

ACT
of the
LEGISLATURE OF WEST VIRGINIA
in relation to the
TOWN OF GLENVILLE

AN ACT to incorporate the Town of Glenville, in the County of Gilmer.
(Passed February 13, 1871,)

Be it enacted by the Legislature of West Virginia:

1. That the Town of Glenville in the County of Gilmer, as the same has heretofore been laid off into lots, streets and alleys embraced in the following boundary, to-wit:

Commencing on the bank of the Little Kanawha River immediately above the mouth of Sycamore Run; thence with the road up said Sycamore Run to the division line of lands owned by Harrison Cain and Milton Norris; thence with Norris' line to Thomas H. Brannon's line; and thence with his line to the road, to line of lands owned by Robert Linn's heirs; thence with said line to their upper corner at the forks of the road; thence southward to the Little Kanawha River; and thence down the same with the meanders thereof to the place of beginning, shall be, and the same is hereby made a Town corporate, and body politic, by the name of the "Town of Glenville," and as such shall have perpetual succession and a common seal, plead and be impleaded, and purchase, lease and hold real and personal property, necessary to the purposes of said corporation.

CHARTER

2. The municipal authorities of said town shall consist of a Mayor, Recorder and five Councilmen, who together shall form a common council.

3. All corporate powers of the said town shall be exercised by the said council, or under their authority, except where otherwise provided.

4. There shall be a town Sergeant, a Treasurer and Assessor appointed by the council, to continue in office at its pleasure, and perform the duties respectively as hereinafter provided, or may be required by the council.

5. The duties of the office of Recorder, Treasurer, and Assessor may be discharged by the same person, or otherwise, as the council may from time to time determine.

6. The Mayor, Recorder and Councilmen shall be elected by the citizens of said town

who may be entitled to vote under this act, and (except when elected to fill vacancies) for the term of one year, and until their successors shall have been elected and qualified, and shall be residents of said town and entitled to vote for members of its common council.

7. The first election held under this act shall be held on the first Saturday in April, 1870, at the Court House in said town, under the supervision of the present election officers of the township of Glenville. The persons conducting the first election shall grant certificates to the person elected, which shall be entered upon the records, with the ordinances of said council, and their terms of office shall commence so soon thereafter as a quorum may be qualified, who shall remain in office until the 31st day of December, 1870, and thereafter until their successors are elected and qualified to act. And on the first Saturday in November, 1870, and annually thereafter, there shall be an election held on the same day in each and every year, at such place and under such supervision, rules and regulations as the council in said town may prescribe, whose term of office shall commence on the first day of January next after their election.

8. All person residents in said town for six months prior to said election, and entitled to vote for county and township officers shall be entitled to vote for Mayor, Recorder and Councilmen.

9. The Assessor of said town shall annually, at least ten days before any election make out a list, in alphabetical order, of the qualified voters of said town under this act, and shall deliver the same to the inspectors, or proper officers of the election, before sunrise on the day of the next succeeding, or any special election; and shall be liable to all the fines, penalties and forfeitures, for placing the name of any person on said list who is not a qualified voter, or for failing or refusing to place the name of any person thereon who is a qualified voter under this act, that township Registrars are liable to, which shall be enforced and recovered before the same tribunals wherein the same are imposed enforced and recovered against township Registrars.

10. When a vacancy shall occur from any cause in the office of Mayor, Recorder, or in the Council, the vacancy shall be filled by appointment by the council.

11. 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 so conducting such an election shall decide which of said persons shall be returned elected. And all contested elections shall be heard and determined by the council for the time being.

12. The Mayor, Recorder, Councilmen, Sergeant, Treasurer and Assessor shall each, before entering upon the duties of his office, and within ten days after being furnished with a certificate of his election, take the several oaths prescribed for county and township officers. The Recorder shall take such oath or affirmation before a justice or other officer authorized to administer oaths, and thereupon he shall administer the oaths aforesaid to the other officers and councilmen. Certificates of said oaths or affirmations shall be filed with the Recorder, and the act of their administration be entered on the journal of the proceedings of the council.

13. If any one elected Mayor, Recorder or Councilmen shall have not been eligible, or shall fail or refuse to take the oath or affirmation required under this Act, within the ten days aforesaid, such office shall be declared vacant, and the vacancy filled as hereinbefore provided; but in all cases from among the citizens of the town eligible to such office or position under t his act.

14. The council shall be presided over at its meetings by the Mayor, or in his absence by one of the councilmen, selected by a majority of the council present. And a majority of the council shall be necessary to constitute a quorum to do business.

15. The council shall cause to be kept in a journal, an accurate record of all its proceedings, by-laws, acts and orders, which shall be fully indexed and open to the inspection of the votes of the town.

16. The proceedings of the last meeting shall be read to the council, corrected when necessary, and signed by the person presiding for the time being. Upon the call of any member the ayes and noes on any question shall be called and recorded in the journal. The Mayor, though not voting as a member of the council, in cases of a tie shall have the casting vote.

17. The council so constituted shall have power within said town to lay off, open and curb, and pave streets, alleys, walks and gutters for the public use, and to alter, improve and light the same, and to have them kept in good order, and free from obstructions on or over them; to regulate the width of 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 regulate the keeping of gunpowder and other combustibles; to provide for the burial of the dead, and for this purpose may purchase and hold the necessary land, or cemetery, near or convenient to said town, and provide for its improvement and security; to provide for the regular buildings of houses or other structures in or for said town; for the making of division fences; and to provide for shade and ornamental trees, and against danger or damage from fires or contagious disease; to provide a revenue for the town, and to appropriate the same, and to provide for the annual assessment of taxable persons or property of the town; to adopt rules for the transaction of business and the government regulations of its own body; and protect the property and preserve peace and good order therein; to keep a town guard, appoint and order out a patrol for the town when deemed necessary; to appoint such officers as they may deem proper, including a sergeant, assessor, treasurer and street commissioner; to define their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds with such securities and in such penalty as the council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure; (all bonds to be made payable to the town by its corporate name;) to erect, or authorize, or prohibit the erection of gas works or water works in or near the town; to prevent injuries to or pollution of the same; for all of which purposes named in this clause, except that of taxation, the council shall have jurisdiction for one mile beyond the borough; to regulate and provide for weighing and measuring of hay, coal and other articles sold or for sale in said town; and to regulate the transportation thereof through the streets; and generally to do such things as the council shall deem necessary for the interest, prosperity, peace and good order of said town.

18. To carry into effect these enumerated powers, and all others conferred upon said town, or its council, expressly, or by implication in this or any other acts of the Legislature, the council shall have power to adopt and enforce all needful orders, by-laws and ordinances, not contrary to the Constitution and laws of this State; and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment for a term not exceeding thirty days, under the judgment and order of the Mayor of said town, or in case of his absence or disability, by one of the councilmen, designated by a majority of the councilmen of said town. The council with the consent of the Supervisors of Gilmer County, entered of record may have the right to use

the jail of said county, for any purpose necessary to the administration of its affairs.

19. The annual levy ordered by the council may be upon all male persons within said town over the age of twenty one years, dogs, hogs and other animals, and on all real estate within said town, which is not exempt from State taxation, and all other subjects in said town as may at any time be assessed with State taxes; provided that the tax does not exceed seventy-five cents on every one hundred dollars value of personal and real estate, or two dollars per head on each taxable person.

20. The taxes in said town shall be annually laid in the months of May or June, or as soon thereafter as may be, and shall be paid and accounted for by the Sergeant, at the same time that county levies are due and payable.

21. When anything for which a State license is required, is to be done within said town, the town may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town. And the Board of Supervisors shall not grant a license to any person or persons within said corporation, nor within two miles beyond the corporate limits of said town, for the purpose of selling ardent spirits, unless the party or parties applying for such a license shall first produce to the said Board of Supervisors, a certificate from said town council, showing its approval of the application for such license, and the council may in any case require from the persons so licensed a bond with securities, in such penalty and with such conditions as it may determine. But nothing in this section shall be construed to authorize the council of said town to grant a license to sell at retail, ardent spirits, or any drink of like nature.

22. The Sergeant shall collect the town taxes, fines, levies and licenses, and after thirty days from the time he may receive the books of the Assessor of said town, may distrain and sell therefor, in the manner as the Sheriff may for State taxes, and shall in all respects have the same power as the Sheriff to enforce the payment and collection thereof, and shall be liable to the same penalties and forfeitures as a Sheriff is liable to. And shall within the corporate limits of the town, exercise all the duties that a Constable can legally exercise in regard to the collection of claims, executing and levying process, and shall be entitled to the same or like fees therefor, and he and his securities shall be liable to all the fines, penalties and forfeitures that a Constable is legally liable to, for any failure or dereliction in said office, to be recovered in the same manner, and before the same tribunals that the same are now recovered against Constables.

23. There shall be alien on all real estate within said town, for the town taxes assessed thereon from the commencement of the year for which they were assessed; and the council may order and require the same to be sold, or rented by the Sergeant at public auction, for the arrears with interest therein from the 15th day of December, in the year in which such taxes were assessed, and such per centum in addition thereto for charges and expenses therefor as they may determine; and may regulate the terms upon and time within which the same may be recovered. No such sale, or renting shall be ordered until such realty be returned delinquent, and the sale shall be after twenty days notice, posted at the courthouse door, and the post office in said town.

24. The law now in force in this State in relation to the making and returning delinquent lists of persons and property, and real estate for the non-payment of taxes thereon, and the selling of real estate on account of the non-payment of the taxes due thereon by Sheriffs, shall be held applicable to the making and returning of delinquent lists and the sales made by the Sergeant of said town under this act; except that the Sergeant shall not be required to return any lists to the Board of Supervisors of said county, but shall return such delinquent lists to the council of said town.

25. A list of all sales made for delinquent town taxes on real estate, shall be returned by the officer to the council of said town, and it shall be the duty of said council to certify the said lists to the Recorder of said county, and the same may be redeemed in the same manner, as sales for delinquent State taxes, and the person purchasing the same, his heirs or assigns, shall upon the failure to redeem, be entitled to deeds from the Recorder of said county, in the same manner, and under the same regulations as deeds are obtained upon sales for delinquent State taxes, and such estate shall stand vested in the grantee in such deed as was vested in the party assessed with the taxes (on account whereof the sale was made) at the commencement of the year for which such taxes were assessed.

26. The council may prohibit any theatrical or other performance, show or other exhibition within said town, it may deem injurious to the morals or good order of said town.

27. The said town, within the corporate limits aforesaid shall constitute a separate road and poor district of the said county of Gilmer, and shall be free from all taxes for county or township purposes outside of said corporation; and the taxable persons and property therein shall be exempt from all expense and liability for the construction or repair of roads and bridges outside the corporate limits of said town. And the street commissioner shall discharge the duties of a surveyor of roads in said precinct under the direction of the council.

28. The Mayor shall be the chief executive officer of the town, shall take care that the by-laws, ordinances and orders of the council are faithfully executed; shall be ex-officio a conservator and justice in the town; and shall within the same, exercise all the powers and duties vested in justices, in civil and criminal causes, and shall be entitled to the same fees as justices in such cases. But before he shall exercise the duties of justices in civil cases he shall execute bond with securities in the same manner and penalty as are required of justices, and shall be liable in like manner; shall have control of the police of the town, and may appoint special police officers; shall see that peace and good order are observed, and that persons and property are protected in the town; shall have power to issue executions for all fines and costs imposed by him; or may require the immediate payment thereof, and in default of such payment may commit the party in default to the jail of the county, until the fine and costs are paid; but the term of imprisonment in such cases shall not exceed thirty days. He shall from time to time recommend to the council such measures as he may deem needful to the welfare of the town, and shall receive a compensation for his services, to be fixed by the council, and paid out of the treasury, as other debts and liabilities of said town are paid, which shall not be increased or diminished, for the term for which he was elected.

29. The Recorder shall keep a journal of the proceedings of the council, and have charge of and preserve the records of the town; and shall receive a compensation for his services, to be fixed by the council, and paid out of the treasury as other debts and liabilities of said town are paid, which shall not be increased or diminished for the term for which he was elected.

30. All monies belonging to said town, shall be paid over to the treasurer, who shall pay out the same upon the order of the Mayor, countersigned by the Recorder, having been first allowed by ordinance or resolution of the council entered of record and not otherwise. And for any default or liability upon the Treasurer or Sergeant, the council in the corporate name of said town, may on motion, after ten days notice obtain judgment before the Circuit Court of said county, on account thereof, against them and their securities, respectively, or any or either of them, or their heirs or legal representatives.

