

P1247

LAWS AND ORDINANCES

FOR THE GOVERNMENT OF THE

TOWN OF MONONGAH

WEST VIRGINIA

CONTAINING

THE CERTIFICATE OF INCORPORATION, INCLUDING THE BOUNDARIES OF SAID
TOWN, ALL ORDINANCES OF A GENERAL AND PROSPECTIVE NATURE
NOW IN FORCE, WITH AN APPENDIX OF FORMS.

COMPILED AND REVISED

UNDER ORDER OF COUNCIL.

JAS. E. M'COY, PRINTER
FAIRMONT, W. VA.
1902

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OFFICERS
OF THE
TOWN OF MONONGAH,
WEST VIRGINIA.

MAYOR,

J. L. BLOCHER.

RECORDER,

J. A. LAUGHREY.

COUNCILMEN,

E. V. HERNDON,

DAVID VICTOR,

C. H. ARP,

J. H. MORT,

C. S. DEAN.

SERGEANT AND TREASURER,

CLARENCE CURREY.

DECREE
OF THE
CIRCUIT COURT OF MARION COUNTY,
WEST VIRGINIA:

GRANTING CERTIFICATE OF INCORPORATION TO THE
TOWN OF MONONGAH.

In *re* TOWN OF MONONGAH—Upon proceedings to incorporate.

[Entered September 18, 1891.]

The certificate required by law in proceedings to incorporate towns and villages having been presented this day at this term of the Court, subscribed and sworn to by A. J. Gaskins, J. E. Hall and B. F. Watkins, showing that a majority of the votes cast at an election held on the 12th day of September, 1891, within the proposed limits of the town of Monongah, partly in Grant and partly in Lincoln districts, Marion county, West Virginia, by the qualified voters residing within said limits or boundaries, was for the incorporation of said boundaries or territory; and satisfactory proof having been produced that all the provisions of chapter 47 of the Code of West Virginia, in relation to the incorporation of towns and villages, has been complied with, the clerk of this Court is hereby directed to issue a certificate of incorporation of the town of Monongah, under the name and municipal title of Monongah, as follows, to-wit: A certificate under oath of A. J. Gaskins, James E. Hall and B. F. Watkins has been presented, showing that a majority of all the votes cast by qualified voters residing within the boundaries

proposed to be incorporated under the name and municipal title of Monongah, on the 12th day of September, A. D. 1891, at an election held within said territory or boundaries, was for the incorporation of said territory, bounded as follows, to-wit: Beginning in Grant district, Marion county, West Virginia, at a hickory tree on the east bank of the West Fork of the Monongahela river, situated nearly opposite the railroad tool-house; running thence S. 3 degrees E. crossing the said (Monongahela River) railroad, 285 feet to a stake; thence S. 6 degrees E. 577 feet to a stake; thence S. 36 degrees E. 117 feet to a stake; thence S. 39 degrees E. 422 feet to a stake; thence S. 37 degrees E. 359 feet; thence S. 17 degrees E. 523 feet; thence S. 5 degrees W. 238 feet; thence S. 23 degrees W. 453 feet to corner of school house lot; thence S. $71\frac{1}{2}$ degrees W. 158 feet; thence S. $11\frac{1}{2}$ degrees W. 276 feet; thence N. $83\frac{1}{2}$ degrees W. 418 feet; thence S. 12 degrees W. 105 feet; thence west 85 feet; thence N. $2\frac{1}{2}$ degrees W. 226 feet; thence N. $79\frac{1}{2}$ degrees W. 654 feet; thence S. 72 degrees W. 344 feet to a sugar tree; thence N. 89 degrees W. 775 feet to a stump in Darius Fleming's field; thence S. $9\frac{1}{2}$ degrees W. 217 feet; thence S. $57\frac{3}{4}$ degrees W. 100 feet; thence S. $61\frac{3}{4}$ degrees W. 595 feet; thence S. $9\frac{1}{2}$ degrees W. 294 feet; thence S. $42\frac{1}{4}$ degrees W. 1,100 feet; thence S. $35\frac{1}{4}$ degrees W. 228 feet; thence S. $42\frac{1}{2}$ degrees W. 100 feet; thence S. 34 degrees E. 45 feet; thence S. $73\frac{1}{2}$ degrees W. 627 feet; thence S. $63\frac{1}{2}$ degrees W. 112 feet; thence S. $83\frac{1}{2}$ degrees W. 72 feet; thence S. 7 degrees E. 153 feet; thence S. $11\frac{1}{2}$ degrees E. 157 feet, S. $66\frac{1}{2}$ degrees W. 212 feet to a walnut tree; thence N. $16\frac{1}{2}$ degrees W. 290 feet; thence N. $21\frac{1}{2}$ degrees W. 230 feet; thence N. $28\frac{3}{4}$ degrees W. 386 feet to a locust tree near the opening of the upper plant of the Monongah mines; thence N. $53\frac{3}{4}$ degrees W. 169 feet to a sugar tree on the bank of the West Fork of the Monongahela river; thence down the river N. $53\frac{1}{2}$ degrees E. 616 feet; thence N. 57 degrees E. 661 feet; thence N. $58\frac{3}{4}$ degrees E. 658 feet; thence N. $64\frac{3}{4}$ degrees E. 297 feet; thence N. 47 degrees E. 419 feet; thence N. 50 degrees E. 90 feet; thence

crossing the river N. 40 degrees W. 328 feet to an elm tree in Lincoln district, Marion county, West Va.; thence N. $30\frac{1}{2}$ degrees W. 69 feet to a stake; thence with the company's line N. $33\frac{3}{4}$ degrees W. 957 feet to Mason's corner; thence N. $6\frac{3}{4}$ degrees W. 370 feet; thence N. $5\frac{1}{2}$ degrees W. 210 feet to a stake at the turnpike road, S. 79 degrees E. 112 feet to an apple tree in church lot; thence N. $85\frac{1}{2}$ degrees E. 297 feet; thence S. 77 degrees E. 272 feet; thence N. 46 degrees E. 280 feet; thence N. $82\frac{1}{2}$ degrees E. 209 feet; thence N. 63 degrees E. 170 feet; thence N. $31\frac{1}{2}$ degrees E. 117 feet; thence N. 32 degrees E. 277 feet; thence N. $35\frac{3}{4}$ degrees E. 166 feet; thence down the hill S. 59 degrees E. 616 feet to the river; thence down the river N. $46\frac{1}{4}$ degrees E. 879 feet; thence S. $51\frac{1}{2}$ degrees E. 354 feet, crossing the river, to the place of beginning, containing 387 acres 3 roods and 24 perches within the boundary lines.

And it appearing to the satisfaction of the Court that all the provisions of chapter 47 of the Code of West Virginia have been complied with by the applicants for said incorporation, the town of Monongah is duly authorized, under the name and municipal title of Monongah, within the foregoing described boundaries or corporate limits, to exercise all the corporate powers conferred by said chapter 47 of the Code from and after the date of this certificate; and the Court doth appoint J. W. Ross, Darius Fleming and G. C. Galliher to act as inspectors at the first election to be held in said town of Monongah.

Entered in the office of the clerk of said Court in law order book No. 12, at page 259.

CHAPTER XLVII OF THE CODE.

OF CITIES, TOWNS AND VILLAGES, INCORPORATION OF WITHOUT
SPECIAL CHARTER; AMENDING CHARTER WHERE POPULA-
TION LESS THAN TWO THOUSAND.

SEC.		SEC.	
1.	To what cities, towns and villages this chapter applies.	32.	Who are to work on the streets, &c.
13.	} First election of officers.	33.	Licenses.
15.		34.	Sidewalks; how made, &c.
16.		35.	Collections of taxes, &c.
17.	} Terms of officers.	36.	Lien for taxes, fines, &c.
18.		37.	Settlements by sergeant; his compensation for collections, &c.; remedy against him for failure to account, &c.
19.	Who are voters of city, town or village.	38.	Powers and duties of Mayor.
20.	} Vacancies in office; qualifications of certain officers, &c.	39.	Duties and powers of Recorder.
22.		40.	Duties and powers of Assessors.
23.	Contested elections.		(But see ch. 29, sec. 100, of this code.)
24.	} Meetings of the council; their record, &c.	42.	Salaries of officers.
27.		43.	When inhabitants exempt from working on roads and payment of poor levies, &c.
28.		44.	Forfeiture of charter, when and how.
31.	} Powers and duties of the council.		

To what cities, towns and villages this chapter is to apply.

1. The cities, towns and villages in this State, heretofore established under the laws of the State of Virginia, or of this State, shall remain subject to the law now in force applicable thereto respectively, and the provisions hereinafter contained in this chapter shall be deemed applicable only to cities, towns and villages hereafter established, except that the municipal authorities of city, town or village heretofore established, other than the city of Wheeling, may exercise all the powers conferred by this chapter, although the same may not be conferred by their charter; and so far as this chapter confers powers on the municipal authorities of a city, town or village, other than said city of Wheeling, not conferred by the charter of any such city, town or village, the same shall be deemed an amendment to said charter.

13. The municipal authorities of such city, town or village shall be a mayor, recorder and five councilmen, who shall be

freeholders therein, and who together shall form a common council.

14. The mayor, recorder and councilmen of such city, town or village, so soon as they have been elected and qualified as herein provided, and their successors in office, shall be a body politic and corporate, by the name of "The city (town or village) of ——," and shall have perpetual succession and a common seal; and by that name may sue and be sued, plead and be impleaded, purchase and hold real estate necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of said city, town or village. All the corporate powers of such corporation shall be exercised by said council or under their authority, except where otherwise provided.

15. There shall be a city, town or village sergeant, an assessor and a superintendent of roads, streets and alleys, appointed by the council, to continue in office during its pleasure, and perform the duties respectively as herein prescribed, or as may be required by the council. The sergeant shall be *ex officio* treasurer of said corporation.

Terms of Officers.

16. The officers first elected in such city, town or village shall hold their offices until their successors are elected and qualified. The terms of all officers elected after the said first election shall commence on the first day of February in each year and shall be for one year, and until their successors are elected and qualified according to law.

Subsequent Elections.

17. After the first election of officers in such corporation they shall be elected on every first Thursday of January, at such place in the town or village, and under such supervision,

rules and regulations, not inconsistent with the laws regulating district elections, as the council may prescribe.

18. Every person elected or appointed to an office in such corporation shall, within twenty days after his election or appointment, and before he shall enter upon the duties of his office, take and subscribe the oath of office prescribed for district officers; which may be done before any person authorized by law to administer oaths, or before the mayor or recorder of such city, town or village, which oath, with the certificate of the officer administering the same, shall be filed with the recorder of the town or village.

Who are Voters of the City, Town or Village.

19. All persons who have been *bona fide* residents of such city, town or village for six months next preceding a charter election therein, and who are qualified voters under the constitution and laws of this State, and none others, shall be entitled to vote at any charter election held in said city, town or village. But no person shall be deemed a resident of any such city, town or village by reason of being a student of any school or college therein or of being stationed therein for any temporary purpose.

Vacancies in Office—Qualifications of Certain Officers, etc.

20. 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, from among the citizens of the city, town or village eligible under this chapter.

21. The mayor, recorder and councilmen must be residents of such city, town or village and entitled to vote for members of its common council.

22. Whenever two or more persons shall receive an equal number of votes for the same office, if such number be the highest cast for such office, the persons, under whose supervision the

election is held shall decide by lot which of them shall be returned as elected, and shall make their return accordingly.

Contested Elections.

23. All contested elections shall be heard and decided by the council.

Meetings of the Council; Their Record, etc.

24. The council shall be presided over at its meetings by the mayor, or in his absence by the recorder; or in the absence of both mayor and recorder, by one of the councilmen selected by a majority of the council present; and a majority of the council shall be necessary to form a quorum for the transaction of business. But no member of the council of any city, town or village heretofore or hereafter incorporated shall vote upon any order, measure, resolution or proposition in which he may be interested other than as a citizen of such city, town or village.

25. The council shall cause to be kept, in a well bound book, an accurate record of all its proceedings, by-laws, acts, orders and resolutions, which shall be fully indexed, and open to the inspection of any one who is required to pay taxes to such town or village.

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

27. The mayor and recorder shall have votes as members of the council, and in case of a tie, the presiding officer for the time being shall have the casting vote.

Powers and Duties of the Council.

28. The council of such city, town or village shall have power therein to lay off, vacate, close, open, alter, curb, pave

and keep in good repair roads, streets, alleys, sidewalks, crosswalks, drain and gutters, for the use of the public or of any of the citizens thereof, and to improve and light the same, and have them kept free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways, crosswalks, drains and gutters to be curbed and paved, and kept in good order, free and clean, by the owners or occupants thereof, or of the real property next adjacent thereto; to establish and regulate markets, to prescribe the times of holding the same; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep and other animals, and fowls of all kinds, from going at large in such city, town or village; to protect places of divine worship in and about the premises where held; 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 in or near the city, town or village, places for the burial of the dead, and to regulate interments therein; to provide for the regular building of houses or other structures, and for the making of division fences by the owners of adjacent premises, and the drainage of lots by the proper drains and ditches; to make regulations for guarding against danger or damage by fire; to prevent the illegal sales of all intoxicating liquors, drinks, mixtures and preparations therein; to protect the persons and property of the citizens of such city, town or village, and to preserve peace and good order therein; and for this purpose to appoint, when necessary, a police force to assist the sergeant in the discharge of his duties; to prescribe the powers and define the duties of the officers appointed by the council, fix their terms of service and compensation, require and take from them bonds, when deemed necessary, payable to such city, town or village in its corporate name, with such sureties and in such penalty as the council may see fit, conditioned for the faithful discharge of their duties; to erect, or authorize or

prohibit the erection of gas works, or water works in the city, town or village; to prevent the injury to or pollution of the same, or to the water or healthfulness thereof; to regulate and provide for the weighing of hay, coal and other articles sold or for sale in the city, town or village, and to provide a revenue for the city, town or village, and appropriate the same to its expenses; to provide for the annual assessment of taxable property therein; to adopt rules for the transaction of business, and the government and regulation of its own body.

29. To carry into effect these enumerated powers and all others conferred upon such city, town or village, or its council, by this chapter or by any future act of the Legislature of this State, the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules and regulations, not contrary to the Constitution and laws of this State; and to prescribe, impose and enact reasonable fines, penalties and imprisonments in the county jail or the place of imprisonment in said corporation, if there be one, for a term not exceeding thirty days, for a violation thereof. Such fines, penalties and imprisonments shall be recovered, and enforced under the judgment of the mayor of such city, town or village, or the person lawfully exercising his functions.

30. The council shall cause to be annually made up and entered upon its journal, an accurate estimate of all sums which are or may become lawfully chargeable on such city, town or village, and which ought to be paid within one year, and it shall order a levy of so much as may, in its opinion, be necessary to pay the same.

31. The levy so ordered shall be upon all dogs in the said city, town or village, and upon all real and personal estate therein, subject to State and county taxes: *Provided*, That the taxes so levied upon property shall not exceed one dollar on every one hundred dollars of the value thereof.

Who are to Work on the Streets, etc.

32. Every male resident of said city, town or village, not under twenty-one nor over fifty years of age, and who is not a pauper, shall, if required by the council thereof, work not exceeding two days, by himself or an acceptable substitute on the roads, streets and alleys of such city, town or village under the direction of the superintendent of roads, streets and alleys, or may be released from such work upon the payment to the superintendent of such amount as may be fixed by the council, the money so paid to be used in the improvement of said roads, streets and alleys; and if said work and money so paid is not sufficient to put and keep the roads, streets, alleys, sidewalks, crosswalks, drains and gutters of such city, town or village in good repair, the council thereof shall levy a tax on all the subjects of taxation therein sufficient for that purpose and to pay all other expenses incident thereto.

Licenses.

33. Whenever anything for which a State license is required is to be done within such city, town or village, the council may require a city, town or village license therefor and may impose a tax thereon for the use of the city, town, or village. But no license to sell, offer or expose for sale any brandy, whisky, rum, gin, wine, porter, ale or beer, or any other spirituous, vinous or malt liquor, or any intoxicating liquor, drink, mixture or preparation whatever within such city, town or village, or within one mile of the corporation limits thereof, unless it be within another incorporated city, town or village, shall be authorized or granted, except as provided in chapter thirty-two of this Code. The council shall require from every person so licensed, a bond with good security to be approved by the council, in a penalty of least three thousand five hundred dollars, payable to such city, town or village by its corporate name, conditioned as

prescribed in section *twenty-two** of chapter thirty-two of this Code, and may revoke such license at any time the condition of said bond be broken, upon ten days' previous notice to the person holding the same. And suits may be prosecuted and maintained on such bond as prescribed in said section of said chapter, by the same persons, in the same manner and to the same extent as upon the bonds mentioned in said section, and all the provisions of said section in relation to the bonds therein mentioned shall be applicable to the bonds required by this section. (Code W. Va., ch. 32, § 10.)

Sidewalks; How Made, etc.

34. If the owner or occupant of any sidewalk, footway or gutter, in such city, town or village, or of the real property next adjacent thereto, shall fail or refuse to curb, pave or keep the same clean, in the manner or within the time required by the council, it shall be the duty of the council to cause the same to be done at the expense of the city, town or village, and to assess the amount of such expense upon such owner or occupant, and the same may be collected by the sergeant in the manner herein provided for the collection of city, town or village taxes.

Collection of Taxes, etc.

35. It shall be the duty of the sergeant to collect the city, town or village taxes, fines, levies and assessments, and in case the same are not paid within one month after they are placed in his hands for collection, 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. And the said sergeant shall have all the powers, rights and privileges within the corporate limits of such city, town or village in re-

*The word "twenty-two" is here inserted instead of the word "eighteen," to correspond with the section of chapter thirty-two as amended.

gard to the arrest of persons, the collection of claims, and the execution and return of process that can be legally exercised by the constable of a district within the same, and he shall be entitled to the same compensation therefor, and he and his sureties shall be liable to all the fines, penalties and forfeitures that a constable of a district is liable to, for any failure or dereliction in said office, to be recovered in the same manner and in the same courts that the said fines, penalties and forfeitures are now recovered against such constable. The sergeant shall, before entering upon the duties of his office, execute a bond, conditioned according to law, with surety satisfactory to the council, payable to the city, town or village, in such penalty, not less than one thousand dollars, as the council may prescribe.

Liens for Taxes, Fines, etc.

36. There shall be a lien on real estate within such city, town or village for the city, town or village taxes assessed thereon, and for all other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of such city, town or village, from the time the same are so assessed or imposed, which shall have priority over all other liens, except the lien for taxes due the State, county and district, and may be enforced by the council in the same manner now provided by law for the enforcement of the lien for county taxes, or in such other manner as the council may by ordinance prescribe. If any real estate within such city, town or village be returned delinquent for the non-payment of taxes thereon, a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for taxes, interest and commission thereon, in the same manner, at the same time and by the same officer as real estate is sold for the non-payment of State taxes.

*Settlements by the Sergeant; His Compensation for Collection, etc.;
Remedy Against Him for Failure to Account, etc.*

37. It shall be the duty of the sergeant at least once in six months, during his continuance in office, and oftener if required by the council, to render an account of the taxes, fines, penalties, assessments and other claims in his hands for collection, and return a list of such as he shall not have been able to collect by reason of insolvency, removal or other cause; to which list he shall make an affidavit that he has used due diligence to collect the same, but has been unable to do so; and if the council shall be satisfied of the correctness of said list, it shall allow the sergeant a credit for said claims. He shall receive for his services in the collection of taxes and assessments a compensation, to be fixed by the council, of not exceeding five per centum on the amount duly collected and accounted for. He shall pay any money in his hands belonging to the city, town or village upon the order of the council.

38. If the sergeant shall fail to collect, account for and pay over all or any of the moneys with which he may be chargeable, belonging to the city, town or village, according to the conditions of his bond and the orders of the council, it shall be lawful for the council to recover the same by action or motion, in the corporate name of the city, town or village in the Circuit Court of the county in which the same is situated, or, where the sum does not exceed three hundred dollars, before a justice of the district in which the same is situated, against the sergeant and his sureties, or any or either of them, or his or their executors or administrators, on giving ten days' notice of such motion.

Powers and Duties of the Mayor.

39. The mayor shall be the chief executive officer of the city, town or village, and shall take care that the orders, by-laws, ordinances, acts and resolutions of the council thereof are

faithfully executed. He shall be *ex officio* a justice and conservator of the peace within the city, town or village, and shall within the same have, possess and exercise all the powers, and perform all the duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases of causes of action arising out of the corporate limits of the city, town or village. He shall have the same power to issue attachments in civil suits as a justice of his county has, though the cause of action arose out of his city, town or village. But in such case he shall have no power to try the same, but said attachments shall be returnable and be heard before some justice of his county. Any warrant or other process issued by him, may be executed at any place within the county. He shall have control of the police of the city, town or village, and may appoint special police officers whenever he deems it necessary; and it shall be his duty especially to see that the peace and good order of the city, town or village are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the city, town or village before issuing his warrant therefor. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the jail of the county in which such city, town or village is situated, or other place of imprisonment in such corporation, if there be one, until the fine or penalty and costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the council such measures as he may deem needful for the welfare of the city, town or village. The expenses of maintaining any person committed to the jail of the county by him, except it be to answer an indictment, or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty of this Code, shall be paid by the city, town or village. But such mayor shall not

receive any money belonging to the State, or to individuals, unless he shall give the bond and security required of a justice of the peace by chapter fifty of this Code; and all the provisions of said chapter relating to moneys received by justices shall apply as to like moneys received by such mayor.

NOTE.—Where fine of ten dollars or more or imprisonment is imposed, defendant may appeal to the Circuit Court as provided in section 230 of chapter 50 of this Code. See 28 W. Va. 81.

Duties and Powers of Recorder.

40. It shall be the duty of the recorder to keep the journal of the proceedings of the council, and have charge of and preserve the records of the city, town or village. In the absence from the city, town or village, or sickness of the mayor, or during any vacancy in the office of the mayor, he shall perform the duties of the mayor and be invested with all his powers.

Duties and Powers of Assessors.

41. It shall be the duty of the assessor to make an assessment of the property within the city, town or village subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and return the same to the council on or before the first day of May in each year, and for this purpose he shall have all the powers conferred by law on county assessors. He shall list the number of dogs in the city, town or village, and the names of the persons owning the same, which list shall be returned to the council. (See chapter 29, section 100 of this Code.)

Salaries of Officers.

42. The mayor, recorder, assessor, and superintendent of roads, streets and alleys of such corporation, shall each receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished during the term for which he shall have been elected.

When the inhabitants of city, town or village, exempt from working on roads, etc.; and payment of poor levies, etc.

43. The inhabitants of any incorporated city, town or village, whether the same is or has been incorporated under this chapter or otherwise, which constructs and keeps in good repair the roads, streets, alleys, sidewalks and gutters within the same, shall not be required to pay any district road taxes assessed by the County Court, or to perform any labor on the roads outside of the corporate limits of the city, town or village in which they reside, nor shall the inhabitants of any such city, town or village, which provides for its own poor, be required to pay any poor levies assessed by the County Court for the support of the poor outside of said corporate limits; but beyond this the taxable property in no city, town or village shall be exempt from the payment of county levies for any purpose for which such levy may be lawfully laid, by reason of any provision in its charter or act of incorporation, or otherwise.

Forfeiture of Charter; When and How.

44. Any city, town or village which shall fail for one year to keep its roads, streets, alleys, sidewalks and gutters in good order and repair, or which shall fail for one year to exercise its corporate powers and privileges, shall thereby forfeit its charter and all the rights, powers and privileges conferred thereby.

ORDINANCES.

CHAPTER I.

AN ORDINANCE: IN RELATION TO THE MAYOR AND THE MUNICIPAL COURT.

SEC.		SEC.	
1.	Warrant of arrest, complaint and proceeding to judgment.	5.	Taxation of costs.
2.	Sufficient cause for prosecutor to pay costs.	6.	Mayor's docket.
3. }	Executions and imprisonments.	7.	Working out fines.
4. }		8.	What constitutes contempt.
		9.	Order of arrest for contempt.
		10.	Judgment to be entered.
		11.	Time of prosecution.

Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. That no warrant of arrest shall be issued by the mayor of said town, except upon probable cause supported by oath or affirmation, but upon the verbal complaint of any person of the violation of any of the ordinances of the town aforesaid, the mayor may, if he think there be good reason therefor, issue a summons, directed to the town sergeant, requiring him to summon such offender to appear before the mayor at the time and place mentioned in said summons, to show cause, if any he can, why he should not be dealt with according to the provisions of said ordinances; such summons shall specify the complaint, and such offender being served with a copy of said summons and failing to appear, the mayor shall hear the evidence as to said alleged offense, and shall render judgment accordingly, but no judgment shall be taken for confessed on account of the failure of the accused to appear in pursuance of such summons. And it shall be the especial duty of the town sergeant to make complaint against and prosecute all offenders

of which he has personal knowledge, or credible information. On any judgment rendered in pursuance of such summons as are mentioned in this section, execution may be issued as for other offenses.

SEC. 2. Whenever any suit or prosecution shall be instituted before the mayor for any violation of the ordinances of the town or for the recovery of any fine, penalty or forfeiture imposed by the ordinances thereof, the mayor shall cause the person, at whose instance such suit or prosecution was instituted, to be designated in the record of the case and also upon the warrant or writ issued to arrest or summon the person charged, and if the person charged shall not, upon final hearing, be convicted, and the mayor shall be of opinion that no sufficient or probable cause did exist for the institution of such suit or prosecution, then judgment for the costs shall be rendered against the person at whose instance such suit or prosecution was instituted.

SEC. 3. On any judgment for a fine, forfeiture, pecuniary penalty and costs imposed by the mayor, he shall have power to issue execution, either a writ of *feri facias* or a *capias profine*, 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 Marion county until the fine or penalty and costs shall be paid, but the term of imprisonment in such case shall not exceed thirty days. The mayor may, in his judgment, direct that such person be confined upon a fare of bread and water.

SEC. 4. Whether a judgment be for a fine and imprisonment or for a fine without imprisonment, the mayor may order the defendant against whom such judgment was rendered to be confined in jail not exceeding thirty days, until the fine and costs are paid, in addition to the term of imprisonment fixed by the judgment, if there be any, but the mayor shall have authority to release from imprisonment without the payment of a fine if it appears proper to do so.

SEC. 5. There shall be taxed in the cost of every conviction under the ordinances of this town the sum of \$1.50 for trial,

\$1.00 for arrest fee, 25 cents for each subpoena for a witness and ten cents for every copy used in serving the same, 25 cents for serving the same, 50 cents for one day's attendance of each witness summoned and attending on the part of the town, one dollar for Turnkey's fees when the offenders are incarcerated in the town lock-up, and when imprisoned in the county jail such fees as the jailer of the county, is now, or may hereafter be allowed by law.

SEC. 6. The mayor shall keep a docket and docket fully all cases before him and shall receipt for all fees provided for in the preceding section, keep an accurate account thereof and hold the same (save the witness fees aforesaid), as the property of the town, and on the first regular meeting of the council in each and every month, shall make and submit his account thereof to the council, together with a voucher from the treasurer, showing that the amount due the town, as shown by said account, has been paid into the same, and said council shall examine the said account and voucher, and if found correct, said mayor shall be credited with the amount due as shown by said account.

SEC. 7. In case the fine imposed by any judgment of the mayor and the costs be not promptly paid, the mayor may sentence the party in default to work out the amount of the fine and costs, under the direction, control and custody of the sergeant, on the public streets of the town, at the rate of seventy-five cents a day. In case the party in default shall fail or refuse to do the work so required of him, the amount shall be doubled, and the party shall be confined in the lockup of said town until the amount of the fine so doubled and the costs shall be paid or the party in default shall signify his willingness to do the work required of him; but the term of imprisonment in such case shall not exceed thirty days. During the time that any party fined as aforesaid shall be engaged in so working out the amount of the fine and costs imposed upon him, he shall be deemed in the custody of the officer and

said officer shall, if he deem it necessary in order to properly secure such offender, securely fasten to him a ball and chain, to be provided by said town.

SEC. 8. The mayor of said town may punish for contempt a person guilty of any of the following acts, and in no other case:

First—Contemptuous or insolent behavior toward such mayor while engaged in the trial of a case or in any other judicial proceeding.

Second—Any breach of the peace, willful disturbance or indecent conduct in the presence of such mayor while so engaged, or so near as to obstruct or interrupt his proceedings.

Third—Violence or threats of violence to such mayor, or any officer, witness or party going to, attending or returning from any judicial proceeding before such mayor, in respect to anything done or to be done in the course of such proceeding.

Fourth—Misbehavior of an officer in his official character in respect to any action or judicial proceeding had or pending before such mayor, or any process, order, judgment or notice therein.

Fifth—Disobedience or resistance by an officer, witness, party or other person to any lawful process, judgment or order of such mayor.

SEC. 9. An order of arrest may be issued by the mayor, on which the person so guilty may be taken and brought before him, or such person may be taken in custody by an officer present upon the oral order of such mayor and held to answer for contempt. An opportunity must be given him to be heard in defense or explanation of his conduct, and the mayor may thereupon discharge him or adjudge him guilty of contempt and punish him by fine or imprisonment or both. The fine shall not exceed ten dollars or the imprisonment five days.

SEC. 10. The conviction specifying the particular circumstances of the offense and judgment thereon must be entered by the mayor in his docket. A warrant of commitment for the term of imprisonment may be issued by the mayor command-

ing an officer to take the offender to the jail and the jailer to imprison him therein for the said term. The judgment may include in addition to the fine all costs in the case, including costs of arrest and keeping in prison the offender.

SEC. 11. A prosecution of any and all offenses mentioned in these ordinances shall be commenced within one year next after such offense was committed.

CHAPTER II.

AN ORDINANCE: ADOPTING RULES FOR THE TRANSACTION OF BUSINESS AND FOR THE GOVERNMENT AND REGULATION OF COUNCIL.

SEC.	SEC.
1. Meetings and quorum.	14. Accounts and claims—how presented.
2. Special meetings.	15. Estimate of expenses—when to be entered on journal.
3. Presiding officer—when members not to vote.	16. No member to leave meeting without permission.
4. Journal.	17. Members may be compelled to attend meetings.
5. Reading of journal—when yeas and nays taken.	18. Adjourned meetings.
6. Presiding officer to have casting vote in case of a tie.	19. Sergeant to attend meetings.
7. Order of business.	20. No member to become interested in purchase of any claim or order on treasury.
8. Order of business may be suspended.	21. Mayor, recorder and members of council may arrest offenders.
9. Ordinances—how presented and passed.	22. Salaries payable quarterly.
10. Orders on treasury—how drawn.	23. Remission of fines.
11. Form of orders.	24. Applications for refunding orders.
12. When money to be paid.	
13. Orders—when to draw interest.	

Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. That the meetings of the council of this town shall be held at the mayor's office on the first and third Thursday of every month at 7 o'clock P. M., and also at such times as may be fixed by special order of adjournment. A majority of the council shall be necessary to form a quorum for the transaction of business.

SEC. 2. Special meetings of council may be called by the mayor or any three members thereof. Whenever special meetings of council are called the same shall be done by a warrant directed to the sergeant, signed by the mayor or three members

of council, and stating distinctly the matters of business for which such meeting is called. The sergeant shall give notice to every member then in the town and shall return the said warrant to the recorder, who shall enter the same in the council journal.

SEC. 3. The council shall be presided over at its meetings by the mayor, or in his absence by the recorder, or in the absence of both mayor and recorder by one of the councilmen selected by a majority of the council present. But no member of council shall vote upon any order, measure, resolution or proposition in which he may be interested other than as a citizen of the town. The presiding officer shall preserve order and decorum in council in accordance with the rules of parliamentary law.

SEC. 4. The council shall cause to be kept, in a well bound book, an accurate record of all their proceedings, by-laws, acts, orders and resolutions, which shall be fully indexed and open to the inspection of any one who is required to pay taxes to the town.

SEC. 5. At each meeting of the council the proceedings of the last meeting shall be read and corrected, if erroneous, and signed by the presiding officer for the time being. Upon the call of any member the yeas and nays on any question shall be taken and recorded in the journal.

SEC. 6. The mayor and recorder shall have votes as members of the council, and in case of a tie, the presiding officer for the time being shall have the casting vote.

SEC. 7. The order of proceedings at the meetings of the council shall be as follows:

First—Unfinished business appearing upon the minutes.

Second—Reports from committees.

Third—Reports from any officer of the town.

Fourth—Petitions for redress of grievances.

Fifth—Petitions of all other kinds.

Sixth—New business.

SEC. 8. The order of proceeding may be suspended or

changed at any meeting, for the time only, by the vote of a majority of the members present.

SEC. 9. All ordinances introduced shall be read three times. When an ordinance is introduced it shall be read in full one time and no more at the meeting at which it is introduced; but this rule may be suspended by unanimous consent of the members present. The object of an ordinance shall be briefly expressed in its title, and no ordinance shall be revived or amended by reference to its title only, but the ordinance revived, or the ordinance or sections amended, shall be inserted at large in the new ordinance.

SEC. 10. No order shall be drawn on the treasury of this town unless authorized by special order or appropriation of council, except that when any bond or written evidence of the debt of the town, or any installment of interest thereon is payable, or where money is directed to be paid at fixed times or intervals, as in the case of officers entitled to an annual salary, payable quarterly, the mayor and recorder, without special order or appropriation, may make and deliver to the person entitled thereto an order on the town treasury for any sum so due and payable.

SEC. 11. All orders on the town treasury shall be in form or effect as follows:

No. ——— TOWN OF MONONGAH, ——— ———, 19—.

The treasurer will pay to ——— ———, or order, the sum of ——— dollars and ——— cents, allowed by resolution of the Council of the Town of Monongah, passed on the ——— day of ———, 19—, on account of ——— ———, after deducting therefrom the amount of all municipal taxes and levies in the hands of the sergeant for collection against the said ——— ———.

\$——

—————, Mayor.

—————, Recorder.

Or the same may be in any words specifying a lawful cause for such order, and no such order shall be rendered invalid by defect of form.

SEC. 12. No money shall be paid by the treasurer out of the town treasury except upon an order signed by the mayor and recorder of the town properly endorsed.

SEC. 13. If, when an order is presented to the treasurer, there are no funds to pay the same, the person entitled to receive the sum of money specified in such order, may require the treasurer to endorse thereon or write across the face thereof the words, "presented for payment," with the proper date and sign the same, and the order, if it was due at the time of presentment, shall in such case be payable, with legal interest, from the date of such presentment.

SEC. 14. Every person having a claim or demand against the town shall file with the recorder an account or statement of the same, fully setting forth the items. The recorder shall present such account or statement to the council at their first meeting thereafter, when the same may be allowed in whole or in part, or wholly disallowed.

SEC. 15. The council shall on or before the first Thursday in July in every year, cause to be made up and entered on the journal an accurate estimate of all sums which are or may become lawfully chargeable on this town and which ought to be paid within one year, in which estimate shall be included the following items, or such of them as may be necessary, together with any others deemed necessary by the council:

For interest on bonds.

“ sinking fund.

“ salary of mayor.

“ “ “ recorder.

“ “ “ solicitor.

“ “ “ sergeant.

“ “ “ treasurer.

“ street lights.

For keeping the poor.

“ streets and alleys.

“ drains and sewers.

“ extra police service.

“ delinquent taxes.

“ commissions on taxes.

“ contingent expenses.

The council shall order a levy of so much as may in their opinion be necessary to pay the aggregate of such estimates.

SEC. 16. No member shall leave a meeting of the council without permission.

SEC. 17. Whenever, at the time appointed for the meeting of the council, either in regular or special meeting, a quorum shall not be present, it shall be lawful for any three members of the common council, who may be in attendance, to order the sergeant, or any of his deputies, to arrest the absent members, or any of them, and cause them to appear forthwith at the place of meeting and there to remain until the meeting adjourn or leave of absence be given. An order for bringing in an absent member shall be issued and signed by the mayor, or in his absence by the recorder, or in the absence of both by the three members of council making such order. The same shall be in form or effect as follows:

STATE OF WEST VIRGINIA,

To the Sergeant of the Town of Monongah, Greeting:

You are hereby commanded to take into custody _____, member of the common council of the town of Monongah, and bring _____ forthwith to the mayor's office to attend a meeting of such council appointed according to law.

[Signed] _____, Mayor.

_____, 19—,

or,

..... }
..... } Members of council.
..... }

SEC. 18. It shall be lawful for any two members of the common council, who may have assembled at the time appointed for a meeting thereof, to adjourn to a subsequent time and cause the sergeant to give notice to the absent members of the time to which such adjournment has been made, requiring their attendance at such adjourned meeting. And the same proceedings may be had to compel the attendance of any member at such adjourned meeting as if the same were a regular or special meeting.

SEC. 19. It shall be the duty of the sergeant to attend all meetings of council or cause a competent deputy to do so, and perform such reasonable and lawful duties as may there be required of him.

SEC. 20. No member of council shall become interested, directly or indirectly, in the purchase of any claim against the town or of any order on the treasury. For every offense against the provision of this section the member so offending shall be liable to a fine of not less than five nor more than twenty dollars.

SEC. 21. That the mayor, recorder and members of council are hereby empowered to arrest upon view every person found violating any provision of any ordinance of this town, and convey him before the mayor, or to the jail, there to be detained for trial in like manner as the sergeant is authorized to do by law and by the ordinances of this town.

SEC. 22. All salaries or fixed allowances shall become due and payable quarterly, unless otherwise provided.

SEC. 23. The council will, on proper application, remit in part or in whole any fine or penalty which shall be made to appear plainly unjust, illegal or excessive. All petitions for remissions of fines shall be verified by affidavit and accompanied by a transcript of the record of the case and a statement of the evidence from the mayor or magistrate rendering the judgment. Such petitions shall be referred to the ordinance committee for their careful investigation and report before being acted on by the council.

SEC. 24. All applications for refunding orders for taxes erroneously assessed shall be verified by the affidavit of the party in whose interest the order is applied for.

CHAPTER III.

AN ORDINANCE: TO REGULATE LICENSES AND TO PROVIDE A REVENUE FOR THE TOWN.

SEC.		SEC.	
1.	} For what a town license is necessary.	20 and 21.	On liquor, wine, beer, &c.
2.		22.	On druggists.
3.	Penalty for acting without.	23.	Bowling alley.
4.	Druggists.	24.	Billiard or pool table.
5.	Sale by one person for another.	25.	Bagatelle table.
6.	How and by whom granted.	26.	Roller skating rink.
7.	Certificate of temperate habits required in certain cases.	27.	Shooting gallery.
8.	Bond, and its conditions.	28.	Auctioneers.
9.	How unexpired license assigned.	29.	Pawnbrokers.
10.	Time when license expires.	30.	Sale of patent rights.
11.	Appeals from decision of recorder.	31.	Hawkers and peddlers.
12.	License to be in writing.	32.	Sale of sewing machines, &c.
13.	When taxes levied.	33.	Theatrical performances.
14.	Rate of taxation.	34.	Circuses, menageries, &c.
15.	On real and personal property.	35.	Insurance agents.
16.	Capitation tax.	36.	Telegraph and telephone.
17.	Dog tax.	37.	List of delinquent taxpayers to be returned.
18.	On goods sold by auction, &c.	38.	Rate of license taxes for less than one year.
19.	On hotels, restaurants, &c.		

Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. No person without a town license therefor shall keep a hotel or tavern, eating house or restaurant, or sell, offer or expose for sale, spirituous liquors, wine, porter, ale or beer, or any drink of a like nature, nor shall any person without such license carry on the business of a druggist, or keep for public use or resort a bowling alley, billiard table, pool table, or any table of like kind, or a shooting gallery or skating rink. Nor shall any person, without first having obtained a town license thereof, sell, offer or expose for sale spirituous liquors, wine, porter, ale or beer, or any drink of a like nature, outside the corporation limits, or within one mile thereof, either on land, on the West Fork of the Monongahela river, or on Booths creek.

SEC. 2. No person, without a town license therefor, shall exhibit any circus, circus and menagerie combined, theatrical per-

formance or public show, to which admission is obtained for money or other reward, or act as hawker or peddler, or act as auctioneer, or practice the business of a pawn broker by lending money or other thing for profit for or on account of personal property deposited with the lender in pledge, nor shall any person without a town license therefor sell or barter, or offer or expose for sale or barter, any patent-right; nor shall any traveling agent, canvasser or salesman sell or contract to sell any lightning rod, sewing machine or organ or other musical instrument without a town license therefor. Nor shall any person, without a town license therefor, carry on the business of or act as insurance agent or solicit or take applications for insurance of any character, whether fire, life, accident or other kind of insurance. Nor shall any person, without a town license therefor, maintain or operate any line or lines of telephone or telegraph.

SEC. 3. Any person violating either of the preceding sections shall, except where it is otherwise provided herein, for every such offense, upon conviction thereof, be fined not less than ten nor more than one hundred dollars, and may, at the discretion of the mayor, be imprisoned not exceeding thirty days. And each twenty-four hours that any such telephone or telegraph line or lines shall be maintained or operated without such license, shall constitute a separate offense.

SEC. 4. No druggist, without a license therefor, shall sell spirituous liquors, wine, porter, ale or beer, or any drink of a like nature, unless for medicinal purposes, or alcohol, unless for mechanical or medicinal purposes, nor shall any druggist sell spirituous liquors or alcohol for medicinal purposes except upon a written prescription of a physician in good standing in his profession and not of intemperate habits, specifying the name of the person and the kind and quantity of such liquors to be furnished him, and stating that such liquors so prescribed are absolutely necessary as a medicine and not as a beverage for such person. For every violation of this section the person so offending shall forfeit and be fined for each offense not less than

twenty nor more than one hundred dollars. The production of such prescription by the defendant at the trial of the cause or charge against him for violation under this section shall be sufficient to rebut the presumption arising from the proof of such sale, but the guilt of the accused shall be determined from all the evidence that may be properly produced of his knowledge that such prescription and statement was or was not true and the purposes for which it was given.

SEC. 5. A license to exhibit any circus, menagerie, circus and menagerie combined, theatrical performance or public show, or to act as hawker or peddler, or to sell or barter, or offer or expose for sale or barter, any patent right, or to a traveling agent, canvasser or salesman to sell or contract to sell any lightning rod, sewing machine, organ or other musical instrument, may be granted by the mayor and recorder. In all other cases they shall be issued by the recorder, when authorized by the council, by an order entered of record, stating the time for which the license is granted, the amount to be paid therefor, the kind of license and the place, if any, at which the business is to be carried on, and shall be signed by the mayor. The recorder shall issue a certificate of license in every case in which a license is granted, and shall place the same in the hands of the sergeant for collection, and shall charge the sergeant in his account with the amount thereof. For issuing a certificate of license, or for any assignment thereof, and for any bond required by any provision of this ordinance, the recorder shall be entitled to a fee of fifty cents, to be paid by the person to whom the license is issued or assigned.

SEC. 6. A sale of any spirituous liquors, wine, porter, ale or beer, or any drink of a like nature, by one person for another within said town or outside the limits of said town and within one mile thereof, shall, in any prosecution for such sale, be taken and deemed to be a sale by both, and both may be prosecuted therefor, either jointly or separately. The proprietor of any place of business or the head of a family occupying the

house shall be, for every sale made by another at any such place of business or house, deemed to be its principal, and the person who may sell at said principal's place of business or house be deemed his agent, and upon proof of sale by said agent both shall be liable for said sale, but the principal shall have the right to prove that he had no interest in said sale and that it was made without his knowledge or authority, which, when proved to the satisfaction of the mayor or acting mayor, the principal shall be discharged.

SEC. 7. The council shall not authorize any license mentioned in the first section unless satisfied, and so enter upon their journal, that the applicant for such license is not of intemperate habits.

SEC. 8. No council shall authorize the issuing of any license to sell spirituous liquors, wine, porter, ale, beer, or drink of like nature, until the applicant shall have given bond, with good security, to be approved by the council, in the penalty of at least three thousand five hundred dollars, payable to the town by its corporate name, conditioned that he will not permit any person to drink to intoxication on any premises under the control of such applicant, and will not knowingly sell or furnish any intoxicating drink to any person who is intoxicated at the time or who is known to him to have the habit of drinking to intoxication, or whom he knows or has reasons to believe is under the age of twenty-one years, and that he will not sell or furnish such drink to any person on Sunday, and with the further condition that he will pay all such damages and costs as may be recovered against him by any person under any of the provisions of chapter 32 of the Code of West Virginia as amended, or the ordinance of said town. If such application be refused the refusal to grant the license shall be entered of record, and no license shall be granted the applicant within one year thereafter. For the breach of any conditions of said bond there shall be recovered for the use of the town in an action of debt before a justice of the peace or Circuit Court of the county

the sum of fifty dollars, and the license of the person so offending may be revoked by the council, or in lieu of such action of debt and recovery on such bond, if the person so licensed shall sell or furnish intoxicating drinks to any person intoxicated or in the habit of becoming intoxicated, or to a person under twenty-one years of age, or on an election day, or after ten o'clock P. M. and before six o'clock A. M., or shall permit any gaming for money or other thing or for amusement on his premises or adjoining premises under his control, may, upon conviction thereof, be fined not less than ten nor more than one hundred dollars.

SEC. 9. A person holding any license mentioned in the first section may assign the unexpired term thereof to another, with the assent of the council entered of record and endorsed on such license by the recorder, but if such license so assigned be for the sale of spirituous liquors, wine, porter, ale or beer, or any drink of a like nature, the assignee thereof shall be required to comply in all respects with said section 6 of this chapter.

SEC. 10. Every town license, except a license to exhibit a circus, menagerie or public show shall expire on the thirtieth day of April next after the commencement thereof.

SEC. 11. If any person desiring a town license of any kind be dissatisfied with the valuation of the recorder or the amount of tax to be paid thereon as stated in the recorder's certificate, or with any decision of the recorder respecting such license, or, if any person be aggrieved with any assessment of a license tax, he may obtain relief by presenting to council a petition setting forth distinctly the grounds upon which relief is asked.

SEC. 12. All licenses shall be in writing, signed by the mayor and countersigned by the recorder, and shall be issued only when authorized by the council and for the term of one year or six months, unless as herein otherwise provided, and if a license be issued to carry on a business at a particular place it shall designate the place of building, and a sale or business at any other place shall be deemed without a license.

SEC. 13. Municipal taxes on real and personal estate shall be levied by the council at the first regular meeting in June of each year, or as soon thereafter as practicable, upon the values for such property ascertained for State purposes.

Rate of taxation.

SEC. 14. In every year for which a different rate is not prescribed by special ordinance, the town taxes for general purposes on the persons and subjects hereinafter mentioned shall be as follows:

On real and personal property.

SEC. 15. On real and personal property, not exempt from taxation, — cents on every one hundred dollars valuation thereof.

Capitation tax.

SEC. 16. On every male inhabitant, who has attained the age of twenty-one years, one dollar.

Dog tax.

SEC. 17. On every male one dollar, and on every female five dollars, shall be paid for every animal of the dog kind owned, kept or allowed to be kept in the town, to be paid by the person who shall own, keep or allow to be kept such animal.

On goods sold by auction, &c.

SEC. 18. On any goods or merchandise not assessed for taxation in this town, offered or furnished for sale by auction or otherwise, a permit shall be required and shall be first obtained from the recorder, before such goods or merchandise are offered or furnished for sale as aforesaid, for which permit the person offering or furnishing such goods or merchandise for sale shall pay the sum of one dollar on every one hundred dollars valuation thereof. Such permit shall be charged to the sergeant and collected by him as other taxes and levies are collected. In case any person shall refuse or neglect to obtain the permit as

aforesaid, he shall be liable to double the license required in the first instance, and may be fined not exceeding fifty dollars for every failure so to do.

Tax on licenses.

SEC. 19. On every license to keep a hotel or tavern, eating house or restaurant three per centum per annum upon the yearly rental value of the premises occupied for that purpose, estimated by the assessor of the district in the manner required by law.

On the sale of liquor, wine, &c.

SEC. 20. On every license to sell spirituous liquors, wine, porter, ale, beer and drinks of a like nature within the corporate limits, at retail, six hundred dollars.

SEC. 21. On every license to sell, at retail, domestic wines, ale, beer and drinks of like nature within the corporate limits, three hundred dollars.

On druggists.

SEC. 22. On every license to carry on the business of a druggist, ten dollars in addition to all other taxes.

On bowling alleys, billiard tables, &c.

SEC. 23. On every license to keep a bowling alley for public use and resort, 40 dollars, but if more than one be kept in the same house by the same person, 40 dollars for the first one and 15 dollars for every other one.

SEC. 24. On every license to keep a billiard table or pool table, or table of like kind, for public use or resort, 25 dollars for the first table and 10 dollars for each additional table of like kind as the first table kept in one house by the same person.

SEC. 25. On every license to keep a bagatelle table or table of like kind, for public use or resort, 25 dollars for the first table and 10 dollars for every other one kept in one house by the same person.

SEC. 26. On every license to keep a roller skating rink, for public use or resort, 25 dollars.

SEC. 27. On every license to keep a shooting gallery, for public use or resort, 25 dollars.

On auctioneers.

SEC. 28. On every license to act as an auctioneer, 10 dollars.

On pawnbrokers.

SEC. 29. On every license to practice the business of a pawnbroker, fifty dollars.

On sale of patent rights.

SEC. 30. On every license to sell or barter patent rights, ten dollars.

On hawkers and peddlers.

SEC. 31. On every license to act as hawker or peddler, if the person licensed travel without a horse, 10 dollars; if he travel with one or more horses, with or without a wagon or other vehicle, twenty-five dollars.

On salesmen of sewing machines, &c.

SEC. 32. On every license to sell sewing machines, if the salesman thereof travels, ten dollars; on every license to sell organs or other musical instrument, if the salesman thereof travels, twenty dollars, and on every license to sell lightning rods, if the salesman thereof travels, forty dollars.

On theatrical performances, &c.

SEC. 33. On every license for a theatrical performance, for each exhibition, two dollars, or ten dollars per week; provided, that the provisions of this section shall not apply to literary, dramatic or benevolent societies where they do not give exhibitions outside of the county of Marion.

On circuses, menageries, &c.

SEC. 34. On every license to exhibit a circus, twenty dollars for the first and ten dollars for each subsequent exhibition; on every license to exhibit a menagerie, ten dollars for each exhibition; on every license to exhibit a circus and menagerie combined, twenty dollars for each exhibition, and on every license to exhibit any other public show, five dollars for each exhibition; except that a license to exhibit a museum or public show, where the admission is ten cents, shall be two dollars a day or ten dollars a week.

On insurance agents, etc.

SEC. 35. On every license to carry on the business of or act as insurance agent or solicit or take applications for insurance of any character, twenty-five dollars.

On telephone and telegraph lines.

SEC. 36. On every license to maintain or operate any line or lines of telegraph or telephone, twenty-five dollars.

SEC. 37. The sergeant or collector of taxes shall make return to council of real estate delinquent for the non-payment of taxes thereon in the same manner as the sheriff or collector of State and county taxes makes a return.

SEC. 38. Upon all licenses which expire on the thirtieth day of April next after the commencement thereof, if granted for less time than a year, the town tax thereon shall be computed from the annual tax in proportion to the time such license has run; provided, that a license granted for the unexpired term after the first day of January in any year, shall be computed from the first day of January of the year in which it is granted.

CHAPTER IV.

AN ORDINANCE IN RELATION TO OFFENSES.

SEC.	SEC.
1. Assault and battery.	39. Privies, hog pens, &c., when nuisances.
2. Affrays, threats, &c.	40. Injuring pumps, cisterns, &c.
3. Noise, disorder, tumults, &c.	41. Throwing slop, offal, &c., into public street or alley.
4. Mayor to suppress riots, &c.	
5. Prize fighting.	42. } Small-pox.
6. Keeping cock-pits.	43. }
7. Penalties.	44. Fast riding or driving, leaving horses, &c., unfastened.
8. Resisting officers.	45. } Annoying conduct on sidewalks and
9. Sergeant's neglect of duty, penalty therefor.	46. } loitering near churches and places of amusements and on bridges.
10. Compounding and concealing offenses.	47. Flying kites, riding bicycles, &c.
11. Members of council not to be interested in any contract.	48. Vicious animals running at large.
12. Unlawful bathing.	49. Unlawfully sounding police whistles.
13. } Lewd and filthy acts and words.	50. Unlawful parades and assemblies.
14. }	51. }
15. Immoral exposure of person.	52. } Unlawful games, devices, &c.
16. } Immoral and obscene literature, &c.	53. }
17. }	54. }
18. Prostitution.	55. Penalties.
19. Keeping house of ill-fame.	56. Duties of mayor as to unlawful gaming
20. Penalties.	57. Duty of engineer in charge of engine running through the town.
21. Profanity and drunkenness.	58. Loitering about hotel, &c.
22. Adultery and fornication.	59. Unlawful begging.
23. Lewdness, &c.	60. Persons under 18 years of age not allowed to play pool, &c.
24. Drunkenness and disorder.	61. Hours that saloons must remain closed.
25. Cruelty to animals.	62. Saloon windows—how screened.
26. Disturbance of religious worship.	63. Firing pistols, &c.
27. Disturbance of schools, &c.	64. Carrying concealed weapons.
28. Willful injury to shade or ornamental trees.	65. Stock prohibited from running at large, and regulations therefor.
29. Unlawful to hitch horse to shade trees.	66. Pound and regulations therefor.
30. } Injuries to gas posts, street lights, &c.	67. Furnishing spirituous liquors to a minor, &c.
31. }	68. Laboring on the Sabbath day.
32. Loitering, ringing door bells, &c.	69. Getting on and off of engine, train or cars while same is in motion.
33. Penalties.	70. Pettit larceny.
34. Selling unsound provisions.	71. Blocking crossings, streets or alleys.
35. Adulterating provisions or drink.	
36. Unlawful to keep slaughter house.	
37. Dead animals to be removed.	
38. Garbage, &c., to be removed.	

Be it Ordained by the Common Council of the Town of Monongah:

Of offenses against the peace.

SECTION 1. That it shall be unlawful for any person to commit an assault, or an assault and battery, or to aid and abet or encourage any one so doing within the town.

SEC. 2. That it shall be unlawful for any person within said town to make an affray or threaten to beat, wound or kill another, or commit violence against his person or property, or contend with angry words tending to violence and breach of the peace.

SEC. 3. That it shall be unlawful for any person to commit or cause any riot, noise, disorder, tumult or loud personal abuse of any person by words, to the disturbance, or tending to the disturbance of the peace or just quiet of the town, or by loud cries on the Sabbath day; and for the purpose of enforcing the provisions of this section it shall be lawful for the mayor, or any member of council, or any sergeant of the town, to enter any house, out-house, garden or place of amusement to arrest any person violating the same.

SEC. 4. That it shall be the duty of the mayor to suppress riots, routs and unlawful assemblies within the town, and to proceed against or punish all persons so engaged as prescribed by law.

SEC. 5. It shall be unlawful for any person to fight a prize fight in this town, or act as second, trainer, time-keeper, referee or umpire to any person so fighting, or to assist or in any way aid or abet another to fight a prize fight in this town.

SEC. 6. It shall be unlawful for any person to keep or maintain a cock-pit, or to permit a cock-pit to be kept or maintained on or in any property owned by or under the control of such person.

SEC. 7. Any person offending against any provision of the first, second, third, fifth or sixth sections of this ordinance shall, upon conviction, pay to the town a fine of not less than one nor more than twenty dollars, and may, at the discretion of the mayor, be confined in jail not exceeding thirty days.

Of offenses against public justice.

SEC. 8. Any person who, by threats, menaces, acts, or otherwise, shall forcibly or illegally hinder, obstruct or oppose, or attempt to obstruct or oppose, or shall counsel or advise others to hinder, obstruct or oppose, any officer of the said town in the lawful exercise and discharge of his official duties therein, shall be fined not less than five nor more than fifty dollars, and may be imprisoned, at the discretion of the mayor.

SEC. 9. If the sergeant of said town willfully neglect or refuse to do his duty as required for the execution or enforcement of any of the ordinances of said town, he shall be fined not exceeding twenty-five dollars for each offense. Upon conviction of the second offense, it shall be the duty of the mayor to present the facts to the council at their next meeting following the said second conviction, that they may proceed for his removal as provided by law.

SEC. 10. If a person, knowing the commission of offense punishable under any of the provisions of the ordinances, take any money or reward, or any engagement therefor, upon an agreement or undertaking, expressed or implied, to compound or conceal such offense, or not to prosecute therefor, or not to give evidence thereof, he shall be fined not exceeding twenty-five dollars and may be imprisoned not exceeding twenty days.

SEC. 11. It shall be unlawful for any member of the council or member of any board of public works hereafter created, or any other officer of this town, to become in any way interested, directly or indirectly, in any contract for labor and materials to which the town shall be a party. For every offense against the provision of this section, the person so offending shall be liable to a fine of not less than ten nor more than fifty dollars.

Of offenses against morality and decency.

SEC. 12. It shall be unlawful for any person to bathe in the West Fork river or Booths creek within the boundaries of this town, from sunrise until one hour after sunset.

SEC. 13. It shall be unlawful for any person to commit or perpetrate any indecent, immodest, lewd or filthy act, by words or actions, in any street or public place.

SEC. 14. It shall be unlawful for any person to utter or speak any lewd or filthy words or profane language in any street or other public place.

SEC. 15. It shall be unlawful for any person to make any indecent and immoral exhibition or exposure of his person, or to

cause or to procure any person to do the same, in the presence or view of any other person.

SEC. 16. It shall be unlawful for any person to publicly exhibit any indecent painting, engraving, print, sculpture, picture, or representation within this town.

SEC. 17. It shall be unlawful for any person to print, engrave, make, sell, or offer for sale, or exhibit for sale, any indecent, immodest and lascivious books, pamphlets, papers, pictures or statuary.

SEC. 18. It shall be unlawful for any person to assemble on any street, alley, or other public place, or in any house, or out-house, office, stable, shed, or hose-house, market-house, board-yard or lot of ground, for the purpose of prostitution, lewdness or indecency. It shall also be unlawful for any prostitute to be in any such place between sun down and sun up.

SEC. 19. It shall be unlawful for any person to keep any house of ill-fame or bawdy house or house of resort for prostitution or keep or harbor persons therein for the purpose of prostitution, and it shall further be unlawful for any person to be found lounging or loitering in any house of ill-fame or bawdy house, or in any house reputed to be a house of ill-fame or bawdy house, but the person charged with or arrested for being found lounging or loitering in any house so reputed, shall be discharged if he or she shall show and establish in defense that the house is not in fact a house of ill-fame or bawdy house.

SEC. 20. Any person offending against any provision of sections 12, 13, 14, 15, 16, 17, 18 and 19 of this ordinance shall be fined, upon conviction thereof, not less than one nor more than twenty dollars, and may, at the discretion of the mayor, be imprisoned not exceeding thirty days.

SEC. 21. If a person arrived at the age of discretion, profanely curse or swear, or get drunk, within the limits of said town, he shall be fined not less than one dollar nor more than twenty dollars for each offense.

SEC. 22. If any person commit adultery or fornication within

said town, upon conviction thereof, he shall be fined not less than ten dollars.

SEC. 23. If any persons, not married to each other, lewdly and lasciviously associate and cohabit together, or, whether married or not, be guilty of open and gross lewdness and lasciviousness, within said town, they shall, upon conviction, be fined not less than twenty-five nor more than fifty dollars, and, at the discretion of the mayor, may be imprisoned not exceeding thirty days.

SEC. 24. If a person be found drunk and acting disorderly within the limits of said town, the sergeant shall arrest and imprison or safely keep every such offender until he becomes sober, and then bring him before the mayor, and every such offender shall, upon conviction, pay a fine of not less than two nor more than twenty-five dollars, at the discretion of the mayor; and any person so offending, should he elude arrest by any means whatever, shall be liable to arrest upon warrant, and, upon conviction, shall be fined as prescribed by this section.

SEC. 25. If any person shall cruelly, unnecessarily or needlessly beat, torture, mutilate or kill or over-load, over-drive, or willfully deprive of necessary sustenance any horse or other domestic animal, or cause the same to be done by another, within said town, whether such horse or other animal be his own or that of another person, he shall, upon conviction, be fined not less than ten nor more than fifty dollars, and may, at the discretion of the mayor, be imprisoned not exceeding thirty days.

SEC. 26. If any person willfully interrupt, molest or disturb any assemblage of people met for the worship of God, within the town, he shall be imprisoned not exceeding thirty days and fined not less than ten nor more than fifty dollars; and the mayor may put him under restraint during religious worship and bind him for not more than one year to be of good behavior.

SEC. 27. If any person shall willfully disturb, molest or interrupt any free or other school, literary society, or other society

formed for intellectual improvement, or any school, society or meeting formed or convened for improvement in music, either vocal or instrumental, or for any moral and social amusement, within the town, he shall, upon conviction, be fined not less than five nor more than twenty dollars, and may, at the discretion of the mayor, be imprisoned not exceeding thirty days.

Of offenses against property.

SEC. 28. It shall be unlawful for any person, not the owner, willfully to cut, mark, injure, disfigure or destroy any shade or ornamental tree growing in the public grounds, streets, alleys or sidewalks of said town, unless so ordered by council.

SEC. 29. It shall be unlawful for any person to hitch any horse or other animal to any shade or ornamental tree growing in the public grounds, streets, alleys or sidewalks of the town or to any post erected for a street light.

SEC. 30. It shall be unlawful for any person to injure, deface or destroy or to post or fasten any bill or advertisement on any post erected for a street light.

SEC. 31. It shall be unlawful for any person to injure or destroy any gas pipe, gas jet or burner of any street light within the town. It shall also be unlawful for any one, not authorized to do so, to put out any street light.

SEC. 32. It shall be unlawful for any person or persons idly to loiter at or near any dwelling house or store in said town, or to ring any door bell, or to rap upon any door or window with intent to annoy or deceive the inmates of any such house or store, or to maliciously or intentionally engrave, deface, mutilate, injure or destroy any property of the town, or any house, fence, railing or any goods or chattels, the property of any other person or persons.

SEC. 33. If any person shall violate any provision of sections twenty-eight, twenty-nine, thirty, thirty-one or thirty-two of this ordinance, he shall be fined, upon conviction thereof, not

less than one nor more than twenty dollars, and, at the discretion of the mayor, may be imprisoned not exceeding thirty days.

Of offenses against public health and safety.

SEC. 34. If a person knowingly sell any diseased, corrupted or unwholesome provisions, whether food or drink, within this town, without making the same known to the buyer, he shall be confined in the lock-up of said town not more than thirty days and fined not exceeding fifty dollars.

SEC. 35. If a person adulterate, for the purpose of sale, anything intended for food or drink, or if he knowingly sell or barter anything intended for food or drink, which is not what it is intended to be, or what it is sold for, he shall be confined in the lock-up of said town not more than thirty days and fined not exceeding one hundred dollars.

SEC. 36. It shall be unlawful for any person, without permission from the council, to keep any slaughter house in this town or kill or slaughter for sale any animal within the town, and every day such slaughter house shall be kept shall constitute a distinct offense. Any person who shall violate any provision of this section shall, upon conviction, be fined not exceeding twenty-five dollars.

SEC. 37. It shall be unlawful for the owner of any dead animal to suffer it to remain longer than five hours within the town after having been notified by the mayor or sergeant to remove the same; upon conviction a fine not less than one nor exceeding five dollars shall be imposed, and for each and every twenty-four hours thereafter a further fine not exceeding ten dollars may be imposed; in all cases of neglect or refusal of the party so convicted to comply with the order of the mayor to remove any such nuisance or dead animal, the removal may be done by direction of the mayor and the costs of such removal shall be added to the fine imposed.

SEC. 38. It shall be the duty of the mayor to notify owners, agents or occupants of property, on which there is an accumu-

lation of garbage, or any kind of filth, offensive in character or injurious to the health, to have the same removed immediately; and if any owner, agent or occupant of property as aforesaid shall neglect or refuse to have the garbage, filth or offensive matter removed, as directed, within the space of two days after being so notified, he shall be fined not less than two nor exceeding ten dollars, and a further fine of not less than five nor exceeding ten dollars shall be imposed for every twenty-four hours such nuisance is permitted to remain after the time specified in the notice, as provided by this section.

SEC. 39. Whenever a privy, hog pen, stable or other building, within said town, shall be by a majority of the whole council declared a nuisance or injurious to the health or comfort of any person or persons, the owner, agent or lessee of the property shall be notified by the mayor to abate the nuisance by removal or keeping in proper order such building, and in case of refusal or negligence to comply with such notice the mayor shall direct the sergeant to have the same put in order, or removed, and report his proceedings and the costs incurred by him to the mayor, and the property, upon which such nuisance exists, shall be responsible for the costs of the same, and the owner or lessee of such property shall be liable to a further fine of not exceeding ten dollars for neglect or refusal to comply, with reasonable promptitude, with the notice, as provided by this section.

SEC. 40. It shall be unlawful for any one knowingly to throw or cause to be thrown into any pump, well, cistern, water reservoir, hydrant, spring or running water, which is used for domestic purposes, any dead animal, carcass or part thereof, or any putrid, nauseous or offensive substance. And it shall be unlawful for any one to injure any of the pumps or cisterns in this town. Any person violating any of the provisions of this section shall be fined not exceeding fifty dollars, and, at the discretion of the mayor, imprisoned not more than thirty days.

SEC. 41. It shall be unlawful for any person to throw the water, slop or offal from his or her house or kitchen into or upon any street, alley or public square in this town, or permit or suffer the same to be done by any person in his or her employ, or belonging to his or her family; nor shall any person suffer or permit the waste water from his or her house or kitchen to run or flow into or upon any street, alley or public square where there are sewers on such streets, alleys or public squares accessible to such house. Any person violating any of the provisions of this section shall be fined not exceeding ten dollars.

SEC. 42. The members of all families where small-pox or varioloid are supposed to exist are required to remain upon their own premises, and all persons are prohibited from visiting any house where either of the diseases is supposed or known to exist, except physicians and those who may be authorized by the mayor to do so; any person violating this section shall be subject to a fine of twenty dollars for the first offense and for the second offense to thirty days' imprisonment.

SEC. 43. Any physician, nurse, or person authorized to visit families where either of the diseases named in section forty-two of this ordinance prevails, failing to use all proper precautions, such as are generally used prescribed by a reputable physicians to prevent the spread of said diseases, by reason of their visiting, nursing or coming in contact therewith shall be fined fifty dollars for each offense.

Of offenses against public policy and good order.

SEC. 44. It shall be unlawful for any person to gallop any horse, gelding, mule or ass, or ride or drive any such animal at any improper or dangerous speed on any street, alley, road or public square of this town, or run or race any such animal, or start the same for the purpose of running or racing, within this town, on any street or alley thereof; or ride or drive any horse or other animal on any part of the West Fork river bridge, or on any other bridge in this town at a gait faster than a walk or

suffer such horse or horses, animal or animals, to stand on any street, alley, road or public square in this town without being properly fastened or watched by some person competent to prevent the same from starting.

SEC. 45. It shall be unlawful for any person or persons, on any of the sidewalks, streets or alleys, to conduct themselves in a manner annoying to persons passing by or occupants or residents of adjoining buildings, and it shall be unlawful for any person to idly loiter at or near the door of any church, meeting-house or place of public amusement, but shall depart therefrom peaceably and quietly when requested so to do.

SEC. 46. It shall be unlawful for any person to loiter upon the sidewalks or upon the West Fork river bridge, or any bridges within the jurisdiction of this town, so as to obstruct the free passage along said sidewalk, or in any manner to annoy persons crossing said bridge.

SEC. 47. It shall be unlawful for any person to fly any kite, roll any hoop or bullets, play at foot-ball, bawdy or shinney, ride or drive any bicycle or tricycle, or engage in any play, sport or exercise which might produce any bodily injury to any one or endanger the life or property of any person on any street, sidewalk, landing, alley or public square of this town.

SEC. 48. It shall be unlawful for any person to keep within said town any animal which is known to be vicious or dangerous, unless the same be securely confined.

SEC. 49. It shall be unlawful for any one to sound any whistle in imitation of a policeman's "call whistle" with intent to deceive any policeman of the town into the belief that the same is made by some other policeman.

SEC. 50. It shall be unlawful hereafter for any political, social or religious party or society to parade the streets of this town at night without the written consent of the mayor, or to assemble at any time on any street or public ground in this town and sing or make any loud or musical noises; but the lat-

ter clause shall not be construed to apply to strolling musicians or bands of music in the street.

SEC. 51. It shall be unlawful for any person to practice any trick, game or device with intent to swindle, or to pick or attempt to pick or aid in picking pockets.

SEC. 52. It shall be unlawful for any person whatsoever to keep or exhibit within this town any table, instrument, device or thing used for the purpose of gaming, or on, by or with which money or other article may be lost or won, or to keep within this town any games of chance or skill by or at which any money or other article of value may be lost or won, nor shall it be lawful for any person to keep a room, building, arbor, booth, stand, shed, tenement, water craft or float, or to rent the same, to be used or occupied for the exhibition or keeping of any such table, instrument, device or thing, or for the playing therein or thereon of any such game.

SEC. 53. It shall be unlawful for any person to play at any game, except it be a licensed game, at any hotel, tavern or restaurant or other public place or place of public resort.

SEC. 54. It shall be unlawful for any person to play at or bet upon any game whatsoever on, by or in which money or anything of value may be lost or won.

SEC. 55. If any person shall violate any provision of either of the last eleven preceding sections, he shall be fined, upon conviction, not less than one nor more than fifty dollars, and may be imprisoned, at the discretion of the mayor, not exceeding thirty days.

SEC. 56. The mayor, or any member of council, or the sergeant, or any of his deputies, may seize or direct to be seized, any table, instrument, device or thing used for the purpose of gaming, and the property so seized may be demolished or destroyed, under the direction of the mayor, in case the person or persons in whose possession the same was found shall be convicted of gaming.

SEC. 57. It shall be unlawful for any conductor, engineer or

other person who shall have charge of or be any way concerned in propelling any locomotive or car to run such locomotive or car within the limits of this town without ringing the engine bell, and shall not exceed a speed greater than six miles per hour between Booths creek bridge and a point 400 feet north of depot. Any person violating this ordinance shall be fined not less than five nor more than twenty-five dollars.

SEC. 58. It shall be unlawful for any person to be found loitering about any hotel, restaurant, shop or store, or wandering about the streets by night or day and not having a known place of residence or means of livelihood, or not able to give any satisfactory account of himself, and it shall further be unlawful for any person to be found loafing or loitering in the streets or alleys or on the sidewalks or in any vacant lot or board yard in the town, or to be found in any gambling house or room, or in any house or room reputed to be used for gambling purposes. A person offending against this section shall be fined, upon conviction, not less than one nor more than twenty dollars, and may be imprisoned not exceeding thirty days.

SEC. 59. It shall be unlawful for any person to go about the streets and alleys of said town begging or to stay in any street, alley or public place for the purpose of begging. Any person violating any of the provisions of this ordinance shall, upon conviction, be sentenced to work at hard labor upon the streets and alleys of said town for a period of not less than five nor more than fifteen days.

SEC. 60. It shall be unlawful for the owner or proprietor of any licensed billiard or pool tables to permit any one whom he knows or has reason to believe is under the age of 18 years to play upon such tables. Any one violating this ordinance shall be fined not less than two nor more than ten dollars.

SEC. 61. All saloons, bowling alleys and billiard or pool rooms shall be closed (except on Saturdays) at ten o'clock p. m. and shall remain closed until six o'clock a. m. And on Saturdays the same shall be closed at eleven o'clock and thirty

minutes P. M., and shall remain closed until six o'clock A. M. on Mondays following. Any person violating any of the provisions of this ordinance shall be fined not less than five nor more than twenty-five dollars.

SEC. 62. All windows to a room or rooms in which a saloon is kept shall, during the time such saloon is open, be provided with blinds drawn down or inside shutters or screens, but from the time such saloon closes in the evening till it opens again the following morning such blinds shall be raised or such inside shutters or screens be opened or removed. Such windows shall be opened so as to enable the sergeant or other town officers in passing such saloon to look into it. Any person who shall violate this ordinance shall be fined not less than five nor more than twenty dollars for each offense, and every day this ordinance is violated shall constitute a distinct offense.

SEC. 63. Any person firing or discharging any cannon, gun, pistol or fire-arms, or any cracker, squib, rocket or fire works, except it be in the discharge of some public duty or by written permission of the mayor, shall be fined not less than one nor more than ten dollars.

SEC. 64. If a person carry about his person any revolver, pistol, dirk, bowie-knife, razor, slung-shot, billy, metallic or other false knuckles or any dangerous or deadly weapon of like kind or character, upon conviction, he shall be fined not less than five nor more than twenty-five dollars, and may be imprisoned, at the discretion of the mayor, not exceeding thirty days.

SEC. 65. All horses, mules, asses, cows, bulls, steers, sheep, hogs or cattle of any kind found running at large upon any of the streets, alleys or public places within said town shall be by the town sergeant taken up and cared for at the expense of the owner thereof, and said sergeant shall immediately notify said owner, if known, of that fact, and the owner of any such animal shall be liable to a fine of not less than fifty cents nor more than five dollars for each offense, to which fine shall be added

a fee of fifty cents to the town sergeant for every animal so taken up. If the owner of any animal taken up under the provisions of this section, after having been notified as aforesaid, if known, of the taking up of such animal or animals, refuse or neglect to redeem the same by payment of all costs so incurred, the town sergeant shall after the expiration of five days advertise said animal or animals for sale by posting at least three notices at three public places in said town, in which notices shall be stated the time, terms and place of sale, together with a description of the property to be sold. After having posted the notices as aforesaid for a period of ten days, said sergeant shall sell said animal or animals for cash to the highest bidder, unless said fine and costs, together with expenses of keeping the same, shall be sooner paid and the stock taken away by the owner thereof. The proceeds of said sale, after deducting the amount of said fine, costs and expenses of keeping said stock, shall be paid over to the owner of said stock upon his application for the same. But nothing in this ordinance contained shall be so construed as to prevent any one from driving cows, cattle or stock of any kind along the streets and alleys of the town, provided all due diligence and precaution are taken to prevent such stock from entering upon or doing any damage to the premises or property of another. Any person who shall through gross negligence permit such stock to enter upon or do any damage to the premises or property of another shall, upon conviction, be fined not less than one nor more than ten dollars.

SEC. 66. It shall be the duty of the council to provide within the limits of said town an enclosure to be known as a pound, of which the town sergeant shall be keeper, and it shall be the duty of said sergeant or such keeper, upon taking up stock as provided in the preceding section, to place the same in said pound and there safely keep and care for the same until released in the manner provided in the preceding section or by order of the mayor.

SEC. 67. It shall be unlawful for any person, unless a parent

to his child or guardian to his ward, to buy for, carry to or give to any person who is a minor or of unsound mind, or who is intoxicated at the time, or who is in the habit of drinking to intoxication, any spirituous liquor, wine, porter, ale, beer or any drink of a like nature. For any violation of this section the offender, upon conviction, shall be fined not less than five nor more than twenty-five dollars.

SEC. 68. If any person on a Sabbath day be found laboring at any trade or calling or employ his minor children, apprentices or servants in labor or other business, except in household or other work of necessity or charity, he shall be fined not less than five nor more than twenty-five dollars for each offense; and every day any such minor child or servant or apprentice is so employed shall constitute a distinct offense; provided, however, that the provisions of this section shall not apply to any of the exceptions provided in section 17 of chapter 149 of the Code of West Virginia, or any amendments thereof.

Of further offenses against property.

SEC. 69. It shall be unlawful for any person or persons within the limits of the Town of Monongah to get on a railroad engine or train or car while the same is in motion; or get on the train when the same is not in motion and jump off the train when the same is in motion. Such person or persons not being an officer or employe of the railroad, nor requested or authorized so to do by the persons having charge of such engine, train or car. Any person or persons violating any of the provisions of this section shall be punished by a fine of not less than one dollar nor more than twenty dollars and with the costs of prosecution in each case and the person or persons may be imprisoned in the jail of said Town of Monongah not to exceed thirty days at the discretion of the mayor of said Town of Monongah. This ordinance shall be in force from and after its passage.

SEC. 70. If any person shall commit petit larceny, he shall, upon conviction, be fined not less than five dollars nor more

than twenty-five dollars, and may, at the discretion of the mayor, be imprisoned not exceeding thirty days.

Of further offenses against public policy and good order.

SEC. 71. It shall be unlawful for any conductor, engineer or other person who shall have charge of or be in any way concerned in propelling any locomotive engine, car or train of cars, to cause or allow such locomotive engine, car or train of cars to stand or remain for a longer period than five minutes upon any railroad track where such track crosses any of the streets or alleys of the Town of Monongah. And it is hereby made the duty of conductors, engineers and other persons in charge of or concerned in any way in propelling locomotive engines, cars or trains of cars, and they are hereby required, to so shift, move and propel said locomotive engines, cars and trains of cars as not to block or obstruct the passage of persons or vehicles on or over any street or alley of said town crossed by any railroad track or tracks. And the mayor, sergeant, councilmen or other officer of said town is hereby empowered with authority to request and require any engineer, conductor or other person in charge of any locomotive engine, car or train of cars standing on any railroad track where it crosses any street or alley, to part such train of cars and remove the same, or to remove such locomotive engine or such car, so as to provide free, uninterrupted and clear passage for persons and vehicles along such street or alley over said railroad track or tracks. And it shall be unlawful for any such conductor, engineer or other person to refuse to so part and move such train of cars, or to so move such locomotive engine or such car, when requested or notified so to do by the mayor, sergeant, any councilman or other officer of said town. Any person violating any of the provisions of this ordinance shall, on conviction, be fined not less than one dollar nor more than twenty dollars.

CHAPTER V.

AN ORDINANCE: IN RELATION TO STREETS, ALLEYS, SIDEWALKS,
GUTTERS, &C.

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| <p>SEC.</p> <ol style="list-style-type: none"> 1. Penalty for digging into and obstructing streets, &c. Reasonable time allowed for unloading goods. 2. Mayor to remove obstructions. 3. Water turned into streets, a nuisance in certain cases. 4. Dead animals, putrid or unsound substance exposed, &c. Penalty therefor. 5. Rubbish in streets, &c., a nuisance. 6. Wagons, &c., not in use not to be left in street. | <p>SEC.</p> <ol style="list-style-type: none"> 7. Regulations for exposing goods and wares for sale. 8. Builders' privileges. 9. } Regulations regarding the construction of cellar doors, &c. 10. } 11. } 12. Keeping cellar doors open at night. 13. Prohibiting teams from standing on crossings. 14. Hitching posts, signs, &c. |
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Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. If any person shall dig into, or fence, or obstruct, or cause to be obstructed, any street, alley, sidewalk, crossing, gutter or highway within said town, without special permission from the mayor, he shall, upon conviction thereof, be adjudged guilty of creating a nuisance, and every person so offending shall pay a fine of not less than one nor more than twenty dollars and costs of prosecution. And for every day such nuisance shall be suffered to remain by such person creating the same, or by the parent or guardian of any minor child, after such parent or guardian shall have been notified thereof, a further fine of not less than one nor more than twenty dollars may be imposed upon such person, parent or guardian, with costs of prosecution; provided that any person loading or unloading any goods, wares, merchandise, provisions, produce or fuel shall have a reasonable time to remove the unavoidable obstructions occasioned thereby.

SEC. 2. The mayor is hereby authorized, where any such obstructions exist, to have the same removed, either by filling up, unfencing or clearing away, as the nature of the obstruction may require, and for this purpose he may employ such aid as may be reasonable, at the expense of the town, and the person

causing any of the said obstructions by this ordinance prohibited, or willfully permitting them to remain longer than a reasonable time, when the same have been caused by any minor as aforesaid, after notice of the same, shall be liable to pay to the town such sum as it shall have paid or become liable to pay for the removal of such obstruction.

SEC. 3. No person shall be permitted to turn water into any street or alley of said town in such quantity or in such manner that it shall become a nuisance; on conviction of every such offense he shall be fined not less than one nor more than five dollars and costs, and a further fine of not less than one nor more than three dollars may be imposed for every day such nuisance is continued.

SEC. 4. No person shall cast or leave exposed in any street, alley, lot, common or on the bank of any stream, within the corporate limits of the town, the dead carcass of any animal or any putrid or unsound beef, pork or fish, or any other putrid or unsound substance that may become prejudicial to public health, nor shall any person cast any such dead carcass, putrid or unsound beef, pork or fish, or any other putrid or unsound substance into the river or creek adjacent to this town, unless the same be towed out into stream one hundred yards at least from the shore. For every such offense, the offender, upon conviction thereof, shall be fined not exceeding twenty dollars.

SEC. 5. If any person shall cast or place any earth, brick, stone, filth, ashes, lime, mortar, shavings or rubbish of any kind (except material for building or rubbish caused by building) on any square, street, alley, public landing or on any sidewalk of any such square, street, alley or public landing, he shall be deemed guilty of creating a nuisance, and shall, upon conviction of every such offense, be fined not less than twenty dollars, and such nuisance may be abated at the expense of the person creating the same.

SEC. 6. If any person shall place any wagon, cart or other carriage on any street, alley, public ground or sidewalk of this

town and suffer the same to remain thereon when not in use, so as to obstruct the free passage through or along the said street, alley, public ground or sidewalk, such person shall, upon conviction thereof, pay a fine of not less than one nor more than ten dollars for every such offense, and each day shall constitute a separate offense.

SEC. 7. If any person shall set or place any goods, wares or merchandise by way of exposing them to sale in any street or alley, or on the sidewalks of any such street or alley, to project them more than three feet from the wall or front of his place of business, he shall, upon conviction thereof, be fined not less than one nor more than five dollars.

SEC. 8. It shall be lawful for any person, in building or repairing any house, to occupy one-third part of any street or alley, clear of the foot-way and water courses in front of any lot on which said buildings are erected or such repairs making, with the materials necessarily used in making such building and repairs, for three months (unless the building be sooner completed); and if any person shall so occupy said street for a longer time, he shall, upon conviction, pay a fine of not less than two nor more than twenty dollars for every day such occupancy shall continue; provided, however, that if the mayor or street committee shall deem it expedient, he is hereby authorized to grant a longer time for the use of the part of the street as aforesaid.

SEC. 9. That the owner or occupant of any house or lot before which any vault or opening for cellar doors, areas or steps shall be constructing, or while such cellar doors, areas or steps are being repaired, shall during the whole of every night keep the pavement on the right and left and the street in front securely and safely fenced off or the said excavation or opening securely covered, under a penalty of not exceeding twenty dollars for each and every night or part of a night any of the provisions of this section are violated.

SEC. 10. That all such vaults shall be completed and the

ground closed over them within five days after they are commenced, under the penalty of three dollars for each and every day thereafter during which any such vault shall remain unclosed, to be paid by the person contracting for the construction of said vault; provided that the mayor, should he deem it expedient, is authorized to grant a longer time for completing any such vault.

SEC. 11. That no cellar door shall project into the sidewalk more than four feet; the sill of every cellar door shall be even with the pavement, and the surface of said door shall be in the same plane with the pavement, and for every day such cellar door shall remain differently constructed the owner or agent of the premises to which the same shall belong shall, upon conviction, be fined not exceeding five dollars; provided that the regulations prescribed in this section shall apply only to cellar doors hereafter constructed or repaired.

SEC. 12. That the owner or occupant of any cellar the door of which is in any street, walk or alley of the town shall not allow such door to remain open at any time after twilight in the evening until daylight in the morning without having a light at such door, unless the same be properly guarded by railing, under a penalty of not exceeding ten dollars for each and every night or part of a night that the provisions of this section are not obeyed.

SEC. 13. That it shall not be lawful to stop any horse, wagon, cart, dray, carriage or other vehicle upon any cross-walk or crossing over any street or alley in this town, under a penalty of not more than five dollars for each offense.

SEC. 14. If any person erect upon any of the streets, alleys, gutters or sidewalks of said town a horse-rack, hitching-post or anything of the kind for the purpose named, or for any other purpose, without the consent of the council, he shall be fined not less than five nor more than twenty dollars.

CHAPTER VI.

AN ORDINANCE: TO PROVIDE FOR THE REGULAR BUILDING OF
HOUSES AND OTHER STRUCTURES.

SEC.

1. Unlawful buildings and structures.
2. Unlawful to use any portion of sidewalk for use of any house or structure hereafter erected.

SEC.

3. Building permit.
4. Building to be of non-combustible material.
5. Relating to placing of signs, &c.

Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. That no house, store room, shop, stable, porch, veranda, fence, or any other building or structure shall hereafter be erected upon or from, or extend into, upon or over, any street, alley, sidewalk or public grounds of the town; and any person who shall erect or construct, or cause to be erected or constructed anything in violation of this section shall, upon conviction, be fined not less than ten dollars nor more than one hundred dollars, and shall be subject to a further fine of ten dollars for each and every twenty-four hours that such house, building, fence, porch, veranda, etc., shall remain after having been notified by the mayor to remove the same; and the mayor shall have authority to order the tearing down or removal thereof, and all costs incurred in the removal or tearing down of the same shall constitute a lien upon the property of the person adjacent thereto for whom or by whom such house, store room, shop, stable, porch, veranda, fence or other building or structure was erected or constructed.

SEC. 2. It shall be unlawful hereafter to construct or cause to be constructed any dwelling house, store room or building of any kind in such a manner as to require any portion of a public street, alley or sidewalk for any cellar door, cellar entrance, areas or steps. It shall also be unlawful to construct or cause to be constructed, or attempt to construct, any such cellar door, cellar entrance, areas or steps to any such building hereafter erected. Any person who shall violate any provision of this

section shall be fined, upon conviction thereof, not less than ten dollars nor more than one hundred dollars; and a further fine of ten dollars shall be imposed for every twenty-four hours that such cellar door, cellar entrance, areas or steps shall be permitted to remain after notice by the mayor to remove or close up the same shall have been given the owner of the adjacent property; and the mayor shall have the authority to cause the tearing down, removal or filling up of such cellar door, cellar entrance, areas or steps.

SEC. 3. It shall be unlawful for any person, without having first obtained permission so to do from the common council of the town, to erect, within the corporate limits of the town, any structure, building or addition or additions to any building already erected. The permission required under this section is hereby termed a "building permit," and may be had upon application therefor to the council in regular or special session by the person or persons desiring to erect such structures, building or addition or additions to any building already erected, if in the opinion of the council, such permission should be granted. Application for such permission shall be made by filing a petition in writing with the recorder, describing the location and dimensions of the proposed building, structure or addition, the use to which the same is to put, and the materials to be used in its construction. Each permit granted under this section shall be in writing and be signed by the mayor and recorder. Any person or persons violating this section shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars. And also it shall be the duty of the mayor, and he shall have authority, to at once, on being notified that any person is erecting any structure, building or addition or additions to any building already erected, in violation of this section, cause the erection of such structure, building or addition or additions to any building already erected, to be stopped until such time as a permit to erect the same, as provided in this section, shall be procured from the council; and the mayor shall have

authority to have such building, structure or addition or additions to any building already erected, torn down or removed at the expense of the owner of the lot on which the same is being erected in the event the council refuses such permission.

SEC. 4. It shall be unlawful for any person to erect on any lot within one hundred feet of any line of any of the following streets, viz.: Bridge street between Main street and Water street, wooden buildings, or wooden additions to buildings already erected, or roof any new building or re-roof any old building with other than non-combustible material. Any person or persons violating this section shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, and a further fine of ten dollars shall be imposed for every twenty-four hours such wooden building or wooden addition to building or such roof is permitted to remain after notice to remove the same shall have been given the owner thereof by the mayor; and the mayor shall have authority to have such building or addition to building torn down, or roof removed, at the expense of the owner of such lot. Wooden buildings covered with iron or tin or similar material, or with a single thickness of brick, called brick veneering, shall be deemed wooden buildings such as contemplated by this ordinance.

SEC. 5. It shall be unlawful for any person to construct or cause to be constructed any sign or other means of advertisement which shall stand on or project over any street or alley or any sidewalk; upon conviction under the foregoing provision of this section a fine of not less than two dollars nor more than twenty dollars shall be imposed, and for each and every twenty-four hours thereafter such sign or other means of advertisement shall remain a further fine of not exceeding five dollars shall be imposed. All persons who have heretofore erected or shall hereafter erect such sign or other means of advertisement shall, upon ten days' notice from the mayor of the town so to do, remove such sign or other means of advertisement, and it shall be unlawful for such persons to permit such sign or other means of

advertisement to remain or continue after said ten days' notice, and such persons shall be liable to a fine therefor, upon conviction, of not less than five dollars nor more than twenty dollars; and the mayor shall, after said ten days' notice, have authority to order the tearing down or removal of the same, and all costs incurred therein shall constitute a lien on the property adjacent thereto for or by whose owner or tenant such sign or other means of advertisement was erected or constructed.

CHAPTER VII.

AN ORDINANCE: IN RELATION TO DOGS.

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| <p>SEC.
1. Dogs to be registered with recorder.
2. Dog to wear collar.
3. Duty of recorder in regard to tag.
4. Receipts for tax on dogs.</p> | <p>SEC.
5. Receipts collected by sergeant.
6. Tax not paid, when dog to be killed.
7. Sergeant's fees for killing dog.</p> |
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Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. It shall be the duty of every person who shall own, keep or allow to be kept any animal of the dog kind within the town, to report the same to the recorder for registration in a book to be kept by him for the purpose, in which shall be entered the name of the person owning, keeping or allowing to be kept such animal, the kind of dog, whether male or female, together with the number of the tag to be attached to such animal. If any person owning, keeping or allowing to be kept any such animal shall fail to make such report for ten days after the first day of July in each year after the year 1895, he shall be fined, upon conviction, not less than three nor more than ten dollars. And in case any person shall become the owner or possessor of any such animal after the first day of July in any year, he shall, within ten days thereafter, report such animal to the recorder for registration as aforessid, and in case he shall fail to make

such report he shall be liable to a fine of not less than three nor more than ten dollars.

SEC. 2. Every dog in the town shall wear attached to a collar a tag bearing a number selected by the recorder. Any dog found on any street, alley or public ground without such tag shall be taken up by the sergeant and kept securely in some place selected by him for one week, and if such dog is not claimed within that time he shall be killed by such sergeant. But if within one week the dog is claimed, the person so claiming it must show to the satisfaction of the mayor that it is his or is under his control; that the required tag had been securely attached, and that he had used due diligence to obey the provisions of this ordinance. Upon compliance with these provisions and the payment of the sum of fifty cents, the said officer shall deliver such dog to such claimant. But nothing in this section shall prevent any person from purchasing any dog remaining unclaimed at the end of one week from the time of his capture, and any money realized from such sale shall go to the general fund.

SEC. 3. The tag to be used as aforesaid shall be provided by the recorder at the expense of the town, but if such owner desire, he may furnish such tag with the approval of the recorder. It shall be the duty of the recorder within fifteen days after the first of July in each year to furnish to the sergeant a list of persons who have made the reports to the recorder as required by section one, and the number of the tag or tags given them by the recorder.

SEC. 4. Receipts for taxes on dogs shall be separate from other tax receipts, and specify all the items required to be specified in the register of dogs. Such receipt when paid shall exempt such animal from further taxation until the first-day of July following the date of such receipt.

SEC. 5. It shall be the duty of the recorder to make out and deliver to the sergeant for collection tax receipts for dogs, and he shall charge him therewith, and the sergeant shall collect the

same, for which he shall receive the same commissions as on other taxes.

SEC. 6. If any person liable to pay any dog tax fail or refuse for three months after the assessment of such tax to pay the same, it shall be the duty of the sergeant to kill such animal.

SEC. 7. The sergeant shall be allowed a fee of one dollar for every dog he shall kill or cause to be killed and buried, under the provisions of this ordinance, to be paid upon the requisition of the mayor, granted upon due proof of the fact made before him.

CHAPTER VIII.

AN ORDINANCE: PROVIDING REGULATIONS GUARDING AGAINST DANGER BY FIRE.

SEC.

1. False alarm of fire.
2. Boiling oil, tar, &c.
3. Keeping nitro glycerine.
4. } Regulating the keeping and trans-
5. } portation of gun powder.

SEC.

6. Lights in stables to be secured.
7. Removing apparatus of fire com-
- panies.
8. Penalties.

Be it Ordained by the Common Council of the Town of Monongah :

SECTION 1. It shall be unlawful for any one to willfully cause a false alarm of fire, or to cry "fire," or to ring any bell, or to do anything creating or tending to create a false alarm of fire.

SEC. 2. It shall be unlawful to boil oil, tar or varnish within twenty feet of any building in this city.

SEC. 3. It shall be unlawful for any person to keep or store more than fifty pounds of any nitro glycerine, fulminating powder, or any substance of similar dangerous character, in any building or warehouse in the town limits within two hundred feet of any dwelling.

SEC. 4. It shall be unlawful for any person to keep in any shop, store, warehouse or other house or building within this town, without the special authority or permission of the council, a greater quantity of powder at any time than fifty pounds, and every day such greater quantity is kept in this town as aforesaid without such permission, shall constitute a distinct offense.

SEC. 5. It shall be unlawful for any person to transport within the limits of this town in any dray, cart or other vehicle, one or more kegs of powder, unless the dray, cart or other vehicle be covered with straw or canvas.

SEC. 6. It shall be unlawful for any owner or occupant of any livery or other stable, or of any out house that may contain any hay, straw or other fodder, or any person in his employment, to use or carry therein any lighted candle or other light, unless the same be secured with a tin, horn or glass lantern or other contrivance deemed safe by council.

SEC. 7. It shall be unlawful for any person to remove, or aid in removing any part of the apparatus of any of the fire companies of this town from the buildings containing the same, or to use the same for any purpose whatsoever, except with the knowledge and consent of the officer of the fire department having charge thereof, and in case of a fire to be used *bona fide* for the extinguishment of the fire.

SEC. 8. Any person violating any of the provisions of the foregoing seven sections shall be fined not less than one nor more than twenty dollars.

CHAPTER IX.

AN ORDINANCE: IN RELATION TO THE ELECTION OF MUNICIPAL
OFFICERS AND CONTESTED ELECTIONS.

SEC.
1. Elections—how held.

SEC.
2. Contested elections—how heard and
determined.

Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. Every municipal election for the election of town officers held under the charter of the Town of Monongah, or under any ordinance thereof, shall be held and conducted in conformity with the provisions of chapter III of the Code of West Virginia, Third Edition, 1891, and the Acts of the Legislature of West Virginia amendatory thereof.

SEC. 2. All contested elections to the office of mayor, recorder or councilman shall be heard and decided by the council. Said election contests shall be heard and determined in the manner prescribed for the hearing and determining of election contests for any county or district office as contained in sections 1, 2 and 3 of chapter VI of the said Code of West Virginia, Third Edition, 1891, and the Acts of the Legislature of West Virginia amendatory thereof, except that the duties therein required of the clerk of the County Court shall be performed by the recorder, and the duties therein required of the County Court shall be performed by the council, and that the duties therein required of the sheriff shall be performed by the sergeant.

CHAPTER X.

AN ORDINANCE: IN RELATION TO OLD ORDINANCES, CONTRACTS
AND AGREEMENTS.

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| <p>SEC.
1. In regard to contracts, &c., heretofore entered into.</p> | <p>SEC.
2. To be in effect as the law of said town, when.</p> |
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Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. All contracts, agreements or stipulations heretofore entered into by the Town of Monongah with any corporation, person or persons shall be and remain in full force and effect and shall be governed and controlled according to the terms set forth in such respective contracts, agreements or stipulations, but all ordinances, acts or orders of said town heretofore enacted and passed in conflict with any of the provisions of these ordinances are hereby repealed and declared vacated.

SEC. 2. These ordinances are hereby declared to be the ordinances of the Town of Monongah, and shall take effect and be in operation as the law of said town from and after the 31st day of July, 1895.

CHAPTER XI.

AN ORDINANCE: IN RELATION TO THE COMMENCEMENT AND CON-
STRUCTION OF ORDINANCES.

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| <p>SEC.
1. Time when ordinances take effect.
2. } Effect of repeal in certain cases.
3. }</p> | <p>SEC.
4. } Certain rules for the construction of
5. } ordinances.
6. }</p> |
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Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. Every ordinance of the council shall take effect and be in force from its passage, unless it be otherwise provided by the ordinance itself or be manifestly inconsistent with the intention of the council.

SEC. 2. The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any

offense committed, or penalty or punishment incurred, before the repeal took effect or the law expired, save only that the proceedings thereafter had shall conform, as far as practicable, to the laws in force at the time such proceedings take place, unless otherwise specially provided.

SEC. 3. When an ordinance which has repealed another is itself repealed, the former ordinance shall not be revived without express words for the purpose.

SEC. 4. The time within which an act is to be done shall be computed by excluding the first day and including the last, or if the last be Sunday, it shall also be excluded.

SEC. 5. When an ordinance requires an act to be done by an officer or person, it shall be sufficient if it be done by his agent or deputy, unless it be such as cannot be lawfully done by deputation.

SEC. 6. The following rules shall be observed in the construction of ordinances, unless a different intent be apparent from the context:

First—A word importing the singular number only may be applied to several persons or things, as well as to one person or thing; a word importing the plural number only may be applied to one person or thing as well as to several, and a word importing the masculine gender only may be applied to females as well as males.

Second—The words, "the mayor," includes any person lawfully exercising his authority.

Third—The word "person" includes corporations, if not excluded by the context.

Fourth—The word "offense" includes every act or omission for which a fine, forfeiture or punishment is imposed by ordinance.

Fifth—Unless otherwise specially provided, all fines or forfeitures imposed by or under any of the ordinances of the council shall accrue to the town and be applied as directed by the council.

CHAPTER XII.

AN ORDINANCE: ADOPTING THE PROVISIONS OF CHAPTER 47 OF
THE CODE OF WEST VIRGINIA.

Be it Ordained by the Common Council of the Town of Monongah:

That in addition to the powers conferred on the municipal authorities of the Town of Monongah by its certificate of incorporation, and carried into effect by its regularly adopted ordinances, by-laws, &c., the municipal authorities of said town are hereby authorized to exercise all the powers conferred upon the municipal authorities of cities, towns and villages by Chapter 47 of the Code of West Virginia as amended, and for this purpose Chapter 47 of the Code aforesaid is hereby adopted as an ordinance of this town.

CHAPTER XIII.

AN ORDINANCE: PROVIDING FOR ENTERING AND SEARCHING A
HOUSE OR OTHER PLACE.

Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. If the sale of intoxicating liquors is carried on clandestinely in any house, building or any other place, or in such a manner that the person so selling can not be seen or identified, any sheriff, sergeant or other officer charged with the execution of a warrant for the search of such house, building or other place, and the arrest of the parties found therein, may whenever it is necessary for the arrest and identification of the person so selling, break open such house, building or place.

CHAPTER XIV.

AN ORDINANCE: TO PROVIDE FOR THE REGULAR ROOFING AND RE-ROOFING OF HOUSES AND OTHER STRUCTURES, AND TO PROVIDE AGAINST DANGER BY FIRE FROM UNSAFE ROOFS, STOVES, STOVE-PIPES, FIRE PLACES AND CHIMNEYS.

SEC.

1. } Roofing of houses and other build-
2. } ings.

SEC.

3. Safety of stove-pipes, fire places and chimneys.

Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. It shall be unlawful hereafter for any person to roof any new building or structure within this town, or re-roof any old building or structure within this town, with other than non-combustible material. Any person or persons who shall violate the foregoing provisions of this section shall be fined not less than five dollars nor more than fifty dollars. Whenever it shall come to the knowledge of the sergeant that any new building or structure within this town is being roofed, or any old building or structure within this town is being re-roofed, with other than non-combustible material, it shall be his duty to report the same to the mayor of this town, who shall forthwith notify in writing the owner of such building or structure to remove such roof of other than non-combustible material; and if such notice be not complied with by such owner by the removal of such roof of other than non-combustible material within two days of its service thereof on him, he shall, for such failure to so comply, pay to this town a fine of not less than five dollars nor more than fifty dollars; and a further fine of ten dollars shall be imposed for every twenty-four hours such roof of other than non-combustible material is permitted to remain after two days from the time such notice is served upon the owner; and the mayor shall have authority to have such roof of other than non-combustible material removed at the expense of the owner of the property.

SEC. 2. Whenever it shall come to the knowledge of the ser-

geant that the roof of any building or structure in this town has, by reason of age, wear or other cause, become so unsafe as, in his opinion, to expose adjoining property to danger from fire, it shall be the duty of such sergeant to report the same to the mayor of this town, who shall forthwith notify in writing the owner of such building or structure to make the roof thereof safe, and if such notice be not complied with within two days from its service he shall, for such failure to comply, pay to this town a fine of not less than five dollars nor more than fifty dollars; and a further fine of ten dollars shall be imposed for every twenty-four hours such roof is permitted to remain in said unsafe condition after two days from the time such notice is served upon the owner; and the mayor shall have authority to have such unsafe roof removed at the expense of the owner of the property.

Sec. 3. It shall be unlawful hereafter for any person to build, put or place any stove, stove-pipe, fire place or chimney in or upon any building or structure in this town in such manner as to expose adjoining property to danger from fire. And it shall be unlawful for any person to knowingly allow or permit any stove, stove-pipe, fire place or chimney in or upon any building owned by him within this town to become or be unsafe so as to expose adjoining property to danger from fire. Any person or persons who shall violate the foregoing provisions of this section shall be fined not less than five dollars nor more than fifty dollars. Whenever it shall come to the knowledge of the sergeant that any person has built, put or placed any stove, stove-pipe, fire place or chimney in or upon any building or structure in this town in such manner as to expose adjoining property to danger from fire, or that any person knowingly allows or permits any stove, stove-pipe, fire place or chimney in or upon any building or structure owned by him in this town to become or be unsafe so as to expose adjoining property to danger by fire, it shall be the duty of said sergeant to report the same to the mayor of this town, who shall forthwith notify in

writing the owner of the property to make the same safe; and if such notice be not complied with by such owner within two days from its service, he shall, for such failure to comply, pay to this town a fine of not less than five dollars nor more than fifty dollars; and a further fine of ten dollars shall be imposed for every twenty-four hours (after two days from the service of such notice) such stove, stove-pipe, fire place or chimney is permitted or allowed to remain in such unsafe condition; and the mayor shall have authority to have such stove, stove-pipe, fire place or chimney torn down or removed at the expense of the owner of the property.

CHAPTER XV.

AN ORDINANCE: TO PRESERVE THE GOOD ORDER AND WELL BEING OF THE CITIZENS, AND WITH RESPECT TO EMPLOYERS OF MINERS AND OTHER EMPLOYEES, AND INTER-FERENCE WITH THE SAME.

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| <p>SEC.
1. Disturbance between employer and employees.</p> | <p>SEC.
2. Organizations of labor, &c.
3. Loitering of non-residents.</p> |
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Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. That no person or persons shall, within the corporate limits of the Town of Monongah, engage, directly or indirectly, in promoting or in seeking to promote any disturbance between employers of labor and such laborers and employees or do anything tending to result in such disturbance. Nor shall any person or persons seek to procure the discharge of any laborer by his employer; or seek to incite any employee or laborer to quit work and abandon his employment, whether the employer be a corporation, a company, a firm or an individual. And any person violating this section shall, upon conviction thereof, be fined in any sum not exceeding fifty dollars, and may, at the discretion of the mayor, be further punished by imprisonment not exceeding thirty days.

SEC. 2. Be it further ordained, that no person or persons in the interest, in the employ, or on behalf of any other person or persons, corporation, company, firm, society or other organization or otherwise, shall directly or indirectly organize or seek to organize the laborers in said town into companies, lodges or unions, antagonistic to the employers of labor therein. Nor shall such person or persons for or in the interest of any other person or persons, corporation, company, firm, society or other organization whatever or otherwise incite, counsel or importune laborers or other employees to the forming, establishing or joining of any combination or organization of laborers having for its object, and under or by means whereof such labors are or may be deprived of the right to work and labor whenever and wherever they please, and for whom they please, and whereby the personal rights of such laborers and other employees may be impaired and transferred in whole or in part from each individual, laborer and employee to an organization of any character or to officers of such organization, whereby the general welfare and good order in said town may be endangered. And any person violating this section or any of the provisions of this section shall, upon conviction, be punished by a fine not exceeding fifty dollars, and imprisonment not less than one day nor exceeding thirty days.

SEC. 3. Be it further ordained, that it shall be unlawful for any person not a resident of the Town of Monongah to loiter therein for any of the purposes or for the doing of any of the acts and things prohibited by the first and second sections of this chapter. That such loitering during any one day or night shall constitute a separate offense. And any person violating this section shall, upon conviction, be punished by a fine not exceeding fifty dollars, and upon conviction for a second, or subsequent offense of the same character, shall be punished by a fine not exceeding one hundred dollars, and imprisonment not exceeding thirty days.

CHAPTER XVI.

AN ORDINANCE: ESTABLISHING AND REGULATING THE FIRE DEPARTMENT OF THE TOWN OF MONONGAH.

<p>SEC.</p> <ol style="list-style-type: none"> 1. Fire department. 2. Employees, &c. 3. Volunteer fire companies. 4. Responsibility of sergeant over fire apparatus. 5. Obstructing or hindering any employee or member of fire department in discharge of his or their duties. 	<p>SEC.</p> <ol style="list-style-type: none"> 6. Obstructing or damaging any fire or water plug. 7. False alarms of fire. 8. Interfering with apparatus of fire department. 9. Penalties for violating any of above sections.
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Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. The sergeant, together with the fire committee of the council, shall constitute the fire department of the Town of Monongah.

SEC. 2. The council shall have the power from time to time to appoint such other employees as may be necessary to render efficient service in protecting the citizens and property in said town from fire, and said employees shall perform such duties as may be required of them by the fire department, but shall not be officers of said city. And the sergeant shall have power to suspend any person so appointed, and report the same to the council.

SEC. 3. Volunteer hose companies, and hook and ladder companies, may be organized and maintained within the Town of Monongah, which companies may elect their own officers, but shall at all times be subject to such regulations as to their organization, discipline, service, drill and control as may be prescribed or directed by the council.

SEC. 4. The sergeant shall be responsible for the discipline and good order of the men and employees in the fire department (provided for in sections one and two), and for the proper care of all property, apparatus, fixtures and furniture belonging to the fire department of this town, and it shall be his duty to keep all such property, fixtures, apparatus and furniture in its

proper place and in good repair. It shall be his duty, together with the persons and employees in the fire department, upon the alarm of fire to immediately attend upon the same with such fire apparatus in his control that may be advantageous, and while going to, and attending upon such fire, said sergeant shall have police power within said town, and may clear and close up any streets and alleys in the vicinity of, and leading to the place of fire, as may be necessary for the proper discharge of his duty. In the absence of the sergeant any member of the fire committee shall have the same powers as the sergeant is given hereunder. All fire department apparatus, fixtures and property while going to the place or alarm of fire shall have right of way and choice of sides upon the streets and alleys of the town.

SEC. 5. If any person shall willfully obstruct or resist any officer or employee of the fire department, or any police officer attending the fire, in the discharge or performance of his duty, or shall willfully obstruct passage or progress of any fire department apparatus in going to the place or alarm of fire, he shall, upon conviction, pay to the town a fine of not exceeding fifty dollars, and may also be punished with imprisonment not exceeding thirty days.

SEC. 6. It shall be unlawful for any person to obstruct or injure any fire or water plug, or delay access thereto by placing or leaving any boxes, goods, building material or any other obstructions on any street or alley within twenty feet of such plug.

SEC. 7. It shall be unlawful for any person to raise a false alarm of fire.

SEC. 8. It shall be unlawful for any person in any manner to interfere with any apparatus of the fire department.

SEC. 9. Any person who shall violate any of the next three preceding sections of this ordinance shall, upon conviction, for each offense be fined not less than five dollars nor more than fifty dollars.

CHAPTER XVII.

AN ORDINANCE: FOR THE GOVERNMENT AND PROTECTION OF THE
TOWN OF MONONGAH WATER WORKS.

SEC.		SEC.	
1.	Power of council over water works.	18.	Rights of consumers.
2.	Superintendent, his duties, &c.	19.	Applicants to answer questions.
3.	Duties of water committee.	20.	} Payment of water rents.
4.	Water rents, when to be paid.	21.	
5.	} Who may use hydrants, fire plugs, &c.	22.	Notices to be served.
6.		23.	Meters, &c.
7.	Superintendent to have access to all hydrants, water plugs, &c., &c.	24.	Hydrants and taps, not to be left running.
8.	Repairing water pipes, same to be protected.	25.	Non-payment of water rents.
9.	Plumbing, and by whom done.	26.	Re-applications for water.
10.	Plumbers to make report in writing of work done.	27.	Size of water cocks.
11.	Service pipes, where laid.	28.	Large quantities of water.
12.	} Tapping mains, &c.	29.	Lumber yards, mfgtrs., &c.
13.		30.	Yard fountains.
14.	Shutting off of water.	31.	Hydrants to be placed on streets.
15.	Application for permits to connect.	32.	} Sprinkling streets.
16.	Joint permits.	33.	
17.	As to use of water, care of fixtures, pipes, &c.	34.	Nozzles to be used.
		35.	Hose out of order, supply to cut off.
		36.	Penalties, &c.

Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. Council shall have the exclusive charge and management of the water works and shall elect or appoint such officers as shall be deemed necessary for the proper protection and operation of the works.

SEC. 2. The town sergeant shall be the general superintendent of the water works. It shall be the duty of said superintendent to see that these rules and regulations, and all resolutions of the council bearing on the operation of the water works, that now are or may hereafter be passed, are properly executed; that the conditions of all contracts, by or with the town, pertaining to said works, are faithfully complied with; that the assessments of water rents are duly made according to the schedule of rates that may from time to time be adopted, and the same are collected. To examine all accounts and claims that may accrue in the operation of said works, and submit the same to the water committee of council, with such explanations as will enable them to act intelligently thereon. To employ

such labor or assistants, at such rate of wages as may be agreed upon by water committee, and approved by council, as he may deem necessary to operate the works successfully. But he shall not make any extensions or additions to said works without special order of the water committee, approved by council. He shall have a general supervision over all the operations and interests of the works, and shall report to council at least once in _____ days as to the condition of the entire works, with such suggestions as he may deem necessary; and he shall perform such other duties as the water committee (approved by council) may prescribe or direct.

SEC. 3. It shall be the duty of the water committee to report to council any mismanagement or lack of performance of duty on the part of any officer or employee of said works so soon as the same is known to them. To make such recommendations to council for the better management of the water works as they at any time deem necessary. And they shall examine all bills previous to the presenting of the same to council for payment. The water committee shall consider and report upon all matters referred to them by council in connection with said works.

SEC. 4. All water rents shall be paid quarterly, in advance, at the office of the superintendent, on the first days of January, April, July and October. Fractional parts of a year will be collected to the first days of either of the above mentioned months next ensuing, payable on demand. And in case the rent is not paid before the fifth day of said month, the superintendent shall give such delinquent five days' notice in writing, at the expiration of which time, if the rent is not paid, he shall have the water shut off from such premises until such rent is paid in full. Rents for metered or estimated water will be payable quarterly, and for building and occasional use on demand.

SEC. 5. No person except the superintendent, chief of the fire department or street commissioner shall take water from any public fire hydrant, plug, street-washer, draw-cock, hose-pipe or fountain (except for fire purposes, or for use of the fire

department in case of fire). Nor shall any one in any way use or take water for private use unless such person shall first pay for the privilege and receive the usual permit from the superintendent to do so.

SEC. 6. No person shall open any fire hydrant, or obstruct any stop-cock, remove the cover of any public or private stop-gate, or of any street-washer, or deposit any dirt or other material in such stop-gate boxes, or turn any public or private stop-cock, or commit any act tending to obstruct the use thereof, or injure in any manner any building, pump, hydrant, machinery, pipes, apparatus, tools or fixtures of the water works whatsoever.

SEC. 7. The superintendent, or such other person as may be directed by council or water committee, shall be authorized to enter, and have free access, at all reasonable hours, to premises to ascertain the location or condition of a hydrant, pipe or other fixtures attached to said works, and in case he finds that water is wasted on account of negligence, or for want of repairs, and if such waste is not immediately remedied, the water leading to such premises shall be turned off, and shall not be turned on again until such repairs are made and the sum of one dollar paid for turning on the water.

SEC. 8. All streets and alleys broken up or excavated for the purpose of laying down or repairing the water pipes belonging to the water works shall be protected during the night, and repaired without unnecessary delay; such repairs to street or alley to be made by the contractor or plumber who has the work in charge, and at his or their own expense, and he or they shall be responsible for all damages that may occur to any one by reason of said excavations being left open by him or them.

SEC. 9. Any person wishing to do plumbing in connection with the Town of Monongah water works, must give to the water committee satisfactory evidence that he is a regular experienced workman, and willing to be governed by the by-laws, rules and regulations which are or may hereafter be adopted by

council. Said plumber shall be responsible for all damages the water works may sustain at his hands. He shall enter into bond in the sum of ——— dollars, with satisfactory security, payable to the Town of Monongah, to indemnify the town from all losses which said works may sustain by reason of his failure to comply with the rules and regulations aforesaid. Every plumber applying for and receiving a license to operate as such plumber under these rules and regulations, shall pay for said license annually the sum of ten dollars, the license year to commence January 1st. His license will be issued by the superintendent upon the order of the water committee.

SEC. 10. Every plumber, within twenty-four hours after having set up any pipes, water-cocks or other fixtures, or having made any additions or alterations to any pipes, cocks or fixtures already set up, shall make a correct return to the superintendent in writing, with a diagram descriptive of the work done, stating the ordinary as well as the special uses to which the water is to be applied, in order that proper knowledge of the amount of water used upon the premises may be obtained therefrom. Any failure to comply with the above will work a forfeiture of his license at once.

SEC. 11. A corporation cock will be inserted in the street main, and service pipe laid to the curb-stone, and a stop-cock attached, and valve box placed at the line of the curb-stone, at the expense of the Town of Monongah, so soon as permits have been issued and paid for in accordance with these rules and regulations.

SEC. 12. The Town of Monongah retains the tapping of the mains, furnishing the ferrules, or corporation stop-cocks and boxes, and service pipe to the curb line, all work to be done under the supervision of the water superintendent, at a price to be fixed hereafter by the water committee or council, and the payment to be made in all cases before the permit is granted. No person other than the superintendent, or the persons authorized by him or the water committee, will be permitted to make

connections with the mains or distribution pipes. The numbers and sizes of all corporation cocks inserted, and the length of street service pipe laid, shall be taken by or reported to the superintendent at once. But in no case shall a connection be made until a permit, stating size of cocks and pipes and location of the same, is granted to the parties desiring to so connect.

SEC. 13. In no case will service pipes be allowed to run across lots—that is, from one lot to another, but must be taken from the main in front of the premises, or some point adjacent thereto. And in case a lot or premises in which a service pipe shall have been previously laid, and the fixtures set up, shall become sub-divided and under different ownerships, the superintendent shall notify all parties interested, and shall make demand, in writing, upon the owner of the premises through which the pipe shall first pass, requiring him to cause said pipe to be disconnected or cut off from all adjoining premises and soldered up within five days from the date of demand, under the penalty of having the water turned off at the curb without further notice. Provided, however, a meter is set up in the premises through which the service pipe shall first pass, and so arranged as to measure all water passing through said pipe, and the owner thereof shall assume the payment of all water rents accruing thereon.

SEC. 14. The Town of Monongah reserves the right at any time to shut off the water in the mains in case of accidents, or for the purpose of making connections, alterations or repairs, and it shall be the duty of the superintendent to cause notice to be given to all consumers within the district to be shut off at least one hour previous to the shutting off, except in case of accident, in which case the water will be shut off without notice.

SEC. 15. Application for permits to connect service or supply pipes must be made to the superintendent, and such price as may hereafter be fixed by council paid in advance for inserting the service pipe and conveying the same to the line of the curb-stone. And such permit shall be authority for connecting

house pipes with the street service, laying pipe under the sidewalk and doing all plumbing work for which the permit was granted, subject to the rules and regulations governing the same.

SEC. 16. Persons owning adjoining lots may join in obtaining permit, in which case a single service pipe may be laid to the curb line and divided, giving each person an independent service and stop, and the cost of such permit shall be hereafter fixed by council.

SEC. 17. Persons taking water must keep their service pipe and all fixtures connected therewith in good repair and protected from frost at their own expense, and must prevent all unnecessary waste of water under penalty of having the water shut off.

SEC. 18. No consumer shall habitually permit others not members of his family to use water from his or her pipe or hydrant, or make connection in any manner whatever therewith. For any violation of this section, after having been once notified thereof by the superintendent, or other person authorized by him, the water shall be turned off, in which case the sum of two dollars shall be paid before again turning on the water.

SEC. 19. Applicants for the use of water must state fully all the purposes for which they desire it, and must answer fairly and without concealment the necessary questions relating to the per capita, rental value, accessibility of neighbors and all possible chances of illegal use of water.

SEC. 20. The owner of all premises supplied with water from the water works shall sign articles of agreement making the property so supplied liable for a lien for the payment of all water rents and other charges remaining unpaid, and all consumers or water takers shall agree to be governed by the by-laws, rules and regulations that now are or may hereafter be established by council.

SEC. 21. In all cases where more than one tenant or water taker is supplied with water by one hydrant, or from the same service pipe, the Town of Monongah will look directly to the owner of the property for the entire rent for the water furnished

said premises, aggregating the bills of all consumers and presenting them to the owners for payment. The collection from the tenants will be attempted only where hydrants and pipes are so arranged and supplied with stop-keys as to give the superintendent, or other agent of the Town of Monongah, perfect and absolute control at all times over the supply to each individual water taker by turning on or shutting off the water.

SEC. 22. It shall be the duty of the superintendent to serve written or printed notices on the owner of the property occupied by tenants of the failure of such tenant or tenants to pay the water rent, and that the Town of Monongah will look to said owners for the payment.

SEC. 23. When a consumer shall prefer to pay the cost of such a meter as shall be approved by the water committee, together with the cost of putting in and maintenance, rather than to pay the schedule rates, or for the quantity estimated, a meter will be put in. The Town of Monongah reserves the right at any time, upon the recommendation of the superintendent and approval of the water committee, to furnish and set a water meter in any premises in which large quantities of water may be supplied from the water works, and thereafter the water rents shall be at meter rates; and addition thereto a rental at such rate upon the cost of the meter, and expense of setting, as may be fixed by the water committee, shall be charged, and payable quarterly at the same time the water rents are paid. If a meter gets out of order and fails to register, the consumer will be charged at the average daily consumption as shown by the meter when in order. When water passes through a meter it may be used for any and all purposes.

SEC. 24. Hydrants, taps, water closets, urinals, baths or other fixtures will not be allowed to be kept running when not in actual use, unless water shall first pass through a meter. For any violation of the section, after having once been notified thereof by the superintendent, or other person authorized by

him, the water shall be turned off, in which case the sum of two dollars shall be paid before again turning on the water.

SEC. 25. In cases where the water is turned off for the non-payment of water rent or for other causes, or when in the opinion of the superintendent the turning off of the water at the stop-cock is not sufficient protection against the further use of the water, he may cause the corporation cock to be withdrawn.

SEC. 26. Upon re-application for water, where the water has been turned off and the cock has been withdrawn, an additional charge of three dollars for reinserting it will be made.

SEC. 27. No corporation cock shall be inserted in any of the leading mains above the size of three-fourths of an inch, inside diameter, unless with the consent of the superintendent, and approved by the water committee. And in all cases where corporation cocks of a larger size are asked for permits shall only be granted for branches to supply the full capacity of the service pipe.

SEC. 28. Applicants desiring attachments of larger diameter than prescribed by the rules of the water works, for the purpose of controlling a large quantity of water in a short space of time, will be required to pay on demand all extra costs of such attachment above that of an ordinary service, and be at the expense of an approved meter of proper size for the measurement of the water consumed, and shall pay meter rates.

SEC. 29. If proprietors of lumber yards, manufactories, halls, stores, hotels or public buildings, regular consumers of water, wish to lay large pipe with hydrant and hose couplings to be used in case of fire, they will be permitted to connect with the street mains (upon application to the water committee and under their direction) at their own expense, and will be allowed the use of water—for fire purposes only—free of charge.

SEC. 30. Yard fountains shall not be used more than six hours per day without a meter. The rate for the season for fountains (from May 1st to October 1st) will be established according to the size of the orifice.

SEC. 31. No hydrant, except fire hydrants, public drinking fountains or street sprinklers, shall be placed within the limits of any street, and no drinking fountain shall be erected for public use which has openings by which it can be used as a source of domestic supply.

SEC. 32. Sprinkling streets and lots is restricted to two (2) hours per day, unless the water shall first pass through a meter.

SEC. 33. In sprinkling streets each water taker must confine himself to the number of feet mentioned in his permit.

SEC. 34. Nozzles larger than one-fourth inch will not be permitted, except upon additional charge, and sprinkling without nozzle is forbidden.

SEC. 35. If a street-washer, sprinkler or hose is found out of order, leaking or used for any other purpose than that for which it was intended, the supply will be cut off without previous notice.

SEC. 36. Any person violating either of the provisions aforesaid, excepting where other penalties have been provided, shall, upon conviction thereof, be fined not less than five, nor more than fifty dollars, or undergo an imprisonment in the town jail for a period not exceeding thirty (30) days, at the discretion of the mayor, and be liable for all damages and costs accruing from such violation.

All ordinances, or parts of ordinances, inconsistent with this ordinance, are hereby repealed.

APPENDIX OF FORMS.

FORM 1—COMPLAINT.

STATE OF WEST VIRGINIA,

Town of Monongah, ss.:

..... states on oath that on the
..... day of, 190.., within the
town aforesaid, one..... did unlawfully and
in violation of section..... of chapter..... of the ordi-
nances of said town [here state offense].....

.....
.....
Therefore the said..... prays that said
..... may be arrested and dealt with ac-
cording to law and the ordinances of said town.

(Signed).....

Sworn to before me this..... day of..... 190..

..... Mayor of the Town of Monongah.

FORM 2—WARRANT.

THE STATE OF WEST VIRGINIA:

To the Sergeant of the Town of Monongah, Greeting:

Whereas,..... has this day made complaint and
information on oath before me,, mayor of
the Town of Monongah, that..... has violated the
..... section of chapter....., an ordinance of said town,
in this, to-wit, that he, the said....., did, on the
..... day of....., 190.., within the said town,
[here describe the offense as set out in the ordinance] against
the form of the ordinance aforesaid. These are, therefore, in

the name of the State of West Virginia, to require you to apprehend the said.....and bring his body before me at the mayor's office in the town aforesaid forthwith, to be dealt with in the premises for the said offense according to the provisions of the ordinance aforesaid and the law in such case made and provided.

Given under my hand this.....day of.....190..
....., Mayor.

FORM 3-SUMMONS.

THE STATE OF WEST VIRGINIA:

To the Sergeant of the Town of Monongah, Greeting :

Whereas,has this day made verbal complaint before me,, mayor of the Town of Monongah, that.....has violated section..... of chapter....., an ordinance of said town, in this, to-wit, that he, the said.....did, on the.....day of, 190., within the said town [here describe the offense as set out in the ordinance] against the form of the ordinance aforesaid.

Therefore, good reason appearing therefor, you are hereby required, in the name of the State of West Virginia, to summon the said.....to appear before me, at the mayor's office, in the town aforesaid, at.....o'clock....., to answer the charge aforesaid, and to show cause, if any he can, why he should not be dealt with according to the provisions of the said ordinance and the law in such case made and provided.

Given under my hand this.....day of.....190..
....., Mayor.

Summon as witnesses:

For the Town,

For the Defendant,

.....
.....
.....

.....
.....
.....

FORM 4—CONVICTION.

TOWN OF MONONGAH

vs.

Upon a complaint for [here
briefly state the nature of the
offense].

Be it remembered that on the.....day of.....
in the year....., in the Town of Monongah, A. B. came
before me,, mayor in and for said town,
and informed me that C. D., on the.....day of.....,
in the year....., in the said town, did, &c., [here set forth
the charge as contained in the summons or warrant].

Whereupon, the said C. D. was duly summoned to appear
before me to answer the said charge; on the.....day of
....., at the mayor's office in the said town, and appeared
before me [or, did not appear before me], pursuant to said
summons [or, if a warrant instead of a summons was issued,
for "was duly summoned," &c., say, was on the.....day of
....., in the year...., in the said town, brought before
me to answer the said charge, by virtue of a warrant duly
granted], and the truth of the said charge being then and there
examined into by me, and the evidence of the following wit-
nesses, viz.: E. F., &c., given upon oath, [and in the presence
of the said C. D., if he be present,] being heard and considered,
[or in case of a confession by the party, instead of "examined
into," &c., say, voluntarily confessed by the said C. D. to be
true], it appears to me that the said C. D. is guilty of the offense
charged upon him in the said summons [or warrant], and I do
hereby convict him of the offense aforesaid, and do adjudge
that he pay to the Town of Monongah a fine of.....dollars
and costs of prosecution.

Given under my hand this.....day of.....in the
year.....

....., Mayor.

[Davis' Criminal Law, p. 509.]

FORM 5—IMPRISONMENT IN DEFAULT OF PAYMENT OF FINE.

[After Form 4 add:]

And immediate payment of the fine and costs aforesaid being required, in default of such payment, I hereby commit the said C. D. to the lock-up of said town for the period of..... [not to exceed thirty days] unless the fine and costs aforesaid are sooner paid. And I further direct that the said C. D. be confined upon a fare of bread and water.

Given under, &c.

FORM 6—SENTENCE TO LABOR.

[After Form 4 add:]

And the fine and costs aforesaid not being promptly paid, I hereby sentence the said C. D. to work out the amount of the fine and costs aforesaid, under the direction, control and custody of the sergeant of said town, on the public streets thereof, at the rate of seventy-five cents a day. In case the said C. D. shall fail or refuse to do the work so required of him, it is ordered that the amount of the fine aforesaid be doubled, and that the said C. D. be confined in the lock-up of said town until the amount of the fine so doubled and the costs shall be paid or the said C. D. shall signify his willingness to do the work required of him, but such imprisonment shall not exceed thirty days.

Given under, &c.

FORM 7—WARRANT CALLING SPECIAL MEETING OF COUNCIL.

To the Sergeant of the Town of Monongah :

You are hereby directed to notify the members of council that a special meeting thereof is called to meet at the mayor's office, on....., the....day of, at....o'clock...., to consider the following matters of business for which this meeting is

called, viz.: [Here state the matters of business to be acted upon.] [Ch....., sec.....]

Given under, &c.

(Sergeant's Return.)

I have executed the foregoing warrant by giving information of its purport to....., being all the members of council now in the town, this....day of....., 190..

....., Sergeant.

FORM 8—FOR THE ABATEMENT OF CERTAIN NUISANCES.

..... 190..

To.....

Your attention is called to the.....section of the.....chapter of the ordinances of the Town of Monongah, providing for the removal of.....and to the fact that a certain.....constitutes a nuisance such as is referred to in said ordinance upon the property owned by.....and occupied by.....at.....street, within the corporate limits of said town, and is in violation of the provisions of said ordinance.

You will therefore take notice that if you shall neglect or refuse to comply with the provisions of said ordinance by removing said.....within.....days from this date, that I will proceed to remove the same, or cause the same to be removed, pursuant to and in accordance with the provisions of said ordinance, and the cost of such removal will be charged to you and the property aforesaid will be held liable for said costs.

....., Mayor.

(Sergeant's Return.)

I executed the above notice by delivering to.....in person a copy of same in writing on the.....day of....., 190..

....., Sergeant.

FORM 9—FOR THE ABATEMENT OF SPECIAL NUISANCES BY
COUNCIL.

Be it Ordained by the Common Council of the Town of Monongah:

SECTION 1. That a certain [here describe the particular thing constituting the nuisance and the person maintaining it], be and the same is hereby declared to be a nuisance in the opinion of a majority of the whole council and ordered to be abated as such.

SEC. 2. That the said be and he is hereby required to abate the said nuisances [here state the manner in which he is required to abate it], within days after he shall have served with a copy of this ordinance, and in case the said shall refuse or neglect to comply with this notice, the mayor shall direct the street committee to abate the said nuisance in accordance with the requirements aforesaid, and the property upon which such nuisance exists shall be responsible for the costs of the same.

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