

P 85150
P 85K

Charter,
Ordinances and By-Laws,
of
Shepherdstown, W. Va.

150

CHARTER,
ORDINANCES

AND

BY-LAWS

OF THE

Corporation of Shepherdstown,

Jefferson County, West Virginia.



Published by authority of the Council.



SHEPHERDSTOWN:
REGISTER PRINTING OFFICE.
1897.

OFFICERS OF THE CORPORATION

FOR THE YEAR 1897.

COUNCILMEN,

B. F. HARRISON, *Mayor.*

E. T. LICKLIDER, *Recorder.*

W. N. LEMEN,

G. T. HODGES,

JOS. L. COOKUS,

JOHN R. KEYES,

W. M. SHEETZ.

W. N. LEMEN, *Treasurer.*

GEO. M. BELTZHOVER, *Attorney.*

S. O. DUNN, *Sergeant.*

J. A. STALEY, *Assessor.*

CHARTER.



ACTS OF 1867.

CHAPTER 15.—An Act to amend the Charter of the Town of Shepherdstown.

Passed February 11, 1867.

Be it enacted by the Legislature of West Virginia:

The charter of the town of Shepherdstown, in the county of Jefferson, is hereby amended and re-enacted so as to read as follows :

1. All persons resident in said town, and entitled to vote for county and township officers, shall be entitled to vote for mayor, recorder and councilmen. At all elections the vote shall be by ballot, and when two or more persons for the same office, at any election, shall receive an equal number of votes, the person or persons conducting such election shall decide which of said persons shall be returned elected. And all contested elections shall be determined by the council for the time being, and every election to be held by virtue of this act shall meet at some convenient place in said town annually, on the first Monday in April, and then and there nominate and elect ten fit and able men, being freeholders and inhabitants of the town, to serve as mayor, recorder and common councilmen for the same ; and the persons so elected shall, within one week after their election, proceed to choose by ballot, out of their own body, one mayor and one recorder, whose several authorities as mayor, recorder and common councilmen shall continue until a new election shall have taken place, and those elected shall have qualified.

2. The presence of the mayor or the recorder and five councilmen, or, in case both the mayor and recorder be absent, the

attendance of seven common councilmen, shall be necessary to constitute a board for the transaction of business ; at which the mayor, and, in his absence, the recorder, shall preside; and if both the mayor and recorder be absent, the common councilmen shall appoint one of their number to preside *pro tempore*. The board, so constituted, shall have power to establish a market, and appoint a clerk thereof, and make such rules and regulations concerning the same as they may deem necessary ; to regulate the weighing and measuring of wood and hay ; to regulate the streets and alleys of said town ; to keep the same in repair ; to lay off, open, pave and curb streets, alleys, walks and gutters for the public use, and to alter, improve and light the same, as well as the streets and alleys now open, and to have said streets and alleys kept in good order and free from obstructions on or over them ; to regulate the width of the sidewalks and streets, and to order the sidewalks, footways and gutters to be curbed, paved and kept in good order, free and clean, by the owners or occupants of the adjacent property ; to lay off public grounds, and provide, contract for and take care of public buildings proper to the town ; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome ; to abate, or cause to be abated, anything which, in the opinion of a majority of the whole council, shall be a nuisance ; to prevent persons from galloping horses through the streets ; to prevent hogs from running at large in said town ; to remove nuisances from the streets and alleys of said town at the expense of those who occasion them, and from the lots at the expense of the owners thereof, provided they neglect to do the same after having been notified so to do by the mayor, recorder and common council ; to lay and collect taxes on the real property and persons within the same ; provided such taxes shall not in any one year exceed five per centum on the annual rent of houses and lots, to be ascertained by a commissioner or commissioners appointed for that purpose by the mayor, recorder and common councilmen, and seventy cents on every tithable person ; to have power to lay and collect a tax from the owners or keepers of dogs ; provided that such tax, during any one year, shall not exceed one dollar per head ; and, finally, to make such by-laws, rules and regulations for the government of the affairs of said town as shall not be contrary to the constitution or laws of this State or the United States.

3. It shall be lawful for the mayor, recorder and common coun-

cilmen, for the time being, to appoint three or more commissioners to superintend the election of the said ten persons to serve as mayor, recorder and councilmen ; and, in any case, any two or more persons nominated or voted for in the said election (and not being elected) shall have an equal number of votes, and proclamation having been made that the election is closing, the said commissioners, or a majority of them, shall determine and say which of the said persons voted for as aforesaid shall be returned as elected.

4. The said mayor, recorder and common councilmen, before they enter upon the duties of their office, shall make oath or affirmation before some justice, faithfully and impartially to execute the same ; a certificate of which oath or affirmation shall be entered of record among the proceedings of said mayor, recorder and common councilmen, in common hall assembled.

5. The recorder shall keep a regular record of all the proceedings of the said mayor, recorder and common council, and if he be absent or presides in the absence of the mayor, the common councilmen shall choose one of their own body to act as recorder *pro tempore* ; and all acts and ordinances and minutes of the proceedings shall be signed by the person presiding, and the recorder for the time being ; and said recorder may be annually allowed by the mayor and common council a reasonable compensation for his services. The said mayor, recorder and common councilmen, so soon as they shall have qualified, as hereinbefore directed, shall be a body politic and corporate by the name and style of the "Mayor, Recorder and Common Council of Shepherdstown," and shall have perpetual succession, and a common seal, and by that name may sue and be sued, implead and be impleaded, and purchase and hold lands, tenements and hereditaments necessary to enable them the better to discharge their duties, and for the good order and government of the said town. Vacancies in the office of mayor, recorder and common councilmen shall be supplied by a majority of the remaining members, until an annual election takes place.

6. The said mayor and recorder shall be conservators of the peace within said town, and shall and may exercise all the powers and duties of justices within the same.

7. The said mayor, recorder and common council shall appoint a sergeant and all other officers necessary to conduct the business of the said corporation, and for the good order and government

of the said town ; and said sergeant shall possess all the powers of a constable within the limits of said town ; and it shall, moreover, be the duty of the said sergeant to collect and account for all taxes, fines and amercements imposed within the same, and do and perform all other acts appertaining to the office of sergeant of the corporation ; and before he enters upon his office he shall make oath or affirmation, before the mayor or recorder, faithfully and impartially to execute his said form, and shall, moreover, give bond and security, to be approved of by the mayor, recorder and common council, in such sum as they shall require, payable to said mayor, recorder and common council, conditioned for the faithful execution of the duties of said office, and to collect and account for all taxes, fines and amercements imposed within said town ; and if the said sergeant fail to collect and account for the same according to the condition of said bond, it shall be lawful for the said mayor, recorder and common council to recover the same, by motion before the superior or inferior court of Jefferson county, against the said sergeant and his securities, or either of them, his or their executors or administrators, giving ten days' previous notice of such motion.

8. The taxes in said town shall be annually laid in the month of May or June, and shall be paid and accounted for by the sergeant aforesaid, at the same time that the county levies of this commonwealth are payable and due, and the said sergeant shall have and possess the same right of distress, and powers in collecting the same, that the collectors of the county levies aforesaid have and possess.

9. All questions depending before the mayor, recorder and common council aforesaid shall be decided by a majority of the board. Each member present shall have one vote, except the person who presides, who shall only vote when the board is equally divided.

10. All acts and parts of acts coming within the purview of this act shall be and the same are hereby repealed.

11. This act shall commence and be in force from and after the thirty-first day of March next.

AMENDMENTS.

STATE OF WEST VIRGINIA, }
Jefferson County, } *Sct.*

IN THE CIRCUIT COURT, IN TERM DECEMBER 9TH, 1882.

In the matter of the petition, filed by John H. Zittle and others, at May Term, 1882, praying certain amendments in said petition set out to the Charter of the town of Shepherdstown as enacted in Chapter 15 of Acts of 1867 :

It appearing to the Court from the certificate filed, that legal notice of the proposed changes and amendments to said Charter has been given by the proper publication and posting of a duly attested order of the Court reciting the same, and there being no answer filed, or cause shown against the prayer of said petition, it is adjudged, ordered and decreed that the same be granted, and that the following be, and they are hereby, ordered and decreed as amendments to the Charter of said town, viz :

1. That instead of the corporation election being held on the first Monday in April, that it hereafter be held on the second Monday in March of each year.

2. That instead of electing ten men as Councilmen and they electing a Mayor and Recorder from their own number, that there be elected a Mayor, Recorder and five Councilmen directly by the vote of the people, constituting a Council of seven men, any four of whom shall constitute a quorum for the transaction of business, each of whom shall be entitled to vote except the Mayor, who shall only vote in case of a tie.

3. That the term of office of such Mayor, Recorder and Councilmen shall begin on the first Monday in April succeeding their election.

4. That only those persons who have been residents of the town for six months next preceding a corporation election, and who have paid all corporation taxes due by them at time of such elec-

tion, and who are otherwise qualified voters under the constitution and laws of the State, shall be entitled to vote at such election.

5. That the compensation to be allowed the Sergeant for the collection of taxes be fixed by the council at not exceeding ten per cent on the amount collected and paid over by him.

It is further ordered by the Court that all provisions of the existing Charter of said town inconsistent herewith are hereby repealed.

That the foregoing amendments shall take effect on the first day of January, 1883; that a copy of this order, to be signed by the Judge and attested by the Clerk of this Court, shall be furnished said corporation, the cost of which, together with the costs of this proceeding, to be taxed by the Clerk, shall be paid by said corporation.

Given under my hand this eleventh day of December, 1882.

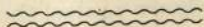
CHAS. J. FAULKNER, JR.,

Judge of the 13th Judicial Circuit of West Virginia.

A Copy—Teste.

F. P. LYNCH,

Clerk Circuit Court, Jefferson County, W. Va.



STATE OF WEST VIRGINIA,
COUNTY OF JEFFERSON, TO-WIT.

IN THE CIRCUIT COURT OF SAID COUNTY,
IN TERM TUESDAY, NOVEMBER 28TH, 1888.

In the matter of the petition, filed by J. L. Rickard and others, at May Term, 1888, praying for an amendment in said petition set out to the Charter of the town of Shepherdstown as enacted by Chapter 15 of the Acts of 1867, and amended by order of this Court of December 9th, 1882 :

It appearing to the Court from certificates filed that legal notice of the proposed change and amendment to said Charter has been given by the proper publication and posting of a duly attested order of the Court reciting the same, and there being no answer filed or cause shown against the prayer of said petition, it is adjudged, ordered and decreed that the same be granted, and that the following be, and it is hereby, ordered and decreed as an

amendment to the Charter of said town, viz: That instead of only those being entitled to vote at corporation elections, "who have paid all corporation taxes due by them at time of such election," that said clause be and is hereby repealed; and that there be enacted and substituted therefor the clause, entitling those to vote at such corporation elections, "who shall have paid their capitation tax on or before the preceding first day of March."

It is further ordered by the Court that all provisions of the existing Charter of said town inconsistent herewith are hereby repealed.

That the foregoing amendment shall take effect on the first day of January, 1889.

That a copy of this order, to be signed by the Judge and attested by the Clerk of this Court, shall be furnished said corporation, the costs of which, together with the costs of this proceeding, to be taxed by the Clerk, shall be paid by said corporation.

FRANK BECKWITH.

A Copy—Teste.

T. W. LATIMER, Clerk.

ORDINANCES AND BY-LAWS.

WHEREAS, it is proper and expedient that the Ordinances and By-Laws of the Corporation of Shepherdstown should be reduced to system and order, for the information of its citizens and the convenience of its officers ; therefore,

Be it ordained, by the Mayor, Recorder and Common Council of Shepherdstown in manner following, to wit :

CHAPTER I.

Rules of Order for the Government of the Council.

- | | |
|--|--|
| 1. Meetings of Council. | 15. Call for ayes and nays not to preclude amendments. |
| 2. Special meetings. | 16. How members called. |
| 3. Mayor to preside and enforce rules. | 17. Privileged motions. |
| 4. Reading of journal. | 18. Motion to adjourn always in order. |
| 5. Order of proceedings. | 19. Recommitment of ordinances, &c. |
| 6. Change or suspension of order. | 20. Of filling blanks. |
| 7. Questions of order. | 21. Appointment of committees. |
| 8. Question upon an appeal. | 22. Standing committees. |
| 9. Every member to vote. | 23. Reports of committees. |
| 10. Motions to be in writing if required. | 24. Authority of standing committees. |
| 11. Motion when debatable. | 25. Leave of absence. |
| 12. A division may be called for. | 26. Remission of fines. |
| 13. Call for previous question, how put and when admitted. | 27. Charges against town officers. |
| 14. A division of the question. | 28. Of the mode of debate. |

RULE I. The meetings of the Council shall be held at the Council Chamber, at such times as may be fixed by general order or special orders of adjournment.

2. The Mayor, presiding officer of the Council, or any three members, shall have power to call special meetings, by reasonable notice to each member within the town.

3. The Mayor shall take the chair at the hour appointed for the Council to meet, and having called the members to order, shall preserve decorum and enforce a strict observance of these rules.

4. At each meeting, the journal of the preceding meeting shall be first read, and being corrected, if necessary, shall be signed by the Mayor and attested by the Recorder.

5. The order of proceedings at the meetings of the Council shall be :

First, The unfinished business appearing on the minutes.

Second, Reports from committees.

Third, Reports from any officer of the town.

Fourth, Petitions for redress of grievances.

Fifth, Petitions of all other kinds.

Sixth, Original propositions from any member.

6. The order of proceedings may be suspended or changed at any meeting, for the time only, by the vote of two-thirds of the members present.

7. All questions of order shall be decided by the Mayor or chairman, subject to an appeal to the Council upon motion made and seconded.

8. The question upon an appeal shall be put in the following form: "Shall the decision of the chair be reversed?"

9. Every member present when a question is put, shall vote, unless the Council excuse him.

10. Every motion or proposition shall be reduced to writing, if the Mayor or any member require it.

11. When a motion is made and seconded, it shall be stated by the chairman, or, being in writing, read by the Recorder, previous to debate; such motion may be withdrawn at any time before decision or amendment, by the consent of the Council.

12. On any vote, the Mayor or any member may call for a division.

13. The call for the previous question shall be decided on the following proposition: "Shall the main question be put?" The call to be admitted only on the demand of three members; and until decided, shall preclude all amendment or debate of the main question.

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

15. The ayes and nays shall be taken and recorded upon any question before the Council, upon the demand of any two mem-

bers ; but such call shall not preclude amendments before the main question is put.

16. The names of the members shall be called in alphabetical order.

17. When a question is before the Council, no motion shall be received unless to amend, postpone, or commit the main question, or lay it on the table, or for the previous question, or to adjourn.

18. A motion to adjourn shall always be in order, and such motion, or a motion to lay on the table, shall be decided without debate.

19. An ordinance or resolution after commitment and report thereon, may be recommitted at any time previous to its final passage.

20. In filling blanks, the first name, the longest time, or the largest sum, shall be first voted on.

21. Standing committees shall be appointed by the Council ; select committees by the Mayor, unless otherwise ordered.

22. Standing committees shall consist of three members each, and shall be as follows :

- On Accounts and Finances.
- On Streets and Alleys.
- On Cisterns and Town-Run.
- On Nuisances and Fire.
- On Petitions and Remonstrances.

23. Reports of committees shall be in writing, signed by the members, and shall specify, in the form of a resolution or ordinance, such action in the premises as the committee may recommend for the Council to adopt.

24. All standing committees shall act only by instructions from the Council, except in cases of emergency, where danger or injury might result, such as a bridge or culvert giving away, or a dangerous cistern, when the committee shall act promptly for the protection and safety of the citizens of the town. In cases where work is to be done the report of the committee shall be in writing, accompanied by an approximate estimate of the cost.

25. No member shall leave a meeting of the Council without permission.

26. All petitions for the remission of fines by the Council shall be verified by affidavit, and accompanied by a transcript of the record of the case and a statement of the evidence, from the Mayor or magistrate rendering the judgment.

27. Charges against any town officer shall be preferred in writing, and verified by affidavit; and having been read, shall be laid on the table, or referred to a committee for investigation without debate.

28. When a member is about to speak, he shall rise and respectfully address himself to the Mayor, and the Mayor shall pronounce the name of the member entitled to speak, where more than one member claims that right at the same time. But no member shall speak more than thrice on the same question without leave from the Council.



CHAPTER II.

Of License and Tax.

- | | |
|---|--|
| 1. For what license required. | 6-7. Tax on license. |
| 2. License not to be required in certain cases. | 8. To whom tax to be paid, and what constitutes a license. |
| 3. When and by whom license granted, and rate of tax. | 9. Tax on goods, &c., of non-resident, offered for sale. |
| 4. Proof of character and bond required in certain cases. | 10. Tax on business opened, or capital increased after assessment. |
| 5. Revocation of license. | |

SECTION I. That no person shall, within the corporate limits of Shepherdstown, or within a half-mile of said limits, without a corporation license therefor, keep a hotel or tavern, or sell, offer, or expose for sale, or solicit or receive orders for spirituous liquors, wine, porter, ale or beer, or any drink of a like nature. And all mixtures or preparations 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 therefor, in this town, or within half a mile of its limits, keep for public use or resort, a bowling alley, billiard table, bagatelle table, or any table of like kind; or exhibit any circus, menagerie, theatrical performance, or public show to which admission is obtained for money or other reward, or act as hawker or peddler; or sell or barter, or offer or expose for sale or barter, any patent right; or act as auctioneer in the sale of goods, wares or merchandise, the property of a non-resident of this corporation. Any person violating this section, shall, except where it is otherwise provided, for every such offence, forfeit and pay a fine of not less than ten nor more than one hundred dollars.

2. This chapter shall not be construed to require a corporation 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 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, alcohol, spirituous liquors or wine, in good faith, for medicinal purposes; or to require any resident of this State to obtain license to exhibit any work or production of his own invention and skill; or to require a license for any school exhibition, literary or scientific lecture, or musical concert; or for any entertainment or exhibition whatsoever given by residents of this corporation; or to affect any person furnishing refreshments at any public dinner, fair, festival or celebration; or any colporteur or person selling tracts or religious books only.

3. All licenses shall be in writing, signed by the Mayor and Recorder, and may be granted by them at any time, except where otherwise provided. All licenses shall expire on the thirtieth day of April next after the commencement thereof; and if granted for a shorter period than a year, the tax thereon shall be computed from the annual tax in proportion to the time such license has to run, except that no license for any period shall be issued for a less tax than two dollars.

4. Every applicant for a license to keep a hotel or tavern, bowling alley or saloon, billiard table, or table of like kind, or to sell liquors or other drinks, or refreshments, shall designate the building or room where the same is to be kept or sold, and shall also satisfy the Council that he is of good moral character and demeanor, and not of intemperate habits; and if the license is to sell spirituous liquors, wine, porter, ale, beer, or drink of like nature, the applicant shall give bond, with good security, to be approved by the Council, in the penalty of at least three thousand five hundred dollars, conditioned that he will not permit any person to drink to intoxication on any premises under the control of such applicant, and that he will not knowingly sell or furnish any intoxicating drink to any person who is intoxicated at the time, or who is known to him to have the habit of drinking to intoxication, or who he knows, or has reason to believe, is under the age of twenty-one years; and that he will not sell or furnish such drink to any person on Sunday. And for every breach of the conditions of such bond, there shall be recoverable

against said applicant and his securities in said bond, before the Mayor, in an action of debt for the use of the corporation, the sum of twenty dollars, until the penalty of said bond is exhausted; and such license shall, for any such breach, be subject to revocation by the Council.

5. Upon the petition in writing of any inhabitant of the corporation, any license authorized by the Council may be revoked by them, for good cause shown; but the person holding the license must first have reasonable notice of the proposed revocation, and the privilege of being heard in person or by counsel.

6. The annual corporation tax on licenses under this chapter, to be paid into the corporation treasury, shall be as follows:

On every license to keep a hotel or tavern, five dollars. Every house where food or lodging is furnished to travelers or transient visitors, and payment thereof required, shall be deemed a hotel, or tavern, for the purposes of this chapter.

On every license to sell, or solicit or receive orders for spirituous liquors, wine, porter, ale, beer, and drinks of like nature, at retail, one hundred dollars; except to hotel keepers, to whom such liquor and hotel license combined shall only be one hundred dollars.

On every license to sell spirituous liquors, wine, porter, ale, beer, and drinks of like nature, at wholesale, one hundred and fifty dollars, in addition to all other taxes. The sale or delivery of a less quantity than five gallons at any one time shall be deemed a sale thereof at retail, and a greater quantity a sale thereof at wholesale, and require license accordingly.

On every license to sell at retail, domestic wines, porter, ale, beer, and drinks of like nature only, fifty dollars.

On every license to keep for public use or resort, a bowling alley, or a billiard table, or a bagatelle table, or any table of like kind, twenty dollars.

On every license to act as auctioneer in the sale of goods, wares or merchandise, the property of a non-resident of this corporation, ten dollars.

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

On every license to act as hawker or peddler, if the person licensed travel on foot without a horse, five dollars; if he travel with one or more horses, with or without a wagon or other vehicle, ten dollars.

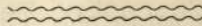
7. The corporation tax on every license to exhibit a circus or

a menagerie, shall be ten dollars for each exhibition ; and on a license to exhibit any other public show, five dollars for each exhibition ; and on a license for theatrical performances, five dollars for each night of such performance.

8. Every corporation license granted shall be entered on the record, with the time for which the same is granted and the amount to be paid therefor. Upon payment of the amount to the Town Sergeant, his receipt written on the certificate of the Mayor and Recorder shall constitute and be a sufficient license while it remains in force, to the person and for the purpose specified in the said certificate.

9. That any person, not a resident of this corporation, who shall sell, or offer for sale, herein, at retail, auction or otherwise, any goods, wares or merchandise, or other personal property, shall pay to the corporation a tax equal in rate to that paid by residents for same year, computed upon the value of the goods so offered, the assessment and collection of such tax on same to be made by the sergeant immediately upon the offering of such goods for sale.

10. That any resident of the corporation who shall open business herein, or materially change the character of business, or amount of capital therein, after any regular annual assessment has been made (and before the 1st day of January next ensuing), shall be required to pay a corporation tax therein proportionate to the unexpired part of the tax year, equal to that paid by other residents for same year, such assessment and collection to be made within said year by the sergeant.



CHAPTER III.

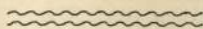
Concerning Druggists.

- | | | |
|--|-----|--|
| 1. Character of prescription required. | re- | 2. Penalty for giving such prescription falsely. |
|--|-----|--|

SECTION 1. If any druggist shall, within the corporate limits of this town, sell alcohol, spirituous liquors or wine, unless for medicinal purposes, he shall, for each and every offence, be fined not less than five nor more than fifty dollars ; and in any prosecution against a druggist for selling alcohol, spirituous liquors or wine, without a license therefor, if the sale be proved, it shall be

presumed that the sale was unlawful, in the absence of satisfactory proof to the contrary. No sale of alcohol, spirituous liquors, or wine shall be made by any druggist, within the corporate limits of this town, except upon the written prescription of a practising physician in good standing in his profession and not of intemperate habits, specifying the name of the person 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 shall be made upon the same prescription. And the production of such prescription by the defendant, at the trial of any prosecution against him for the sale of the alcohol, spirituous liquors or wine, mentioned therein, shall be sufficient to rebut the presumption arising from the proof of such sale as hereinbefore prescribed for, if the Mayor believes from all the evidence in the case that the sale was made in good faith, under the belief that such prescription and statement were true.

2. If any physician shall, for the purpose of aiding a druggist or other person in the violation of any of the provisions of this chapter or otherwise, give such prescription and make such statement falsely, he shall be fined not less than five nor more than fifty dollars. Every such prescription and statement shall be filed and preserved by the druggist selling such liquors thereon, and the same shall be open and subject to the inspection of the Mayor, or any relative of the person to whom such liquors were sold; and any druggist or person in charge of such prescriptions and statements, who shall wilfully fail or refuse to produce the same when demanded for inspection by any of the persons aforesaid, shall be fined not less than five nor more than fifty dollars, and that one-half of any fine imposed under the provisions of this chapter shall be paid to the informer.



CHAPTER IV.

Of the Sabbath Day.

Drug-stores, bar-rooms, &c., to be kept closed.

That all drug-stores, bar-rooms, restaurants, saloons, barber-shops, and all other places of business, within the corporate limits

of this town, or within a half-mile of said limits, shall be closed, and kept closed during the entire Sabbath day, except drug-stores, which may open on call for sale of medicine exclusively; and any person violating this chapter shall be fined not less than five nor more than twenty dollars, one-half of the fine imposed to be paid the informer; and in addition to said fine, any such offender may, at the discretion of the Mayor, be imprisoned for from one to thirty days.



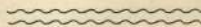
CHAPTER V.

Of Graveyards and Cemeteries.

1. Penalty for Trespass. | 2. Duty of Sextons and Wardens.

SECTION 1. That if any person shall enter any graveyard or cemetery within the limits of this corporation, or within a half a mile of said limits, by climbing over the enclosure, or otherwise than through the gates made for that purpose; or if any person shall break, mark, scratch, write upon, or otherwise deface or injure any tomb or gravestone, monument, vault, or other memorial within the same, or cut, injure, or destroy any tree, shrub, or flower placed therein for ornament, or cut or mow any grass, the person so offending shall be fined, for the use of such graveyard or cemetery, not less than one nor more than twenty dollars.

2. That it is hereby made the special duty of the sextons and wardens having charge of the graveyards and cemeteries, to keep the gates thereto properly secured and fastened, and to report any violation of the first section of this chapter, of which he may have any knowledge himself or from the information of others, with the name of the offender, to the Mayor for prosecution.



CHAPTER VI.

Council Room and Fire Company.

1. Engine and fire apparatus. | 4. Its use by fire company.
2. Report to Council. | 5. Tampering with engine, &c.
3. Council room.

SECTION 1. That the engine, hose, ladders and all fire apparatus belonging to the town or procured for its use, shall be deposited and kept in the engine-house, in the custody and care of the fire

company, under the supervision of the Council.

2. That the chief of the fire company, or one of his assistants, be required to report at each regular meeting of the Council the condition of said engine and apparatus.

3. That the council room shall be under the exclusive care and control of the sergeant, who shall see that the locks and fastenings upon the doors and windows are kept in good repair, and said doors and windows properly closed, and that no loafing or improper conduct of any kind is permitted therein, either by day or night.

4. That the fire company shall be entitled to use and occupy said room (when not in use by the Council), for the purpose of holding its meetings, and necessary attention to the engine and other apparatus, a list of whose members shall be furnished the sergeant by the chief.

5. That any person who shall unlawfully enter or occupy said room, or tamper with, or damage in any way, the engine, hose, or any of said fire apparatus, or violate any of the preceding sections of this chapter, shall, on conviction, be fined not less than one nor more than ten dollars.



CHAPTER VII.

Of the Streets, Alleys, &c.

- | | |
|--|---|
| 1. Duties of Committee on Streets, Alleys and Grades: appeal to Mayor. | 10. Removal of snow from pavements. |
| 2. Committee on Streets, Alleys and Grades to direct any grade of street, alley, or public square. | 11. Condition of street at hitching-posts. |
| 3. Repairs of streets, alleys, &c. | 12. Injuring shade or ornamental trees. |
| 4. What to be done when sidewalks directed to be made. | 13. Hitching horses, &c., to shade trees. |
| 5. Repair of sidewalks. | 14. Riding or driving on pavement. |
| 6. No house, wall or fence to encroach on streets. | 15. Congregating on and obstructing the street. |
| 7. Sidewalks not to be obstructed for exhibition of goods; &c. | 16. Intoxicated or disturbing peace. |
| 8. Porches, steps, &c. | 17. Vehicle, &c., on streets after dark. |
| 9. Store-boxes, &c., to be removed. | 18. Town run watering places. |
| | 19. Crossings over Run. |

SECTION I. The Committee on Streets, Alleys and Grades shall have the superintendence of grades, and the setting of curb-stones and paving, including any required alteration or repair of those

now existing ; but an appeal shall lie to the Council by any one who feels aggrieved by the action of said committee, provided such appeal be taken within five days after the cause of complaint originated, in which event written notice of such appeal, to be signed by the person taking it, shall be at once given the Mayor, who may at his discretion either call a special meeting of the Council to consider the appeal, or allow it to await the next regular meeting.

2. When it is determined by ordinance to pave or grade any street, alley or public square, build any bridge, or make any common sewer, the said Committee on Streets shall direct the proper grade or pitch for the same, and in conjunction with the Mayor make contracts for necessary materials, and work therefor, and superintend the execution of the work.

3. The Committee on Streets, Alleys and Grades, with the approbation of the Mayor, shall cause the streets, alleys, public squares, gutters, bridges and common sewers to be repaired when they deem it necessary.

4. When the sidewalks are by ordinance directed to be made, the owners of the property on the street, alley, or public square, where sidewalks are ordered, shall, under the direction and supervision of the Committee on Streets, Alleys and Grades, make and grade the said sidewalk and curb the same, no curb to be less than two feet long, one and a-half feet deep, and three inches thick, and shall have the same paved with brick, or such other material as shall be approved by said committee, in front of their respective lots or tenements, within such time as said committee shall name or such ordinance shall prescribe, notice of which shall be served on the said owners by the Town Sergeant; and if any such owner shall fail to have his sidewalk so made within the time specified, then said committee shall cause the same to be made at the expense of the corporation, and such expense shall be a lien on the property of such owner, and shall be collected and enforced by the sergeant in the same manner as other levies of the town are enforced and collected.

5. When any sidewalk requires repair, the Town Council shall cause to be notified the owner or occupier of the lot or tenement before which such repairs are necessary, to have the same made within a reasonable time, to be named by the said Council ; and if they are not made within the said time, then the Committee on Streets, Alleys and Grades shall have the same made, at the ex-

pense of the corporation, which expense shall become a lien on said property, and be collected and enforced as other levies.

6. Any person or persons desiring to build any house or fence, or renew any fence along the line of any street within this town, shall first apply to the Street Committee to establish the line of said street, and the owner of any lot who shall build any such house or fence without having made application to establish such line, or having made such application shall encroach upon the limits of any street, shall, after due notice thereof to remove the same and failure to comply therewith, be fined five dollars for every twenty-four hours the same shall continue, or the Town Council may cause the same to be removed and the expense charged to said owner and collected as other levies.

7. No person shall occupy a greater space of any public sidewalk, within this corporation, for the purpose of exhibiting goods, wares and merchandise, or for other purpose whatever, than three feet measured from the side opposite the curb, under a penalty of one dollar for each offence, and a further penalty of fifty cents for every hour such space shall be occupied, after notice from the Town Sergeant to correct the same; *provided*, that it shall be lawful for merchants and others to occupy the sidewalk adjoining their premises for the purpose of receiving and opening their goods and merchandise, or delivering the same, a passage of four feet to be always kept clear and uninterrupted.

8. No porch shall hereafter be erected, and no steps, cellar-door or other obstruction shall hereafter be extended, so as to encroach upon the sidewalk more than four feet, and every cellar-door shall be made upon a level with the pavement, under penalty of one dollar for each day any violation of this section is permitted to continue after notice to correct same.

9. It shall not be lawful for merchants or other persons to leave upon the sidewalk, gutter or street, adjoining their premises, any store-boxes, crates or other things such as to obstruct same to any extent, under a penalty of not less than one nor more than five dollars for each offence.

10. That all owners or occupants of property within the limits of this corporation shall be required to clean, or cause to be removed, the snow from their pavements within four hours after it has ceased to fall; *provided*, however, that should the snow fall during the night, such snow shall be removed within four hours after sunrise, under a penalty of one dollar for each and every

hour the snow is suffered to remain after the expiration of said four hours.

11. That the owner of the property adjoining the pavement where any hitching-post is placed shall be held responsible for the condition of the street and gutter around and near said post ; and if the same is not kept in a clean and proper condition, the owner of said property, or the tenant occupying it, shall be liable to a fine of from one to two dollars, at the discretion of the Mayor.

12. That if any person wilfully cut, mark, injure, disfigure or destroy any shade or ornamental tree in any street of this town, the person so offending shall be fined not less than one nor more than twenty dollars, one-half of the fine imposed to be paid the informer.

13. That no person shall hitch a horse, mare, mule, gelding or ass, or any such animal attached to a wagon or other vehicle, on any street of this town, to any tree or tree-box, or post any bill, sign or advertisement thereon, without the consent of the owner or occupant of the property nearest to which said tree stands, under a penalty of from one to five dollars.

14. That no person shall ride any horse, mare, mule, gelding or ass, or drive any such animal attached to a wagon or other vehicle, on any pavement in this town, without the consent of the owner of the property adjacent to which said pavement is located, under a penalty of from one to five dollars.

15. That it shall be unlawful for persons to congregate in crowds, or be guilty of any disorderly conduct about the corners or on the streets of this town, thereby obstructing the free passage of the same, either by day or night ; and any persons violating this section shall each be fined not less than one nor more than five dollars.

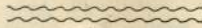
16. Any person found upon any street or alley of the town, either by day or night, intoxicated or in any way, by swearing, noise, disorderly conduct or otherwise, disturbing the peace and quiet of the town, shall be arrested, and on conviction be fined not less than one nor more than ten dollars.

17. That all vehicles, machinery and agricultural implements be removed from the streets, alleys and pavements of the town at dusk, under penalty of \$1 for each offense, and \$1 for each night continued thereon after notice to remove same.

18. That the town run at its crossing in the alleys between German and New, and between New and Washington streets, be

set apart for watering places for stock, and all persons are hereby forbidden to use the said watering places for washing vehicles, under a penalty of not less than one nor more than five dollars for each offence.

19. That all property owners be required to make the crossings on the sidewalks over the run on their premises at their own expense.



CHAPTER VIII.

Of Hogs, Goats, Horses, &c.

- | | | |
|--|--|---|
| 1. Penalty for permitting hogs, goats, horses, &c., to run at large. | | 2. Time and place of sale of such animals taken up by the sergeant. |
|--|--|---|

SECTION 1. It shall be deemed a nuisance for any horse, mule, cow, hog, pig or goat, to run at large on any street or alley within the corporate limits of this town, and every person owning any such animal and permitting the same to so run at large, shall be fined not less than twenty-five cents nor more than five dollars; and in any case where such animal is not taken up promptly by the owner thereof, it shall be lawful for the sergeant to seize and take up the said animal.

2. When any horse, mule, cow, hog, pig or goat are so seized and taken up by the sergeant, notice shall be served on the owner, if known, and such animals shall be kept five days before sale, including the time they are advertised, which shall be by notice of the time of such intended sale posted at the market-house and two other public places in the town, and unless such animals are redeemed prior to the time for sale, the sergeant shall then sell them at public auction, at the market-house, and pay over the proceeds of such sale, after deducting costs and expenses, to the Treasurer of the Corporation.



CHAPTER IX.

Of Certain Offences.

- | | |
|---|---|
| 1. Bathing in Potomac river in day-time. | 11. Keeping of powder. |
| 2. Indecency, tumults, false alarms. | 12. Carrying lights into stables, &c. |
| 3. Fireworks, crackers, shooting, &c. | 13. Throwing slops, offal, ashes, dirt, filth, &c., into streets, &c. |
| 4. Throwing stones, balls, or other missiles. | 14. Protection of religious meetings. |
| 5. Fast riding and driving, racing, &c. | 15. Animals dying within the town. |
| 6. Concerning bicycles. | 16. Animals killed within the town. |
| 7. Leaving cellar-doors open in night-time. | 17. Filth in cellars, yards, &c. |
| 8. Cellars having openings or stairways on streets, &c., to be secured. | 18. Permitting hog-pens, &c., to become foul. |
| 9. Keeping of slaughter-houses controlled by Council. | 19. Causing water to flow upon the premises of others. |
| 10. Burning of combustibles in streets, yards or gardens forbidden. | 20. Obstructing or changing natural drainage of town. |
| | 21. Trespassing or loafing on college grounds or wall. |

SECTION 1. That no person shall bathe in the Potomac River within one hundred yards either above or below the wagon bridge crossing said stream from this town, from sunrise until one hour after sunset ; and every person offending herein shall be fined not less than one nor more than three dollars.

2. If any person shall be guilty of any public lewdness or indecency, whether by words or actions, or shall be guilty of using profane or obscene language in any public place, or shall expose himself or herself to public view in any indecent manner, or shall publicly exhibit any indecent painting, engraving, print, sculpture or representation within this town ; or if any person shall cause any riot, tumult, disorder or noise within the town, to the disturbance of the peace and quiet thereof, except it be in case of necessity, or in discharge of some public duty, or in the protection of the lawful rights of such person, his or her parents, children, master or servant, or shall aid or abet any one in so doing, except as aforesaid ; or if any person shall wilfully cause a false alarm of fire, or shall cry "Fire !" or ring any bell, or make any bonfire for the purpose of creating such false alarm, or shall aid or abet any one in so doing, each and every person so offending shall be fined not less than one nor more than ten dollars, and shall be liable to imprisonment, at the discretion of the Mayor, for not exceeding thirty days.

3. If any person shall, within the limits of this corporation, throw any fire-ball or brand, or discharge any cracker, squib, rocket or fire-works, or fire or discharge any cannon, gun, pistol or firearms, or rat or cat rifle, except in case of necessity, 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 the Council of the town, such person shall for every such offence be fined not less than one nor more than five dollars.

4. If any person shall throw any stone, snow-ball or other missile, or play ball, bandy or shinney, or engage in any play, sport or exercise which might produce any bodily injury to any one, or endanger the life, limb or property of any person, on any street or alley of this town, such person shall for every such offence be fined not less than one nor more than five dollars.

5. No person shall ride or drive any horse, mare, gelding, mule or ass at any improper or dangerous speed on any street or alley in this town; nor shall any person run or race any such animal, or start the same for the purpose of running or racing within this town; and any person offending herein shall be fined not less than one nor more than ten dollars for every such offence.

6. It shall be unlawful for any person within the corporation limits to at any time ride a bicycle upon the pavements or sidewalks, or to at any time ride a bicycle on a street at a dangerous rate of speed, or to after dark ride a bicycle without carrying a bright lighted lantern and giving signal by ringing bell at the approach of each cross walk. Any person violating this ordinance or any part of same on conviction thereof shall be fined not less than one nor more than five dollars for each offence.

7. No person using or occupying any cellar the door of which is in any street or alley of this town, shall allow such door to remain open at any time from twilight in the evening until daylight in the morning without having a light at such door, unless the same be properly guarded by railing; and any person offending herein shall be fined not less than one nor more than ten dollars for every such offence.

8. Every person owning, using or occupying any cellar having a stairway therefrom, or any area opening into any street, alley, walk or public square of this town, shall properly secure such stairway or area by a sufficient door or grating covering the whole opening into such street, alley, walk or public square. Any person offending herein shall forfeit and pay to the town a fine of not

less than one nor more than five dollars for each offence ; and every day such stairway or area shall remain without being so secured shall constitute a distinct offence.

9. No person, without permission from the Council, shall keep any slaughter-house in this town, or kill or slaughter for sale any animal in the town ; and any person offending herein shall forfeit and pay to the town five dollars for every such offence ; and every day such slaughter-house shall be so kept shall constitute a distinct offence.

10. It shall not be lawful for any person or persons to burn or cause to be burned any shavings or other combustibles in any part of the streets, alleys or public squares, or in any yard or garden in this town, except workmen whose business necessarily requires out-door fires ; nor then, if in the opinion of any two respectable housekeepers any house or building may be thereby endangered ; and every person offending herein shall forfeit and pay to the town a fine of not less than one nor more than five dollars for every such offence.

11. It shall not be lawful for any person to keep in any shop, store, warehouse or other house or building within this town, without the special permission or authority from the council, a greater quantity of gun or rock powder at any one time than thirty pounds ; and every person offending against the provision of this section shall forfeit and pay to the town a fine of not less than five nor more than ten dollars.

12. It shall not be lawful for any owner or occupier of any stable, or of any out-house that may contain any hay, straw or other fodder, nor any person in his or her employment, to use or carry therein any lighted candle or other light, unless the same be secured within a tin, horn or glass lantern ; and every person offending herein shall forfeit and pay to the town a fine of not less than one nor more than ten dollars for every such offence.

13. It shall not be lawful for any person to throw the slop or offal from his or her house or kitchen into or upon any street or public square of this town, or permit or suffer the same to be done by any person in his or her employment, or belonging to his or her family ; nor shall any person permit the slop or offal from his or her house or kitchen to run or flow into or upon any such street or public square ; nor shall any person throw or place, or cause to be thrown or placed, any coal or wood ashes, dirt or filth of any kind, or any lumber, wood, coal, coke, stone or any other

incumbrance, into or upon any street or public square of the said town, and suffer the same to remain there for the space of twenty-four hours thereafter ; and any person offending against any of the provisions of this ordinance shall forfeit and pay a fine of not less than one nor more than ten dollars ; and a like fine shall be incurred for every twelve hours such nuisance shall continue after such forfeiture and recovery had; provided that this ordinance shall not extend to timber, stone, brick or other materials used for building, unless the same shall remain an unreasonable time in the street, alley or public square.

14. That if any person shall wantonly molest or insult any person whatsoever, when going to or returning from a religious meeting, and within one hundred yards of holding the same ; or if any one shall be found idly loitering at or near the door of any church or meeting house or other place of religious meeting, and when requested so to do, shall not peaceably and quietly depart from thence ; or if any person shall behave rudely, disorderly or insultingly in any church, meeting-house or other place for public worship, every such person, upon conviction thereof, shall forfeit and pay a fine of not less than three nor more than fifteen dollars ; and the Mayor may, if he deems it necessary or proper, require such person so convicted to enter into a recognizance in any penalty not exceeding two hundred dollars, payable to the said corporation, with one or more sufficient sureties, conditioned for his or her good behavior for any term not exceeding one year.

15. That when any animal whatsoever shall die within the limits of the said town, the person or persons owning such animal and knowing of its death, whether it shall have died upon his or her premises or otherwise, shall, and he or she is hereby required forthwith to remove, or cause to be removed, the body of such animal, at least three hundred yards beyond the corporate limits of said town, and deposit the same at least two hundred yards from the dwelling-house of all persons ; and on failure thereof, the person offending shall forfeit and pay to the said town a fine of not less than one nor more than ten dollars.

16. That if any person shall kill any animal and suffer the same to remain within the corporate limits of the said town, so as to become a nuisance, the person so offending shall be fined not less than one nor more than ten dollars ; and that for every twelve hours such dead animal or any part thereof shall remain within the limits aforesaid, after judgment for such fine, the delinquent

shall be fined double the amount of the first fine; and in all cases of dead animals of any kind being found upon the premises of any one within the limits aforesaid, after notice to the owner or occupier of such premises, the Mayor or Town Sergeant may cause the same to be removed at the cost and expense of such owner or occupier, in addition to the fine prescribed in such case for offending against the provisions of this and the next preceding section.

17. If any person shall permit in his or her cellar, out-house, yard or garden within the corporate limits of this town, any manure, dirt or filth of any kind that produces an unpleasant odor, or taints the air, the person offending herein, upon the complaint of any citizen or the information of the Town Sergeant, shall upon conviction be fined not less than one nor more than five dollars; and the Mayor or Town Sergeant may cause the said manure, dirt or filth to be removed at the cost and expense of the offender in addition to the said fine.

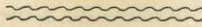
18. That any person permitting his or her hog-pen or pig-stye to become foul at any time from the first day of April to the first day of November in any year, so as to be a nuisance, shall be fined not less than one nor more than five dollars; and any person on being notified by the Mayor or sergeant to clean such hog-pen or pig-stye, and refusing or failing to do so, shall be liable to an additional fine of not less than one nor more than ten dollars for every twenty-four hours the same shall remain uncleaned.

19. It shall be deemed a nuisance for any person being the owner or occupier of any lot, yard or garden within this town, to throw any water, or to cause the same to be thrown or to flow from his or her lot, yard or garden upon the premises of another, so as to occasion annoyance or injury; and any person offending herein shall forfeit and pay a fine of not less than one nor more than ten dollars; provided that this ordinance shall not extend to persons erecting houses, sheds or other buildings that shall drain upon his, her or their own lot, yard or garden.

20. That it shall not be lawful for any person to obstruct or change the natural drainage of this town so as to turn any water upon the lot of another; and every person violating this provision shall forfeit and pay a fine of not less than one nor more than five dollars, and on being notified to remove such obstruction or restore such natural drainage, and failing or refusing so to do, such offender shall forfeit and pay an additional fine of ten dollars

for every twenty-four hours the same shall remain.

21. It shall be unlawful for any person to trespass or loaf upon the college grounds, or college wall, under a penalty for each violation of not less than one nor more than five dollars for each offence.

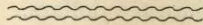


CHAPTER X.

Of Vagrants.

SECTION 1. If any person shall be found within the limits of the corporation intoxicated, or loitering about the streets and alleys, either by day or night, and not being able to give any satisfactory account of himself, such person shall, upon the first conviction thereof before the Mayor, be fined not less than one nor more than ten dollars, and for each and every additional conviction thereafter as aforesaid, such person shall be fined not less than ten nor more than twenty dollars, or imprisoned for a period not exceeding ten days, or both, at the discretion of the Mayor, and shall pay the cost of prosecution.

2. Any person found begging or loitering about the streets of the town without visible means of support shall be notified by the police to leave the town, and if found within the town after such notice, such person shall be deemed a vagrant and required to work on the streets of the town five days for each offence.



CHAPTER XI.

Of Arrest and Trial.

- | | |
|--|---|
| 1. Mayor and sergeant conservators of the peace. Arrest without warrant. | 3. Sergeant to collect fines, and same to be accounted for. |
| 2. All offences to be tried by the Mayor. Punishment therefor. | 4. Resisting or obstructing officer. |

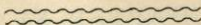
SECTION 1. The Mayor and sergeant are hereby constituted conservators of the peace within this corporation, and either of them may arrest, without a warrant therefor, any person violating, in the presence of either of them, any law or ordinance of this corporation; but any person so arrested shall be entitled to a

hearing or trial before the imposition of any penalty for such violation.

2. All offences against the laws and ordinances of the corporation of Shepherdstown shall be tried by the Mayor, who is hereby authorized and empowered to issue a warrant for the apprehension of any person or persons for a breach or violation of any of such laws or ordinances, or any provision thereof; and whenever, upon conviction, any fine or imprisonment shall be adjudged and imposed, the person or persons so convicted shall be committed to the jail of the county (Jefferson) or corporation, until such term of imprisonment expires, or such fine, together with the cost, are paid, but no imprisonment shall exceed thirty days; *provided*, however, that in all cases where the fine imposed does not exceed three dollars, the Mayor, in his discretion, may remit the same, but shall in no instance remit the costs.

3. It shall be the duty of the sergeant to collect all fines imposed for violation of corporation laws and ordinances, and pay the same over to the corporation treasurer for the benefit of the corporation, except where herein otherwise provided; and it shall be the duty of the Mayor to furnish said treasurer quarterly with a statement of all judgments for fines so rendered by him, which statement the treasurer shall file, and make a proper charge of the amount of such fines to be accounted for.

4. If any person or persons shall abuse, resist or obstruct the sergeant or any officer in the performance of his duties, the person or persons so offending shall, upon conviction, be fined not less than one nor more than ten dollars.



CHAPTER XII.

Of the Repeal of Ordinances.

All the provisions of the preceding chapters shall be in force upon and after the first day of December, eighteen hundred and ninety-seven; and all ordinances and parts of ordinances of a general nature in force on the day preceding that day shall stand repealed.

