

CHARTER OF PIEDMONT, WEST VIRGINIA

CHARTER

Section

AN ACT to amend an act of the legislature of West Virginia passed on the twenty-seventh day of February, one thousand eight hundred and sixty-six, entitled, "an act to amend an act to incorporate the town of Piedmont in the county of Mineral, (late Hampshire)," and being chapter eighty-six of the acts of one thousand eight hundred and sixty-six, and to change the corporate limits of said town, so as to include additional territory and consolidate into one act the whole charter of said town.
(PASSED: FEBRUARY 3, 1913. IN EFFECT FROM PASSAGE. APPROVED BY THE GOVERNOR, FEBRUARY 8, 1913)

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ARTICLE 1: THE CITY OF PIEDMONT

§ 1. THE CITY OF PIEDMONT.

That the inhabitants of so much of the county of Mineral as are within the boundaries prescribed by article two of this act, and their successors, shall constitute, be and remain a municipal corporation by the name of the "City of Piedmont."

ARTICLE 2: CORPORATE LIMITS

§ 2. CORPORATE LIMITS.

The corporate limits of the City of Piedmont shall be as follows, to wit: Beginning at a stone, marked number one on the south side of the county road leading from Piedmont to Keyser, Mineral County, West Virginia, said beginning being south sixty degrees west two hundred and eighty feet from a stone in the center of the county road about eight hundred feet east of where Odel Spring Run crosses the county road and running thence north 60 degrees east, 664 feet, at 280 feet crossing the county road

and at 595 feet crossing the Baltimore and Ohio Railroad tracks, and running thence with the Potomac River; north 15 degrees, 35 minutes west, 485 feet; north 3 degrees, 30 minutes east, 760 feet; north 4 degrees, 30 minutes west, 208.7 feet; north 10 degrees, 24 minutes west, 463.5 feet; north 2 degrees, 31 minutes east, 169.1 feet; north 6 degrees, 14 minutes west; 97.9 feet; north 9 degrees 55 minutes west; 158.6 feet; north 9 degrees, 40 minutes west, 251.3 feet; north 22 degrees, 37 minutes west, 329.7 feet; north 24 degrees, 51 minutes west, 491.1 feet; north 52 degrees, 25 minutes west, 373.4 feet; north 71 degrees, 30 minutes west 140.1 feet; south 80 degrees, 32 minutes west, 296.9 feet; north 79 degrees, 20 minutes west, 265.2 feet; north 62 degrees, 39 minutes west, 137.4 feet; north 79 degrees, 24 minutes west, 107.5 feet; north 59 degrees, 15 minutes west, 594 feet; north 54 degrees, 5 minutes west, 112.7 feet; north 9 degrees, 32 minutes west, 361.4 feet; north 16 degrees, 38 minutes west, 182 feet; north 21 degrees, 44 minutes west, 513 feet; north 31 degrees, 58 minutes west, 258.5 feet; north 53 degrees, 37 minutes west, 132.8 feet, at 70 feet center of abutment Piedmont and Westernport bridge; north 69 degrees, 48 minutes west, 115 feet, at 100 feet center of abutment of Cumberland and Pennsylvania Railroad Bridge; north 86 degrees, 49 minutes west, 303.3 feet; south 83 degrees, 48 minutes west, 373.4 feet; south 72 degrees, 21 minutes west, 288 feet; south 82 degrees, 41 minutes west, 79 feet; south 60 degrees, 57 minutes west, 198.4 feet; south 48 degrees, 49 minutes west, 399.1 feet; south 32 degrees, 44 minutes west, 409 feet; south 9 degrees, 46 minutes west, 412.3 feet; south 8 degrees, 49 minutes west, 499.8 feet; south 11 degrees, 27 minutes west, 646 feet, at 15 feet center of abutment Piedmont and Luke Bridge, thence, leaving the Potomac River; south 55 degrees, 3 minutes east, 680 feet, to stone marked 36 near old mine opening on hill at 50 feet on this line crossing the Baltimore and Ohio Railroad tracks; north 76 degrees, east 1700 feet to a stone; south 35 degrees, east 2200 feet to a stone north, 22 degrees west. 20 feet from a maple, 6 notches; at 614 feet locust on line; at 1235 feet white oak 7 feet to the right; south 32 degrees east, 1079 feet to a stone on west side of a road near Odel Spring Run, also south 71 degrees, west 15 feet from a maple, 6 notches; at 747 feet Fire Clay Tram Road; at 1020 feet Odel Spring Run; thence south 41 degrees east 791 feet to the beginning.

ARTICLE 3: MUNICIPAL AUTHORITY

§ 3. MUNICIPAL AUTHORITIES.

The municipal authorities of the City of Piedmont shall be the Mayor, recorder, and five (5) councilmen, who shall constitute the Council.

ARTICLE 4: OFFICERS

§ 4. OFFICERS.

In addition to the municipal authorities mentioned in article three of this act, the said City of Piedmont shall have a treasurer, sergeant, city attorney, chief of police, building inspector, who may

be one of the council, a police judge, who shall be the mayor, a health commissioner, an auditor and such other officers and agents as the council may from time to time create or employ.

ARTICLE 5: CORPORATE POWERS

§ 5. CORPORATE POWERS.

All of the corporate powers of said City, shall be exercised by the said council or under its authority, except as otherwise provided herein.

§ 6. BODY POLITIC.

The Mayor and councilmen, when elected and qualified as hereinafter, provided, shall have possession and exercise corporate powers as a body politic by the name of "The City of Piedmont," and shall have a perpetual succession and a common seal, and by that name, may be sue and be sued, plead and impleaded, and may purchase and hold or sell real estate and personal property necessary to enable them to discharge its corporate duties, needful or convenient for the good order, government and welfare of said corporation.

§ 7. RE-SURVEY, OPEN, VACATE, ETC., AND OTHER DUTIES DEFINED.

The municipal authorities of said City, acting under the powers and in the manner herein specified, shall have and are hereby granted the power to have said City re-surveyed; to open, vacate, broaden, widen and repair streets and alleys; to curb and pave streets, sidewalks and gutters for public use, and to alter, improve, repair and light the same; to construct and maintain public sewers and laterals, and shall in all cases have power to assess upon and collect from the property benefited thereby such part the expense thereof as shall be fixed by ordinance, except as hereinafter provided; to have control of all streets and avenues, roads and alleys for public use in said City, and to have the same kept in good order, free from obstruction on or over them; to have the right to control all bridges within the said City and traffic passing thereover; to regulate and determine the width of streets, sidewalks and footways for public use in said to be done and kept in good order by the owners of adjacent property; to control the construction and repairing of all houses, bridges, culverts and sewers, and to prescribe and enforce all regulations affecting the erecting, repairing or removal of all buildings and structures, and to require permits to be obtained for such buildings, plans, and specifications thereof to be first submitted to the building inspector, and to prescribe and enforce regulations controlling the erection of such buildings, and to secure the safety and health of the public; to control the opening and construction of ditches, drains, sewers, cesspools and gutters; to deepen, widen and clear the same of stagnant water and filth and to determine at whose expense the same shall be done; to build and maintain station houses, police stations and police courts, and to regulate the management thereof; to purchase, lay off, appropriate and control public grounds, squares and parks, either within or without the city limits as hereinafter defined,

and when the council determines that any real estate is necessary to be acquired by said City for any such purpose, the power of eminent domain is hereby conferred upon said City, and it shall have the right to institute condemnation proceedings against the owners thereof in the same manner and to the same extent and under the same conditions as such power is conferred upon public service corporations by chapter forty-eight of the code of West Virginia of the edition of one thousand nine hundred and six; to provide contract for and take care of all public buildings and structures deemed proper for the use of said City; to provide for and regulate the building of all houses or other structures and to determine the distance they shall be built from the street or alley; to cause the removal of unsafe walls or buildings; to compel owners of property to fence in or wall their property for the protection of the public safety; to prevent the injury and annoyance to the business of individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated all nuisances; to regulate the keeping of gunpowder and all other combustibles; to provide and maintain proper places for the burial of the dead; to regulate interments therein upon such terms and conditions as to price and otherwise as may be determined; to provide for shade and ornamental trees and the protection or removal of same; to provide for the draining of lots by proper drains and ditches; to make proper regulation regarding danger and damage from fire; to provide for the poor of the City; to organize and maintain fire companies and to provide the necessary apparatus; to levy taxes on persons, property and licenses; to provide revenue for the City and appropriate the same to its expenses; to provide for the valuation of property as often as it may be deemed proper and for the assessment of taxable persons and property; to adopt rules for the transaction of business and for the government and welfare of its corporate bodies; to promote the general welfare of the City and protect the person and property of citizens therein; to adopt rules for the transaction of business and for the government and regulation of its corporate bodies; to appoint such officers as they may deem proper and require and take from them bonds with such security and in such penalty as may be determined, conditioned for the faithful discharge of their duties; to regulate and provide for the weighing of produce and other articles sold in said City; to regulate the transportation thereof through the streets; to establish and regulate the transportation thereof through the streets; to establish and regulate markets, to prescribe the time for holding the same and what shall be sold only in such markets, and to acquire and hold property for market purposes if deemed proper; to regulate the placing of signs, bill boards, posters and advertisements and other obstructions in, on, over the streets, alleys and sidewalks of said City; to preserve and protect the peace, order and health of the City and its inhabitants; to appoint and fix places for holding city elections; to erect, own, lease, regulate, authorize or prohibit the erection of gas works, electric light works in or near the City, and to operate the same and sell the products thereof, and to do all things necessary and incidental to the conduct of such business; to provide for and preserve the purity of the water and health of the City; to prescribe and enforce ordinances for the purpose of protecting the health, decency, morality and order of the City and its inhabitants, and to punish violations of such ordinances, even if the offenses under and against such ordinances shall also constitute offenses under the laws of the state of West Virginia or the common law; to have and exercise all the rights, privileges and powers provided by chapter forty-seven of the code of West Virginia of the edition of one thousand nine hundred and six, and amendments thereof not inconsistent with this act, and shall retain, keep and succeed to all rights, privileges, property, interests, claims and demands heretofore acquired by, vested in or transferred to the City of Piedmont, or heretofore, to the corporation of Piedmont.

§ 8. MAY ADOPT AND ENFORCE NEEDFUL ORDERS, ETC.

To carry into effect these enumerated powers and all other powers conferred upon said City, expressly or by implication in this and other acts of the legislature, the municipal authorities of said City shall have power in the manner heretofore prescribed to adopt and enforce all needful orders, by-laws and ordinances not contrary to laws and constitution of this state, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment, and with the consent of the county court of Mineral County, entered of record, shall have the right to use the jail of said county for any purpose necessary to the administration of its affairs.

ARTICLE 6: QUALIFICATION OF VOTERS**§ 9. QUALIFICATION OF VOTERS.**

Every person who may have resided within the territory of said City for six months next preceding an election held therein, and who is a qualified voter under the laws and constitution of this State, and none others, shall be entitled to vote at any election held in said City. But no person shall be deemed a resident of said City by reason of being a student of any school or college therein for any temporary purpose.

ARTICLE 7: ELECTIONS**§ 10. PROVIDE FOR REGISTRATION OF VOTERS.**

The Council shall by ordinance provide such regulations for the registration of voters as the state law may require.

§ 11. ELECTIONS.

The first election under this act shall be held on the second Monday in May in the year one thousand nine hundred and fourteen; and the second election on the second Monday in May in the year one thousand nine hundred, and fifteen, and on the same day every year thereafter. Such first election and all subsequent elections shall be held in such manner as is, or shall be prescribed by law for the holding of state elections and the council shall for the first election held under this act, and at least ten days before said first election under this act, designate the voting place and the names of the commissioners, clerks and challengers to hold the said first election. Special elections for any purpose must be authorized by the council and called by the Mayor. Notices of all special elections must be given by publication in

at least one newspaper of general circulation, published in the City of Piedmont, at least thirty days before the date fixed for such special election, and by posting notices in such manner as the council may deem necessary. The Council shall sit on the seventh day, Sundays excepted, after every election as a board of canvassers, each member of the Council having one vote; and as such board of canvassers they shall canvass, ascertain, publish and declare the result of any election held; and the circuit court of Mineral County shall have power to control proceedings of said board of canvassers by mandamus and prohibition. The said board shall keep in a separate book, marked for that purpose, a record of its proceedings, and shall take down and record any evidence, motion, or paper filed, or offered by any candidate, which book and record shall be open to the public and shall be kept in the custody of the recorder.

ARTICLE 8: ELECTION OF OFFICERS

§ 12. ELECTION OF MAYOR; TERM.

On the second Monday in May, on thousand nine hundred and fourteen, and on the same day every year thereafter, there shall be elected by the qualified voters of the City, a mayor, who shall hold office from the first day of June, succeeding in the year in which he is elected for a term of one (1) year, and until his successor is elected and qualified.

§ 13. ELIGIBILITY FOR MAYOR.

No person shall be eligible to the office of mayor except he be assessed with and own at least five hundred dollars (\$500.00) worth of real or personal property, and is a citizen entitled to vote at the election at which he is elected, and no person shall be elected to such office to retain and hold the same, who shall be or become an officer or employee of any person, firm or corporation holding any franchise or contract under or with said City.

§ 14. ELECTION OF COUNCILMEN AND RECORDER; TERM.

On the second Monday in May, one thousand nine hundred and fourteen, there shall be elected by the qualified voters of the City, three (3) councilmen, the two receiving the greater number of votes to hold office from the first day of June, one thousand nine hundred and fourteen until the first day of June, one thousand nine hundred sixteen, and the one receiving the least number of votes shall hold office from the first day of June, one thousand nine hundred and fourteen until the first day of June, one thousand nine hundred and fifteen, or until their successors are elected and qualified. Beginning with the first election held under this act, which will be on the second Monday in May, one thousand nine hundred and fourteen, and every year thereafter, there shall be elected three (3) councilmen and a recorder, by the qualified voters of the city; the two councilmen receiving the highest or greater number of votes to

hold office for the term of one (1) year; the recorder shall serve for a term of one (1) year, and so on every year thereafter. The officers of the City elected under the old charter and at the election held in the year, one thousand nine hundred and thirteen, shall hold over until their successors are elected and qualified.

§ 15. ELIGIBILITY FOR OFFICE.

No person shall be eligible to the office of councilmen or recorder except he be assessed with and own at least three hundred dollars (\$300.00) worth of real or personal property, and be a citizen entitled to vote at the election at which he is elected.

§ 16. PENALTY OF OFFICER BEING INTERESTED PERSONALLY IN CONTRACT, ETC.

If any officer or councilmen shall in any way become personally interested in any contract for labor, work, material or articles of any kind, done, performed or purchased for the City in any contract awarded after competitive bids, to which said City shall be a party, he shall be deemed guilty of a misdemeanor and shall be fined not to exceed three hundred dollars (\$300.00) or imprisoned not to exceed three (3) months, or both fined and imprisoned at the discretion of the court, and the judgment of conviction shall operate to render such contract void and no money shall be paid thereon. Jurisdiction to try, determine and sentence for a violation of this section is hereby conferred upon the Circuit Court of Mineral County.

ARTICLE 9: OATH OF MAYOR AND OTHER OFFICERS

§ 17. OATH REQUIRED OF MAYOR.

The Mayor, before taking his seat or performing any of the duties of such office, shall take and subscribe an oath or affirmation that he possesses the qualifications prescribed by this act to hold such office, and is not subject to any of the disqualifications prescribed therein, and that he will support the constitution of the United States and the constitution of this state, and honestly discharge the duties of his office to the best of his skill and judgment, which oath shall be written out and signed and filed and preserved among the records and books of the City.

§ 18. OATH OF OFFICERS.

The recorder, councilmen and all other officers elected or appointed under this act, shall take and subscribe an oath or affirmation in the time, manner, form and effect prescribed for the mayor.

ARTICLE 10: VACANCIES OCCURRING**§ 19. VACANCY OF MAYOR, HOW FILLED.**

If a vacancy should occur in the Office of Mayor, the council shall, as soon as practicable, fill the vacancy by the appointment of some qualified person. If any vacancy occurs in any other office, whether elective or appointive, the council shall fill the same by the appointment of some qualified person subject to any regulations as regulations as required for the original appointment.

§ 20. TERM; WHEN TO FILL VACANCY.

All persons appointed to fill vacancies in the elective offices shall hold office until the next city election, and all vacancies in appointive offices shall be filled for the unexpired term.

§ 21. COUNCIL, POWER TO REMOVE OFFICERS.

The council shall have and is hereby granted the power and authority to remove from office any officer, whether elective or appointive, for cause or upon written charges preferred by any responsible citizen to the council; but to remove from office under this provision, four-fifths of the members of the council must be present and four-fifths must concur in such removal, and the officer against whom the charges are preferred shall be served with reasonable notice of the same, together with the time of hearing upon such charges, together with a copy of such charges, and shall have the right to be represented before the council in person and by attorney, and the right to require all witnesses to be sworn and testify under oath before the council and to have the testimony taken down.

ARTICLE 11: OFFICERS MAY PERFORM OTHER DUTIES**§ 22. OFFICERS MAY PERFORM OTHER DUTIES.**

Any member of the council, the mayor, recorder, treasurer or any other elective or appointive officer shall, during the time for which he was elected or appointed, be eligible or appointive to any other office under the city; provided, such employment is authorized by the council by resolution for such appointment; but in no case shall the time of service be for a longer period than said council is selected to serve under this act.

*ARTICLE 12: TO KEEP A JOURNAL OF PROCEEDINGS***§ 23. JOURNAL OF PROCEEDINGS.**

The council shall keep a journal of all its proceedings which shall, at all time, be open to the inspection of the taxpayers of the City and be a public record, and the ayes and nays of the members shall be taken on any question, at the request of any member, and shall be taken down and entered on the journal.

*ARTICLE 13: MEETINGS OF COUNCIL***§ 24. MEETINGS OF COUNCIL.**

The council shall hold regular meetings on the first and third Wednesdays of each month of the year, and such special meetings as the business to be transacted may require, at such time, place or places in the City as the council shall, from time to time, ordain or appoint; and the council shall have the power by proper ordinance or resolution, entered on record, to vest in any officer of the City or any member or number of members of their body, authority to call such special meetings and in like manner to prescribe the mode in and by which said special meetings shall be called. All questions put, except as to such matters as are herein otherwise provided, shall be decided by a majority of all the members elected. No business shall be transacted at any special meetings of the council unless specifically mentioned in the call for such meeting.

*ARTICLE 14: QUOREM***§ 25. QUOREM.**

A majority of the whole number of members elected or appointed to the council, shall constitute a quorum to transact business, but a smaller number may adjourn from time to time and may compel attendance of absent members in such manner and under such penalties as either body may be rules provide.

*ARTICLE 15: SALARIES***§ 26. SALARIES.**

The mayor, recorder, members of council, treasurer and other officers, employees and appointees, shall receive for their official services such salaries as the council shall from time to time, by ordinance fix and establish; but the salaries of such officers shall not be increased or diminished during the term for which such officers were elected or appointed; provided, that the salaries of all officers elected or appointed for any term shall be fixed not later than thirty days preceding any election.

*ARTICLE 16: APPOINTIVE OFFICERS***§ 27. APPOINTED OFFICERS.**

The council shall by a majority vote of its members fill all appointive offices under the city administration.

*ARTICLE 17: DUTIES OF THE MAYOR***§ 28. DUTIES OF MAYOR.**

The mayor shall be chief executive officer of the city and shall preside at all meetings of the council and shall have a vote in case of a tie; he shall have charge and control of the police except as herein otherwise provided; he shall see, except as herein otherwise provided, that the laws and ordinances of the city are enforced; 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 riotous and disorderly persons, and shall perform such other duties and services as the council may ordain in addition to the duties prescribed in this act and not inconsistent herewith. The recorder, except as herein otherwise provided shall perform the duties of the mayor whenever and so long as the mayor is from any cause not able to perform his official duties, and he shall, in the absence of the mayor, perform any and all the duties of the mayor except he shall not preside over the council. In the absence of the mayor at a meeting of the council, the council shall select one of its own members to preside over its meetings, who shall have a vote as a councilman. If the mayor and recorder are both absent from the city, or otherwise disable from performing the duties of the mayor, the council may elect a mayor pro tempore. The mayor shall have the power at any time to appoint special policemen, who shall be sworn in without confirmation of the council.

ARTICLE 18: DUTIES OF THE RECORDER**§ 29. DUTIES OF RECORDER.**

It shall be the duty of the recorder to keep a properly indexed journal of the proceedings of the council and board of health, and have charge of and preserve the records of the City; he shall, whenever required by the mayor, attend the police court and attend to all the duties as clerk of the police court of the city. In the absence of the mayor or police judge, he shall exercise the functions of police judge; he shall perform all other duties required of him by order or by ordinance of the council; as recorder, he shall receive compensation for his services to be fixed by the council, which shall not be increased or diminish during his term of office.

ARTICLE 19: DUTIES OF THE AUDITOR**§ 30. DUTIES OF AUDITOR.**

The auditor shall be the city accountant and auditing officer of the city and it will be his duty to see that the accounts of said city are kept in a detail and systematic manner, under the proper classification, so as to show the bonded and other indebtedness of said city, and the amounts and claims due the same, as well from taxes, levies and assessments as from other sources.

§ 31. ADDITIONAL DUTIES.

In addition to the other duties of the auditor, it shall be his duty, on or before the first day of August in each year, to make a copy from the real and personal property books of property shown to be liable to taxation within the limits of the City of Piedmont, and to certify such copy under his hand as a true and correct copy thereof, and to deliver the same to the council and to assist the council in preparing the annual estimate of expenses to be certified to the council as a basis for the annual levy. After such levy is made in each year, it shall be the duty of the auditor to extend said levy upon said real estate and personal property books for said city, and to prepare proper tax tickets therefrom against all owners of real estate and personal property subject to taxation in said city. He shall turn the said taxes when due and payable, and the treasurer shall certify to the payments of same as made. In addition to the above duties of the auditor, he shall perform such other duties as the council shall prescribe.

ARTICLE 20: DUTIES OF CITY ATTORNEY**§ 32. DUTIES OF CITY ATTORNEY.**

The Council shall appoint a city attorney, by a majority vote of its members; who shall be the legal adviser of the city and all its officers in all matters arising and in which legal proceedings may be taken; he shall prosecute all the suits, actions and proceedings instituted on behalf of said city and shall defend all suits and actions against said city, and when requested to do so in writing, shall give his written opinion to the mayor, council or any committee thereof, upon such questions as may be referred to him affecting the city's interest; he shall perform such other duties as may be required. It shall be his duty to attend all sessions of the police court whenever requested by the mayor or police judge, prosecute all trials therein and all appeals that are taken from such courts, and for his services shall receive such compensation as may be agreed on between him and the city council.

ARTICLE 21: DUTIES OF POLICE JUDGE**§ 33. DUTIES OF POLICE JUDGE.**

The mayor or police judge shall be ex officio a justice and conservator of the peace within the city and he 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 causes of action arising out of the corporate limits of the city. He shall have the same power to issue attachments in civil actions as a justice of his county has; though the cause of action arose out of the city limits, but in such case he shall have no power to try the same but must have such attachment returnable and heard before some justice of the county. Any warrant or other process issued by him may be executed within the same territorial limits as that of a justice of the county. He shall have power to issue executions for all fines, costs, and penalties imposed by him, or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the jail of the city or the jail of the county of Mineral, until the fine, penalty or costs shall be paid, but the term of imprisonment in such cases shall not exceed sixty (60) days. The expense of maintaining any person in the county jail shall be borne by the city, when said person has been committed to answer indictment. But such mayor or police judge shall not receive any money belonging to the state, or any individual, unless he shall give bond and security as required of a justice of the peace under the laws of the State of West Virginia relating to money received by justices shall apply as to like moneys received by the mayor or police judge.

ARTICLE 22: ORDINANCE - GENERAL PROVISIONS**§ 34. STYLE OF ORDINANCES.**

The style of the ordinances of the city shall be: "Be it enacted and ordained by the Council of the City of Piedmont," but the ordinances now in force shall remain in effect until amended or repealed, except where they are in conflict or inconsistent with this act.

§ 35. HOW ORDINANCES ARE PASSED.

All ordinances shall be presented in writing and no ordinance shall be so amended in its passage as to change its general purpose. No ordinance shall be considered for final passage at the meeting at which it is introduced unless the same shall have been reported on by a committee, but reference to a committee may be dispensed with by an affirmative vote of three-fifths of the Council as elected. No ordinance shall contain more than one subject, which shall be clearly expressed in its title; nor shall any ordinance be passed by the Council unless a majority of all the members elected to the Council shall concur therein by yeas and nays when the question is put upon its passage.

§ 36. ALL ORDINANCES SHALL BE SPREAD UPON RECORD AND READ AT NEXT MEETING, ETC.

All ordinances passed by the council shall be spread upon the minutes, and at the next regular meeting such ordinances shall be read in open council, and the mayor shall sign said minutes, when found correct or corrected, in the presence of the council. The council shall provide a well bound book in which shall be copied all the ordinances in the order in which they are passed, which ordinances so copied shall be compared with the originals by the mayor and shall be signed by him when found correct. Such book shall be indexed so as to show in brief form the substance of the ordinance. All copies thereof, certified as hereinafter provided, shall be received by all the courts and justices in this state as evidence; but the council may adopt by ordinance, properly designating and describing it, a code of laws and ordinances, which when adopted shall be printed in book form, or it may be adopted as a whole after it is printed, and the said code shall be and become the laws and ordinances of the said city, and shall be received as such by all the courts in this state, and the printed volumes published under order of the council shall be so received as evidence of what is printed therein till errors or omissions be affirmatively shown therein.

ARTICLE 23: FRANCHISES**§ 37. FRANCHISE.**

All franchises granting the right of occupancy of any portions of the streets of the city for work of public utility and service shall be granted by the council, but no such franchise shall hereafter be granted except under the following restrictions and conditions:

No franchise shall be granted, except at the time of granting it bond be made to the city, providing that the grantee shall indemnify the city against all damages caused by construction, maintenance or operation of such works. All reasonable additional provisions may be made for the protection of the public, necessary damage or inconvenience by reason of the construction, maintenance or operation thereof.

No grant of a franchise for the extension of, or an addition to, any line of work or public service through, over or under any additional street or territory of the city shall be made for a period extending beyond the time limit for the expiration of the franchise, if the principal work is one granted before this act goes into effect and is not limited as to time. Any franchise granted for an extension or addition thereto shall nevertheless be made, subject to the provisions hereof, including a time limit of not exceeding fifty (50) years.

The council shall, in all franchises hereafter granted, embody therein a plainly expressed condition, where the franchise is to be for work useful chiefly to the citizens of the city, that at the expiration of the franchise the grantee shall, if required by the council, sell to the city the plant at what it is then worth.

If the city or the owner of the plant cannot agree upon its value, then its value shall be ascertained by an impartial arbitration, one arbitrator to be selected by the city, one by such owner of the plant, these two to select a third, and the decision of any two to be binding upon both parties.

ARTICLE 24: ESTIMATE OF EXPENSES AND LEVY**§ 38. ESTIMATE OF EXPENSES AND LEVY.**

A finance committee shall be appointed from the council members, by the mayor, and said finance committee shall, on or before the first day of August in each year, prepare and submit to the council an estimate if the amount of money necessary and advisable to be expended by the city for the current year next ensuing and to be provided for by the tax levy as herein provided for such current year, in which

estimate the finance committee shall ascertain and present a detailed and itemized account or estimate of the money necessary to pay interest on the bonded indebtedness of the city, the amount required for the several sinking funds for the reduction for the principal thereof, the amount to be expended severally for the streets, alleys, curbing waterworks, police department, fire department, street paving, sewers, salaries, parks, real and personal property, contingent expenses and other expenses, together with an itemized statement of the estimated receipts, other than that to be derived from the annual levy, and after receiving such estimates and before making the levy the council shall apportion the rate thereof, (including estimated receipts for licenses and all other sources), among the several funds so ascertained and provided for, which said appointment when adopted, shall be spread upon the records of the council.

Upon the estimate of such expenses, the council shall thereupon, by an ordinance, lay a levy for the ensuing tax year of a sum not to exceed fifty cents on each one hundred dollars assessed valuation of all taxable property, real and personal, subject to taxation in said city, as well as a capitation tax not to exceed two dollars upon every male inhabitant of said city over the age of twenty-one years who is subject to a capitation tax under the laws of the state of West Virginia, and said Council is authorized to levy to such maximum of fifty cents on each one hundred dollars of valuation, notwithstanding any general laws now in force, or which may be enacted, restricting the powers of municipal corporations to levy taxes.

§ 39. WHEN CITY LICENSE MAY BE REQUIRED, BOND REQUIRED; A CITY LICENSE TAX MAY BE REQUIRED FOR.

Whenever anything, for which a state license is required, is to be done within said city, or within two miles of the corporate limits thereof, the municipal authorities, as herein provided, may require a city license to be had for doing the same, and may, in any case, require from any person licensed a bond, with surities, and in such penalty and with such conditions as it may deem proper, and the council may on notice revoke such license at any time if the conditions of the said bond be broken, or for good cause.

The municipal authorities may impose a license and assess a tax thereon on all wheeled vehicles for public hire, all dogs kept within the corporate limits, all insurance, bonding, casualty and guarantee companies, auctioneers, book agents, bowling alleys, billiard saloons, bagatelle saloons, bond, note and loan associations, building and loan associations, capitation taxes, commission merchants, common criers, circuses, menageries, theatres, drays, cabs, hacks, etc., eating houses, express companies, hitting and striking machines, hobby horses, junk dealers, real estate agents, insurance agents, livery and feed stables, liquor dealers, omnibuses, peddlers, pawn brokers, stock brokers, slot machines, social clubs, street vendors, tobacco, snuff, cigars, etc., theatrical shows, transient merchants, telegraph and telephone companies, electric light companies, gas companies, and other business, property, profession or occupation, bicycles, automobiles, butchers and vendors of meat, vegetables and other things sold on the streets of the city. The municipal authorities may prescribe, impose and enforce reasonable fine and imprisonment, under the order of the police judge of said city or the person lawfully exercising his functions, upon any person carrying or attempting to carry on any business for which the said license

is required, without first obtaining a city license therefore, and paying the city license tax assessed thereon. All licenses provided for in this section shall be paid to the sergeant or treasurer. For the purpose of enforcing the provisions of this section the city shall have police jurisdiction for two (2) miles beyond the corporate limits thereof.

§ 40. COUNCIL CONTROL GRANTING AND REVOKING LICENSE, MAY PROHIBIT, WHAT.

The council shall have the power to pass and make all regulations and pass all ordinances necessary and proper concerning the granting and revoking of all licenses. The city shall have the power to prohibit by ordinance and to punish persons abusing animals; to restrain and punish vagrants, mendicants, beggars, tramps, prostitutes and drunken and disorderly persons within the corporate limits; to provide for their arrest and manner of punishment; to prohibit and punish railroads bringing in paupers or persons or animals afflicted with dangerous diseases; to control and suppress bawdy houses, houses of assignation and gambling houses and to punish gambling; to prohibit slaughter houses within the prescribed limits and soap or glue factories of any kind; to restrain and prohibit the use of firecrackers, fireworks, or other explosives, and all dangerous or unseemly noises which tend to annoy persons or frighten horses or other animals; to make regulations guarding against fire; to regulate the use of streets and alleys for street cars, railroads, railroad engines, traction engines, automobiles, and cars of all sorts, and regulate the running and operation of the same within the city limits; to regulate and prevent injury, inconvenience or annoyance to the public; to prohibit cock fighting and dog and prize fighting; to regulate and control the kind and manner of plumbing and electric wiring etc., for the safety and health of the public; to regulate, restrain and prohibit all animals and fowls running at large; to establish and regulate markets; to regulate signs and billboards, posters and advertisements on or over streets; to regulate the sale and use of cocaine, morphine, opium and poisonous drugs; to provide for purity of water, milk, meats, etc., sold in the city limits; to fix and charges and prices for service or the articles of persons or companies operating public service plants, or other public institutions or utilities; to regulate public service corporations; to provide for inspecting dairies, slaughter houses and other places of like nature; to protect places of divine worship; to have abated and remove all nuisances; to regulate the construction of all water closets, privies, cesspools, pens, sinks, yards, stables and other places where offensive substances may accumulate; to regulate, and prescribe punishment for all violations against the public peace and welfare.

ARTICLE 25: TAXES - HOW COLLECTED

§ 41. TAXES, HOW COLLECTED; COUNCIL MAY ALLOW DISCOUNT; OTHER DUTIES MAY BE REQUIRED OF SERGEANT.

The city taxes annually levied by said council shall be collected as follows; Immediately after the annual levy for city taxes is laid, the auditor shall extend the same on the property books made out by

him, including thereon the proper capitation taxes. He shall make out proper tax tickets in the following manner, that is to say: There shall be a single ticket for the whole amount charged to any person, firm, or corporation, and after the tickets have been examined and compared and found to be correct by the council, they shall be turned over to the sergeant or treasurer by the first day of October, following the levy. The sergeant or treasurer shall receipt for the gross amount, said receipt to be returned and entered upon the record and the sergeant charged therewith. The sergeant shall then give notice, by publication or posting for at least ten (10) days, stating that the tax tickets are in his hands for collection, the penalty for the non-payment thereof, and the time and place where the same may be paid; provided, however, that the taxpayer shall have the right to anticipate the payment of the whole or any part of the taxes as assessed. Immediately upon the payment of said taxes or any part thereof, the said amount shall be deposited by the sergeant or treasurer in one of the city depositories to the credit of the "City of Piedmont," and the sum so deposited shall be reported to the council at its first meeting after deposit is made. All taxes shall be due and payable within thirty (30) days after the expiration of the notice posted by the sergeant as hereinbefore set forth and in case the same are not paid within said time, he may distrain and sell therefor, in like manner as the officer collecting the state taxes may distrain therefor, and he shall have in all other respects the same power to enforce the payment and collection thereof. On all tickets remaining uncollected in the hands of the sergeant thirty (30) days after the date of the expiration of the notice posted by him, a penalty of five percent (5%) shall be added and collectable, together with six percent (6%) interest until paid; provided, however, that the council shall have the power any year, by resolution, to extend the time that such tax tickets may remain in the sergeant's hands and be paid to him, before adding the penalty, for a period not to exceed thirty (30) days. The council may by ordinance allow a discount for prompt payment of taxes. The sergeant shall have the power to collect said taxes so placed in his hands, together with the penalty and interest thereon, heretofore provided, to be added thereto. The sergeant shall be charged with the gross amount of said tax tickets so delivered to him for collection, and no deduction therefrom shall be allowed unless on or before the first day of September of each year he makes out and returns to the council a delinquent list of the taxes uncollected for the year previous, with his oath attached thereto, stating that such delinquent list is correct and just, that he has received no part of the taxes mentioned thereon, that he has used due diligence to find property to distress for said taxes and has found none, and that the same are uncollectable. Penalties and interest, provided for in this section, to be added to such taxes, shall not be deemed or considered any part of the limitation in this act hereinbefore prescribed, restricting the annual city levy to fifty cents on each one hundred dollar valuation. The sergeant shall perform such other duties as the council may require, and receive such compensation as shall be fixed by the council.

§ 42. PROPERTY LIABLE FOR TAXES.

All goods and chattels belonging to a person, firm or corporation or estate, assessed with any city taxes, whether the same be a capitation tax, tax upon real or personal property or an assessment for paving or other improvements, shall be liable for said taxes and may be distrained therefor in whomever possession they may be found, and the sergeant shall have the same power to collect said taxes or assessments from any persons owing debts to or having in his possession any estate belonging to a person assessed with any tax or assessment of any kind, that the sheriff has to collect state taxes or enforce the collection thereof.

§ 43. LIEN ON REAL ESTATE FOR TAXES.

There shall be a lien upon all real estate within said city for the city taxes assessed thereon, including such penalties and interest added thereto for non-payment thereof as are prescribed by this act, from the first day of January of the year in which said taxes are assessed. Said liens may be enforced in any courts of records in Mineral County by appropriate suit; provided, such suit be entered within five (5) years from the time said liens attached as herein provided, and such suit may either be by and in the name of the City of Piedmont as plaintiff, or said city may intervene by petition in any suit pending to sell or enforce liens against real estate which is subject to such liens for said taxes. The liens herein created shall have priority over all other liens except those for taxes due the state and county.

§ 44. HOW LIENS MAY BE ENFORCED.

Said liens for the city taxes and attendant penalties, as well as for imprisonment assessments, may also be enforced by certifying the same to the clerk of the county court of Mineral County for certification to the state auditor, and the same may be certified down by the state auditor and sold for taxes, interest and penalties and commissions thereon, in the same manner, at the same time and by the same officer as real estate is sold for taxes, interest, damages, costs and commissions due the state thereon, which officer shall account therefor on settlement with the council and pay the same over to the treasurer.

ARTICLE 26: MONEY - HOW APPROPRIATED**§ 45. MONEY, HOW APPROPRIATED.**

No money shall be appropriated and no debts shall be contracted and no contracts authorized by the city, except by an ordinance passed by the council as specified herein, and no such ordinances shall be passed except where the funds to meet the same shall have first been provided by levy duly made in accordance with this act and its provisions. No contract shall be entered into involving or anticipating further levies, unless all the questions connected with the same shall have been first submitted to a vote of the people and shall have received three-fifths of the vote cast at such election.

ARTICLE 27: SEWERS, PAVING AND CURBING**§ 46. SEWERS, PAVING AND CURBING.**

The council shall have the power to establish the width of any sidewalk along the street, alley or public square, or portion thereof, and any owner of ground fronting on such street, alley or public square

shall, in such manner as the council shall reasonably prescribe, pave and curb the sidewalk adjacent to such property. In case of a failure or refusal of the owner to pave or curb the same, the council may cause the same to be properly curbed and paved by the city, and levy and collect from such owner the whole cost of such curbing and paving adjacent to such property, with a penalty of five percent added thereto, together with six percent interest until paid; and in like manner to require the owner of any property adjacent to any paved sidewalk heretofore or hereafter constructed, to keep the same in repair, and in default of doing so to cause the same to be repaired, and levy and collect the cost from said owner or owners with a penalty of five percent added thereto, together with six percent interest per annum until paid. In all cases of such assessment, whether for the original or for the repairing of sidewalks, payment thereof, including penalties and interest, shall be made to the sergeant within thirty (30) days after the completion of the work, who shall have the power to collect the same from the owner or owners of any such property by distress and sale, in the same manner in which taxes levied for the benefit of the city are authorized to be collected and, in addition, there shall be a lien upon such real estate, which lien may be enforced by appropriate suit in any court of record of Mineral County.

§ 47. HOW PAVING CONTRACTED AND PAID FOR.

Whenever the council may deem it expedient to cause any street or alley in said city, or portion thereof, to be paved in a permanent manner, it shall order the work done in the following manner and upon the following terms: The contract for such paving shall, after due advertisement, in which the council shall reserve the right to reject any and all bids, be let, if let, to the lowest bidder. The contractor shall look only to the city for the payment for the work and in no sense to the abutting land owners. The total cost of grading and paving any such street or alley, (except when the streets are occupied by street car tracks, for the distance between the rails and for two (2) additional feet outside of each rail, which portion shall be borne and paid by the company owning and operating such railway and tracks) shall be borne by the owners of the land abutting upon said street, alley or portion thereof, subject to the following plans, that is to say: Payment is to be made by all the land owners on either side of such portion of a street or block so paved, in such portion of the total cost, less the portion, if any, chargeable to such street railway, company, as the frontage in feet of his land bears to the total frontage of all land so abutting on such street, alley or portion thereof so paved as aforesaid. The cost of such paving chargeable to the abutting property is not to include any portion or amount paid for paving of squares at intersections of streets, which shall in all cases be borne and paid by the city. When the paving of any street or alley or portion thereof shall have been let to contract and the work done as hereinbefore provided, it shall be the duty of the city engineer to cause the several frontages abutting thereon to be measured, to calculate the assessment upon each and every land owner so abutting, and to certify the same to the council, showing the proper amount to be determined as provided in the foregoing plan. It shall be the duty of the council to examine and compare such assessments, amounts and names so certified to it. Thereupon the council shall give notice by publication for two (2) successive weeks in some newspaper published in said city that an assessment, under this act, is about to be laid against abutting property for paving done on said streets or alleys, describing the location of such paving. Any owner or owners of abutting property shall have the right to appear before said council within three (3) weeks from the first publication thereof, and move such council to correct any apportionment or

assessment improperly made; which corrections the said council shall have the power to make. If found to be correct, or when rectified, the council shall cause the same to be entered, together with the description as to the location, frontage, depth, and ownership of the lands, so far as the same may be ascertained, upon its records, and to enter in its records that such owners and lots be assessed and chargeable with the amount so ascertained to be borne by them respectively. When so approved, certified and entered of record, the same shall be and constitute an assessment against said owners and lots for such respective amounts. It shall be the duty of the council to immediately certify such assessment to the sergeant for collection as hereinbefore provided. A copy of such order shall be certified by the recorder to the clerk of the county court of Mineral County, who shall be required to record and index the same in the proper deed book in the name of each person against whose property assessments appear therein. The amounts so assessed against any land owners, aforesaid, shall be paid in two (2) payments as follows; that is to say: One-half of said amount shall be paid to the sergeant before the first day of June or the first day of December, whichever shall come first after said work is completed, certified, and entered of record as aforesaid, and the other one-half shall be paid to the sergeant before the first day of the one of the said months next following, or as they shall come after the work is completed and is entered of record by the city, the purpose being to require the payments regularly until the entire amount is paid. Provide, however, that the abutting landowner so liable for any of the costs of such paving shall have the right at any time, after the same is certified as aforesaid to the sergeant for collection, to anticipate and discount the payment of either installment, allowing five percent per annum discount for any such anticipated payments, computed at the day of payment to the day fixed for the payment thereof. To each of said installments of assessments remaining unpaid in the sergeant's hands at the time specified for such payment, a penalty of five percent, together with six percent, per annum until paid, shall be added and the payment thereof enforced in all respects as hereinbefore provided for the collection of any other taxes due the city, and such shall be a lien upon the property liable therefor, the same as for other taxes, and the lien may be enforced in the same manner as provided for other liens, except those due the state and county for taxes, and shall be on a parity with other taxes and assessments due the city. Upon the payment of any assessment to the sergeant, he shall deliver to the party paying the same a release of the lien therefor, which may be recorded in the office of the clerk of the county court, as other releases of liens. Should such assessment not be in the hands of the sergeant, if the same shall have been shown to the satisfaction of the council to have been paid in full to any officer entitled to receive the same as designated by it, the council may direct the sergeant to execute a release of such lien, which release may in like manner be recorded.

ARTICLE 28: SEWERS

§ 48. SEWERS, HOW BUILT AND PAID FOR.

Whenever the council shall order the construction of any public sewer in said city, the owners of the property abutting upon any street, in which said sewer shall be constructed, shall be charged with and liable for sewerage assessments as follows: When said sewer is completed the city engineer shall

report to the council in writing, the total cost of such sewerage, with a description of the lots and land, as to the location, frontage, depth and ownership, liable for such sewerage assessment, so far as the same may be ascertained, together with the amounts chargeable against each lot and owner, estimated on the basis of one dollar and twenty-five cents a foot for corner lots, frontage measures on said sewer being considered, except that such estimate as to corner lots fronting thereon and having a greater depth than one hundred and fifty feet shall be estimated at the rate of one dollar and fifty cents per front footage; and thereupon said council shall give notice by publication as is required in the case of street paving assessments, and the same rights shall exist as to the persons and property affected, and the same duty as to corrections by the council, as are prescribed with reference to paving, which report shall, in like manner, be examined by the council and if found to be correct, or corrected as aforesaid, and such estimated assessments to be a fair and equitable apportionment of the costs of such sewer, it shall enter an order upon its records setting forth such location, depth, ownership, and said amount of said sewer assessment against each property respectively, calculated as aforesaid, and the entry of such order shall constitute and be an assessment for such proportion and amount so fixed therein, against such respective owners and lots. If after such advertisements, notice and hearing said council shall find that such apportionment at such rate is unjust or inequitable, it shall ascertain, fix and assess the cost thereof among and upon the abutting owners respectively, upon its records, and the council shall in either event thereupon certify the same to the sergeant for collection, and certify a copy of such order to the clerk of the county court of Mineral County, who shall record the same in the proper deed book and index the same in the name of the owner of any such lot so charged with such assessment. Such assessment so made shall constitute and be a lien upon said lots respectively, which shall have priority over all other liens except those for taxes due the state and county, and shall be on a parity with other taxes and assessments due the city. Said amounts so assessed against said several landowners shall be paid by the parties liable therefor to the said sergeant at the time, in the manner and with the attendant penalties and interest, for failure to pay promptly at the time prescribed, in all respects as hereinbefore provided in the case of assessment for paving of streets and alleys in a permanent manner; and the parties liable therefor in the same manner and to the same extent shall have the right and be entitled to anticipate any or all of such installments and to receive the same discount thereon as in such cases provided. The owner or owners of any lot abutting upon any street or alley in said city, on which a public sewer is or may hereafter be laid and constructed, upon which lot any business or residence building is or may hereafter be erected, not otherwise connected with a public sewer, may be required and compelled by the board of health to connect any such property with such sewer. Notice to so connect may be given by the board of health to connect any such property with lessee or occupant of such property. Each day's failure to comply with such notice and to connect with such sewer by such owner or owners, after ten (10) days have elapsed after such notice has been given, shall be a misdemeanor and a separate offense and new offense under this section, and each offense shall be punishable by a fine of not less than five nor more than twenty-five dollars. Jurisdiction to hear, try and determine and sentence for violation of this section is vested in the police court of said city. If said owner or owners fail to comply with the notice to make such sewer connection, then the council may by ordinance order the work to be done at the expense of the city and the cost thereof to be certified to the clerk of the county court, and the same shall constitute a lien upon said property, with the same force and effect as taxes.

§ 49. LIENS FOR PAVING AND SEWERS.

The liens herein and hereinbefore provided, for street paving and sewerage assessments, shall constitute liens upon the real estate upon which they are assessed, as against creditors of the owners thereof or purchasers for value from, and without actual notice of such liens, only from and after the time that the statement thereof, certified as aforesaid, shall be filed for record in the office of the clerk of the county court for Mineral County.

§ 50. HOW LIENS HELD AGAINST CERTAIN PROPERTY.

When the whole or any portion of the improvements authorized by this act pass through or by a market space, park, cemetery, structure for the fire department, water works, school building, infirmary, market house, work house, hospital, house of refuge, bridge, gas works, public prison, court house, church, or any other public ground within said city, and belonging to said city, or to the county, state, or any church, association or eleemosynary institution, the council may authorize the assessment to be certified to the clerk of the county court of Mineral County and the same shall thereupon be recorded by said clerk in the proper deed book and shall thereupon become a lien against said property and collectable as other assessments are collected against individuals under this act. It shall be the duty of those persons having charge of the fiscal affairs of any such property or institution to make the proper arrangements for meeting such assessments, when due and payable.

§ 51. MAY BORROW MONEY.

The City of Piedmont, by ordinance of the council, may borrow money in an amount equal to the amount of said liens herein acquired, for the purpose of paying any contract for paving or sewerage under this act, and may assign said liens as security for such loan or loans; but in no event shall the money so borrowed be expended for any other purpose than in the payment of the indebtedness owing by the city for such work; that is, liens for street paving can only be used by the city in borrowing money to pay for street paving, and liens for sewerage can only be used by the city in borrowing money to pay for sewers.

ARTICLE 29: BONDED INDEBTEDNESS**§ 52. MAY BOND THE CITY FOR.**

The council of said city shall have the right to bond the said city for the purpose of paving the streets and alleys of said city and for constructing waterworks or repairing the same, and for constructing a sewerage system or repairing the same, and for the purpose of providing hose and other appliances for extinguishing fire, and for any and all public improvements whenever the council thereof shall deem such

improvements necessary, and to refund outstanding bonds at a lower rate of interest, and to issue new bonds for the purpose of increasing the length of time on any such indebtedness; but the aggregate indebtedness of said city shall for all purposes not to exceed five per centum on the assessed valuation of the taxable property therein, based on the valuation of the last assessment next preceding the date of the incurring of such indebtedness; and the said council shall by taxation provide a fund for the payment of the interest on any and all indebtedness incurred in the manner aforesaid within the period of thirty-four years. Such bonds shall not be sold for less than par nor exchanged for the evidence of indebtedness of said city except dollar for dollar. A record of all the proceedings had hereunder shall be kept by the council.

ARTICLE 30: BUILDINGS FOR CITY USE, ETC.

§ 53. BUILDINGS FOR USE OF CITY.

The council shall have the authority to erect, buy, sell and lease all buildings necessary to the use of the city government, or any of its departments, and to provide for and regulate the same; to establish and maintain public hospitals and receive donations, gifts or bequests for the same, in trust or otherwise.

ARTICLE 31: HEALTH

§ 54. HEALTH, SLAUGHTER HOUSES, ETC.

The council shall have the authority to ordain and enforce such regulations within said city as shall be necessary or proper to preserve the health of the inhabitants of said city, and to secure them from disease; to require and compel the abatement of 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 shall be; to prevent or regulate slaughter houses within said city; or the exercise of any unhealthy or offensive business, trade or employment therein; to prevent the keeping of any stale meats, fish, vegetables or other matter, or depositing the same, or dirt, rubbish or offal, upon any lot, street, alley or square within said city or upon the banks of any streams within the limits thereof.

§ 55. COUNCIL TO REGULATE SALE OF COCAINE AND POISONOUS DRUGS.

The council shall have the power by ordinance to regulate the sale of cocaine, morphine, opium and poisonous drugs within said city, and to prescribe punishment, including fine and imprisonment, for the

violation of any such ordinance, and to provide that one or more convictions for violating the same shall operate as a revocation of the license of any druggist or pharmacist holding a license under said city.

§ 56. SHALL APPOINT HEALTH COMMISSIONER, WHEN.

The council shall, in the month of June, one thousand nine hundred and fourteen, and in said month of every year thereafter, appoint a suitable person, who shall be a practicing physician, as health commissioner, whose term of office shall be for one (1) year and until his successor is appointed and qualified. The members of the council, mayor and health commissioner shall comprise the board of health of said city. The board of health shall have the power to abate all nuisances within said city, and it shall do and perform all such other duties and exercise such other powers as may be required of or conferred upon them by legal ordinances of said city. The council of said city shall provide by ordinances the way and method of trying and abating such nuisances, and shall prescribe all penalties that may be proper and necessary for such purpose. The board of health shall have the power to summon witnesses, hear testimony and to do any and all other things necessary and proper in the performance of such duties under this act and under the general laws of the state, in such cases made and provided.

ARTICLE 32: POLICE DEPARTMENT

§ 57. POLICE DEPARTMENT; POLICEMEN, HOW SELECTED; TERM; MAY BE REMOVED; NOT ELIGIBLE TO RE-APPOINTMENT; WHEN.

The mayor shall nominate a chief of police and such number of policemen as may be authorized by ordinance, from time to time, said nomination to be subject to confirmation by the council. Council shall prescribe by ordinance such mental and physical examinations for applicants for appointment to the police force as it shall deem proper. Policemen, when nominated and confirmed by the council, shall hold office during the will of the council. The term of chief of police shall be for one (1) year. No person shall serve or exercise any of the duties of a police officer until he shall have been confirmed as such by the affirmative vote of majority of all the members elected to the council, unless he has been appointed a special officer as hereinbefore provided for. Policemen may be removed and discharged at any time by the mayor for good cause, in which event he shall report such suspension, together with the reason therefor, to the council at its next meeting. The council shall consider such suspension and may veto such suspension and reinstate such policeman, or confirm the suspension for such period as they may fix. Provided, that the council shall have the power to suspend without pay the chief of police or any policeman against whom charges are preferred. If the chief of police or any police officer shall engage in any primary election, convention, or election in which any officer in this city, county or state is to be nominated or elected, in such a way as to become offensive or obnoxious to any class of law abiding citizens, he shall be immediately suspended by the mayor, and charges preferred and a trial had before the council, and upon a three-fifth vote of all the members he may be discharged. Any officer so dismissed shall not be eligible to re-appointment as a police officer.

ARTICLE 33: FIRE DEPARTMENT**§ 58. FIRE DEPARTMENT.**

The fire department shall be under the supervision and subject to rules and regulations prescribed by the council.

ARTICLE 34: CONCERNING BRIBES**§ 59. CONCERNING BRIBES.**

No person, firm or corporation shall give or offer to give to any city officer, employee or agent, nor shall any city officer, employee or agent be permitted to accept, receive or solicit from any person, firm or corporation, any free pass or free transportation, or free gift of the same, for himself or any other person, or any railroad, street car or traction line, or any gift of water, light or heat, or any badge, ring or watch or other thing of value, from any person, firm or corporation having any franchise or contract from, under or with said city, or from any other officer, agent or employee of said city, or from any person whatsoever, who may in any way or manner be affected by the performance or non-performance of any official duty or obligation by such officer, employee, or agent of said city, and the acceptance or solicitation of anything herein forbidden shall be absolute ground of removal or dismissal from office by the council, in the case of an elective office, and by the appointing power in case of an appointive office. The circuit court of Mineral County, upon petition of ten (10) voters of said city, shall have like power of removal of all officer, employees and agents as given in this act to any city officer, in any way or manner.

ARTICLE 35**§ 60. OFFICERS TERM EXPIRES. WHEN; VALID ORDINANCES.**

All officer, agents and employees of the City of Piedmont, shall remain in and hold their offices and discharge the duties thereof until the first day of June, one thousand nine hundred and fourteen, and thereafter until their successors are qualified; and all existing officers not provided for by this act shall be abolished as of the first day of June, one thousand nine hundred and fourteen, except this section shall not apply to hold over councilmen, or councilmen elected on the second Monday of May, one thousand nine hundred and fourteen, who shall hold office until their successors are elected or appointed and qualified as provided in this act. All valid ordinances and regulations passed and adopted by the council

on or before the first day of June, one thousand nine hundred and fourteen, and not inconsistent with this act, shall be and remain in full force, unless and until repealed, and the council now in office shall continue to exercise its powers as such until their successors are elected and qualified.

§ 61. INCONSISTENT ACTS REPEALED.

All acts in conflict or inconsistent with this act are to the extent of any such conflict hereby repealed.

CHAPTER 9: PRECAUTIONS AGAINST FIRE, GENERAL

§ 9-901. BONFIRES AND OUTDOOR RUBBISH FIRES.

(a) **PERMIT REQUIRED.** No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit.

(b) **LOCATION RESTRICTED.** No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless (1) the location is not less than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading to within fifty (50) feet of any structure, or (2) the fire is contained in an approved waste burner located safely not less than fifteen (15) feet from any structure.

(c) **ATTENDANCE OF OPEN FIRES.** Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

(d) **CHIEF MAY PROHIBIT.** The Chief of the Bureau of Fire Prevention is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

§ 9-902. ACCUMULATIONS OF WASTE MATERIALS.

Roofs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind. All weeds, grass, vines or other growth, when same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.

§ 9-903. OPEN FLAMES OR LIGHTS RESTRICTED.

(a) It shall be unlawful to carry or use an open flame in any building or structure or any place where flammable, combustible, or explosive material is stored. Portable lighting equipment shall be powered by dry-cell batteries.

(b) No heating or lighting apparatus or equipment capable of igniting flammable material of the type stored or handled shall be used in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; nor is the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding; nor in the work areas of any establishment used for the upholstering of furniture.

§ 9-904. KINDLING OF FIRE ON LAND OF OTHERS RESTRICTED.

No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent.

§ 9-905. MAINTENANCE OF CHIMNEYS, VENTS, HEAT PRODUCING APPLIANCES AND EXHAUST SYSTEMS.

(a) Chimneys, flues and vents or similar devices for conveying hot gases to the exterior of the building shall be maintained in a manner as not to create a hazardous condition.

(1) Existing masonry chimneys which upon inspection are found to be without a flue liner and with open mortar joints which will permit smoke or gases to be discharged into the building, or which are cracked as to be dangerous, shall be made safe by means of a fire clay lining, a corrosion resistant metal pipe and otherwise repaired if necessary, or the chimney shall be removed. Metal pipe linings shall be of not less than sixteen (16) guage and one inch less in diameter than the least dimension of the flue. Where the metal liner is not in one section or the joints are not welded, the annular space between the metal liner and the walls of the chimney, shall be filled with portland cement mortar.

(2) Existing chimneys and single-walled metal pipe vents of metal which are corroded or improperly supported, shall be replaced, unless satisfactory repairs are made.

(3) Existing factory-built chimneys, Type B gas vents, Type BW gas vents, or Type L low-temperature venting systems, which upon inspection are found to be defective or improperly installed, shall be replaced, unless satisfactory repairs are made.

(4) Existing chimney and vent connectors of metal which are corroded or improperly supported, shall be replaced.

(b) Heat producing appliances, including boilers, furnances, incinerators, ovens, and commercial type cooking appliances, shall be installed and maintained so as to be reasonably safe to persons and property. Heat producing appliances installed in accordance with the provisions of the standard listed for this Section 9-905b-namely, American Insurance Association, Code for the Installation of Heat Producing Appliances, and Heating, Ventilating, Air Conditioning, and Blower and Exhaust Systems, Appendix E, National Building Code, 1976 edition, shall be evidence that such heat producing appliances are installed so as to be reasonably safe to persons and property.

(c) Exhaust systems for commercial cooking equipment including cooking equipment in restaurants, coffee shops, luncheonettes, and lunch counters, shall be maintained in a manner such as not to create a hazardous condition.

(1) Hoods, grease removal devices, fans, ducts, and other appurtenances, shall be cleaned at frequent intervals prior to surfaces becoming heavily contaminated with grease or oily sludge. Flammable solvents or other flammable cleaning aids, shall not be used. At the start of the cleaning process, all electrical switches, detection devices and system supply cylinders, shall be locked, pinned, protectively covered and/or sealed to prevent the accidental starting of fans or actuating the fire extinguishing system. Care shall be taken not to apply cleaning chemicals on fusible links or other detection devices of the automatic extinguishing system. When cleaning procedures are completed, all electrical switches, detection devices system supply cylinders, etc., shall be returned to an operable state. Cover plates shall be replaced and dampers and diffusers shall be positioned for proper air flow.

(2) Grease extractors shall be operated and cleaned in accordance with the manufacturer's instructions.

(3) Fire extinguishing systems shall be inspected periodically and checked for proper operation. These inspections shall include a check that the supply of extinguishing agent in the system is adequate and all actuation components are operating satisfactorily. Fusible links where employed, shall be properly cleaned or replaced.

(4) Portable fire extinguishers shall be inspected periodically for operation and supply and type of extinguishing agent.

(5) Instructions for manually operating the system, shall be posted conspicuously in the kitchen and employees checked for their knowledge of procedures.

(6) When a fire extinguishing system has operated because of a fire or accidentally for any reason, commercial cooking equipment involved is permitted to be continued in use for not more than twenty-four (24) hours without the fire extinguishing system being inspected and recharged.

(d) Commercial, industrial and flue-fed incinerators, shall be provided with approved spark arrestors or other effective means for arresting sparks and fly ash.

§ 9-906. FIRE LANES ON PRIVATE PROPERTY, DEVOTED TO PUBLIC USE.

(a) The marking of fire lanes on private property, devoted to public use, shall be approved by the Chief of the Bureau of Fire Prevention and the Chief of Police.

(b) Parking of motor vehicles or otherwise obstructing fire lanes, shall be prohibited at all times.



