such officer shall be removed except upon a two-thirds vote of all the members of Council; Council shall have authority to ordain and enforce such regulations within said city as shall be necessary or proper to secure the inhabitants thereof from contagious or other infectious disease; to establish, erect and regulate hospitals in or near said city; to provide for the appointment and organization of a Board of Health for said city, and invest it with such powers and ordain and enforce such regulations for its government and support and for the prompt and efficient performance of its duties as shall be necessary or useful for the purpose aforesaid; to require and compel the abatement and removal of all nuisances within said city at the expense of the person or persons causing the same, or of the owner or owners of the ground whereon the same may be; to prevent or regulate slaughter houses, tan houses and soap factories within said city, or the exercise of any offensive or unhealthful business, trade or employment therein, and to ordain and enforce such regulations respecting the same, as the comfort, health and convenience of the inhabitants of said city may require, to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to regulate the keeping of gunpowder and other combustibles within said city; to prevent cattle, horses, sheep, and other animals from running at large in said city; to protect persons engaged in Divine worship; to provide in or near said city places for the burial of the dead and to regulate interments therein; to regulate the building of houses or other structures, and to provide for making and repairing division fences by the owners of adjacent premises, and the proper drainage of lots; to establish and enforce such regulations as may be necessary to prevent or extinguish fires within said city; to prevent illegal sales of intoxicating liquors, drinks, mixtures and preparations in said city, to protect the persons and property of all persons in said city, and to preserve peace and good order therein; to appoint when necessary a police force to assist the Chief of Police in the discharge of his duties; to prescribe the powers and duties of the officers appointed by Council; to fix their terms of service and compensation, and require and take from them bonds when deemed necessary, payable to the city in its corporate name, with such sureties and with such penalties as Council may require, conditioned for the faithful discharge of their duties; to erect, or authorize, or prohibit, the erection of gas works or water works in or near said city, and to prevent injury to or pollution of the same, to regulate and provide for the weighing of all products sold or for sale in said city; to provide a revenue for said city, and appropriate and

expend the same for city purposes; to adopt rules for the government of Council and each branch thereof; to pass such ordinances as shall be necessary and proper to secure persons within said city against thieves, robbers, burglars and all other persons violating the public peace of said city; to prevent and punish cruelty to animals; to suppress gaming; to prevent and punish lewd and lascivious indecent and disorderly conduct; to suppress houses of ill fame, and arrest and punish persons found therein; to prevent and punish desecration of the Sabbath day, and to prevent and punish profane swearing. Council shall also have authority to create by ordinance such committee or boards, and delegate such authority thereto as it may deem advisable, and to pass all ordinances not repugnant to the constitution and laws of the United States or of this State, which may be necessary or proper to carry into full effect any power, authority, capacity or jurisdiction which is or shall hereafter be granted to or vested in the said city or any of its officers or authorities thereof.

And the Council of said city shall also have power to lay and extend its water mains and pipes beyond the corporate limits of said city to such points and in such directions as the Council may deem proper, and to sell and supply water through such water mains and pipes to all such persons, firms and corporations, either public or private, as the Council may order and direct. The Council shall also have the power to acquire and hold for the use and benefit of said city such land beyond the corporate limits of said city as it may find necessary and proper to use in constructing water works, pump houses, reservoirs, and such other buildings and structures as may be necessary or useful for the erection and completion of a water works and water system for the delivery of water to consumers thereof. And to carry out the powers conferred by the portion of this section in reference to the water works, said Council may acquire and take by gift, grant, purchase or condemnation, such rights of way and easements as may be necessary to enable it to lay and extend its water mains and pipes to such points, beyond the corporate limits of said city, as may be necessary or convenient for the purpose of furnishing water for public use.

25. As soon as practicable after each annual election said Council shall, at a regular session thereof, proceed to make up an estimate of the amount necessary to be levied for such year, to cover all the debts and liabilities of said city which may be due, or which may become due or payable during the year, including the probable expenditures for city purposes, the number and amount of city orders outstanding and unpaid, and the proper allowance for delinquent taxes, expenses of collection, and contingencies; but deducting the money in the city treas-

ury available for the payment of charges against said city, the payment of which, in the opinion of Council, may be relied on during the year. Such estimates shall, when approved by Council, be entered on the journal of each branch thereof; and Council shall thereupon proceed to levy so many cents on each one hundred dollars of the valuation of taxable property within said city, according to the last assessment thereof for State and county purposes, as will provide a fund sufficient to pay the amount necessary to be raised for city purposes for such year. The Council shall have authority to impose a capitation tax of one dollar on each male person over the age of twenty-one years residing in said city on the first day of April of each year and who is listed for capitation tax on the personal property book made by the assessor of Brooke county, for said year, and shall also have authority to collect a tax on all dogs in said city. And Council shall also have authority to levy and collect an annual tax upon all real and personal property within said city, subject to taxation for State and county purposes, but the taxes so levied shall not exceed one dollar on every one hundred dollars of the valuation thereof. And for all purposes of levy and assessment of taxes within said city the land and personal property books for the assessment of lands, persons and personal property of said county of Brooke, so far as they relate to and cover persons and property within the corporate limits of said city, shall be deemed and treated as the books of assessment of taxable property within said city, on which the Council shall make its aforesaid levies. And it shall not be necessary for the purpose of levying taxes within the said city, to make any books or lists of assessments of persons or property other than the land and personal property books of the said county of Brooke for the assessment of State and county taxes therein.

LICENSES.

26. Whenever anything for which a State license is required is to be done within said city the Council thereof may require a license therefor, and may impose a tax thereon for the use of the city. And the Council shall also have authority to impose a license tax on all wagons, carts, drays, carriages and other vehicles used in said city in hauling of goods, freight, coal and other merchandise therein, or which are used for hire for hauling passengers or hired for any other purpose. Council shall have the authority within the city to grant or refuse license to sell spirituous liquors, wine, porter, ale, beer or any drink of like nature, or any drink or mixture which will produce intoxication, or to keep a pool or billiard table, as is now provided by law. And all mixtures or preparations which are known as "bitters" or otherwise, which will produce intoxica-

James R. White

tion, whether they be patented or not, shall be deemed spirituous liquors within the meaning of this section. But no license to sell, offer or expose for sale any spirituous liquors, wine, porter, ale, beer, or any drink of like nature or any drink or mixture which will produce intoxication, or any preparation, drink or mixture mentioned in this section, within said city or within two miles of the corporate limits thereof, unless it be within another incorporated city, town or village, shall be authorized or granted, except as provided in the next section. Council shall require from every person so licensed a bond with good security to be approved by Council, in a penalty of not less than three thousand five hundred dollars, payable to said city in its corporate name, conditioned as prescribed in section twenty-two of chapter thirty-two of the Code of West Virginia; and Council may revoke such license at any time if the condition of said bond be broken, upon ten days previous notice to the person holding such license. And suits may be prosecuted and maintained on such bond by the same persons, in the same manner and to the same extent, and with like effect, as if the said bond was given under the said section of said Code; and all provisions of chapter thirty-two of said Code, in relation to bonds therein mentioned, shall be applicable to the bonds required by this section.

VOTING ON GRANTING OF LICENSE.

27. At each annual election the question of granting or refusing a license to sell, offer, or expose for sale, any spirituous liquors, wine, porter, ale or beer, or any drink of like nature, or any drink or mixture which will produce intoxication, or any preparation, drink or mixture mentioned in the preceding section, shall be submitted to and voted on by the citizens of said city. The person voting for the granting of such license shall have written or printed on their ballots the words: "For License" and the persons voting against the granting of license shall have written or printed on their ballots the words: "Against License." If a majority of the votes cast at such election shall be in favor of granting such license, it shall be granted to any proper person applying therefor, for such a period as the applicant may desire, not exceeding one year, subject to the provisions of chapter thirty-two of the Code of West Virginia; but if a majority be against granting such license, it shall not be lawful to grant the same.

AMOUNT OF LICENSE.

28. Such license shall not be less than three hundred dollars nor more than five hundred dollars.

MANNER OF PROCURING LICENSE.

29. Council shall prescribe by ordinance the manner in which the licenses provided for in this act may be obtained.

SIDEWALKS, ETC.

30. If the owner of any real property next adjacent to any sidewalk, footway, gutter or drain within said city, shall fail or refuse to curb, pave or keep clean the same, in the manner or within the time required by Council, it shall be the duty of Council to cause the same to be done at the expense of such owner; and the cost thereof may be collected by the City Collector and Treasurer in the manner prescribed by this act for the collection of city taxes. Council shall also have authority to pave or macadamize the streets, alleys, sidewalks, footways, gutters and drains in said city at the expense of the city. Whenever a petition is presented to the Council signed by the persons who own lots or parts of lots which have a frontage equal to not less than two-thirds of the frontage of all of the lots fronting or abutting on both sides of any part of a street or alley sought to be paved, the Council shall have authority to order such street or alley or part thereof to which the said petition applies, to be paved with cobble stone, brick or other suitable paving material, or to be macadamized, under such supervision and in such manner as may be prescribed by ordinance, and upon the lowest and best terms to be obtained by advertisement for bids and proposals therefor; and the cost of such paving or macadamizing shall be assessed as follows: Two-thirds of such cost shall be assessed to the owners of lots or parts of lots fronting or abutting on the street or alley or part thereof which is paved, in the proportions in which the frontage of such lots or parts thereof on such street or alley bear to the whole frontage of the lots which front or abut on the street or alley which is paved. The one-fourth of the amount so assessed to said lot owners shall be paid within thirty days after the completion of the work and the acceptance thereof by the Council, and the remainder in three equal installments, payable at such time as Council may by ordinance prescribe. The other third of the cost of such paving shall be paid by the city; and the intersection of all streets and alleys and streets with alleys, shall be paved or macadamized at the sole expense of the city. But no part of a street or alley less than one block in length shall be paved or macadamized under the provisions of this section. The costs of such paving or macadamizing which may be charged against any lots or parts of lots shall be a lien thereon, and may be enforced by suit in equity in any court having jurisdiction thereof; or such costs or any install-

ment thereof may be collected by action in any court or before any justice having jurisdiction thereof. The money collected by virtue of this section shall be in addition to the money collected by said city for other purposes, and shall be used for no other purposes than those provided for in this section; and the use of such money for any other purpose may be restrained by injunction at the suit of any one or more of the taxpayers of said city.

COLLECTION OF TAXES.

31. It shall be the duty of the City Collector and Treasurer to collect the taxes, licenses, levies, assessments and other revenues of the city, except fines. All licenses shall be payable at the time the license is granted, and shall be paid to the City Collector and Treasurer at that time; and no license shall issue until the license tax therefor is paid to the City Collector and Treasurer. All taxes, levies and assessments may be distrained for by the City Collector and Treasurer after the first day of November of each year; or at any time before that day, if the goods or chattels of the person assessed for taxes are about to be removed from the county of Brooke; and the City Collector and Treasurer shall have power and authority to make a levy for taxes due the city anywhere within the county of Brooke. The City Collector and Treasurer may distrain and sell property for taxes and assessments in like manner and with like effect as the Sheriff of a county may distrain and sell property in the collection of State and county taxes; and said City Collector and Treasurer shall have in all other respects the same power to enforce the collection and payment of taxes, licenses, levies, assessments and other revenues as such Sheriff now has or may hereafter have to enforce the payment and collection of State and county taxes. And all taxes which are not paid by the first day of February next succeeding the year for which they are assessed there shall be charged and collected interest at the rate of six per cent. per annum. The City Collector and Treasurer shall, before entering upon the duties of his office, execute a bond, conditioned according to law, with surety to be approved by Council, payable to the city, in such penalty as Council may prescribe, but not less than ten thousand dollars.

DUTIES OF CHIEF OF POLICE.

31a. It shall be the duty of the Chief of Police to collect all fines and costs at the time of trial or assessment of said fines and costs, and make monthly reports thereof to the Council and pay said fines and costs and all city monies that may come into his possession to the City Collector and Treasurer weekly; and the said Chief of Police shall have in all respects the same

power to enforce the collection of fines as the sheriff of Brooke county now has, or may hereafter have to enforce the collection and payment of fines and costs. The Chief of Police shall have all the rights, powers and privileges within said city in reference to the arrest of persons and the execution and return of process that can be legally exercised by a constable therein; and he shall be entitled to the same compensation therefore; and he and his sureties shall be liable for all the fines, penalties and forfeitures that a constable is liable to for any failure or dereliction in office to be recovered and enforced in the same manner and in the same courts in which fines, penalties and forfeitures are now or may hereafter be recovered and enforced against constables.

The Chief of Police shall before entering upon the duties of his office, execute a bond, conditioned according to law, with surety to be approved by Council, payable to the city in such penalty as Council may prescribe, but not less than five hundred (\$500.00) dollars.

LIEN FOR TAXES.

32. There shall be a lien on all property, both real and personal in said city, for the taxes, levies, assessments and other charges thereon for city purposes, which shall have priority over all other liens thereon, except the lien for State, county and district taxes, and such lien may be enforced by the City Collector and Treasurer in the manner which is now or may hereafter be provided by law, for the enforcement of the lien for State, county and district taxes, or in such other manner as Council may by ordinance prescribe. If any real estate in said city be returned delinquent for the non-payment of any taxes, levies, assessments or other charges imposed thereon for city purposes, a list of such delinquent real estate may be certified by the City Collector and Treasurer to the Auditor, and the same may be sold for such taxes, levies, assessments or other charges, and the interest and commissions thereon in the same manner, at the same time, by the same officer, and with like effect as real estate is now or may hereafter be sold for the non-payment of State taxes thereon.

CONDEMNATION OF REAL ESTATE.

33. Said city shall have the right to condemn real estate therein for streets, alleys and other purposes of public utility, and proceedings for such condemnation shall be as prescribed in chapter forty-two of the Code of West Virginia, and shall be at the expense of said city.

GAMBLING.

34. Any person who shall play at, bet on or be interested, either directly or indirectly, in any game of cards, faro, keno, billiards, pool or other game in said city, no matter by what name called or how designated, or by what device or devices played, on the result of which any money or other thing of value has been or may be bet or staked, shall upon conviction thereof, be fined not less than one dollar nor more than twenty dollars, and may in the discretion of the Mayor, be confined in the jail of Brooke county, or other place of imprisonment in said city, for a period not exceeding thirty days.

MEETINGS OF COUNCIL.

35. The meetings of Council shall be at such times and places as Council may from time to time prescribe.

ELECTION, OFFICERS, ETC.

36. Council shall appoint three commissioners and two clerks in each ward, before each annual election, who shall hold the election herein provided for. Said commissioners shall make return of the elections so held by them to the Council of said city, as soon as practicable after such elections are held; and Council shall thereupon ascertain and publish the result of such election and enter said result upon the journal of each branch thereof. The City Clerk shall provide the necessary poll books and ballot boxes for such elections, at the expense of the city, and the provisions of chapter three, of the Code of West Virginia, in so far as they are applicable thereto, and not inconsistent with the provisions of this act, shall apply to and govern such elections.

SALARIES—WHEN PAYABLE.

37. All salaries herein provided for shall be paid quarterly.

APPROPRIATIONS.

38. All propositions involving the appropriation of money, shall be read before each branch of Council and referred to the proper committee thereof, which shall examine the same and report thereon as soon as practicable, and such proposition shall not pass unless two-third of the members of each branch of Council present when the same is acted upon, shall concur

therein; and if such proposition involves the appropriation of one thousand dollars or more, it shall not pass unless it receives the vote of every member of Council, and of the Mayor. But this section shall not apply to the ordinary running expenses of the city.

PROOF OF ORDINANCES, &c.

39. All ordinances of said city and all entries in the journal of either branch of the Council thereof, which shall be printed or published by authority of the Council, or which shall be certified to be correct by the Mayor of said city, under the seal thereof, shall be received by all the courts and justices of the State as prima facie correct.

PRESENT OFFICERS AND ORDINANCES.

40. The officers of the town of Wellsburg, who are in office when this act takes effect shall continue to exercise the same powers, discharge the same duties and receive the same compensation therefore, in the city of Wellsburg, which they now exercise, discharge and receive in the town of Wellsburg, until the first Monday in May, one thousand eight hundred and eighty seven, or until their successors are elected and qualified. And all ordinances of the town of Wellsburg, which are in force when this act takes effect, shall continue in force in the said city until altered, amended or repealed by the Council of said city.

ACTS REPEALED.

41. All acts and parts of acts coming within the purview of this act and inconsistent therewith, are hereby repealed.

ORDINANCES

OF THE

CITY OF WELLSBURG.

CHAPTER I.—WARDS AND ELECTIONS.

Be it Ordained by the Council of the City of Wellsburg:

1. That the City of Wellsburg shall be and it is hereby divided into four wards, designated as the First, Second, Third and Fourth wards. The boundaries of the wards shall be as follows: The First ward shall include all that portion of the city within its limits lying south of Liberty, or Seventh street. The Second ward shall include all that portion of the city between its eastern and western boundary limits, lying between Liberty, or Seventh street, on the south and Walnut, or Eleventh, street on the north. The Third ward shall include all that portion of the city between its eastern and western boundary limits lying between Walnut, or Eleventh street, on the south and the northern boundary line of "Jacobs' Fair Ground sub-division in the city of Wellsburg;" and any extension of said line necessary to connect with the eastern boundary lines of said city. The Fourth ward shall include all that portion of the city within its limits lying north of the northern boundary line of "Jacobs' Fair Ground sub-division in said city," and any extension of said line necessary to connect with the eastern or western boundary lines of said city.

2. That all city elections shall be held at the following places in the several wards until otherwise ordered by Council:

In the First ward, at the Court House. In the Second ward, at the frame school building. In the Third ward, at the Hose House. In the Fourth ward, at the public school building.

3. The commissioners of election, as soon as they shall have counted the ballots and ascertained the result of any election as required by law, shall make out and sign two certificates thereof in the following form, or to the following effect:

"We the undersigned, who acted as commissioners of elections held in the.....ward, in the City of Wellsburg, on the.....day of....., do hereby certify, that having been first duly sworn, we have fairly and impartially held the said election according to law, and the result thereof is as follows:

For the office of (here designate the office), A. B. receivedvotes, C. D. received.....votes, and so on throughout, stating according to the truth, the full name of every person voted for, for every office, and in words at length the number of votes he received for the same, and concluding as follows:

"Given our hands this.....day of..... The said two certificates shall correspond in all respects with each other. When the said certificates are signed, the ballots shall be enclosed by the commissioners in an envelope which they shall seal up, and write their names across the place or places where it is sealed, and endorse on the outside envelope: "Ballots of the election held in theward in the City of Wellsburg on the.....day of....."

4. The said commissioners shall, as soon as the counting is complete, and said certificates are made out, place the envelope containing the ballots and one of the poll books and one of said certificates in the ballot box, and shall lock the same and as soon as possible return said box with its contents to the City Collector and Treasurer and shall deliver the other of said certificates and the other poll book to the Mayor; and the City Collector and Treasurer and Mayor shall produce said boxes, books and certificates at the special meeting of Council called for the purpose of canvassing the election returns in the same condition in which they are given to them. And if the City Collector and Treasurer shall open or unlock said box after it comes into his hands, or permit any one so to do, he shall be fined not exceeding fifty dollars.

5. It shall be the duty of Mayor to call a special meeting of Council not later than five days after each city election. At such meeting Council shall ascertain and publish the result of such election and enter said result upon the journal of each branch thereof.

6. When the result of any election is ascertained and entered by Council, the Clerk shall make out and deliver to each candidate at such election, who shall apply therefore, a certificate which will show the number of votes which the applicant received and the number received by each of the several other persons who were candidates for the same office. Said certifi-

cate shall be signed by the Clerk and Mayor, and shall be evidence of all the facts stated therein.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor City of Wellsburg.

T. H. HAMMOND,
President Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER II.

DUTIES OF OFFICERS.

Be it Ordained by the Council of the City of Wellsburg.

1. It shall be the duty of the City Collector and Treasurer once every month, before the regular meeting of Council, to report to the City Clerk all money collected by him during the month, and also all claims (except taxes) which have been put into his hands for collection and which are uncollected; and he shall at any time when directed by Council report the amount of uncollected taxes on his books.

In said monthly report the City Collector and Treasurer shall state the sources from which he received the amounts collected.

And once in every six months, in the months of December and June of each year, he shall, in addition to the above reports, make a report which will show the items and amounts of taxes, fines, penalties, assessments and other claims in his hands for collection, which he has not been able to collect by reason of insolvency, removal or other causes; to which report he shall make affidavit that he used due diligence to collect the same but has been unable to do so, and Council shall refer said list to the Auditing Committee for report, and, if after hearing report of said committee, Council shall be satisfied of the correctness of said list and affidavit, it shall allow the City Collector and Treasurer a credit for said claims.

2. It shall be the duty of the Chief of Police to serve all notices or process which are required by any of the ordinances of this city to be served, unless it is therein otherwise specially provided; but any such process or notice may be served by any police officer of the city.

3. It shall be the duty of Chief of Police and all police officers of this city to enforce all laws and ordinances of the city; to arrest any one they may see committing any offense against the city; and to forthwith report to the Mayor any complaint or information which they may receive, or which may come to their knowledge, concerning any violation of said laws and ordinances, together with the names of such witnesses as they can ascertain.

4. In case of the absence, sickness, death, or disability of the Mayor, the President of the First Branch of Council shall have and exercise all the powers and duties of the Mayor, except the right to act in civil cases as a justice of the peace.

5. The Clerk shall have charge of the seal of the city; and shall affix the same to all such papers as require the seal of the city, whenever it is proper so to do, and copies of all ordinances and proceedings of Council shall be certified to by the Clerk under the seal of the city, and attested by the signature of the Mayor.

6. It shall be the duty of the Clerk to report to Council at each regular meeting thereof the amount reported as collected by the City Collector and Treasurer and all the facts reported to the Clerk by the City Collector and Treasurer in his monthly report, and also the sums paid out since the last regular meeting of Council, and the purpose for which such expenditures were made, and the balance of funds on hand. The Clerk shall keep a full and accurate record of all the proceedings of the Second Branch of Council in a book provided for that purpose, which shall be fully indexed; and shall copy into the minutes of each regular meeting the report which he is required to make to Council. He shall also keep full and accurate accounts of all transactions of the city in accordance with such plans as the Finance Committee may direct. He shall preserve and file all reports, petitions and other papers which are part of the city records. He shall also attest all city orders which are drawn on the City Collector and Treasurer, which orders shall also be signed by the Mayor, and no order unless so signed and attested shall be paid by the City Collector and Treasurer.

7. The Clerk shall keep a well bound book to be called an Ordinance Book, wherein he shall record in full all ordinances passed by the Council, which when so recorded shall have appended thereto the certificate in words and figures to the following effect:

"Passed by the Council of the City of Wellsburg on the day of

Witness:
 Mayor of Said City.
 (Or President of First Branch of Council.)

 (President of Second Branch of Council.

Attest:
(City Clerk.)

All ordinances so recorded shall be signed by the Mayor or presiding officer of the First Branch of Council, and the President or presiding officer of the Second Branch, and attested by the signature of the Clerk.

8. The Clerk shall once in three months make out a statement which shall show the financial condition of the city and of all the departments thereof, which statement shall be examined by the Auditing Committee.

9. It shall be the duty of the Street Commissioner to perform such work as he may be directed to do by the Committee on Streets and Alleys, or the Council; and he shall keep an account of all persons who have worked under him, the amount to be paid each, and for what it was to be paid, and of all other expenditures incurred under his direction, and report the same to Council at each regular meeting. Said expenditures must be endorsed by the Committee on Streets and Alleys before they will be allowed.

FEEES OF OFFICERS.

The Clerk shall receive the following fees:

For every order by Council granting a license and for every assignment of a license	\$ 50
For entering every ordinance granting to any person, firm or corporation a right of way or other privilege.	1 00

(The above clause not to apply to the laying of drains or sewers).

The Chief of Police or other police officer shall have the following fees:

For serving summons for each witness	25
For killing and burying dogs as required by Chapter 14	50
For taking any bond under Chapter 21	50
For taking up cattle running at large	50
For keeping same each day, per head	50

All fees of officers shall be collected from the person for whom the work was done, or who was the cause of its being done, and fees shall in no case be paid by the city, except in the case of killing and burying dogs, when the fees cannot be collected from the owner or keeper of the dog.

In all cases of offense against the ordinances of the city where the person charged with the offense is convicted, the fees and costs shall be collected from the defendant, and when the defendant is not found guilty, and the Mayor is satisfied that there was not good cause for said complaint, or that it was made through malice, he may order the person making the complaint to pay the costs.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER III.

CONCERNING THE REMOVAL OF OFFICERS FROM OFFICE.

Be it Ordained by the Council of the City of Wellsburg:

1. Any officer of this city who is elected or appointed to any office, may be removed by Council for drunkenness, incompetency or neglect of duty, or any non-feasance, misfeasance or malfeasance in office, but no such officer shall be removed except upon a two-thirds vote of all the members of Council.

2. Whenever any charge is preferred against any officer for the purpose of impeaching or removing him from office it shall be reduced to writing and signed by the person preferring the same. Said charge shall specify all the matters upon which the charge is based, and may be presented to Council either at a general or special meeting. If in the opinion of Council the charge should be investigated it may appoint a time for hearing the same, and shall order a copy of the charge and specifications served upon the officer against whom the

charge is preferred, together with a notice to appear before the Council on a day named therein, to answer said charge. Said copy and notice must be served on said officer not less than two weeks before the time appointed for the hearing.

3. The hearing on said charge shall be conducted before both branches of Council in joint session, but in taking action upon the charges each branch shall act separately. The officer against whom the charges are preferred shall be entitled to be represented by attorney as well as in person.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER IV.

STREETS AND ALLEYS AND OFFENSES RELATING THERE TO.

1. It shall be the duty of all owners of real property in the city to keep the sidewalks, footways, gutters and drains next adjacent to their lands, free and clean at their own expense. And if at any time any such owner shall fail to comply with the requirements of this section it shall be the duty of the Committee on Streets and Alleys to have said sidewalks, footways, gutters and drains cleaned and freed from the obstruction, and to certify the cost thereof to the City Council, when, if it is found correct, the Council shall direct the City Collector and Treasurer to collect the same with five per cent. added for collection from the owner of the property, in same manner as city taxes are collected.

2. Whenever in the opinion of Council any sidewalk, footway, gutter or drain should be curbed or paved, it shall enter a resolution on its minutes stating when, and in what manner said curbing or paving shall be done. Notice of such resolution shall be served by the Chief of Police or other police officer upon each owner of real estate which is next adjacent to the proposed work, except that if the owner of any such real estate does not reside in this city, said notice shall be served upon the person who occupies, or acts as agent for or has the care of said property. If any such owner fails to comply with the

requirements of Council as to such paving and curbing within twenty days from the date of the service of such notice, it shall be the duty of the Committee on Streets and Alleys to have said work done at the expense of said owner, and the cost thereof shall be certified by said committee to Council, and when approved by it, shall be collected with five per cent. added as provided in section one.

But whenever any sidewalk is paved and curbed for the first time, the owner of the real estate next adjacent thereto shall have credit annually for one-half of the taxes assessed on said real estate, for general purposes, only, of the amount necessary to do such work with lawful curbing and first class brick. But if such paving be done with material that costs more than brick no credit shall be allowed the owner for the excess above the cost of brick. By the taxes for general purposes is meant for the ordinary expenditures of the city, and credit shall in no case be allowed on taxes for the sinking fund, or payment of interest on the city debt, or any tax for a special purpose. But before any person shall be allowed a credit for paving or curbing under this section, he shall present to the Council a bill of the work done, with the certificate of the Street Committee that the paving and curbing is such as is required in section three.

The credit allowed for taxes by this section shall begin with the year in which the work was done before the first day of October, and the bill therefor is presented to the Council at its regular meeting in October, otherwise it shall not begin until the next tax year.

3. All paving and curbing for sidewalks, footways, drains and gutters which is hereafter done on any of the streets of this city, whether done by direction of Council as provided in the last section, or by any person without such direction, shall be done on the grades for the said streets, which were established by the town Council for the town of Wellsburg, by resolution adopted on the 4th day of August, 1886, and which grades appear on the record book of said town on pages 210 to 236 inclusive, and are hereby made a part of this ordinance.

All curbing for sidewalks shall be a uniform distance of fifteen feet from the center of the street on which it is placed, and shall be laid of good stone, or other materials of like character, not less than three feet long, two feet deep and five inches wide at the top when dressed, and not less than five inches throughout the entire depth, and dressed on the side facing the street to a depth not less than twelve inches, and jointed to a depth of not less than fifteen inches; and all paving shall be of first class hard burned paving brick, or some other material as good for paving, which shall be approved by

the Committee on Streets and Alleys. And if any person pave or curb, or attempt to pave or curb any sidewalk in any other manner than as required in this section, he shall be fined not exceeding thirty dollars, and it shall be the duty of the Committee on Streets and Alleys to have said paving and curbing done as required in this section, and the cost thereof shall be collected as provided in section one.

4. Whenever the cost of cleaning any gutter, sidewalk, footway or drain, or any paving or curbing, shall be placed in the hands of the City Collector and Treasurer for collection under any provision of the foregoing sections, it shall be the duty of the City Collector and Treasurer to forthwith present the same to the owner, occupier or the person having charge of said property, and if not paid within ten days from the time so presented, or if the payment thereof is not secured in a satisfactory manner, the City Collector and Treasurer shall distrain therefor if any property of the person charged with such cost can be found liable to distress; and if no such property is found, then such cost shall be collected as other taxes against real estate uncollected, under the ordinances of this city.

5. Any person building or making extensive improvements in this city may use one-half of the width of the street nearest to said building or improvements, and so much of any alley as may be necessary, during the progress of said work, provided however, that said person shall first obtain a written permit from the Mayor or chairman of the Committee on Streets and Alleys, which permit shall state the street or alley which is to be occupied, and for what time; and provided further, that proper precautions shall be taken by the person using the street or alley to avoid accidents or danger to persons or vehicles. But if any person use any of the streets or alleys without such permit, or having such permit fail to comply with the requirements of section seven as to lights, he shall be fined as provided in said section seven.

6. No person shall dig in any of the streets, alleys or public grounds or landings of this city or remove any earth, rock, sand or gravel, or cut, or in any way injure, any tree in any street, alley, public ground or landing, without having first obtained permission from the Committee on Streets and Alleys or the Council or the Board of Public Works.

And any person who excavates, or employs another to excavate in any street, alley or public ground, or landing under such permit shall cause the earth and paving to be replaced in the same manner, and in as good condition as it was before said excavation was made. And person who violates any of

the provisions of this section shall be fined not exceeding twenty dollars.

7. Any person who shall dig or employ others to dig any excavation in or adjoining any of the public ways of this city, or who shall place any obstruction on any street or alley under the provisions of section four, shall cause two red lights to be securely and conspicuously posted, one at each end of such obstruction or excavation, and if such obstruction or excavation shall exceed twenty-five feet in length, then such person shall cause an additional light to be posted as aforesaid for every additional twenty-five feet or fraction thereof; and such lights shall be kept burning from sunset to sunrise. Any person who violates the provisions of this section, or any person who shall remove or extinguish any of said lights between sunset and sunrise, shall be fined not exceeding thirty dollars.

8. It shall be unlawful for any person to obstruct or incumber any street, pavement or alley, or other public way with barrels, boxes or hitching posts, or in any other manner, so as to prevent a free use of the same, except as provided in section four. And all cellar ways or cellar doors which are hereafter made so as to occupy any part of any pavement, shall be constructed with the curbing and covering on a level with the pavement, and so as to offer no obstruction when closed to persons passing on the pavement, and no such cellar way or door shall extend from the building upon the pavement more than four feet. No one shall hereafter construct any step, stairway platform, porch, entrance or other thing which shall occupy any part of the sidewalk, or in any way obstruct the same, nor shall any building be hereafter constructed with a cellar way or basement entrance which shall occupy any part of any pavement except such cellar ways as are provided for in this section.

9. It shall be unlawful for any person to suspend or hang any signboard or other thing in such manner as to endanger persons passing along the streets or alleys.

10. It shall be unlawful for any person to throw or place ashes or other rubbish on any street or alley or public square or landing, or permit the same to be done by any person in his employ or belonging to his family.

11. It shall be unlawful for any person owning, using or occupying any cellar the door of which opens into any street or other public way, to allow such door to remain open at any time from twilight in the evening to daylight in the morning without having a light at such door, unless the same be properly guarded by a railing.

12. Every person owning, using or occupying a cellar, having a stairway therefrom or any area opening into any street, alley or public way or coal vault under such street, alley or public way shall properly secure such stairway, area or vault by a sufficient door or grating covering the whole opening into such street, alley or public way.

13. Any person who violates any of the requirements of the five last preceding sections shall be fined not exceeding twenty dollars.

14. Any person having charge of any wagon, cart, dray, carriage, or other wheeled vehicle, or any sled or sleigh, suffering any horse or other animal attached thereto to stand on any street, alley, landing or public place, without being properly fastened, watched or guarded, to prevent such animal running away; or shall by any negligence suffer any such animal to run away, he shall be fined not exceeding ten dollars.

15. If any person shall gallop any horse or other animal, or ride or drive any such animal at any improper or dangerous speed, on any street, alley or public way in this city, or shall lead, ride or drive any animal attached to any cart, dray, wagon or carriage on any sidewalk, he shall be fined not exceeding twenty dollars.

16. If any person shall loosen, remove or in any manner injure any stone, brick or other material in any sidewalk, street, pavement, curb, gutter or drain, or break or injure any sewer, he shall be fined not less than three nor more than thirty dollars.

17. If any person shall run or propel any traction or steam engine on any street in this city, which is paved with fire brick, or other brick, in such way as to injure the same, he shall be fined not less than five nor more than thirty dollars.

18. It shall be unlawful for any person to throw water from a hose upon any street or alley in this city which is paved with fire brick, or other brick, unless said water is thrown through a nozzle with an opening not to exceed 3/8 of an inch in diameter, or a spray nozzle attached to a hose. Any person who violates this section shall be fined not exceeding ten dollars.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER V.

BOARD OF PUBLIC WORKS.

1. There shall be a board to be known and designated as the Board of Public Works of Wellsburg, which shall be composed of three citizens of said city, no two of whom shall reside in the same ward, who shall be elected by both branches of Council in joint session. The term of office of each member shall be three years. One member shall be elected each year to succeed the retiring member, but any member of said board may be removed at any time at the pleasure of Council.

2. The members of said Board shall receive no salary or compensation for their services, but shall be paid their necessary personal expenses incurred by them in discharging their duties.

3. It shall be the duty of said Board to take charge of and supervise all grading, paving, macadamizing or other improvement of the streets or alleys and the construction of sewers and drains therein, and all such other public improvements in the city as the Council may at any time designate.

4. Said Board shall have full power and authority, for and on behalf of the city of Wellsburg, to make and execute contracts for such work as the Council may direct it to undertake, but not otherwise. And no such contract shall be made, nor shall said Board have any power to make any contract, until all the bids for the work are reported to the Council and approved as hereinafter provided, and Council shall by order entered of record, direct said work to be done.

5. Said Board shall not undertake any work, or have any work done, except that which it is directed to do by the Council, and before said Board shall undertake any work it shall advertise for bids; and before any bid is accepted all bills shall be reported to Council to be approved or rejected.

6. Said Board may make such rules for its government and the regulation of matters under its charge as it may deem proper. Whenever, in the opinion of the Board it is necessary, or the Council shall direct it shall require of persons entering into any contract with it for work, bond with good security for the faithful performance of the work according to the terms of the contract.

7. Whenever any work is being done under its direction, said Board shall report to each monthly meeting of Council the amount of money that has been expended under its direction during the month.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER VI.

PAVING OF STREETS AND ALLEYS.

1. Whenever a petition is presented to the Council signed by the persons who own not less than two-thirds of the lots fronting or abutting on any street or alley, or any part of any street or alley not less than one block in length, the Council, if it deem it proper to pave said street or alley, or any part thereof, may enter an order upon its minutes specifying the particular street or alley, or part thereof which shall be paved; and the time which the Board of Public Works shall advertise for bids for doing the work, and further specifying the kind of paving that shall be done.

2. When such order of Council is entered it shall be the duty of the Board of Public Works of this city to advertise for four weeks, in such newspapers as the Board may select, for bids for the lowest and best terms for the paving or other work required by said order of Council, and according to such plans and specifications as the said Board may provide. The bids received shall be reported by the Board to the Council, and contracts made as required by the provisions of chapter five, and said chapter as far as applicable, shall govern in cases of work done or contracts made under this ordinance.

3. When any street or alley, or part thereof, is paved under the requirements of this ordinance, the cost thereof shall be charged as follows: Two-thirds of the cost from either side of such street or alley to the middle thereof shall be assessed to the owner or owners of lots or parts of lots fronting or abutting thereon, in the proportion which said lots or parts of lots bear to the whole number of lots fronting or abutting on the street or alley, or part thereof which is paved; the other one-third of the cost shall be paid by the city. And the intersection of all streets and alleys of streets with alleys, shall be paved at the sole expense of the city.

4. The Board of Public Works shall, from time to time, as the work progresses certify to Council the total cost of the work so far as completed, and what part thereof is chargeable to the city and to each lot owner whose lots front on the street or alley paved. The Council shall examine the said certificate and, if found correct, shall enter it upon the minutes, together with an order which shall show the number of each lot or the fraction thereof abutting on said paved street, and the name of the owner or person chargeable with said paving and the amount of said cost which shall be charged to each lot or fraction thereof. Notice of the amount assessed against each lot or fraction thereof, shall be served upon the owner if he be found in this city, if not, then upon the person who occupies said property, or who acts as the agent therefor or has charge thereof.

5. It shall be the duty of the City Collector and Treasurer to collect one-fourth of the amount due from each lot owner ascertained according to the last preceding section within thirty days from the date of the entry of such certificate on the minutes, and he shall collect the remainder thereof in three equal installments, the first in eight months, the second in sixteen months, and the third in twenty-four months from the date said certificate is entered as aforesaid. The amount due from said lot owners and each installment there of shall be a lien upon each lot and part thereof, against which it is charged, until paid in full.

6. Whenever any installment due from any lot owner on account of the assessment for paving shall not be paid when it becomes due, it shall be the duty of the City Collector and Treasurer to report that fact to the next meeting of Council after it becomes due, and the Council shall thereupon enter an order directing that suit be brought in the name of the city against said owner to recover the amount due, if said amount can be recovered by suit at law.

7. If the amount of any such installment cannot be recovered by suit at law, or if for any reason the amount due from the owner of any lot or part thereof on account of the said assessment remains unpaid until the last installment is due according to the terms of section five, the Council shall enter an order directing that a suit in equity be instituted in the name of the city to enforce the lien against such real estate for any of said unpaid assessments.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER VII.

REGULATING THE GRANTING OF LICENSES AND SALE OF LIQUORS.

Be it ordained by the Council of the City of Wellsburg:

1. No person without a license therefor from the city of Wellsburg, shall, within this city, furnish intoxicating drinks or refreshments at a public theater, or sell, offer or expose for sale spirituous liquors, wine, porter, ale, beer, or any drink of a like nature, or any drink or mixture which will produce intoxication, nor shall any person without a city license to sell, offer and expose for sale such spirituous liquors, wine, porter, ale, beer, or drinks of a like nature, solicit or receive orders for or keep in his possession for another such spirituous liquors, wine, porter, ale, beer, or drinks of a like nature. And all mixtures, preparations or liquids known as "bitters" or otherwise, which will produce intoxication, whether they be patented or not, shall be deemed spirituous liquors within the meaning of this section.

Nor shall any person, without such license, carry on the business of a distiller or brewer of whiskey, brandy, beer, porter, or ale.

2. Any person violating the preceding section shall for every such offense be fined not less than ten nor more than thirty dollars, and imprisoned in jail not less than one, nor more than thirty days.

3. No person without a city license therefor shall, within this city, keep a hotel or tavern, eating house or restaurant, or carry on the business of a druggist, or keep for public use or resort a bowling alley, billard table, pool table, bagatelle table, or any table of like kind, or a shooting gallery or skating rink, or practice the business of a pawn-broker.

4. No person without a license from said city shall exhibit any circus, menagerie, circus and menagerie combined, theatrical performance or public show, to which admission is obtained for money or other reward, or act as hawker or pedler.

5. Any person violating any of the provisions of sections three and four shall be fined not less than ten nor more than one hundred dollars for each offense.

6. This ordinance shall not be construed to require a license to keep a boarding house or boarding school, where boarders are not received for less than three days; or to require any person having a license to sell spirituous liquors or wine at retail to obtain another license to sell porter, ale, or beer or any drink of like nature at the same place, or to prohibit a druggist from selling without license spirituous liquors or wine, in good faith for medicinal purposes, or alcohol for medicinal, scientific, or mechanical purposes. But no such sale of spirituous liquors, wine or alcohol, except alcohol for scientific and mechanical purposes, shall be made by a druggist except upon the written prescription of a practicing physician in good standing in his profession, and not of intemperate habits, specifying the name of the person to whom, and the kind and quantity of such liquors to be furnished him, and stating that such liquors so prescribed are absolutely necessary as a medicine for such person, and are not to be used as a beverage; and not more than one sale can be made on the same prescription. Any sale made without such prescription shall be punished as a sale without license. This ordinance shall not be construed to require any resident of this State to obtain a license to exhibit any work or production of his own invention or skill, or for any school exhibition, literary or scientific lecture, or musical concert, or to effect any person furnishing refreshments at any public dinner, fair, festival or celebration, or any colporteur or person selling religious books.

7. If any person desire a license for any purpose named in the first or third sections of this ordinance, he shall make application in writing to the City Council, which application shall state for what purpose the license is required and in what building the business is to be carried on. If the Council is willing to grant a license to the applicant it shall enter a resolution upon the minutes, stating the name of the person to whom the license is granted, the purpose for which it is granted, the location or building where the business is to be carried on, the length of time the license is to run, and further stating that Council is satisfied that the applicant is not of intemperate habits. The applicant shall obtain a copy of said resolution authenticated by the signature of the City Clerk; and said

clerk shall also deliver to the applicant a certificate of the license to be obtained and the amount of tax to be paid thereon to the city. For furnishing said resolution and certificate said clerk shall receive a fee of fifty cents to be paid by the applicant. Such applicant shall deliver such resolution and certificate to the City Collector and Treasurer, who shall collect the tax, and his receipt therefor written on said certificate shall be a license for the purpose named therein.

8. If any person desire a license for any purpose named in the fourth section he shall apply therefor to the Mayor, who shall issue duplicate certificates stating the purpose for which the license is granted, the amount of tax thereon, and the length of time such license shall continue. One of said certificates shall be delivered to the applicant and one to the clerk. The applicant shall present said certificate to the City Collector and Treasurer, who shall collect the tax and receipt therefor as provided in section seven.

9. If any person having a city license to sell spirituous liquors, wine, ale, porter, beer, or any drink of like nature, or any intoxicating drink, shall sell or give any such drinks to any minor, or person of unsound mind, or to any person who is intoxicated at the time, or who is in the habit of drinking to intoxication, or if he permit any person to drink to intoxication, when he knows or he has reason to believe such person is a minor, or of unsound mind, or is intoxicated or is in the habit of drinking to intoxication, on any premises under his control, or sell or give any intoxicating drinks to anyone on Sunday, he shall be fined not less than ten, nor more than thirty dollars, and be confined in jail not less than two, nor more than twenty days. A sale or giving of any such liquors or drinks by one person for another shall be deemed a sale or giving by both in any prosecution under this ordinance.

10. No license shall be granted under this ordinance to sell spirituous liquors, wine, porter, ale, beer, or any drinks of like nature, or any drinks or mixture which will produce intoxication, until the applicant shall have given bond with good security, to be approved by Council, in a penalty of not less than three thousand five hundred dollars payable to the city of Wellsburg, conditioned as prescribed in section twenty-two of chapter thirty-two of the Code of West Virginia.

11. A person holding any license mentioned in the first and third sections may assign the unexpired term thereof to another, with the assent of Council, granted by resolution and endorsed by the Clerk on the certificate of license. If the assignment be of such license as is mentioned in section ten, the assignee shall give bond and security as required by that sec-

tion, and the said section shall in all respects be applicable thereto.

Any license other than those named in sections one and three may be transferred by assignment endorsed on the certificate, and attested by the Clerk. For every alteration or assignment of a license the Clerk shall receive a fee of fifty cents to be paid by the applicant.

12. Every city license for the purpose named in sections one and three shall expire on the thirtieth day of April next after the commencement thereof. If granted for a less time than a year the tax thereon shall be computed from the annual tax in proportion to the time such license has to run.

13. There shall be a tax on licenses named in section four for every day such licenses run.

14. No person having a city license for the sale of such liquors as are mentioned in section nine shall keep more than one bar or room for the sale of such liquors. Nor shall any such person keep his saloon or place where such liquors are sold, or any place or room used in connection with his saloon business, open later than 10 o'clock p. m. and remain closed until 6 o'clock a. m. No saloon shall be located in a dwelling house.

Any person violating this section shall be fined not less than ten nor more than fifty dollars.

15. No person having a license to sell such liquors as are mentioned in section nine, shall employ, or permit any girl or woman, other than his wife, to act as waiter or bar keeper, or to serve such liquors in any way to any person on any premises under his control; or to permit or employ any woman or girl to sing or dance on any such premises. Nor shall any person having such license permit any lewdness, indecency, obscenity, drunkenness or any conduct which is disorderly, or which disturbs the peace and quiet of the city, on any premises under his control.

Any person violating this section shall be fined not less than five nor more than thirty dollars for each offense, and may in addition to said fine, be confined in jail not exceeding thirty days.

16. Any license granted under this ordinance for the sale of such liquors are are mentioned in section nine, or for any purpose mentioned in sections one and three may be revoked by the Council for good cause shown, at any time upon ten days notice in writing to the person holding the license; and any violation of this ordinance by the person holding such license shall be deemed good cause for such revocation. But

such person shall have the right to be heard in person or by counsel. After any license is revoked it shall be of no effect to protect the person who obtained it from any penalty imposed by this ordinance.

17. All licenses under this ordinance are granted subject to the right of the Council to revoke as provided in the last section and subject to all rights and powers of the city provided for in this ordinance.

18. No person having a license to sell such liquors as are mentioned in section nine shall keep his saloon, or place where such liquors are sold, open on any election day or Sunday, or shall sell or give, or permit any one in his employ or any member of his family to sell or give any such liquors to any one on such days.

19. Whenever in case of general disturbance, or public danger it becomes, in the opinion of the Mayor, necessary to the public peace, he may by proclamation close all saloons or places where liquors are sold until such disturbance or danger is at an end.

20. No person who has a city license for the sale of such liquors as are named in section nine shall sell or give any such liquors to any person under the age of twenty-one years, even though such person is acting as the agent of a person more than twenty-one years of age in the purchase of such liquors. Nor shall any person having said license sell or give any such liquors to any minor upon the written or verbal order of the parent of any minor or other person; or sell or give any such liquors to such minor under any circumstances either for the use of said minor or any other person. And it shall be unlawful for any parent of any minor, or any other person, to send and such minor to any saloon or place where such liquors are sold to buy or receive any such liquors. Any person violating any provision of this section shall be fined not less than ten nor more than thirty dollars and confined in jail not less than two nor more than twenty days.

21. Any person who shall act as the agent for any minor, or person of unsound mind, or any person who is intoxicated at the time, or who is in the habit of drinking to intoxication, in buying any such liquors from any such minor, person or unsound mind, or any person who is intoxicated at the time, or who is in the habit of drinking to intoxication, any liquors from any person licensed to sell the same, he shall be punished as provided in the last preceding section.

22. It shall be unlawful for any person to act as the agent in the sale of such liquors within this city, for any person who

has no licence for such sale from the city, and it shall be unlawful for any person to buy or procure for another such liquors from any person who sells such liquors without a city license therefor. Any person who violates this section shall be punished as a person who sells liquor without a city license.

23. No person having a license for any purpose named in the first and third sections of this ordinance shall remove the business for which he holds said license from the building in which he is permitted by said license to conduct it unless by order of Council. Any person who does any business outside of the building named shall be held to be without license.

RATE OF TAX.

24. The tax to be paid to the city for licenses shall be as follows:

On every license to keep a hotel or tavern, eating house or restaurant, the same license tax which is paid to the State.

On every license to sell at retail spiritous liquors, wine, porter, ale, beer or any drink of like nature, or any drink or mixture which will produce intoxication, five hundred dollars per annum.

On every license to sell at wholesale such spiritous liquors, wine, porter, ale, beer or any drink of like nature, or any drink or mixture which will produce intoxication, five hundred dollars per annum.

To carry on the business of a druggist twenty dollars per annum.

To keep for public use or resort a bowling alley, forty dollars per annum.

To keep a billiard table, or pool table, or table of like kind for public use or resort, seventy-five dollars per annum for the first table and fifty dollars per annum for each additional table.

To keep a shooting gallery twenty-five dollars per annum.

To keep a skating rink twenty-five dollars.

To exhibit a circus ten dollars for each exhibition; on a menagerie, five dollars for each exhibition; and on a circus and menagerie combined, fifteen dollars for each exhibition; and on a license to exhibit any other public show, five dollars for each exhibition.

On every license for a theatrical performance, five dollars for each week, except that a theater, opera house or other permanent show shall have a license to exhibit for three months for twelve and fifty-one hundredth dollars; or six months for eighteen and seventy-five hundredths dollars, or one year for twenty-five dollars.

On every license to act as a hawker or peddler, two dollars per day.

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

25. Any minor who shall wilfully or fraudulently represent himself to be twenty-one years of age and thereby induce any one who has a city license to sell such liquors as are named in section nine, to sell or give to such minor such liquors, shall be fined not exceeding ten dollars.

26. Any person who violates any provisions of this ordinance, and no other penalty is prescribed herein, shall be punished by a fine of not less than five nor more than fifty dollars.

27. It shall be unlawful for any person under the age of twenty-one years to enter any saloon or place where intoxicating liquors are sold or kept for sale. Nor shall any such person under the age of twenty-one years loiter in or about any such place where such liquors are for sale, or in any bar room, or any room opening into or connected with any such place or bar room. But this section shall not apply to any minor a member of the family of the person who keeps the said saloon, or to any person who is actually in his employ. Any person violating this section shall be fined not less than two nor more than twenty dollars.

28. It shall be unlawful for any person having a license to sell spirituous liquors, wine, porter, ale, beer or drink of like nature to permit any woman or person under the age of twenty-one years to enter any saloon or place where the person having said license sells said liquors, or into any room opening into or connected with such saloon or bar room where liquors are sold as aforesaid. Nor shall any person having such license to sell the liquors mentioned above permit any woman or minors, person of unsound mind, or person in the habit of drinking to intoxication, to loiter in or about his saloon, bar room or premises; nor to play any game in said room or rooms; nor in any room under his control in the same building as that in which his saloon is located. But this section shall not apply to the wife nor to any minor who is a member of the family of said saloon keeper.

Any person who violates this section shall be fined not less than ten nor more than fifty dollars for each offense.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER VIII.

LEVYING AND COLLECTING TAXES.

Be it ordained by the Council of the City of Wellsburg:

1. It shall be the duty of the City Clerk as soon as possible after the books of the Assessor of Brooke county are completed in each year, to make out an assessment book for the city of Wellsburg, which book shall show in separate lists, the real and personal property, which is assessed to each property owner in said city. The list made out for real estate shall show the number of acres and fractions of an acre with which the owner of any real estate in this city is charged, if such real estate be not laid off into lots. If the land is laid off into lots, such lists shall designate the lots by their numbers or fractions thereof. Such lists shall also show in separate columns the value of the land without improvements, the value of the improvements, the value of land including improvements, the amount of tax thereon for general purposes, and the total tax thereon. The names in said list shall be arranged alphabetically.

2. The other list made out by the clerk shall show, in alphabetical order, the names of all persons owning personal property, or dogs, and shall show in separate columns the number of male and female dogs owned by each person, the amount of personal property on which he is taxed, the amount of dog tax, the amount of tax on personal property for general purposes and the amount thereon for other purposes, and the total amount of tax thereon.

3. The clerk shall complete said lists on or before the 15th day of September, and shall append thereto his certificate that the said lists have been carefully compared with the land and personal property books of Brooke county, for the year for which said lists are made; and that the value and quantity of all real estate and the value of all personal property taxable

in the city of Wellsburg are the same in said lists as in said land and personal property books, and further the entries in said lists are correct and true.

4. The clerk in making up said book shall strictly follow the land and personal property books of Brooke county, as to the value of all real and personal property in said city, and as to dogs shall be guided by the list thereof furnished him by the City Collector and Treasurer.

5. When said book is completed and certified, it shall be presented by the clerk to the Council at the first meeting thereof after the said lists are completed. If the Council approve of said lists, it shall enter an order directing the taxes therein assessed to be placed in the City Collector and Treasurer's hands for collection. After the said book is completed and approved by Council the clerk shall make no alteration or change therein.

6. Any person claiming to be aggrieved by any assessment in said tax book, or complaining of any error in any entry therein, or any person claiming to be aggrieved by any assessment made by Council for street paving or paving of sidewalks, gutters or drains or other purposes, on any land in this city, may, within one year after the tax book has been approved by Council, or, in case of assessment made by Council for paving or improving streets, sidewalks, gutters or drains, or other purposes, within one year from the time Council has ascertained the amount chargeable against each lot or parcel of land, and in case of a license tax, within six months after the assessment of such license tax, apply to Council for relief. Such application shall be made in writing, signed by the person seeking relief or his agent or attorney, and shall state the nature of the error complained of, or what property is wrongfully assessed, and such other facts as will enable Council to understand of what the applicant complains. Such application shall not be heard at the meeting of Council at which it is presented, but shall be referred to the Finance Committee to be reported at the next regular meeting. If on the hearing of said application, it appears that there is any error in the tax book, by which said applicant is aggrieved, or that he is wronged by any assessment made by Council, or by any license tax, Council shall make such order as shall be necessary to correct any error or wrong in any entry in said book, or direct the repayment of any tax which has been improperly collected.

7. All taxes shall be assessed as of the first day of April, and the taxes for each year upon real and personal property shall be paid by those who are the owners thereof on that day, whether it be assessed to them or to others; but nothing herein

shall effect the lien for taxes on the property on which they are assessed.

COLLECTION OF TAXES.

8. The City Collector and Treasurer shall commence the collection of city taxes not later than the first day of October of each year, and may commence as soon after the 15th day of September as he receives the tax lists.

9. The City Collector and Treasurer may distrain and sell any goods and chattels belonging to any person or estate which is assessed with taxes, after the first day of November in the year for which taxes were assessed, or before that day if such goods or chattels are about to be removed from the city. But in case of any assessment or levy made under section thirty of the Charter of Wellsburg, as enacted in Chapter 14 of the Acts of the Legislature of West Virginia of 1886, for work done by Council for curbing, paving or keeping clean any sidewalk, footway, gutter or drain, within said city, the City Collector and Treasurer may distrain within ten days after the amount of such assessment or levy becomes due, or sooner if the goods or chattels are about to be removed from the city.

10. The City Collector and Treasurer shall, on or before the first day of February of each year next after said taxes are assessed, show by evidence that is satisfactory to the Auditing Committee, that he has collected one-half of the taxes for that year, and on or before the first day of May following, he shall show in the same manner that he has collected all the taxes that are due for that year, which are collectable, and that he has the same in the city treasury subject to the order of Council, and whenever he fails to have on hands by the first day of June of the year following that on which the tax assessment is made, all the taxes, levies and other assessments, including license taxes and all other sums in his hands for collection, which are then due and payable, he shall be liable, together with his bondsmen, for such sum as is not collected, and he shall be chargeable with interest on such sum from the first day of June until paid, provided however, that he shall not be liable for any taxes or interest thereon which are returned delinquent as provided in section eleven and allowed by Council.

11. The City Collector and Treasurer after ascertaining which of the taxes assessed in this city cannot be collected shall, on or before the first Monday in June next succeeding the year for which such taxes were assessed, make out an alphabetical list which shall show the names of the person

charged with the tax, the property whether real or personal which is taxed, the assessed value of the property, the amount of taxes due thereon, the amount of poll tax unpaid; and shall also give the reasons why said persons or property are returned delinquent. And the City Collector and Treasurer shall at the foot of the said list subscribe the following oath: "I, City Collector and Treasurer of the city of Wellsburg, do swear that the foregoing lists of persons and property, returned for non-payment of city taxes, is, I verily believe, correct and just, and that I have received no part of the taxes for which the persons and property therein mentioned are returned delinquent, and that I have used due diligence to find property liable to distress for the said taxes, but have found none." Said oath shall be taken and subscribed before some person authorized by law to administer oaths.

12. The list named in the last section shall, at the first regular meeting of the City Council thereafter, be presented to Council, and if it is satisfied that the list so returned delinquent by the City Collector and Treasurer is correct and just, and that the City Collector and Treasurer has been guilty of no default in failing to collect the same, the amount thereof shall be passed to the credit of the City Collector and Treasurer, and the said list having been first recorded in a book kept for that purpose, shall be returned and charged to the said City Collector and Treasurer, and by him collected, if thereafter possible.

13. All taxes assessed for the benefit of the city shall become due and payable on the first day of October of each year, and a discount of $2\frac{1}{2}$ per cent. shall be allowed on all taxes paid in full on or before the 31st day of October, and not otherwise, and all taxes which are not paid on or before the first day of January of the year following that on which the taxes are assessed shall bear interest from said first day of January until paid.

14. When the list of delinquent taxes is returned by the City Collector and Treasurer and approved by the Council, as provided in this chapter, Council shall make out and approve a list of the real estate so returned delinquent. Which list shall show in different columns the name of the person charged with the tax, the estate held, the quantity of land, the description of the same, the tax for city purposes unpaid, and the reason why returned delinquent, and the Council shall further enter an order directing the City Collector and Treasurer to certify the said list to the Auditor of the State that the same may be sold for such taxes, levies and assessments thereon as

provided by section thirty-two of chapter fourteen of the acts of 1887 of the Legislature of West Virginia, passed February 21, 1887.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER IX.

WHARFS AND LANDINGS.

Be it ordained by the Council of the City of Wellsburg:

1. That any steamboat or other water craft navigating the Ohio river, and landing at said city to receive or discharge coal, wood, salt, wares, merchandise or other articles of freight not herein enumerated, shall for each and every landing be subject to the payment of wharfage at the following rates, namely: For any landing to put off or take on freight, by any transient vessel, 25 cents, provided that when the freight put off or taken on is half a ton weight or over, it shall be 50 cents; not exceeding five tons, \$1.00; not exceeding ten tons, \$1.50; and for any amount exceeding ten tons, \$2.00, provided the same shall be done in one day; and further provided, that steamboats regularly engaged in the Pittsburg and Wheeling trade, shall pay \$3.00 per month wharfage, and that steamboats plying between Steubenville and Wheeling shall pay \$2.50 per week. There shall be a tax of 25 cents collected for every day the landing is occupied by any flat, loaded with coal, coke, wood, bark or other merchandise, off the owner of said boat or merchandise.

2. That if the owner, master, clerk or other person in charge of said boat or other water craft, subject to the payment of wharfage as prescribed in the first section of this ordinance, shall neglect or refuse to pay the same on demand for that purpose, it shall be recovered in an action for debt at the suit of the city of Wellsburg before a justice of the peace with costs as all other debts due the city.

3. That the Council shall annually appoint a wharfmaster, who shall hold his office one year and until his successor is ap-

pointed and qualified; and who in case of misconduct in office may be removed by the Council, and nother appointed in his place, who shall hold office until the next annual election.

4. The wharfmaster before entering upon the duties of his office shall give bond to the city in such sum and such sureties as the Council may approve, conditioned for the prompt and full payment of all money that shall come into his hands as said wharfmaster; and also take an oath to discharge faithfully and impartially all the duties of his office—which said oath shall be written on the bank of the bond.

5. The duties of the wharfmaster shall be as follows:

1st.—To regulate the landing of boats and other water craft, and to assign them the situation they shall severally occupy when called on for that purpose.

2nd.—To keep a register on which he shall enter the names of all boats landing and subject to the payment of wharfage with the date and amount of wharfage paid by each.

3rd.—Upon the landing of any boat subject to the payment of wharfage, to demand payment of the same, of the proper person; and in case of neglect or refusal to pay such wharfage, to give written notice thereof to the Mayor, forthwith.

4th.—To pay over to the City Collector and Treasurer after deducting his percentage hereinafter provided for, all monies collected by him as wharfage, on the first Monday of each and every month, and take a duplicate receipt therefor, one of which he shall deliver to the Mayor, with his report.

5th.—To make and deliver to the Mayor on the first Monday of each month a detailed report which shall be laid before Council at the first meeting thereafter, setting forth the names of the boats landing and subject to the payment of wharfage, with the dates and amounts paid by each; and he shall also subjoin a list of such boats or other water craft as have been subject to the payment of wharfage, and have refused or neglected to pay the same on demand and from the sum of wharfage collected, as exhibited in said report, the wharfmaster shall be allowed to deduct and retain ten per cent., as a compensation for his services.

6. It shall also be the duty of said wharfmaster to prevent any person or persons whomsoever from encumbering or obstructing the landings in any manner either by the hauling of drift on said landings or the unnecessary delay of freight or merchandise thereon, and any person or persons having so encumbered or obstructed any of said landings, who shall after being notified by the wharfmaster to remove the same, neglect or refuse so to do, shall forfeit for every such offense a sum not less than one dollar nor more than five dollars.

7. If the wharfmaster should fail to pay over the money or fail to make out and deliver a report to the Mayor, as provided in the preceding section of this ordinance, it shall be sufficient cause for removal; and he shall moreover be liable to said city of Wellsburg in an action of debt for the full amount of money in his hands so withheld.

GENERAL ORDINANCE OF APRIL 7, 1862, AS AMENDED.

1. No wharfboat shall lie on or be kept at any landing in Wellsburg without a license granting the right first obtained from the Council.

2. Every application for such license shall contain a specification of the landing at which it is desired to keep said boat, together with the number of feet along the river desired to be occupied.

3. If the Council grant the license, it shall make an order to that effect, and specify therein the landing, and extent of ground, the time such license shall run and be in force, and the price to be paid for the same. A copy of such order shall be made by the clerk, and delivered to the City Collector and Treasurer, who shall collect said price and receipt for the same on back of said copy, and thereupon deliver said copy to the applicant; and such copy of the order as receipted, shall constitute a license and shall confer upon said applicant the exclusive privilege of occupying with a wharfboat the ground mentioned in the same, with a preference to the same until such license shall expire, or said applicant abandon the privileges and ground so granted in said license.

4. The owners or keepers of any wharfboat licensed as aforesaid, shall provide storage in their said wharfboat for all freight, goods, wares and merchandise that may or shall be brought to it and offered for storage, no matter for how short a time, at reasonable and regular charges, unless said boat is already full or burdened with as much freight as it can with safety take. For any violation of this section, the said owners or keepers, as the case may be, shall be fined not less than three nor more than five dollars, and for a second offense the license of said boat shall be revoked by the Mayor.

5. In case such license is revoked, such wharfboat shall be removed upon notice of such revocation from all the landings of the city, and upon neglect or refusal so to remove said wharfboat, its owners or keepers shall be fined three dollars per day, for every day such boat is kept at any of the landings of the city.

6. If any person shall own or keep a wharfboat at any of the landings of Wellsburg, without a license, he shall be fined three dollars a day for each and every day such boat is so kept.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER X.

RAILROADS.

Be it Ordained by the Council of the City of Wellsburg:

1. The rate of speed of any locomotive passing along the street, shall at no place within the corporation, exceed six miles an hour, and for every violation of this ordinance the company owning or operating said locomotive, shall pay for every offence not less than twenty dollars, and in addition be liable in damages, for any damage that may occur by reason of such excess of speed.

2. The engineer or conductor of every locomotive going south shall whistle distinctly at a point not less than one-eighth of a mile before passing the corporate line, also before crossing Fleet street, and going north the same distance before passing the corporation line; and the bell of the said locomotive shall be rung at the corporation line, and continuously while the engine is in motion, during its passage along the railroad, or any part of it within the city. For every violation of this ordinance there shall be collected a fine of not less than five nor more than twenty dollars.

3. Any railroad company crossing with their road any street within this corporation, shall provide all proper crossings suitable for common and public use, and keep the same in proper condition at their own expense, so far as affected by the said railroad company's use, and on failure fairly to comply with this ordinance the Council may order repairs and alterations to be made at the company's expense; and said company shall be liable for any damage that may occur from such crossing being in bad condition.

4. The P., W. & Ky. Railroad Company shall not materially change the grade of, or use any street, not already appropriated, without the consent of the Council previously obtained, for any purpose; nor shall they stop any train within said corporation in such a way as to obstruct any cross street, nor shall they use any street for any purpose whatever, except for the legitimate, bona fide passage of trains, under such penalties and provisions as may be hereafter provided.

5. No person shall stand on or loiter about the station, property, platform or track of the P., W. & Ky. R. R. Company within said city, excepting those persons who may be employed by said company, or those who are engaged in proper or legitimate business; nor shall any person who is not an employee of said company, or a passenger or assistant, climb, jump, step, stand upon, cling to, or in any other way attach himself to any locomotive, engine or car of said company; nor shall any officer or employee of said company or any other person, encourage, permit or allow, by word or act, the violation of this ordinance; nor shall any person who is not an employee of said company, ride or drive any animal on the tracks of said company; nor shall any person stand on side tracks when a train is approaching within one square of such person. Any person violating any of the provisions of this ordinance, shall, upon conviction before the Mayor, be fined not less than one nor more than twenty dollars, or shall be confined in the jail not less than one nor more than thirty days, or shall work upon the streets, alley or wharves of said city, not less than one nor more than twenty days.

6. These ordinances shall apply equally to any other railroad company that shall or may be organized, to which they can be applicable.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XI.

MARKET REGULATIONS AND PUBLIC SCALES.

Be it Ordained by the Council of the City of Wellsburg:

1. If any person within this city use patent spring balances, or make sales by other weights or measures than such as have

been legally regulated and stamped as required by the laws of this State, or sell, or offer for sale, provisions, coal or other things represented to contain any specific weight, measure or number; and if such provisions, coal or other things be found deficient in the weight, measure or number represented, said person using unauthorized weights or measures, or selling, or offering for sale anything deficient in the weight, measure or number represented, shall be fined not less than three nor more than twenty dollars.

PUBLIC SCALES.

2. The Weigh Master hereby authorized to be appointed and qualified by Council at their first meeting, shall take the care and control of the public scales, weigh all hay or other articles that may be required, and deliver to the owners of such hay or other articles, a certificate setting forth the weight thereof. For these services he shall collect for every weight of twenty hundred and upwards, twenty-five cents; for less than twenty hundred fifteen cents, to be paid by the party for whom the same is done.

3. It shall be unlawful for any person other than the Weighmaster or his deputy, to use the public scales under penalty of not exceeding five dollars, which shall be collected as a fine for each offense; nor shall any person sell or attempt to sell or deliver, within this city, any hay or straw by weight without having the same first weighed at the public scales, and if any person sell any hay or straw in violation hereof, he shall be fined not less than one nor more than five dollars.

4. The Weighmaster shall receive such compensation as the Council may from time to time direct.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XII.

PROTECTION AGAINST FIRE AND EXPLOSION AND
REGULATIONS TO PREVENT FIRE.

Be it ordained by the Council of the City of Wellsburg:

1. It shall be unlawful for any person to burn or cause to be burned, any shavings or other combustibles in any street, alley or public ground, except workmen whose business necessarily requires out-door fires; nor then, if any house or building be thereby endangered.

2. It shall be unlawful for any person to boil oil, tar or varnish within twenty feet of any building, or to keep in any shop, store, warehouse or other house or building, without special permission of Council, a greater quantity of powder at one time than one hundred pounds, or to keep in such store, house or building, without such permission of Council any dynamite, nitro-glycerine or any dangerous explosive.

3. It shall be unlawful for any person to enter any livery or other stable, or any out-house that contains hay, straw or fodder, with a lighted candle or other light, unless the same be secured within an enclosed lantern.

4. The Mayor, Chief of Police or Chief of the Fire Department may, whenever any of them has reason to believe that the safety of property demands it, enter any house, building, lot or premises in this city in the day time and examine the fire places, chimneys, stove pipes, ovens or other apparatus likely to cause fire, and also places where gunpowder, ashes, hemp, straw or other explosives or combustibles are kept. And if they or any of them shall find anything which is in their opinion endangers property, they shall notify the owner of the property to make such alterations or removal, or such change in the care thereof as he shall deem proper; and if the owner or occupier of any such property fail or refuse to make such change or removal, the person making such inspection shall forthwith report the matter to Council, who if it finds anything necessary to be done, shall order it done at the expense of the said owner or occupier.

Any person who shall refuse to admit any officer authorized under this section, to make the inspection herein required, or any person who shall fail to comply with any order of Council as to such alterations, changes or removals, as are required in this section, shall be fined not less than five nor more than fifty dollars.

FIRE DEPARTMENT.

5. At the first meeting of Council in each year the Water Board shall report for confirmation a Chief of the fire department and two assistants, who when confirmed by Council, shall serve for one year or until their successors are chosen, or they are removed by Council.

6. In case of fire the Chief, and in his absence the assistants, shall have command of all fire apparatus and of all citizens who may be convenient to the place of fire; and shall have full authority to direct all work that shall be done for the extinguishing of the fire or preservation of property. And such Chiefs may command all idlers or persons not needed to work at the fire to remain at such distance as they shall deem proper and to adopt any other measures which may be necessary to the convenience of firemen in the discharge of their duties. Any person who shall wilfully disobey any orders of said Chief, or in his absence of his assistants, or any person who shall obstruct any fire officer in the discharge of his duties shall be fined not less than two nor more than fifty dollars.

7. It shall be the duty of the said Chief and his assistants, upon an alarm of fire, to forthwith repair to the place where the fire is. The Chief shall also at such times as he thinks proper, but at least once in every three months, inspect all hose, reels and other fire apparatus, and report the condition thereof to Council, with such recommendations as he may deem necessary.

8. For services rendered under the provisions of this chapter such compensation shall be paid as Council may think proper from time to time.

9. If any person shall ride or drive any animal or vehicle on or across any hose laid down for use at a fire, or shall cut or in any manner injure said hose, or shall wilfully tangle or knot them so as to in any manner prevent the free flow of water through them, he shall be fined not less than five nor more than fifty dollars.

10. It shall be unlawful for any person to leave or permit any stove, fire place, grate or burner in any house, store room, office or other building, which is heated or lighted by natural gas, to continue burning while the said house, store room, office or other building is unoccupied temporarily, or otherwise; and any person so offending shall be fined not less than five nor more than twenty dollars.

11. Any person or company conducting manufacturing in the city of Wellsburg shall have the privilege of placing in and

about their works as many fire plugs as they deem necessary for the protection against fire only, and of connecting said plugs with the mains of the city water works. Provided, said plugs and connections shall be made and maintained at the sole expense of the person placing them. Said plugs shall be used for fire purposes only by said manufactories without charge from the city.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XIII.

REGULATING THE USE OF WATER.

Be it ordained by the Council of the City of Wellsburg:

1. It shall be unlawful for any person to take or draw any water from any fire plug or fire protection service which is supplied with water from the city water works, or the pipes connected therewith, for any use except for extinguishing fire. And no person, except the employees of the fire department or the City Water Board, or the officers of the city, shall open any fire plug, water pipe or valve belonging to the city except in case of fire.

2. No person shall obstruct the access to any stop-cock, valve or fire plug belonging to the city and located in any street, alley or public place, by any means whatever.

3. No person, except such as have obtained the right from the City Water Board, or its authorized agents, shall take or use any water from any pipe, hydrant or outlet supplied with water by the city water works, whether such pipe, hydrant or outlet be on the premises or under the control of a private person or corporation, or under the control of the city. And if any person, who has the right to use said water, shall knowingly permit any other person, not entitled to use water from the city water works, to take or use the same from any pipe, hydrant or outlet under the control of said person having the right to take such water, the last named person shall be punished as a person who uses said water without a right thereto.

4. It shall be unlawful for any person to cause any excessive or unnecessary use of water supplied by the city water works, or to permit any member of his family, or any one in his employ, to cause excessive or unnecessary use of said water. And it shall be unlawful for any person who has the right to use said water, to use the same from any other pipe or outlet or in any other manner, or for any other purpose than stipulated in the right of use granted by the Water Board.

5. Whenever in the opinion of the Water Board it becomes necessary to restrict or limit the use of water by consumers, it may give notice in such manner as it may deem best, requiring consumers of water supplied by the city water works to restrict its use to such purposes as shall be named in the notice; and for such length of time as is herein stated; and it shall be unlawful for any person to use the water for any other purposes than those permitted by said notice for the time stated therein.

6. Any person who shall violate any of the provisions of this ordinance shall be fined not less than two nor more than twenty dollars.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XIV.

CONCERNING DOGS AND OTHER ANIMALS.

Be it Ordained by the Council of the City of Wellsburg:

1. It shall be the duty of the owner or keeper of every animal of the dog kind kept or harbored within this city to so muzzle them as to prevent them from biting, or to keep them tied on his own premises, in such manner that they cannot bite any person, from the fifteenth day of July to the first day of September of each year.

2. Whenever the Mayor shall be satisfied at any time of the year that any case of hydrophobia has appeared among the dogs in this city he shall issue his proclamation, requiring all

persons to confine their dogs or to have the same securely muzzled, for such time from and after the issuing of such proclamation as he shall therein appoint.

3. An annual tax of fifty cents on every male, and one dollar on ever female, shall be paid for every animal of the dog kind owned or harbored in this city, to be paid by the person who shall own or harbor any such animal.

4. It shall be the duty of the City Collector and Treasurer on or before the first day of August of each year, to return to the Clerk an accurate list of the names of all persons who own or keep in the city any animal of the dog kind, showing the numbers of such animals kept by each person, and also whether the same be male or female.

5. If any person when required by the City Collector and Treasurer to state the number of animals of the dog kind owned or harbored by him, and whether the same be male or female, shall not truly report the same he shall be fined not less than five nor more than twenty dollars. And the City Collector and Treasurer may make a supplemental list of all such cases as shall come to his knowledge, which list shall be returned to Council and collected as the first list.

6. All dogs kept within this city shall have at all times around their necks, leather or metallic collars, with the names of the owners or keepers in full, written, printed or engraved thereon in plain legible letters. And if any dog be found running at large without such collar it shall be the duty of the Chief of Police and all police officers to kill said dog. And the owner or keeper thereof shall be fined not less than one nor more than five dollars for every time such dog is found running at large. For killing and burying any dog under the requirements of this section the Chief of Police or officer shall receive a fee of fifty cents. And in every prosecution where any owner or keeper is fined for permitting his dog to run at large contrary to this chapter there shall be charged in the costs against the defendant when found guilty, the fee of fifty cents allowed for killing any dog of such defendant.

7. It shall be the duty of the owner or keeper of every animal of the dog kind on or before the 15th day of July of each year to furnish to the City Collector and Treasurer a list of all such animals, male and female, owned or kept by him, and if he refuse or fail or neglect so to do he shall be fined not less than two nor more than twenty dollars.

8. It shall not be lawful for any hogs, cattle, mules, horses, sheep, or goats, or other live stock to run at large within this

city. Any owner of any such animal who permits it to run at large shall be fined not less than two nor more than ten dollars. And it shall be the duty of the Chief of Police or of any officer of the city, to take up any stock running at large and keep the same until the fine mentioned in this ordinance, and all the costs resulting from taking up such stock are paid. The officer taking up said stock shall be allowed a fee of fifty cents for each animal and an additional fee of fifty cents per day for feeding and keeping every such animal.

9. The owner or keeper of any vicious dog, or other animal of dangerous and vicious nature, capable of doing serious injury to any person, who shall suffer the same to run at large or escape from his possession shall be fined not more than twenty dollars.

10. If any person shall make complaint that any dog has bitten, or has viciously attempted to bite any person, it shall be the duty of the Mayor to forthwith summon the owner or keeper of such dog to answer the complaint, and if upon trial it appears that such dog has bitten, or viciously attacked and attempted to bite any person, it shall be taken as sufficient evidence that such dog is vicious, unless it be further shown that such attack was the fault of the person so attacked. If it appears that such dog is vicious the Mayor shall order it to be killed, and the cost thereof together with the cost of said hearing shall be recovered from the owner or keeper as a fine.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XV.

OFFENCES AGAINST PUBLIC OR PRIVATE PROPERTY.

Be it ordained by the Council of the City of Wellsburg:

1. It shall be unlawful for any person to wilfully trespass on the property of another, or to injure or deface the same, or in any manner to annoy or disturb the owner, possessor or

occupier of such property in the use or quiet enjoyment thereof, or to enter upon the grounds of another without his consent.

2. It shall be unlawful for any person to injure or destroy any shade trees not his own, growing on any of the streets or public places in this city.

3. It shall be unlawful for any person to injure, break down, mar, deface or destroy, any fence, awning, railing, or building or other property of another; or to injure or deface any monument, school building, church or other public building or outhouse, fence or wall belonging thereto.

4. It shall be unlawful for any person to remove, take away, injure or destroy or in any manner disturb any of the stones now in the walls along the banks of the Ohio river and Buffalo creek in this city; or any stones which have been a part of said walls, and are now on the banks of said streams or on any landing, wharf or other place in this city.

5. It shall be unlawful for any person to deface, injure or destroy, or to remove or carry away any hose, fire apparatus, pipe, fitting tools or appliances or other movable property of this city, or to injure, deface or destroy any building, reservoir, pump, machinery, well or other property of the city.

6. It shall be unlawful for any person, other than an officer of this city to enter the pumping house of the water works, or the water reservoir or any building of the city where the hose, hose reel or any fire apparatus is kept, unless such person have permission from some officer of the city, or the person in charge of the building entered. But this section shall not apply to any person who enters any such building for the purpose of getting any fire apparatus when there is a fire.

7. It shall be unlawful for any person to do anything whereby any works, structure, reservoir, pipe, gas post, hydrant or plug shall be obstructed, injured, contaminated, or endangered.

8. It shall be unlawful for any person to tear down or deface any posters, hand bills, or other advertisements or notices posted in this city, at such times and in such manner as to defeat the object of posting the same.

9. Any person who violates any provision or requirement of this ordinance shall be fined not less than two nor more than fifty dollars for each offense.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XVI.

OFFENCES AGAINST THE PEACE.

Be it ordained by the Council of the City of Wellsburg:

1. It shall be unlawful for any person to cause any tumult or disorder in this city to the disturbance of the peace and quiet thereof, or to aid or abet any one in so doing, except it be in the discharge of some public duty, or in the protection of the lawful rights of such person or his family.

2. It shall be unlawful for any person to wilfully cause a false alarm of fire, or cry fire, or to ring any bell, or make any bonfire for the purpose of creating such false alarm.

3. No person shall fire or discharge within this city any cannon, gun, pistol, revolver or firearm of any kind, or any cracker, squib, rocket or fireworks, except in lawful defense of person or property, or in discharge of some public duty, or at a military parade by order of the officer in command or with the permission of the Mayor or Council.

4. It shall be unlawful for any person on any street, alley, landing or public square of this city, to fly any kite, roll hoop, play at ball, bandy or shinny, throw stones or other missiles with the hands, or in any other manner, or to engage in any play, sport or exercise which is calculated to produce any bodily injury to any one or to endanger any property.

5. It shall be unlawful for any one to use any abusive or insulting language, menaces or threats of violence to another, or to use any language calculated to provoke a breach of the peace or to make an assault upon or beat anyone, or to engage in any fight or affray.

6. It shall be unlawful for any person to be found loitering in any street, alley or public square of this city after ten o'clock at night, or for any tramp or vagrant to idly loiter in

any such place at any time, or to enter the premises of any person without the consent of the owner. Any person who is found loitering in or upon any street, alley or public place in this city, not having estate or means to maintain themselves, and who exercise no ordinary calling or lawful business shall be deemed a vagrant.

7. It shall be unlawful for any crowd or collection of persons to stand upon or in any way obstruct any sidewalk or street in front of any store or place of business in this city; and any person refusing or neglecting to move, and cease such obstruction upon request so to do of the Mayor, Chief of Police or any police officer, or owner or occupier of such store or place of business, shall be fined as hereafter provided.

8. No person shall disturb, annoy or interrupt any public meeting or assembly in any manner whatsoever.

9. In case of any public disturbance all persons assembled at or near the place of such disturbance shall peaceably disperse when commanded by the Mayor, Chief of Police or any police officer.

10. It shall be unlawful for any person who shall be arrested by any officer of this city, having authority to make arrests, to resist, break away from or escape from said officer, or refuse to go peaceably with him when commanded so to do.

11. If any person by word or act, shall delay, obstruct or resist, or shall aid, abet or encourage any other person to delay, obstruct or resist any officer of this city while in the discharge of any lawful duty; or if any person shall aid or encourage any person to resist or escape when under arrest by such officer, or shall supply or attempt to supply any person while in custody, with any weapon or any means of escape, he shall be fined as hereafter provided.

12. If any male citizen of this city when called upon by any officer having authority to make arrests, shall refuse or neglect to aid in making any arrest, or in suppressing any disturbance or violence he shall be fined as hereafter provided.

13. If any person be found with any burglars tools, or other tools or implements ordinarily used for breaking into buildings, in his possession and fail to give a satisfactory account thereof, or if any person be found associating with another who has said tools in his possession and fail to give a satisfactory account thereof he shall be fined as hereafter provided.

14. It shall be unlawful for any person to call for help or

cry "police," or give any false alarm for the purpose of calling any officer unless such person believes that an officer is needed.

15. No person shall converse with or furnish any article or goods of any kind to any person confined in jail in this city, or stand loitering about or near said jail without the permission of the keeper thereof.

16. Any person violating any of the provisions of this chapter shall, unless a different penalty is herein provided, be fined not less than five nor more than fifty dollars, and may in the discretion of the Mayor, be confined in jail not exceeding thirty days.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XVII.

OFFENCES AGAINST MORALITY AND DECENCY.

Be it ordained by the Council of the City of Wellsburg:

1. If any person shall be guilty of any public lewdness or indecency, whether by words or acts, or shall bathe in the Ohio river or Buffalo creek, or other place in or contiguous to this city, in the day time, or at the ferry or steamboat landing at any time, in any indecent manner, he shall be fined not less than two nor more than twenty-five dollars, and may at the discretion of the Mayor be confined in jail not exceeding twenty days.

2. If any person print, import, publish, sell or distribute any book or other thing containing obscene language, or any picture, print, figure or description manifestly tending to corrupt the morals of youth; or shall publicly exhibit any indecent painting, print, figure or presentation, or buy or have in his possession any such thing for the purpose of sale, exhibition or circulation, he shall be fined not less than two nor more than thirty dollars, and in addition to said fine be confined in jail not less than two nor more than thirty days.

3. If any person write, mark or cut any indecent word, sen-

tence, figure, design, picture or drawing in any place open to public view he shall be fined not less than two nor more than thirty dollars, and may in addition thereto be confined in jail not exceeding twenty days.

4. It shall be unlawful for any person to indecently exhibit or display any stud horse, jackass, bull, boar or other animal in this city. Any person violating this section shall be punished as provided in section three.

5. If any person keep a bawdy house or house of ill fame, or shall knowingly rent or permit any house or building in his possession or under his control, to be used for such purpose; or if any person become the inmate of any such house, or aid or assist in keeping the same; or if any person resort thereto, or be found therein, unless it be for a proper and lawful purpose, he shall be fined not less than ten nor more than thirty dollars, and confined in jail not less than two nor more than thirty days. And for the purpose of suppressing vice in any house described in this section, or of arresting the inmates thereof, or any person found therein, the Chief of Police and any police officers may enter any such house or building, or any place which shall have the reputation in the neighborhood where it is situated, of being a bawdy house or house of ill fame at any time at night or day.

6. Any person who shall knowingly keep, maintain or harbor in this city any female prostitute shall be fined not less than ten nor more than thirty dollars, and may at the discretion of the Mayor be confined in jail not exceeding thirty days.

7. It shall be unlawful for any female prostitute, or any suspicious female or female vagrant to walk abroad in this city after night, or to congregate with others on the streets or public places or to wander abroad in the night time without giving a good account of herself. And it shall be unlawful for any person to attend or accompany any such female. Any person offending against this section shall be fined as provided in section six.

8. If any person profanely curse or swear, or use any indecent or obscene language, or get drunk, or be found intoxicated on any street or alley, or in any public place, he shall be fined not less than two nor more than ten dollars.

9. If any person work or labor on the Sabbath day, or pursue any trade, business or calling, or employ his minor children, apprentices or servants in labor or other business on said day, except in household or other work of necessity or charity; or if any person shall on said day play ball, cards, billiards or games of any kind; or keep open any show, museum, club room

or place of amusement or engage in fishing or horse racing, he shall be fined not less than five nor more than twenty dollars. But this section shall not be construed to prohibit ice wagons, milk wagons or livery stables from pursuing their daily and reasonable vocations on the Sabbath day, not conflicting with the State laws; and no forfeiture shall be incurred under this section for the transportation of mail, or of passengers and their baggage, or for running any railroad train, steamboat, traction or street car, or for such labor in mills, factories, liveryies and other places as is necessary to be done on the Sabbath day.

10. If any person wilfully molest, interrupt or disturb any assembly of people met for the worship of God, make any noise calculated to disturb any such assembly or shall behave rudely or insulting in any such assembly, or shall be found loitering at or near the door of any church or other place of religious meeting, and when requested to do so shall not peaceably and quietly depart from thence, shall be fined not less than two nor more than twenty dollars.

11. If any person shall wilfully interrupt, molest or disturb any school, literary society or other society formed for intellectual, social or moral improvement, he shall be fined as in section ten.

12. If any person shall cruelly, unnecessarily or needlessly beat, torture, mutilate, abuse, kill, overload, overdrive, or wilfully deprive of necessary sustenance, any domestic animal or fowl, whether such animal or fowl belong to himself or another person, he shall be fined not less than two nor more than thirty dollars. And any person who shall cause any horse to stand exposed to the cold for an unnecessary length of time in this city, or to allow the same to so stand without proper care and food, shall be deemed guilty of abusing such animal within the meaning of this section.

13. Every person who shall be guilty of fighting dogs, cocks, or any other animals or birds, or shall assist, aid, or abet such fighting, or shall be present encouraging the same shall be fined not exceeding twenty dollars.

14. It shall be unlawful for any person to drink any intoxicating liquors on any street, alley or public place of this city. And it shall be unlawful for any persons to assemble or meet together to drink any such drink in any place in this city except in a saloon of one who has a city license to sell such drinks. Any person violating this section shall be fined not less than two nor more than ten dollars.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XVIII.

OF OFFENSES AGAINST THE PUBLIC HEALTH AND OF THE ORGANIZATION AND POWERS OF THE CITY BOARD OF HEALTH.

Be it Ordained by the Council of the City of Wellsburg:

1. No person without the authority or permission of Council shall keep any slaughter house, or make a business of slaughtering animals or carry on any chandlery or manufactory of soap or candles, within this city; and any person who shall offend herein shall be fined not less than five nor more than thirty dollars for each offense, and every day such business is carried on shall be deemed a separate offense; and the Chief of Police and police officers shall close every place which is maintained contrary to this section.

2. It shall be unlawful to put the carcass of any dead animal or the offal from any slaughterhouse, butcher's establishment or packing house, or slops or other refuse from any house, or any spoiled meat or fish, or any animal substance, or the contents of any privy vault, upon or into any creek, river, stream, or water course in this city, or on any street, alley, city lot or public ground, market space or common.

3. It shall be unlawful for the owner or occupier of any lot, market, space or common, or other place in this city to knowingly permit any of the things named in the preceding section to remain thereon to the annoyance of the citizens of this city, or to neglect or refuse to move them within twenty-four hours after knowledge that any such things are upon the premises owned or occupied by him.

4. All such things as are named in the first section shall be buried at least three feet under the ground or destroyed by fire by the person whose duty it is to dispose thereof.

5. Any person violating any provision of the three preceding sections shall be fined not exceeding twenty dollars.

BOARD OF HEALTH.

6. The Mayor, each year, at the time when the regular committees of Council are appointed, shall nominate, and the Council in joint session appoint, eight persons who shall constitute a Board of Health for this city.

7. The said Board may organize by the election of such officers and the adoption of such rules as may be necessary for its government; and shall from time to time report its proceedings under this ordinance to Council, which shall have power to alter, amend or repeal any order made by said Board.

8. Said Board shall have power to make and establish for the city such sanitary regulations and rules as they deem necessary and proper to prevent the outbreak and spread of cholera, smallpox, scarlet fever, diphtheria and other epidemic or infectious diseases, and they, or any of them, may, except in the night time, in the performance of the duties imposed upon them, enter into or upon any house, or premises and inspect the same, whenever they have reason to believe that such house or premises is in an unclean or infectious condition; and if any house or premises so inspected, is found in such condition as aforesaid, said Board shall direct and require the person in charge of or occupying the same, if of sufficient means, to cleanse and purify the same, according to the sanitary rules of said Board; and if any such person shall fail or refuse to comply with the requirements of said Board he shall be fined not less than five nor more than fifty dollars.

9. The Board of Health of this city shall enforce all the lawful rules and regulations of the State Board of Health applicable to this city.

10. The Board of Health may declare quarantine in this city, or in any part thereof, against the introduction of any contagious or infectious disease prevailing in any other place, and of any and all persons and things likely to spread such contagion or infection; 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 at a place to be provided by them for the purpose, and any person who fails or refuses to comply with any order made by the said Board under this section shall be fined not less than five nor more than fifty dollars.

11. The said Board may notify the owner, tenant or occupier of any real estate within this city, which has in it any unhealthy or offensive substance, or stagnant water, to remove the same within a reasonable time, and if the same be not removed as required by the notice said Board or the Mayor shall have the said substance or water removed at the expense of the owner, tenant or occupier, and the said owner, tenant or occupier, shall be fined not less than five nor more than fifty dollars.

12. No one shall throw or deposit in the Ohio river any garbage, filth or carcass, or living animal within the limits of the city, north of the supply pipe of the city water works, nor within three hundred feet below said supply pipe, or put or drive any hog or other animal into said river between the north limit of the city and a line three hundred feet below said supply pipe. And no one shall go into said river to swim or bathe, within five hundred feet above or three hundred feet below said supply pipe. And no one shall throw any substance into or in any way pollute the water in the reservoirs of the Wellsburg water works. Any person who violates any of the provisions of this section shall be fined not less than two nor more than thirty dollars and may be imprisoned in addition to said fine not exceeding twenty days.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XIX.

CONCERNING NUISANCES.

Be it Ordained by the Council of the City of Wellsburg:

1. It shall be unlawful for any one to keep or maintain, or to permit any one to keep or maintain on his premises, any stable, cow house, or any other house or building which is used to shelter animals or fowls, or any pen or lot used to confine such animals or fowls so near the dwelling house of another as to disturb the persons residing therein by an offensive odor, or in any other manner whatever. Any person who violates this section shall be fined not less than five nor more than

thirty dollars, and every such place shall be taken and deemed a nuisance and abated as such.

2. It shall be unlawful for any one to occupy any street, alley or public grounds, public landing or wharf in this city with any boat, boathouse or building without the consent of Council. Any person violating this section shall be fined not exceeding twenty dollars and be compelled to remove said boat, boat house or building.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XX.

GAMBLING.

Be it Ordained by the Council of the City of Wellsburg:

1. Any person who shall play at, bet on, or be interested either directly or indirectly in any game of cards, faro, keno, billiards, pool or other games, in this city, no matter of what name called or how designated, or by what devise or devices played, on the result of which any money or other thing of value has been, or may be, bet, or staked, shall upon conviction thereof, be fined not less than one nor more than twenty dollars, and may in the discretion of the Mayor, be confined in the jail of Brooke county or other place of imprisonment in this city for a period not exceeding thirty days.

2. Any person who shall keep or maintain any gaming house, or place at which any of the games prohibited by the preceding section is played, or any person who shall knowingly permit any game which is prohibited by this chapter to be played on any premises under his control, shall be punished as provided in section one.

3. Any person who shall induce or persuade, entice another to play any such game as is prohibited by this chapter shall be punished as provided in section one.

4. Any person who shall act as watch or door keeper for any such gaming house, or for any persons who are engaged in

playing any game prohibited by this chapter, or any person who shall in any way aid or assist such persons in playing such game so as to avoid detection shall be punished as provided in section one.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XXI.

CONCERNING ARREST, TRIAL AND PUNISHMENT.

Be it ordained by the Council of the City of Wellsburg:

1. Whenever any offense is committed by any one in the presence of the Mayor, Chief of Police, or any officer of this city, who has authority to make arrests, the offender may be forthwith arrested by any such officer without warrant and brought before the Mayor to answer for his offense. But in all other cases where complaint or information is made to the Mayor it shall be his duty to reduce the complaint or information to writing, and have it sworn to by the person making the information. If it appears from such sworn statement that an offense has been committed it shall be the duty of the Mayor to forthwith issue a warrant for the arrest of the person charged with the offense, or the Mayor may in his discretion issue a summons instead of a warrant. If a warrant is issued it shall be returnable forthwith, and when the person charged in the warrant is brought before him the Mayor may forthwith hear the cause, unless it appear that it is necessary to a proper trial of the cause that the hearing be continued, when it may be postponed; but if the person charged with the offense is confined in jail, such hearing shall not be postponed for a longer period than twenty-four hours, Sunday excepted. But at the request of the accused the Mayor may, if he thinks there is good cause shown, postpone the trial for a time not exceeding one week. If a summons is issued the Mayor may make it returnable at such time as he thinks proper, not exceeding five days from the date it is issued.

2. Whenever any cause is continued, or at any other time

when it may become necessary, the Mayor may take bond with good security for the appearance of the accused.

3. Whenever the Mayor received information which leads him to believe that an offense has been committed against the city, he shall summon such persons to appear before him as he has reason to believe have knowledge of the offense and examine them concerning it, and upon the information thus obtained, he may issue his warrant or summons for the arrest or appearance of the person who appears by said information to be chargeable with such offense.

4. When any arrest is made by an officer in the night time the person arrested shall be committed to jail, unless he gives the officer bond for his appearance, or shall deposit with the officer sufficient money or other property to insure the attendance of said person before the Mayor; the officer shall receipt to the person bailed for the money or other property received, and report the next day to the Mayor the security so taken by him, and shall deposit with the Mayor the bond or other security so taken as aforesaid. All bonds taken under this chapter shall be made payable to the city of Wellsburg.

5. The Mayor shall keep a record of all cases brought before him, and shall file and preserve all complaints, warrants and other papers which are part of the record of such cases. The papers in each case shall be arranged together and numbered to correspond with the number on the Mayor's record. The laws governing the competency of witnesses and the general rules of evidence shall be the same in the Mayor's court as in trial before a justice, and witnesses shall receive the same fees as in justices' courts.

6. When any person is found guilty of any offense against this city the Mayor shall fix the punishment; if the penalty be a fine and costs the Mayor shall enter judgment for the amount thereof, and unless the same is paid at once shall direct that the defendant be committed to jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days. If the penalty be a fine and imprisonment the Mayor may fix the term of imprisonment, and may further order the defendant to be confined in jail, after his term of imprisonment has expired, until said fine and costs are paid, but the entire term of confinement shall in no case exceed thirty days.

7. The Mayor may issue an execution for the fines, costs and penalties imposed by him in any such case, and such execution shall in all respects be executed and returned as are executions

issued by a Justice of the Peace, under the laws of the State of West Virginia.

8. It shall be lawful for the Mayor whenever any person is fined by him, at his discretion, to sentence person to labor without compensation on any streets or alleys or any public works undertaken or to be undertaken by this city in lieu of the fine so imposed, for a period not exceeding thirty days. In rendering such judgment and giving such sentence the Mayor shall ascertain and fix the amount of the fine upon the payment of which, with the costs of prosecution such person shall be discharged from the sentence to labor. Such person shall be employed under the direction of the Street Commissioner, who shall employ him at such work as may be assigned by the Committee on Streets and Alleys. The amount allowed such person as his credit on his fine and costs shall be the usual wages paid to persons engaged in the same or similar work.

9. It shall be the duty of the Mayor to report to each regular meeting of Council the names of all persons fined or otherwise punished, and the amount of fines and costs assessed against each.

10. The Mayor shall have no authority to remit any fine or other punishment, inflicted by him, but may suspend the execution of any sentence or payment of any fine, not to exceed five days, for good cause.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XXII.

AN ORDINANCE ESTABLISHING AND REGULATING THE POLICE DEPARTMENT OF THE CITY OF WELLS- BURG.

Be it ordained by the Council of the City of Wellsburg:

1. That the police force of the city of Wellsburg shall consist of an officer to be known as the Chief of Police and such deputies as Council may from time to time deem expedient to appoint.

2. The Chief of Police and his deputies shall receive such compensation as from time to time Council may deem sufficient.

3. It shall be the duty of the Chief of Police and his deputies to make arrests of all offenders violating the ordinance of the city of Wellsburg or the laws of the State of West Virginia, on sight or on warrant issued by the Mayor of the city on complaint of said Mayor, and to attend on all sessions of the Mayor's court when in session, and to serve all summons and subpoenas issued by the Mayor of the city of Wellsburg, or the President of Council, or order by health officers of said city, also the Chief of Police shall attend at the meetings of Council and serve notices on any persons required thereby, or transfer papers from one branch of Council to the other, and such other duties as Council when in session may require.

4. The Committee on Police Affairs with the Chief of Police and his deputies, shall constitute the police department of the city of Wellsburg.

5. The Chief of Police may report to the Committee upon Police Affairs the names of the persons he desires to appoint as his deputies, and the said committee shall inquire into the character and capacity of each nominee and report to Council which of said nominees, if any, in its opinion, shall be appointed by Council, Council reserving the power to reject all nominations and to appoint such deputies as it may deem proper. The said Chief of Police and his deputies shall all reside within the city.

6. The room in the city building now used as the office of the Mayor shall also be the office of the Chief of Police.

There shall be kept in said office an open book, in such form as the Committee upon Police shall prescribe, and which shall be accessible to the public, and in which all persons may enter a complaint against any member of the police force of the city. And it shall be the duty of the police to enter such complaint if requested by any citizen, the complaint must be signed by the citizen making it. The Committee on Police shall investigate said complaint and recommend to Council, if they deem it well founded, and the proper action to be taken as to the same.

7. The whole police of the city shall obey the orders of the Chief of Police made in pursuance of the authority conferred by this ordinance and law, and the general ordinances in reference to the peace and good order of the city. Said Chief shall also see to the enforcement of the ordinances of the city, and the Acts of Legislature relating to it, and in an emergency may direct the whole police force or any part thereof to any place in the city he may deem proper. He shall from time to

time make report to the Committee on Police, as to the state of the police, with any suggestion for its improvement he may deem fit.

8. All the members of the police force shall devote so much of their time and attention to the business of the department as the Council may direct. They shall be prepared to act whenever their services are required, and shall endeavor to prevent the commission of offences in the city and preserve the good order and peace thereof. They shall earnestly endeavor when any offences are committed in the city, to detect and arrest the offender, and shall enforce all ordinances, prescribing any fine or punishment, and also any Acts of the Legislature relating to offences in the city or to the police thereof, though a Chief of Police or a deputy be applied to when it is not his time for regular duty, he shall upon application, whether in the day or night, do all that the emergency requires.

9. The Chief of Police shall be turnkey or Superintendent of the city jail, and as such shall have charge of the said jail and all persons sentenced thereto under the ordinances of the city, and during their term of imprisonment shall furnish them with such food and lodging as the Council of the city may order.

10. It shall be the duty of the Chief of Police to make monthly reports to Council of the expenditures made on behalf of the said jail; of the number of persons received and discharged during the preceding month; the number under his charge at the time of making up his report, and such other information as the Council may from time to time require of him; such reasonable compensation for any food and lodging furnished to persons sentenced to said jail as the Council may from time to time order.

11. This ordinance shall not prevent the Mayor of the city of Wellsburg appointing special police under an emergency cause, as provided in existing ordinances of the city of Wellsburg.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

14. This ordinance shall be in force from its passage.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,

Mayor of Said City.

T. H. HAMMOND,

President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XXIII.

SEWER ORDINANCE.

Be it ordained by the Council of the City of Wellsburg:

Sec. 1. The public sewers of the city of Wellsburg, subject to the orders of Council, shall be under the control of the Street Committee of said city, and all permits to tap said sewer shall be signed by the chairman of said committee, and countersigned by the City Collector and Treasurer of the city of Wellsburg, which said Collector and Treasurer at the time of signing said permit, shall collect from the applicant desiring to tap any sewer the sum of ten dollars (\$10), which shall be known as a tap fee.

Sec. 2. The Street Committee shall provide books in which shall be printed the blank form of all permits to be issued, and whenever a permit is issued the duplicate which is left as a margin shall be filled up in the same manner. All permits shall be signed by the chairman and countersigned by the City Collector and Treasurer, and when any sum of money shall be deposited with the City Collector and Treasurer, according to any requirement contained in these ordinances he shall give a receipt therefor and keep a separate account of the same in a book to be provided for that purpose.

Sec. 3. Where any public sewer exists along any of the streets, alleys or public places of the city it shall be the duty of all persons, corporations or firms owning buildings accessible thereto, after having received ten days' notice from the Street Committee, to connect therewith, so that all waste water may be drained into the same.

Sec. 4. No connection shall be made with any public sewer or drain without the written permission of the Street Committee, or in any manner different from the mode herein prescribed for such opening or connection, and such permit shall be granted only on the express condition that the owner or tenant, for whose benefit such connection is made, and each succeeding tenant shall, in consideration of the privilege thereby granted and enjoyed, hold the city harmless from any loss or damage that may in any way result from or be occasioned by such tap or connection.

Sec. 5. The connections with, and openings in any sewer or drain, must be made by a person authorized and approved by the Street Committee, and none others.

Sec. 6. No person shall be authorized by the Street Committee to do the work of making connections with any of the

public sewers or drains, or their lateral connections, until he has furnished bond, in the office of the Street Committee, of not less, however, than two hundred dollars, with two or more sureties, to be approved by said Street Committee, conditioned that he will indemnify and save harmless the city from all loss or damage that may be occasioned in any wise by accident, or the want of care or skill on his part in the prosecution of such work, or that may be occasioned by reason of any opening by him made or caused to be made in any street, alley or public place in the making of any connection with any public or private sewer as aforesaid; and conditioned also that he will promptly, at the proper time, replace and restore the street over such opening to as good state and condition as he found it previous to opening the same, and that he will conform in all respects to the rules and regulations which may be from time to time established by said Street Committee in relation to the putting in of junctions and tapping any of the public sewers and drains.

Sec. 7. It shall be unlawful for any person authorized by the Street Committee to make connections with sewers and drains, to allow his name to be used for the purpose of obtaining such permits, or of doing any work under his authority, under the penalty hereinafter prescribed. It shall be the duty of each and every person authorized by said Street Committee, in accordance with Section 6, to record his name and that of the firm, in case of partnership, together with the place of business, in a book of record to be kept by said Street Committee, and also to immediately notify the Street Committee of any change of either thereafter by recording the name, firm and place of business as heretofore in said record.

Sec. 8. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the public sewers and drains has been laid for the purpose of carrying off animal refuse from water closets, slops from kitchens or for other purposes, to allow the same to remain without good and perfect fixtures so attached as to allow a sufficiency of water to be so applied as to properly carry off such matters and to keep the same unobstructed. Each day the same are permitted to remain without such fixtures for supplying said water shall be deemed a distinct and separate offence.

Sec. 9. No butcher's offal or garbage, dead animals or obstructions of any kind whatever shall be placed, thrown or deposited in any receiving basin or sewer, and any person so offending or causing any such obstruction or substance to be placed so as to be carried into such sewer or basin shall be subject to the penalty hereinafter prescribed for each offence,

and any person injuring, breaking or removing any portion of any receiving basin, covering plate, manhole cover, or any part of any sewer or appurtenances, or obstructing the mouth of any sewer or drain, shall be subject to the penalty hereinafter prescribed.

Sec. 10. After a permit has been issued notice in writing must in all cases be left at the office of the Street Committee by the person who is about to make the connection with any sewer or drain, stating the time when such work will be ready for inspection previous to making such connection. This notice must be left between the hours of 9 a. m. and 6 p. m. on the day previous to making such connection.

Sec. 11. No drain from any house, store or tenement whatever, shall be connected with any public sewer in the city otherwise than by drain pipe, which shall not be less than six inches in diameter, excepting it may in a special case be otherwise ordered by the unanimous vote of the Street Committee, and every one who shall violate or fail to comply with any of the provisions of this section, shall forfeit and pay to the city a fine of not less than ten nor more than fifty dollars and the costs of prosecution, and every day after being so fined that any person shall continue to so violate or fail to comply with any of the provisions of this section shall constitute a distinct offence.

Sec. 12. All applications by any person for permits to connect with or tap any public sewer or drain, must be signed by the owner or tenants of the premises for whose benefit the application is made, or his or their authorized agents or attorney, and the power of attorney, authorizing the signing of the application, of the agent or attorney, must be filed with the chairman of the Street Committee. Applications must state the location, name of the owner, number of building to be connected, and how occupied, and must be made between the hours of 9 a. m. and 6 p. m.

Sec. 13. All applications named in these sections shall be in writing, under seal, in form satisfactory to the Street Committee or Board, agreeing therein to all these sections and regulations, and to comply with and be governed by the same, including authorized amendments and changes referred to in Section 6 of this ordinance, and agreeing further to save harmless the city of Wellsburg, and the said Street Committee and every member and officer thereof from all suits, actions, loss, damages, costs, charges and expenses from or by reason of injuries to person or property from or by reason of the work, permission to do which is applied for by said applicant, or arising from the negligence of the applicant, his servants or

agents, in the performance of such work, and such application shall contain such other and further agreements on the part of the applicant as the Street Committee may require.

Sec. 14. All vaults or areas shall be constructed entirely of brick or stone with lime mortar, in a safe and substantial manner, to the satisfaction of the Street Committee or its authorized agent. The opening of a vault shall be within ten inches of the outside of the curbstone. If covered with an iron grating, the bars of which shall not be less than one inch square for a grate of eighteen inches diameter, bar of any other length to be in proportion, and the space between the bars shall not exceed one inch, and all grates shall be imbedded in a cast iron rim or frame, and the upper side of all grates or other coverings to be level with the surface of the pavement. The Street Committee, however, may grant permission to persons wishing to make use of other coverings in whole or in part of iron, the right to do so, such fact being set forth in the application to build the vault, and every one who shall violate or fail to comply with any of the provisions of this section shall forfeit and pay to the city a fine of not less than ten nor more than fifty dollars and costs of prosecution, and every day after being so fined that any person shall continue to so violate or fail to comply with any of the provisions of this section shall constitute a distinct offence.

Sec. 15. The Street Committee shall designate from time to time, by advertisement in the daily papers, the place or places for the depositing or dumping of street dirt, ashes or any other substance except garbage and offal or the contents of privy vaults, and no person shall dump or deposit any street dirt, ashes or any other substance in any other place or places except such as designated by the Street Committee.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XXIV.

REGULATING CONSTRUCTION OF CERTAIN BUILDINGS.

Be it ordained by the Council of the City of Wellsburg:

1. It shall be unlawful for any person to build or construct within the corporate limits of said city any stable, warehouse, or any annex or addition to any stable or warehouse or any other building not intended for use as a dwelling house or lodging house, until such person shall present to the Council of said city an application in writing setting forth the name of such person, and a reasonably certain description of the location, size, kind, general plan, and the materials generally to be used in the building or construction of the building proposed to be built or constructed by such person, and until the said Council shall have passed and entered upon its records an order setting forth the name of such person and a reasonably certain description of the location, size, kind, general plan, and the materials generally to be used in the building or construction of the building proposed, and providing such regulations and requirements in relation to the building and construction of same as may appear to be necessary or proper in order to guard against danger or damage by fire or to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome, or to protect the property of the citizens of the city or to provide for the regular building of such buildings.

2. It shall be unlawful for any person knowingly to permit any building such as is mentioned in the preceding section to be built or constructed in violation of the provisions of said section on any premises owned or controlled by such person.

3. It shall be unlawful for any person hereafter building or constructing any such building as is mentioned in Section 1 of this ordinance to refuse or fail to comply with the provisions of the order of the Council of said city passed pursuant to said section in relation to such building.

4. In all cases where the provisions of this ordinance are being violated the Mayor of said city shall have power to stop the work of building or constructing until the matter can be brought before the Council of said city or until an order shall be passed by said Council under Section 1 of this ordinance granting permission for same.

5. Any person violating Section 1 of this ordinance shall upon conviction thereof be fined not exceeding twenty

dollars, and each day that such person shall perform any work, or cause the same to be performed by others, in the building or construction of any building such as is mentioned in Section 1 of this ordinance, in violation of the provisions of said section, shall constitute a separate violation of said section by such person.

6. Any person violating Section 2 of this ordinance shall upon conviction thereof be fined not exceeding twenty dollars, and each day that such person shall knowingly permit any work to be done in the building or construction of any building such as is mentioned in Section 1 of this ordinance, in violation of the provisions of said Section 1, shall constitute a separate violation of said Section 2 by such person.

7. Any person violating Section 3 of this ordinance shall upon conviction thereof be fined not exceeding twenty dollars, and each day that such person shall continue the refusal or failure referred to in said section shall constitute a separate violation of said section by such person.

8. It shall be the duty of Council of said city to act upon an application presented to it under Section 1 of this ordinance without unreasonable delay.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

James B. Wilson

CHAPTER XXV.

AN ORDINANCE REGULATING THE USE OF BICYCLES AND AUTOMOBILES WITHIN THE CORPORATE LIMITS OF THE CITY OF WELLSBURG, WEST VIRGINIA.

Be it ordained by the Council of the City of Wellsburg:

1. That from and after the passage of this ordinance no person shall ride upon any bicycle or automobile on any of the sidewalks within the corporate limits of said city at any time.

2. No person or persons shall ride any bicycle or automobile upon any of the streets or alleys of said city unless the same shall have attached thereto a bell or gong which shall be rung or sounded when approaching all street crossings, or whenever necessary to warn persons in vehicles or pedestrians on the highways. It shall be unlawful for any person to ride a bicycle or an automobile within the corporate limits of said city, without having at least one hand on the handle bars, or guide lever.

3. It shall be unlawful for more than two persons to ride abreast upon such bicycles or automobiles upon any such highways or ride crossing or curving to and fro thereon, or racing or to ride at a greater speed than twelve miles per hour within the corporate limits of said city, except upon occasions specially authorized by the Mayor or Council of said city. And it shall be the duty of all persons using such bicycles or automobiles to keep and pass to the right of any vehicles approaching in the opposite direction and to keep and pass to the right in passing any vehicle moving in the same direction.

4. Any person who shall violate any of the provisions of this ordinance shall forfeit and pay a sum not exceeding five dollars and the costs of the proceeding against him, and the Mayor of said city on view or upon the information or complaint or oath or affirmation of any other person, shall and in either case is hereby enjoined to proceed in a summary way against any person so offending to conviction, and in default of payment of said forfeiture, to commit him to the city lock-up there to be detained until discharged by due course of law, and every repetition of said offence, shall be considered and punished as a new offence.

5. All penalties which may accrue under the provisions of this ordinance shall go to the city of Wellsburg.

6. Any ordinance or part of any ordinance conflicting with this ordinance be and the same is hereby repealed.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

CHAPTER XXVI.

AN ORDINANCE IN REGARD TO THE USE OF INTOXICANTS AT NOMINATIONS AND ELECTIONS IN THE CITY ELECTIONS OF WELLSBURG, W. VA.

1. Therefore be it ordained by the Council of the City of Wellsburg, that it shall be unlawful for candidates for city offices either for nominations or for elections to office after nomination: To use beer or other intoxicants or give money for the same directly or indirectly, when a candidate for any office in the gift of the citizens of the said city of Wellsburg.

2. It shall be unlawful for any person or persons to ask for, solicit or importune individuals who are candidates for office, at their homes or on the streets or at their place of business, or at any other place, for beer or any other intoxicants, or money to purchase the same, whether such individuals represent or pretend to represent, alleged clubs or in their individual capacity.

3. Any person or persons violating any of the provisions of this ordinance, upon conviction thereof, shall be fined not less than five dollars (\$5.00) and not more than twenty-five dollars (\$25.00).

4. Any person soliciting beer or any other intoxicants or money for buying beer or other intoxicants, from any candidate when for nomination to any office, or from any candidate regularly nominated for office, or from the friends of any candidate, directly or indirectly, shall be guilty under this ordinance, and upon conviction thereof shall be fined not less than \$5.00 nor more than \$25.00.

5. Be it further ordained, that each person hereafter elected to office in said city of Wellsburg, shall take and subscribe an oath that he or they have not given or used directly or indirectly, any money or other thing of value for the purpose of purchasing beer, or directing or ordering any one else so to do during the campaign, through which such candidate has just passed, and the taking and subscribing of such oath shall be a condition precedent to the qualification by the party to fill said office.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

Be it Ordained by the Council of the City of Wellsburg:

That all ordinances and parts of ordinances of a general nature heretofore passed by the Council of this city or by the Council of town of Wellsburg be and they are hereby repealed, and that all the provisions of the preceding ordinances contained in Chapters one and twenty-six inclusive shall be in force from and after this date.

The said Clerk shall be custodian of the printed volumes of the ordinances of the city, and shall not distribute the same to any persons except the Mayor, members of Council, City Collector and Treasurer, Chief of Police, City Collector, Street Commissioner, and Superintendent of Water Works, and shall only deliver one copy to such officers without compensation. From all other persons desiring copies of said ordinances, the said Clerk shall collect the sum of fifty cents each for each copy sold and shall make monthly report to Council of the volumes of ordinances sold, and deliver to the City Collector and Treasurer the proceeds of sale, taking his receipt for same. And each City Clerk at the expiration of his term shall deliver the remaining volumes of said ordinances to his successor, who shall be charged with and account for the same as hereinbefore provided.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,

Mayor of Said City.

T. H. HAMMOND,

President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

APPENDIX.

CHAPTER XXVII.

REFUNDING BOND ISSUE.

Be it ordained by the Council of the City of Wellsburg:

That J. E. Montgomery, Mayor, and Charles McCamic, Clerk of the city of Wellsburg, be and they are hereby authorized and empowered and directed to make and on the first day of August, 1896, or as soon thereafter as possible deliver to I. H. Duval, A. W. Reeves and Geo. B. Crawford at the Bank of Wellsburg, dated the first day of August, 1896, to the amount of thirty-seven thousand five hundred dollars, in denominations as follows: fifty of said bonds in the denomination of one hundred dollars each, and sixty-five in the denomination of five hundred dollars each, and numbered from one to one hundred and fifteen inclusive, payable on the first day of August, 1930, and at the option of the City Council of Wellsburg at any time after ten years from date, with interest at the rate of four per centum per annum, payable annually on the first day of August, 1897, and on the first day of August of each year thereafter until and including the year 1930, for which interest coupons in the proper form shall be attached to each bond, with the signature of the Clerk of this city written thereon; and the said bonds shall be signed by the Mayor, countersigned by the Clerk, and sealed with the seal of this city.

And it is further ordained that I. H. Duval, A. W. Reeves and G. B. Crawford are hereby appointed, empowered and directed to sell said bonds at not less than their par value, and in the manner provided by chapter one hundred and forty-one of the Acts of the Legislature of West Virginia of 1872-3.

The proceeds arising from the sale of said bonds shall be applied by the said Commissioners herein appointed to make sales of same, to the payment and redemption of bonds issued by the town of Wellsburg under an ordinance thereof adopted by the Council of said town on the 25th day of October, 1885, and known as the Water Works bonds to the amount of \$22,500.00, being the full amount of the said bonds issued, and also for the payment of certain orders issued by the city of Wellsburg for the erection of the City Building and known as Market House orders, to the amount of \$15,000.00, and the pro-

ceeds arising from the sale of said bonds so issued shall be applied to no other purpose than those set forth herein.

The said Commissioners shall as rapidly as the bonds provided for in this ordinance are sold, redeem the said Water Works bonds and the said Market House orders to the amount of \$15,000.00, but in redeeming the said bonds and Market House orders no interest due thereon shall be paid by said Commissioners out of the funds arising from the sale of bonds, but all such interest shall be paid out of the other revenues of this city. No commission or compensation shall be allowed for the sale of the bonds issued under this ordinance.

There shall be annually assessed and levied at the time that the city makes its annual levy for taxation, a direct tax on the real and personal property assessed by the city for taxation, sufficient to pay the annual interest on said bonds, and also to pay the principal thereof within and not exceeding thirty-four years from the date of said bonds, which direct tax shall be levied and assessed in addition to all other taxes that may be assessed and collected in the same manner as the other taxes of this city. The taxes so levied under this ordinance for the payment of interest and principal of said bonds shall be kept and accounted for by the City Marshal in an account separate from the other taxes and revenues of the city and no part thereof shall be used for any purpose other than the purpose herein set forth.

On the first of August, 1897, and on the first day of August of each year thereafter until and including the first day of August, 1930, the City Marshal shall out of the revenue arising from the direct tax herein provided for, pay an amount sufficient to pay all interest on the said bonds, and the balance of the said revenues shall constitute a fund for the redemption of the said bonds, which fund may at any time be used by the Council in the purchase and cancellation of said bonds.

On the first day of August in the year 1906, and on the first day of August of each year thereafter until the bonds issued under this ordinance are fully paid, the Council of this city shall apply all the money then in the fund for redemption of said bonds to the payment and cancellation of such bonds in the following manner: The bonds to be redeemed shall be determined by lot annually not later than a month before the day on which they are to be paid, and the Marshal shall thereupon immediately give notice to the holders of said bonds by advertisement published weekly for three successive weeks, in some newspaper published in the city of Wellsburg, stating the number of the bonds that will be redeemed and the place where they may be presented for payment, and on and after the date fixed for such redemption said bonds shall cease to bear interest. It shall be stated on the face of said bonds that they shall

be redeemable at the option of the city of Wellsburg on and after August first, 1906.

Passed by the Council of the City of Wellsburg on the 19th day of May, 1896.

J. E. MONTGOMERY,
Mayor of Said City.

I. H. DUVAL,
President Second Branch of Council.

Attest:

CHAS. McCAMIC, City Clerk.

Resolved, That so much of an ordinance passed on the 19th day of May, 1896, provided for the issuing of bonds to the amount of \$37,500.00, wherein it is stated that "no commission or consideration shall be allowed for the sale of the bonds under this ordinance," be and is hereby repealed.

Passed by the Council of the City of Wellsburg on the 19th day of August, 1896.

J. E. MONTGOMERY,
Mayor of Said City.

I. H. DUVAL,
President Second Branch Council.

Attest:

CHAS. McCAMIC, City Clerk.

WATER WORKS BOND ORDINANCE.

It appearing from the report of the City Water Board that the capacity of the reservoir, pumps and engines of the city water works are not sufficient to supply the demand for water to water consumers, and afford the necessary protection to property from damage by fire, Council therefore deemed it necessary and expedient to build an additional reservoir, and purchase the necessary pumps and engines to supply the demand for water, and adopted the following ordinance:

First, be it ordained by the Council of the city of Wellsburg: by virtue of and under the authority vested in said Council by chapter 141 of the Acts of the Legislature of the State of West Virginia in 1872-3, and an Act of the Legislature of said State in reference to the city of Wellsburg, passed February 24, 1887. That it is deemed necessary and expedient to issue bonds of the said city of Wellsburg to the amount of \$10,000.00, for the purpose of raising money to build a new reservoir on land of the said city, adjoining the present reservoir of the said city water works, and to purchase an additional engine and pumps to be placed in the engine well of said water works.

And it shall be further ordained that the said bonds when issued shall be of the denomination of one hundred (\$100) dollars, each or multiples thereof, and they shall be payable thirty-four (34) years after the date thereof provided, and it is expressly hereby stipulated that the said City Council reserves the right to pay any one or more or all of the said bonds at any time after ten (10) years from the date of said bonds at their par value. Said bonds shall bear interest at the rate of 4 per cent. per annum, payable annually from and after the date thereof.

And be it further ordained, that the Mayor of said city is hereby directed to issue his proclamation reciting the aforesaid ordinance, and appointing Tuesday, the 8th day of April, 1902, the date on which the annual election of said city is held, as the day at which time an election shall be held by the qualified voters of said city to decide whether they will ratify or reject said ordinance at said general election.

The said proclamation shall specify ((the amount of bonds to be issued and for what purpose; also specify) the aggregate amount of indebtedness issued and authorized by said city, and the amount of the sinking fund now on hand provided for the payment of the same under ordinance in reference to the issue of the said bonded indebtedness at the date of the proclamation, and said proclamation shall be published in the Wellsburg Herald and PanHandle News, being the only papers published in the said city of Wellsburg, once a week for three weeks issue of said papers previous to the date of said election, to wit: April 8th, 1902. This ordinance as to the said bonds to take effect from and after its ratification by the qualified voters of the city of Wellsburg.

Passed by the Council of the City of Wellsburg on the 4th day of March, 1902.

Witness:

W. M. SIMPSON,

Mayor of Said City.

J. W. M. CARMICHAEL,

President of Second Branch of Council.

Attest:

ABRAHAM MONTGOMERY, City Clerk.

WATER WORKS REGULATIONS.

Sec. 1. Be it ordained by the Council of the City of Wellsburg, that the following rules and regulations be and are hereby adopted as the rules and regulations for the government of the Wellsburg water works:

RULES AND REGULATIONS.

Rule 1. The City Water Board, composed of three Water Commissioners, shall have, under these rules and regulations, the control, supervision and management of the city water works and running the same, of the reservoir, engine well, pipes, repairs, improvements and additions thereto, and of the supply of water to the consumers, for such compensation as may be fixed in pursuance of these rules and regulations; shall order the collection of the revenues from water rents and all other sources, and on order of the Board disburse the same, and shall employ and discharge at their discretion such employes as may be necessary, such employes and the salaries to be paid them to be fixed and approved by said Board.

Rule 2. The City Water Board shall remain as at present constituted, until the first regular meeting of Council in May, 1904, at which meeting, and annually thereafter at the first regular meeting of Council in May of each year, the City Council shall appoint one member of the Water Board, to fill the vacancy of the retiring member, who shall hold his office for the term of three years. The Board shall appoint from their own number a President, who shall when present, act as chairman at all meetings of the Board. The President or any two of the Water Commissioners may call special meetings to be held at any time or place which the caller or callers of the meeting shall cause to be designated in the call. The presence of at least two of the Water Board shall be necessary for the transaction of any business. A record shall be kept by the clerk of said Board of their proceedings, in a book kept for that purpose, which shall be the property of the city, and subject at any time to the inspection of the City Council.

Rule 3. The Board shall have authority and it shall be their duty to incur and pay all proper running expenses of the water works, to purchase and pay for all tools and working equipments necessary for the use of their employes, to obtain and pay for the advice and plans of expert hydraulic engineers, whenever the Board may consider the same necessary, to make all proper repairs and improvements, and purchase and keep on hand such stocks of extra parts of machines (duplicates of those in use), pipes, valves and other extra materials of the kind in common use about the water works for repairs and for the extension of mains as it may at any time be, in their judgment, prudent to have, provided, that in regard to improvement and extension of mains the matter shall first be submitted to the City Council for their approval.

Rule 4. All money received from water rents, sales of ma-

terial or otherwise from the revenue of the water works shall be deposited by the City Collector and Treasurer with some bank to be designated by the Board, to the credit of the account of the "City Water Board" or the "Water Works Fund," and no money shall be drawn on said account except in pursuance of orders of the Board, signed by the president, attested by secretary of the Board.

Rule 5. The Board shall at its first regular meeting in May of each year elect a Secretary, who shall keep a correct account of their proceedings, but shall have no voice or vote.

Rule 6. The Board shall make no investments in interest bearing securities without the approval of Council, but this provision shall not interfere with the Board obtaining interest from banks on its deposits for the benefit of the city, when the same shall be subject to check at all times.

Rule 7. It shall be the duty of the Council at all times to have the right to discharge any member of this Board, when sufficient cause exists.

Rule 8. It shall be the duty of the Board to make special assessments of water rents, according to their best judgment, for all uses of water for which a rate is not provided.

Rule 9. The City Collector and Treasurer shall be collector of water rents and keep a separate account of the same, for which he shall be allowed the commission of five (5) per cent on the dollar.

Rule 10. The superintendent of the water works shall be elected annually by the City Water Board.

Rule 11. The superintendent of the water works shall perform the duties specified and referred to as follows, in no case exceeding the limits of the authority vested in the Board: He shall exercise general supervision over the working of and have general charge of the water works, including, with other parts, the reservoir, engine well, main pipes and fire plugs, and he shall have charge of all equipments, materials, tools, and other property pertaining or belonging to the water works, exclusive of bank accounts and of books, papers and other things properly belonging to the Board. He shall superintend all employes and all repairs and improvements, when necessary, and hire additional help. He shall enquire diligently after all offenses against these rules and regulations and report every such offense to the City Council, and any offense or any malicious destruction of any property belonging to the water works he shall report promptly to the Mayor. He shall be engineer of the water works, make all needed repairs in and about the

engine and well, keep in good order the fire plugs, valves and stop valve boxes, and have general supervision over the whole works not otherwise provided for, and shall report to the Board when required, in regard to the efficiency of the works.

Rule 12. All wages for day labor shall be fixed by the Board, except of temporary employes hired by the superintendent in case of emergency, but such employes shall not receive more than the fair market price for their services.

Rule 13. All water rents shall be due and payable quarterly on the first day of January, April, July and October of each year. The Secretary of the Board shall make out bills for all water consumers, and place the same in the hands of the City Collector and Treasurer at least ten days before the water rent is due. If the payment of any water rents shall not be made within fifteen days after the same becomes due, said bills shall be considered in arrears and the Water Board shall have authority to order the water shut off from any consumer so in arrears, and it shall remain shut off until all arrearages and fees shall have been paid.

Rule 14. A discount of 5 per cent shall be allowed on all water rents paid in full, quarterly in advance.

TABLE OF RATES FOR THREE MONTHS.

Rule 15. For dwelling: For each and every person fifty cents (50 cents) per annum, and in addition thereto, one and one-half ($1\frac{1}{2}$) per cent on the annual rental value of the water taker's tenement, being three-eighths ($\frac{3}{8}$) per cent every three months on the rental value thereof, and twelve and one-half ($12\frac{1}{2}$) cents for each and every person for three months.

For drug store: Five (5) per cent on the annual rental value thereof, being one and one-fourth ($1\frac{1}{4}$) per cent every three months.

For hotel or ordinary: Six (6) per cent per annum on the annual rental value thereof, being one-half per cent every three months.

For boarding house: Two (2) per cent on the annual rental value thereof, being one-half per cent every three months.

For coffee house: Five (5) per cent on the annual rental value thereof, being one and one-fourth ($1\frac{1}{4}$) per cent every three months.

For a bath in a private house: Twelve and one-half ($12\frac{1}{2}$) cents for each person in the family for three months.

For a bath in a public house or barber shop: Two and one-half (\$2.50) dollars for each tub for three months, and for each barber's chair one dollar every three months.

For lawn or garden hose: Three dollars (\$3.00) per year; for street, two dollars (\$2.00) per year; for twenty feet or less, two and one-half cents per foot for each additional foot over twenty feet; no hose shall be used by any other than a subscriber, member of family or person in his employ.

For a water closet in a private house, office or store, or for a manufacturing establishment where not over ten hands are employed, if provided with self-closing cock, one dollar and twenty-five cents for each bowl, every three months. If not provided with self-closing cock, seven dollars and fifty cents (\$7.50) every three months.

For water closet in public house or barber shop or for manufacturing establishment where more than ten hands are employed, if provided with self-closing cock, four dollars and fifty cents (\$4.50) for each bowl for three months. If not provided with self-closing cock, seven dollars and fifty cents (\$7.50) for every three months.

For urinals, the same rates as for water closets, except if not fitted with self-closing cocks, and if supplied with an inlet of not over one-sixteenth of an inch in diameter, the rate of each bowl shall be five dollars (\$5.00) for every three months.

For a horse, mule, ass, or jannet, not in a livery stable, and except travelers' animals kept at an ordinary, twenty-five cents for every three months.

For a carriage or sulky, not in a livery or boarding stable, and except carriages and sulkies of travelers kept at an ordinary, twenty-five (25) cents for every three months.

For a running soda fountain having a jet supplied with an inlet not over one-sixteenth (1-16) of an inch in diameter, two dollars and fifty cents (\$2.50) for every three months.

For a soda fountain without running jet, one dollar and twenty-five cents (\$1.25) for every three months.

For a store (other than a drug store), shop, (except a machine shop, or carpenter, railroad boiler, wagon or blacksmith shop), or office, (except a printing office or an office which is a part of a hotel or ordinary, store, shop, factory, exhibition room, depot, or livery or boarding stable), one-fourth ($\frac{1}{4}$) per cent on the annual rental value for every three months.

Rule 16. Brick masons, brick makers, stone masons and plasterers doing business in the city shall be assessed with and pay water rent as follows, in addition to any other charge against such persons for use of water: Each brick mason ten (10) cents per thousand for each thousand bricks laid. Each brick maker four dollars (\$4.00) per month for each gang of hands in brick making. Each stone mason two and one-half ($2\frac{1}{2}$) cents per perch, for each perch of stone work; and each plasterer twenty (20) cents per hundred square yards. And it shall be the duty of each person above enumerated, to return

to the Secretary of the Board each month the amount of work done, and the amount of water with which he is chargeable. And if such person fail to make return as herein set forth he shall, after being notified, be liable to the city in a fine of not less than one nor more than five dollars for every such offense.

Rule 17. Table of rates for three months for manufacturing establishments, etc., payable in advance:

Smith's Fires, 3 months, each fire.....	\$.75
Bakers, 3 months, each hand employed.....	1.00
Planing Mills, 3 months, one boiler.....	5.00
Three dollars (\$3) for each additional boiler.	
Cigar Shops, 3 months, each hand employed.....	.25
Restaurants, two (2) per cent. on the annual rental value thereof, being one-half ($\frac{1}{2}$) per cent. every three months.	
Laundries, 3 months.....	6.25
Glass Works, 3 months (large).....	30.00
Glass Works, 3 months (small).....	15.00
Art Galleries, 3 months.....	3.00
Marble Shops, 3 months.....	2.00
Breweries, 3 months (small).....	10.00
Butchers, 3 months, each shop.....	1.00
Cooper Shops, 3 months.....	1.00

Rule 18. No service pipe shall be laid or connected to the city's main pipe or to any other water pipe, except in conformity with the following provisions, and all other provisions of those rules and regulations: The owner of the house desired to be supplied shall sign and seal an application in a book kept at the office of the Board, by which application he shall ask permission to have laid a service pipe for water to the house or premises indicated, the work to be done in accordance with these rules and regulations, and shall agree to said rules and regulations, and shall agree that such pipe and attachments thereto, and their use shall be and remain at all times subject to said rules and regulations and all amendments thereto, and shall promise to comply with and be governed by the same, such owner shall then truthfully inform the Secretary and answer all his questions in relation to the uses for which water may be wanted. The Secretary if authorized by the Board, may then issue a permit to have said connection made. Before the issuance of such permit, such owner shall pay to the Board such sum as the latter shall determine to be sufficient to cover the value of all materials and work, exclusive of inspection, for which there shall be no charge, proper to be used or furnished by the water works for such service pipe or in connection with the same. The Superin-

tendent of the water works shall inspect such service, before it is covered up, to see that it complies with these rules and regulations. The connection at the main pipe shall be by tee, ferrule or spud as the Superintendent may direct. In filling the trench, the party laying the service must ram the earth under and about the main pipe and leave the street or pavement in as good condition as they found it.

Rule 19. No trench in a street, alley or other public place shall be kept open by a party laying a service later than four o'clock p. m., except awaiting the arrival of the Superintendent or other employe of the water works.

Rule 20. No permit for more than one service pipe between the curbstone and the main will be issued for the same house except by special order of the Board.

Rule 21. In order to guard against the extraordinary waste of water, it is provided that all service designed for fire protection and pipes connecting thereto, shall be laid separately from the regular supply lines. Permits for fire protection services shall be issued only with the consent of the Board in each case, and they may refuse their consent in any case, and when such consent is granted they shall decide what the largest size of pipe to be allowed in such case shall be. At any time when they may consider it expedient so to do, the Board shall have authority to cut off from the city's pipe any fire protection service, or shut the water off such service. No supply of water for fire protection shall be promised on behalf of the city or Board, and no water which may be used from the same or from any other pipe for the extinguishment of fire shall be charged for.

Rule 22. No person shall take any water from a fire protection service or the pipes connected therewith for any use except the extinguishment of fire.

Rule 23. In any case of repairing a service pipe or reconnecting the same to a main the Superintendent or the Board may require a new pipe to be laid or a new ferrule to be placed, or other new connections to be made to the main. In all repairing of service pipe where any new pipe is desired to be laid, and in all cases where it is desired to alter, extend or enlarge a service, or attach a branch service to a pipe, or whenever a large connection to the main is desired, application must be made and a permit asked for by the owner of the property, and all new work in connection with the service be subject to the same rules and regulations as if it were a new attachment. When the city shall replace a main pipe, all work and material necessary for reconnecting the old service must be furnished

and done by the city, and the owner of the service must pay for the same before the water is turned on again on such services.

Rule 24. No plumber or other person shall lay, alter, extend or enlarge a service pipe or part of a service pipe, or connect a branch service to any service pipe, or assist in any such act without a permit for the same having been obtained from the Secretary of the water works, which shall be granted by him only when such laying, alteration, extension, enlargement or connection would be in accordance with these rules and regulations.

Rule 25. The plumber or person who shall have done the work under any permit issued by the Secretary, shall return the same to the Secretary of the Board, within forty-eight hours after such work, with a full account of the particulars of the same, under his signature.

Rule 26. No plumber or other person shall lay, adjust or place (or assist in so doing or cause the same to be done) in any house for use with water from the city water works, any lead pipe, which shall fail to conform to the following table. None other but lead pipe will be allowed to be made use of by any person or persons as service pipes for domestic use.

TABLE OF SIZES AND WEIGHT OF LEAD PIPE.

Pipe of $\frac{1}{2}$ inch inside diameter, shall weigh not less than two pounds and seven ounces (2 7-16ths) to the lineal foot.

Pipe of $\frac{5}{8}$ inch inside diameter, shall weigh not less than three pounds (3 lb.) to the lineal foot.

Pipe of $\frac{3}{4}$ inch inside diameter shall weigh not less than three pounds and 10-16 (3 10-16) to the lineal foot.

Pipe of 1 inch inside diameter shall weigh not less than four pounds and twelve ounces (4 12-16th) to the lineal foot.

Pipe of $1\frac{1}{4}$ inches inside diameter shall weigh not less than six (6) pounds to the lineal foot.

Pipe of $1\frac{1}{2}$ inches inside diameter shall weigh not less than seven pounds and two (7 2-16th) ounces to the lineal foot.

Pipe of $1\frac{3}{4}$ inches inside diameter shall weigh not less than eight and one-fourth ($8\frac{1}{4}$) pounds to the lineal foot.

Pipe of two inches inside diameter shall weigh not less than nine and one-half pounds ($9\frac{1}{2}$ lb.) to the lineal foot.

Rule 27. For manufacturing establishments, for manufacturing purposes, where a larger pipe than two inches inside diameter is required, cast iron pipe (tar coated inside and outside) of good quality may be used and no portion of which shall fail to conform to the requirements of the following table, nor

shall anything but lead joints be made in connecting such iron pipe.

Table of sizes and weight of cast iron pipe for manufacturing establishments, for manufacturing purposes, shall be as follows:

Pipe of three inches inside diameter shall weigh not less than fifteen (15) pounds to the lineal foot, or one hundred and eighty (180) pounds per length of twelve feet.

Pipe of four inches inside diameter shall weigh not less than twenty-two (22) pounds to the lineal foot, or two hundred and sixty-four (264) pounds per length of twelve (12) feet.

Pipe of six inches inside diameter shall weigh not less than thirty-three (33) pounds to the lineal foot, or four hundred (400) pounds per length of twelve (12) feet.

Rule 28. The term, "Service Pipes" and "Services" as used in these rules and regulations shall signify those portions of the private pipes supplying any premises or water taker, which lie below the surface of the ground, from the main pipe to the stop-cock inside the curb.

Rule 29. All service pipes shall be laid in accordance with the rules of the Board, and sufficiently waving to allow not less than six (6) inches extra length in twenty (20) feet, to prevent rupture by settlement of the earth, and for tenement not supplied by attachment in other premises, there shall be a brass stop-cock placed in the pipe under the sidewalk opposite the ferrule, and put inside the line of the curbstone, and it must be provided with an iron box or cock-tube, extending down to the cock, and sufficiently large to afford easy access with a key for turning on and off the water. The top of each box or tube shall be placed on a level with the grade of the sidewalk, and have an iron cover.

Rule 30. Hose attachments connected with the service pipes for sprinkling streets and yards, and for washing sidewalks, walks, steps, windows, fronts, etc., shall be placed in the yard or may be put on the sidewalk immediately inside the curbstone; the box containing such hose attachment to be provided with an iron cover suitably attached, and placed on a level with the grade of the sidewalk.

Rule 31. All joints and service pipe must be of the kind termed "Plumber" or "wiped joint;" the connection of service pipe by the so-called "cup joint" is prohibited.

Rule 32. No plumber or any other person shall make any attachment to any old service pipe from which water has been shut off and the supply discontinued, without the party desiring such work to be done having first made application and

obtained a permit for the same in the same manner as for a new service.

Rule 33. All plumbers shall make on the back of the permit, full and complete returns of the uses for and which water is applied under any permit granted to enter any premises or make any attachment in connection with the water works, said return to be made by the plumber doing the work, within forty-eight (48) hours after the completion of such work. Nor shall the water be let on to any premises until full returns are made by the plumber in accordance with all the rules and regulations herein prescribed. And the plumber when making such a report, or a return of a permit, shall give the accurate and complete measurement of the distance and direction of the stop-cocks he shall affix. The said return shall also state the street and number of the house on the same; and whether the service enters on the south, north, east or west side of the same, and any other particulars or any plans which the Board may at any time require.

Rule 34. No permit issued by the Secretary under these rules shall be of any validity unless the work under the same be completed within three (3) days of its issuance.

Rule 35. Any person or firm desiring to do plumbing work, shall first signify his or their intention to the Board in writing, and promise to conform strictly to all these rules and regulations.

Rule 36. The Board shall have authority to refuse to furnish to, or they may shut off the city water from any private pipe, fixture or other work which shall hereafter be laid, adjusted, or done by other person than an authorized employe of the water works by the Water Works Board, and the same rule shall apply to any plumber or person laying service pipe.

Rule 37. The Water Commissioners and the officers of the water works and such other persons as may be directed by the Board shall have authority to enter and have free access at all reasonable hours, to and upon any premises where it may be necessary to ascertain the location or condition of a hydrant, pipe or other fixtures attached to said works, and in case of waste of water for want of repairs or negligence, and such waste is not remedied forthwith, the Board shall have authority to have the water leading to such premises turned off.

Rule 38. After water has been turned off from any person by order of the Board and the same shall be found turned on again without the knowledge or consent of the Board, it shall be lawful for the Board to cause the ferrule to be drawn or the pipe to be cut at the curbstone and the same shall not be

repaired until all arrears have been paid, and then at the expense of the owner of the premises.

Rule 39. No person shall let on, or cause to be let on, the water at any private stop-cock, on the street or alley, governing the supply of any tenement before permission shall have been given by the Board or Secretary of the water works.

Rule 40. No person where the Board shall have ordered water supply shut off shall receive, take or use any water from the water works of the city without the order of the Board or the consent of the secretary.

Rule 41. No person shall knowingly permit any other person not entitled to, use water from the water works of the city, to take or use the same from any hydrant, pipe or outlet under the first mentioned person's control.

Rule 42. When a tenement house to which water is supplied by the city shall be vacated, it shall be the duty of the superintendent of the water works to shut the water off when the premises are vacated, and it shall not be turned on again except by order of the Board or secretary.

Rule 43. No person except the employes of the fire department, in the discharge of their duties, or the offices of the city, shall open any fire plug, or water pipe, or valve, belonging to the city or in any way meddle with the same.

Rule 44. No person shall in any manner obstruct the access to any stop-cock connected with any water pipe, within any street or alley of the city, by means of any lumber, brick, building material, or other article or hindrance whatsoever.

Rule 45. No person shall deposit or throw into the Ohio river in the city of Wellsburg, any garbage, filth or carcass, or living animal within the limits of the city, north of the supply pipe of the city water works, nor within three hundred (300) feet below said supply pipe or put or drive any hog or other animal into said river between the north limit of the city and a line three hundred (300) feet below said supply pipe.

Rule 46. If any person or persons shall, either by day or night go into the said Ohio river to wash, bathe or swim within five hundred (500) feet above said supply pipe, or within three hundred (300) feet below the same, he or she shall forfeit and pay to the city a fine of not less than one dollar (\$1.00) nor more than five dollars (\$5.00) and costs of prosecution.

Rule 47. All persons who shall be guilty of violating or failing to comply with any of the provisions of these rules and regulations shall in addition to the penalties ordained or en-

acted, be liable to an action of the city of Wellsburg for any injury or damage which may be sustained by such violation.

Rule 48. All persons shall keep their service pipes, stop cocks and apparatus in good repair and protected from frost at their own expense and shall prevent all unnecessary waste of water, and no claim shall be made against the city by reason of the breakage or deficiency of any service cock, or service pipe, or house pipe.

Rule 49. No liability shall attach to the city, the Board, its officers or employes for a lack of water at any time in any pipe, or in any locality, or in the city generally, whether such lack shall have resulted from negligence on the part of agents of the city or from any other cause.

Rule 50. Any person or persons who shall throw any offensive substance into, or in any way pollute the water in the reservoirs of the Wellsburg water works, shall upon conviction be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) for every offense, or be imprisoned not more than twenty (20) days at the discretion of the Mayor.

Rule 52. No consumer will be allowed to use water through a meter, except by permission from the Water Board, and the said Water Board reserves the right to require any consumer to place a meter on their service pipe, should they deem it advisable. All water rents for measured water must be paid quarterly on presentation of the bill for the same, at the end of each quarter on the first of January, April, July and October in each year; if not paid within fifteen (15) days from that time the supply will be discontinued until paid.

Rule 53. The rates for water use by meter shall be as follows:

Average daily use of 500 gallons or less, per thousand gallons30
Average daily use of 600 to 1000 gallons or less, per thousand gallons25
Average daily use of 1000 to 2000 gallons or less, per thousand gallons20
Average daily use of 2000 to 3000 gallons or less, per thousand gallons15
All motors, manufactories, gas engines and saloons per thousand gallons15

Rule 51. The Board may at any time amend these rules and regulations by adding thereto new rules different therefrom, or by changing or striking out any of these rules and regulations, and of which may be added thereto, provided all amendments be passed by Council by ordinance.

RULES FOR THE GOVERNMENT OF COUNCIL.

Be it ordained by the Council of the City of Wellsburg:

That the following standing rules shall be, and the same are hereby prescribed for the government of the Council:

Rule 1. The standing committees of Council shall be appointed by the Mayor, President of the First Branch of Council, and the President of the Second Branch of Council, or any two of them, and shall meet for that purpose immediately after the organization of the two branches of Council, and shall be as follows:

Committee on Finance.

Committee on City Property.

Committee on Police Affairs.

Auditing Committee.

Committee on Ordinances.

Committee on Streets and Alleys.

Committee on Printing.

Committee on Lights.

Each of said committees, except the Committee on Ordinances, shall consist of three members, not more than two of whom shall be of the same branch of Council. The Committee on Ordinances shall consist of the Mayor and one member of the First Branch of Council, the President of the Second Branch and the City Solicitor. All members of standing committees shall be confirmed by the two branches of Council in joint session.

Rule 2. The standing committees named above shall continue as organized in each Council until the next succeeding Council.

Rule 3. A City Board of Health shall be chosen in the same manner as the standing committees.

Rule 4. The Committee on Finance shall have referred to it all matters relating to taxation, licenses and all other sources of revenue or income to the city. It shall make out and apportion to the several departments of the city for which appropriations are required, such parts of the revenue as may be necessary for the proper maintenance of these departments. All applications for correction of erroneous assessments shall be considered by it before being acted on by Council.

Rule 5. It shall be the duty of the Committee on Finance to report as soon as possible after the organization of each Council, the estimated income from all sources and the estimated expenditures for the succeeding year.

Rule 6. The Committee on City Property shall have re

ferred to it all matters relating to the property of the city, including hay scales, pumps and wells and fire department. It shall make all recommendations as to purchases, repairs, improvements, and leases of city property; and shall also have charge of all ordinary running expenses of the city not under the charge of other committees.

Rule 7. The Committee on Police Affairs shall have supervision of all matters relating to the police, markets, nuisances and the health of the city. All ordinances relating to criminal matters shall be referred to this committee.

Rule 8. The Auditing Committee shall inspect and examine all bills and present them to Council, and shall also audit the accounts of the Clerk and City Collector and Treasurer once every three months and make report of the condition thereof.

Rule 9. The Committee on Streets and Alleys shall have supervision of the Street Commissioner and his work, the grading, paving and improving of streets and alleys, the general care of the same, and the laying of sewers and drains.

Rule 10. The Committee on Ordinances shall have charge of the preparing, drafting and revision of ordinances.

Rule 11. Each of the committees named in Rule First, except the Auditing Committee, shall report as soon as possible after the organization of Council, its estimate of the sum of money necessary to be appropriated to the objects under its control. Said reports shall be given to the Committee on Finance to be considered in making up the yearly estimate and apportionment.

Rule 12. All ordinances, resolutions, and orders introduced for the consideration of Council, shall be presented in writing by the member offering the same, and unless the Council otherwise order, be referred by the presiding officer, without motion, to the proper committee.

Rule 13. Whenever any matter requires immediate action of Council it may be considered at once if, on motion made for that purpose, all the members of Council present, of each branch, vote in favor of suspending the rules.

Rule -4. Whenever any matter is referred to a standing committee, if such reference occurs at a regular meeting or at a special meeting held not less than two weeks before a regular meeting, the committee shall report thereon at the next regular meeting, but if such reference occurs less than two weeks before a regular meeting, such report shall be at the second regular meeting succeeding the time of reference. Special committees may report at any time.

Rule 15. Each standing committee shall have a meeting after each regular meeting of Council at a regular time and place to be determined by the committee.

Rule 16. All reports of committees shall be returned to both branches at the same meeting of Council.

Rule 17. Any matter may be referred by Council to any committee other than the one to which it would be referred under the rules.

Rule 18. In addition to the standing committees Council may appoint special committees for any purpose from time to time as may be required. Said special committees shall be selected by the branches separately and the members thereof shall be appointed by the presiding officers of each branch.

Rule 19. It shall be the duty of the City Collector and Treasurer to report to the City Clerk, within five days after the end of each month, the receipts for that month, and in said report he shall designate the sources from which said receipts were derived. And it shall be the duty of the Clerk to report to Council, once in each month, at the first regular meeting held after he receives the report of the City Collector and Treasurer, the receipts and disbursements for the month preceding. Such report of the Clerk shall show the receipts as reported to him by the City Collector and Treasurer, and the aggregate of the disbursements for each department of the city, and such report of the Clerk shall be entered on the minutes of each branch, and the report of the City Collector and Treasurer placed on file.

Rule 20. Whenever any measure is adopted by either branch it shall be forthwith reported to the other branch.

Rule 21. The two branches of Council shall meet in joint session for the purpose of electing officers, appointing the standing committees and boards, and for such other purposes as may lawfully be done by the two branches in joint session.

Rule 22. At all joint sessions of Council the Mayor shall preside, and in his absence, the President of the Second Branch of Council shall preside, and if both the Mayor and the President of the Second Branch are absent, the President of the First Branch shall preside.

Rule 23. Every member present when a question is put shall vote unless Council excuse him, or it is a question on which he is not entitled to vote.

Rule 24. All reports of committees shall be in writing and

signed by the members of the committee concurring in the report.

Rule 25. Upon the call of any member the yeas and nays on any question shall be taken and recorded in the journal.

Rule 26. The order of business shall be.

1. Reading of Minutes.
2. Unfinished Business on the Minutes.
3. Petitions and Communications.
4. Reports of Boards.
5. Reports of Standing Committees.
6. Reports of Special Committees.
7. Reports of City Clerk.
8. New Business.
9. Adjournment.

Rule 27. The ordinary rules of parliamentary practice shall govern both branches of Council in all cases to which they are applicable, when not inconsistent with the city charter, these rules or any ordinance or order of Council.

Rule 28. Any proposition to amend these rules shall be submitted in writing at a regular meeting and laid over until the next regular meeting, when if the amendment receives the votes of two-thirds of those present, it shall be adopted.

Passed by the Council of the City of Wellsburg on the 23rd day of July, 1903.

Witness:

GEO. M. WHITE,
Mayor of Said City.

T. H. HAMMOND,
President of Second Branch of Council.

Attest:

W. T. McCREARY, City Clerk.

GRANT OF RIGHTS TO PRIVATE PERSONS AND CORPORATIONS.

	Record Book. Page.
Pan-Handle Glass Works, certain rights in street, August 2, 1882,	3
Same, right for siding, September 8, 1882.....	7
G. W. Crawford, coal rights, October 13, 1882.....	9
Same, October 13, 1882.....	11
Diamond Coal & Coke Company, right of way, June 12, 1883	29
P. V. & O. R. R. Co., right of way, July 3, 1883.....	31
Diamond Coal & Coke Co., right of way, July 3, 1883.....	32
P. V. & O. R. R. Co., July 17, 1883.....	33
Pan-Handle Glass Works, July.....	34
B Harvey, right for gas pipe, April 1, 1884.....	55
Same, gas well, April 8, 1884.....	57
S. George and Riverside Glass Works, right to lay gas pipes, April 14, 1884.....	60
Granting certain rights to persons wishing to lay gas pipes and repealing certain rights granted the Wellsburg Gas Co., August 16, 1884.....	79
Central D. & P. Tel. Co., July 15, 1884.....	74
C. Kimberland and others to erect a water works, October 8, 1884	82
Repealing rights granted Wm. Tucker as to Water Works, December 10, 1884.....	87
Wellsburg Gas Co., ordinance requiring certain things to be done by February 23, 1885.....	92
Same, February 25, 1885.....	94
Same, March 24, 1885.....	99
Same, August 7, 1885.....	135
Royal Gas Co., right of way, September 2, 1886.....	240
George Given, right of way, October 6, 1886.....	240
Same, October 18, 1886.....	242
Riverside Glass Works, October 18, 1886.....	242
S. George, right to erect shed, January 17, 1888.....	288
Postal Tel. Cable Co., right of way, July 22, 1889.....	346
Wellsburg Electric Light, Heat & Power Co., April 15, 1890	382
Wellsburg Electric Light, Heat & Power Co., May 20, 1890	392
Wellsburg Natural Gas & Oil Co., August 18, 1891, ordinance B.....	65
Pittsburg, Canonsburg & State Line R. R., Feb. 16, 1892..	499
Wellsburg Telephone Co., February 19, 1895.....	708
Royal Gas Co., August 24, 1898.....	928
Tri-State Gas Co., October 3, 1898. M. B. No.....	2

ORDINANCES OF THE CITY OF WELLSBURG.

99

	Record Book Page.
Alfred Paul and J. A. Miller, Street Railway, July 18, 1899	39
Alfred Paul and J. A. Miller, Street Railway, July 21, 1899	40
Alfred Paul and J. A. Miller, Street Railway, November 21, 1899	52
Central District & Printing Telegraph Co., Nov. 27, 1899..	55
Wellsburg & Wheeling Railway Co., Dec. 18, 1900.....	107
Northern Ohio Valley Electric Co. March 19, 1901.....	115
Northern Ohio Valley Electric Co. January 21, 1902.....	160
Pan-Handle Traction Co., November 21, 1902.....	200

TOWN OF WELLSBURG—OFFICERS.

From 1856 until changed to the city of Wellsburg, in May, 1887:

MAYORS.

Samuel L. Marks, from April, 1856, to April, 1859; from April, 1862, to April, 1863.

O. W. Langfitt, from April, 1859, to April, 1862; from April, 1863, to April, 1865.

William Jones, from April, 1865, to April, 1868; from April, 1870, to April, 1872; from April, 1873, to April, 1877.

James Hervey, from April, 1868, to April, 1869; from April, 1879, to April, 1880.

J. R. McElroy, from April, 1869, to April, 1870.

G. M. White, from April, 1872, to April, 1873.

G. W. Caldwell, from April, 1877, to April, 1879; from April, 1881, to April, 1882.

J. E. Montgomery, from April, 1880, to April, 1881; from April, 1882, to April, 1883.

E. A. Frost, from April, 1883, to April, 1884.

G. W. McCleary, from April, 1884, to April, 1885; from April, 1886, to April, 1887.

D. McClelland, from April, 1885, to April, 1886.

CLERKS.

William Jones, from ———, to April, 1857; from April, 1882, to January, 1883.

I. H. Duval, from April, 1857, to January, 1859.

James A. Smith, from April, 1859, to January, 1860.

Wheeler Reeves, from April, 1860, to January, 1862; from April, 1878, to January, 1881.

S. G. Naylor, from April, 1862, to January, 1863.

H. C. Shearer, from April, 1863, to January, 1864.

John D. Burt, from April, 1864, to November, 1864.

Eugene Tarr, from November, 1864, to April, 1865.

George W. Russell, from April, 1865, to April, 1866.

T. H. Marks, from April, 1866, to April, 1869; from April, 1872, to April, 1873.

Thomas Griffin, from April, 1869, to April, 1872; from April, 1874, to April, 1875.

George B. Crawford, from April, 1873, to April, 1874; from May, 1877, to April, 1878; from April, 1885, to April, 1886.

A. F. McNally, from April, 1875, to April, 1876.

Adam Letzkus, from April, 1876, to May 16, 1877.

E. A. Frost, from April, 1881, to April, 1882.

- W. H. Gelsthorpe, from April, 1883, to October, 1883.
 G. A. Frazear, from October, 1883, to April, 1884.
 W. F. Barth, from April, 1884, to April, 1885; from January, 1883, to April, 1883.
 Ira N. Latimer, from April, 1886, to April, 1887.

SERGEANTS.

- David Roberts, from April, 1856, to April, 1857; from April, 1858, to April, 1859; from April, 1864, to April, 1865; from November 9, 1857, to April, 1858.
 James McNab, from April, 1857, to November 9, 1857.
 J. B. Hagan, from April, 1859, to April, 1860.
 Thomas Griffin, from April, 1860, to April, 1862; from April, 1863, to April, 1864.
 Henry Melvin, from April, 1865, to April, 1866.
 Henry M. Hall, from April, 1866, to April, 1869.
 John Halley, from April, 1869, to April, 1872; from April, 1873, to April, 1877; from April, 1881, to April, 1883.
 John F. Green, from April, 1872, to April, 1873.
 Wm. Linton, from April, 1877, to April, 1881.
 John Brown, from April, 1883, to April, 1884.
 C. D. Hall, from April, 1884, to April, 1886.
 L. C. Hall, from April, 1886, to April, 1887.
 C. D. Hall, from April, 1889, to April, 1891.

CITY OF WELLSBURG.

MAYORS.

- D. McClelland, from May, 1887, to May, 1889.
 Geo. B. Crawford, from May, 1889, to May, 1891.
 Geo. W. McCleary, from May, 1891, to May, 1895.
 J. E. Montgomery, from May, 1895, to May, 1897.
 W. M. Simpson, from May, 1897, to May, 1899; from May, 1901, to May, 1903.
 M. A. Jones, from May, 1899, to May, 1901.
 Geo. M. White, from May, 1903, to present time.

CLERKS.

- T. H. Marks, from May, 1887, to May, 1888.
 C. K. Scott, from May, 1889, to May, 1890.
 C. W. Windsor, from May, 1890, to May, 1892.
 Jesse G. Johnson, from May, 1892, to May, 1896.
 Charles McCamic, from May, 1896, to May, 1898.
 Abé Montgomery, from May, 1898, to May, 1902.
 W. T. McCreary, from May, 1902, to present time.

CITY MARSHALS.

L. C. Hall, from May, 1887, to May, 1889.

C. D. Hall, from May, 1889, to May, 1891.

Jas. N. Beard, from May, 1891, to May, 1893.

John M. Brown, from May, 1893, to May, 1897.

Geo. H. Myer, from May, 1897, to May, 1891.

CITY COLLECTOR AND TREASURER.

John H. Charnock, from May, 1901, to May, 1903; from May, 1903, to present time.

NAMES OF THE STREETS.

Streets running east and west, beginning at the south:

Congress, or First Street.

Federal, or Second Street.

Washington, or Third Street.

Union, or Fourth Street.

Green, or Fifth Street.

Ohio, or Sixth Street.

Liberty or Market, or Seventh Street.

Urana, or Eighth Street.

Queen, or Ninth Street.

Prospect, or Tenth Street.

Walnut, or Eleventh Street.

Fleet, or Twelfth Street.

Nicholls, or Thirteenth Street.

Fourteenth Street not open.

Russell, or Fifteenth Street.

Isabella, or Sixteenth Street.

Jacob, or Seventeenth Street.

Sarah, or Eighteenth Street.

Nineteenth Street not open.

Freshwater, or Twentieth Street.

Virginia, or Twenty-first Street.

James, or Twenty-second Street.

Arch, or Twenty-third Street.

Eighth, now Twenty-fourth Street.

Seventh, now Twenty-fifth Street.

Sixth, now Twenty-sixth Street.

Fifth, now Twenty-seventh Street.

Fourth, now Twenty-eighth Street.

Third, now Twenty-ninth Street.

Second, now Thirtieth Street.

First, now Thirty-first Street.

"A," now Commerce Street.

"B," now Charles Street.

"C," now Main Street.

Center, now Charles Street.

Crete, now Main Street.

Pleasant Avenue is what was originally the Public Road leading northward; first called Pleasant Avenue about 1885.

Streets running north and south:

Factory Street (a short street in the north end of old corporation).

Main, or Water Street.

Charles Street.

Yankee, or Railroad Street.

Commerce Street.

High Street.

East Street.

INDEX.

- Acts of the Legislature, 1-17.
- Acts repealed, 17.
- Appropriation, 16, 94.
 - All propositions to be referred to proper committee, 16.
 - All propositions requiring two-thirds vote, 16.
 - All propositions requiring unanimous vote, 17.
- Appendix, 79.
- Arrest, trial and punishment, 65, 66, 67.
 - Without warrant, 65.
 - On complaint, 65.
- Assessment, when made, 40.
 - Erroneous, 40.
- Automobiles, 75, 76.
 - Speed of, 76.
 - Penalty, 76.
 - Riding without bell, 76.
- Animals, 52, 53, 54.
 - Cruelty to, 60.
 - Running at large, 53.
 - Muzzling, 52, 53.
 - Duties of owner of, 53.
 - Tax on dogs, 53.
 - Killing and burying dogs, 53.
 - Dogs to be designated by collar, 53.
- Abusive and offensive language, 56.
- Assault, 56.
- Boundaries of city, 1.
 - Wards, 5.
- Board of Health, 9, 61, 62, 63.
 - Council may create, 62.
 - Officers of, 62.
 - Shall report proceedings to Council, 62.
 - Powers of, etc., 61, 62, 63.
 - Offences against, 61, 62, 63.

- Boat house, 64.
- Buildings, 74, 75.
 - Permits, how obtained, 74.
 - Penalty, 75.
- Bicycles and tricycles, 75, 76.
 - Speed of, 76.
 - Riding on sidewalk, 75.
 - Riding without bell, 76.
 - Penalty, 76.
- Bonds, wharfmaster, 44.
 - Liquor sellers, 12, 34.
 - City treasurer, 14.
 - Chief of Police, 15.
 - Of Mayor (if Justice of Peace), 4.
 - Contractors, 29.
 - Plumbers, 71.
 - Municipal, 79, 80, 81, 82.
- Corporate powers, 2.
- City Collector and Treasurer, duties of, 3, 4, 5, 20, 31, 40, 41, 42, 53, 84, 96.
- City Clerk, duties of, 7, 8, 21, 22, 96.
- Contested elections, 7.
- Council, how composed, 6.
 - Clerk of Second Branch, 8.
 - Clerk of First Branch, 7.
 - Meetings of, 16.
 - Presiding officers, 7.
 - Journal to be kept, 8.
 - Reading of minutes, 8.
 - Vote of Mayor, 8.
 - Powers and duties of, 8.
 - Committees of, 94.
 - Rules for government of, 94, 95, 96, 97.
- Commissions, City Collector and Treasurer, 4, 5, 84.
 - Chief of Police, 14, 15.
 - Wharfmaster, 44.
- Chief of Police (see Police Department.)
- Curbing and Paving, 24, 25.
- Condemnation proceedings, 15.
- Explosives, 49.

- Elections, when held, 5.
 - How and where held, 18.
 - Commissioners of, 16.
 - Ascertaining and publishing results, 18, 19.
 - Using intoxicants at, 77.
 - Oaths to be taken (see Sec. 5, page 77).
 - Contested, 7.
- Finances, duties of committee on, 10, 11.
 - Duties of committee as to annual estimate, 10.
- Fire, protection against, 49.
- Fire department, 50.
 - Chief, how appointed, 50.
 - Duties of Chief, 50.
 - Unoccupied buildings, 50.
 - Offence to boil tar, 50.
 - Offence to store powder, 50.
 - False alarms, 56.
 - Protection private property, 50, 51.
- Fees (see officers).
- Fighting (see offences).
- Fines (see Mayor).
- Gambling, penalty, 64, 65.
- Grants of rights to private persons and corporations, 98, 99.
- Health (see Board of Health).
- Harker Edition, 2.
- Impeachment, 23, 24.
- Lewdness or indecency, 10, 35, 58.
- Levyng and collecting taxes, 39, 40.
- Licences, granting and regulation of, 32, 33, 34, 35, 36, 37, 33.
 - Exceptions to, 33.
 - Application to Council to grant, 33, 34.
 - Application to Mayor to grant, 34, 37, 38.
 - Bond required, 34.
 - Assignment of, 34, 35.
 - Expiration of, 35.
 - Time of opening and closing saloon, 35.
 - Loitering about saloon, 38.
 - Rate of tax, 37.
 - Removing place of business without permission, 37.
 - Revoking, 35, 36.

- Selling on Sunday, 36.
 - Selling to minors, 36.
 - Selling on election day, 36.
 - Drinking on streets, 60.
 - Assembling and drinking, 60.
- Markets, 47, 48.
- Mayor, powers and duties of, 3, 4, 65, 66, 67.
- Absence of, 21, 66.
 - Imposing fine, 67.
 - May suspend sentence, 67.
 - Remitting fines, 67.
 - How recovered by city, 66.
- Nuisance, concerning, 63, 64.
- Natural gas, 50.
- Ordinance book, 21, 22.
- Proof of, 17.
- Ordinances repealed, 78.
- Oath of office, 5, 6.
- Officers, elective, 3.
- Present, 17.
 - Duties of, 20.
 - Fees, 22, 54.
 - Removal, 8, 9, 23.
 - From 1856 to 1903, 100, 101, 102.
- Offences against the city, 54, 55, 56, 57, 58, 59, 60, 32, 33, 34, 35, 61, 63.
- Selling liquors without license, 32.
 - Keeping hotel, drug store, pool room, etc., 32.
 - Circus and menageries, 33.
 - Selling liquor on Sunday, 34.
 - Selling liquor to minors, 34.
 - Lewdness and drunkenness, 35.
 - Trespassing, 54.
 - Obstructing streets, 57.
 - Obstructing or resisting officer, 57.
 - Loitering about jail or streets, 56, 58, 59.
 - Keeping slaughter house, 61.
 - As to carcasses, 61.
 - Poluting water in reservoir, 63.
 - Destroying shade trees, 55.
 - Disturbing schools, 55.
 - Defacing monuments, 55.
 - City property, 55.
 - Removing stone on river front, 55.

- Fighting animals, 60.
- Keeping house of ill fame, 59.
- Prostitutes, 59.
- Profane swearing, 59.
- Disturbing religious worship, 60.
- Shooting, 56.

- Public Works, Board of, 29.
 - Duties of, 30, 31.

- Paving of streets and alleys, 30.
 - Installments when due, 31.
 - Failure to pay, 31.

- Profane language, 59.

- Proclamation of Mayor, 36, 52.

- Police department, 67.
 - What to consist of, 67.
 - Compensation, 68.
 - Chief of Police, 3.
 - Appointment of deputies, 67.
 - Powers and duties of, 14, 54, 68, 69.
 - Report of Chief when made, 14, 68.
 - Authority to arrest when by whom, 68.
 - General duties, 68.
 - False alarms, 57, 58.

- Railroads, 46.
 - Rate of speed, 46.
 - Suitable crossing to be provided, 46.
 - Shall not change grade of street, 47.
 - Loitering about station, 47.
 - Jumping on and off moving trains, 47.

- Street commissioner, 3, 7, 22.

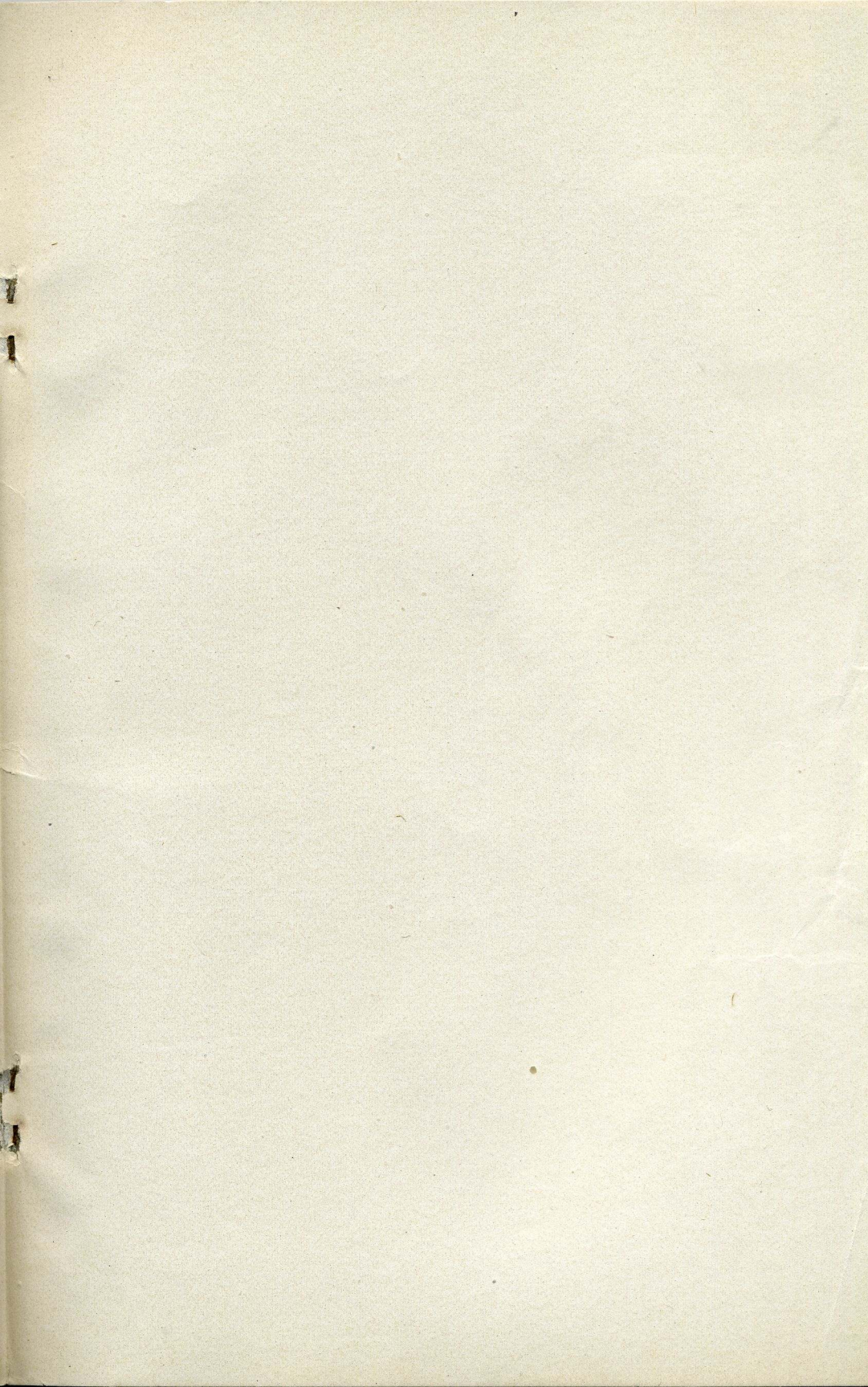
- Streets, names of, 103, 104.

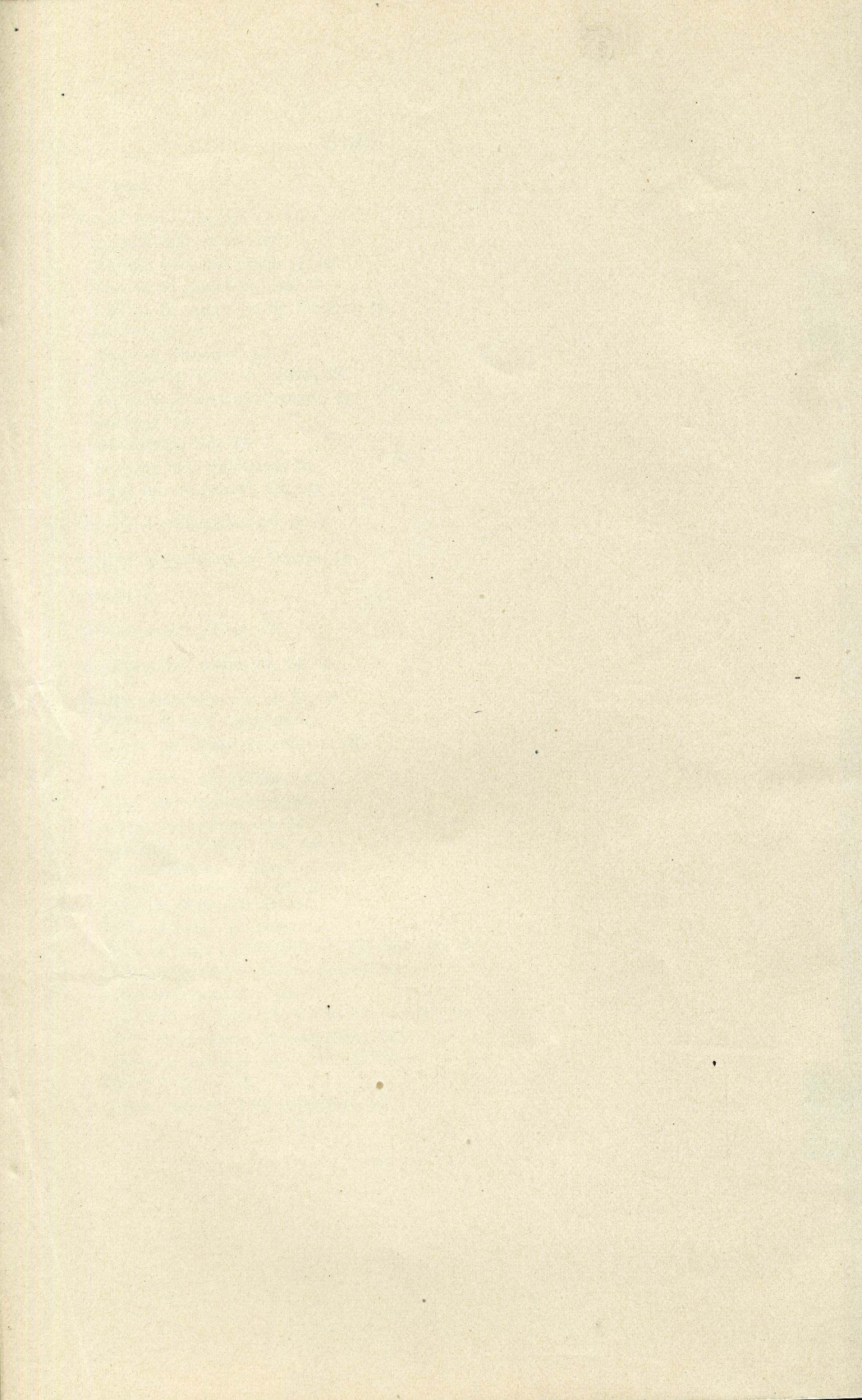
- Streets and alleys, 24.
 - Offences relating thereto, 24.
 - Obstructing by digging, etc., 26, 27.
 - Propelling traction engine, 28.
 - Building material occupying, 26.
 - Wagons and vehicles, 28.
 - Speed of horses, 28.
 - Hose, use of on paved streets, 28.
 - Cellar doors, projecting into, 28.

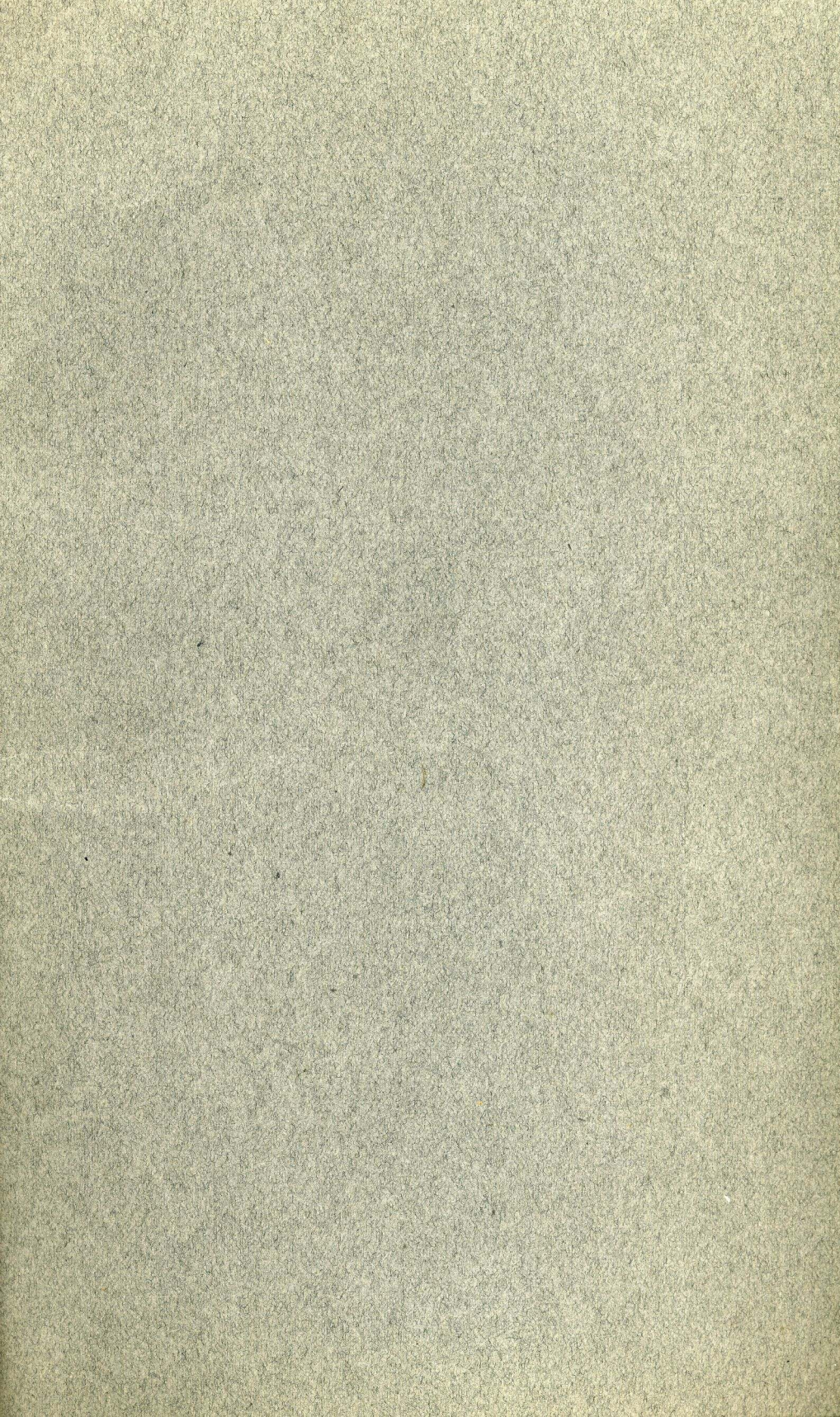
- Scales, public, 48.

- Trial and punishment, 65, 66, 67.

- Tie vote, 7.
- Taxes, how collected, 14, 41.
 - Annual real estate, 39.
 - Annual personal property, 39.
 - List to be completed, 40, 41.
 - List to be approved by Council, 40.
 - When due, 42.
 - Time of discount, 42.
 - Delinquent, when returned, 42.
 - To be approved by Council, 42.
 - On dogs, 53.
 - Distraining for, 14.
 - Levying and collecting, 39.
 - Levy not to exceed, etc., 11.
- Voters, qualifications of, 6.
- Voting on granting of license, 12.
- Wards, 5.
- Wharfs and landing, 43.
- Wharfmaster, duties of, 44, 45.
- Water, regulating use of, 51, 88.
 - Rights of consumer, 52.
 - Powers of Board to control, 52.
- Water works regulations, 82.
 - Rules and regulations, 83.
 - Board, how composed, 83.
 - Authority of Board, 83, 84.
 - Superintendent, duties of, 84.
 - Secretary, duties of, 84, 85.
 - Table of rates, 85, 86, 87.
 - Table of rates by meter, 93.
 - Table of sizes and weight of lead pipe, 89, 90.
 - Hose attachments, where placed, 90.
 - Returns of plumber, 91.
 - Authority of Board to refuse to furnish, 91.
 - Obstructing access to stop-cock, 92.
 - Throwing garbage, etc., in river, 92.
 - City not liable, 93.
 - Penalty for polluting reservoirs, 93.







James R. Wilkin