

CODIFIED ORDINANCES OF SHINNSTON

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CODIFIED ORDINANCES OF SHINNSTON

PART ONE - ADMINISTRATIVE CODE

CHAPTER ONE - General Provisions

- Art. 101. Codified Ordinances.
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ARTICLE 101  
Codified Ordinances

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101.02	General definitions.	101.07	Conflicting provisions.
101.03	Rules of construction.	101.08	Separability.
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CROSS REFERENCES

See sectional histories for similar State law  
 Maximum penalty permitted - see W. Va. Code 8-11-1, 8-12-5(57)  
 Authority to impose penalties - see W. Va. Code 8-11-1, 8-12-2(11)  
 Codification of ordinances - see W. Va. Code 8-11-4(b)

101.01 DESIGNATION; CITATION; HEADINGS.

(a) All ordinances of a permanent and general nature of the Municipality as revised, recodified, rearranged, renumbered and consolidated into component codes, chapters, articles and sections shall be known and designated as the Codified Ordinances of Shinnston, West Virginia, 1986, for which designation "Codified Ordinances" may be substituted. Code, chapter, article and section headings do not constitute any part of the law as contained in the Codified Ordinances.

(b) All references to codes, chapters, articles and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "Section" followed by the number, such as "Section 101.01".

#### 101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless otherwise expressly provided or the context otherwise requires:

- (a) Council means the legislative authority of the Municipality.
- (b) County means Harrison County, West Virginia.
- (c) Land or lands and real estate or real property include lands, tenements and hereditaments, and all rights thereto and interests therein except chattel interests.
- (d) Laws of the State includes the Constitution of the State and the Constitution of the United States, and treaties and laws made in pursuance thereof.  
(WVaC 2-2-10)
- (e) Municipality or City means the of Shinnston, West Virginia.
- (f) Offense includes every act or omission for which a fine, forfeiture or punishment is imposed by law. (WVaC 2-2-10)
- (g) Owner, when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.
- (h) Person or whoever includes corporations, societies, associations and partnerships.
- (i) Personal estate or personal property includes goods, chattels, real and personal, money, credits, investments and the evidences thereof.
- (j) Preceding, succeeding or following used in reference to any section or sections of an article means next preceding, next succeeding or next following that in which such reference is made. (WVaC 2-2-10)
- (k) Premises, as applied to property, includes land and building.
- (l) Property or estate embraces both real and personal estate.  
(WVaC 2-2-10)
- (m) Public place includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance or any other place for the sale of merchandise, public accommodation or amusement.
- (n) Registered mail includes certified mail.
- (o) State means the State of West Virginia or any department, division, commission, board, educational or other institution of the State.
- (p) Street includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.
- (q) Tenant or occupant, as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises alone or with others.
- (r) Written or in writing includes any representation of words, letters or figures, whether by printing, engraving, writing or otherwise. But when the signature of any person is required, it must be in his own proper handwriting, or his mark, attested, proved or acknowledged. (WVaC 2-2-10)

### 101.03 RULES OF CONSTRUCTION.

(a) General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(b) Gender and Plural. 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.  
(WVaC 2-2-10)

(c) Computation of Time. 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 a Saturday, Sunday or legal holiday it shall also be excluded. (WVaC 2-2-3)

(d) Joint Authority. Words purporting to give a joint authority to three or more persons confer such authority upon a majority of them, and not upon any less number.  
(WVaC 2-2-10)

(e) Exceptions. The rules of construction shall not apply to any law which contains any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

### 101.04 REPEAL OF REPEALING ACT; EFFECT OF REPEAL.

(a) When a law which has repealed another is itself repealed, the former law shall not be revived without express words for that purpose. (WVaC 2-2-9)

(b) The repeal of a law, 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 shall conform as far as practicable to the laws in force at the time such proceedings take place, unless otherwise specially provided; and that if any penalty or punishment be mitigated by the new law, such new law may, with the consent of the part affected thereby, be applied to any judgment pronounced after it has taken effect. (WVaC 2-2-8)

(c) The repeal by any provision of the Codified Ordinances of an ordinance validating previous acts, contracts or transactions shall not affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal, but no further.  
(WVaC 2-2-11)

#### 101.05 CONSTRUCTION OF SECTION REFERENCES.

When reference is made to any section or group of sections of the Codified Ordinances, such reference shall extend to and include any amendment of or supplement to the section or group of sections so referred to or any section or sections hereafter enacted in lieu thereof; and unless otherwise provided, whenever a reference to a section or group sections is made in any amendment or supplement to any section of the Codified Ordinances hereafter enacted, such reference shall be deemed to refer to the section or sections as the same shall then stand or as thereafter amended.

Whenever in a penalty section reference is made to a violation of a section or an inclusive group of sections, such reference shall be construed to mean a violation of any provision of the section or sections included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances.

If a section refers to a series of numbers or letters, the first and the last number or letters in the series are deemed to be included.

#### 101.06 ACTS BY AGENT OR DEPUTY.

When a section requires that an act 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 lawfully be done by deputation. (WVaC 2-2-5)

#### 101.07 CONFLICTING PROVISIONS.

If the provisions of different codes, articles or sections of the Codified Ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

#### 101.08 SEPARABILITY.

Each section of the Codified Ordinances and every part of each section is an independent section and part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause does not affect the validity or constitutionality of any other section or part thereof.

#### 101.09 GENERAL LABOR CHARGE.

(a) The following charges shall be billed by the City of Shinnston, to property owners, when the City must perform work on private property to bring the property into compliance with the Codified Ordinances of the City of Shinnston:

- (1) The charge for up to a two (2) man crew, 1 pick-up truck and hand tools shall be fifty dollars (\$50.00) per hour. A minimum of one (1) hours labor will be charged for each call out.
- (2) The charge for each additional worker shall be twenty-one dollars and fifty-three cents (\$21.53) per hour. A minimum of one (1) hours labor will be charged for each call out.
- (3) When it is necessary for additional City equipment to be used to complete the project, the City shall charge the appropriate rate as listed in the Federal Emergency Management Agency "Schedule of Equipment Rates", attached as Attachment A. A minimum of one (1) hours use will be charged for each call out.

- (4) When it is necessary for the City to engage a private contractor to complete the project, the City shall charge the actual contracted amount.
- (5) When it is necessary for the City to pay disposal costs, permit fees or other fees to complete the project, the City shall charge the actual cost of said fees.

(b) The Public Works Field Supervisor shall furnish the City Manager with a project report, with a detailed summary of all employees, vehicles and equipment used and the amount of time that each was used on the project. The report will also provide an explanation of all contractors, services and fees that were utilized or incurred on the project and provide dated and itemized receipts.

(c) Upon review and approval of the project report, the City Manager shall authorize the City Clerk to send an invoice to the property owner for payment within thirty days.

(d) If payment is not received within thirty days, the City Manager is authorized to initiate collection action against the property owner.  
(Passed 8-14-00)

#### 101.99 GENERAL PENALTY.

(a) Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both. Each day any such violation continues shall constitute a separate offense. (A.O.)

(b) Penalty for Repeat Offenses. When a person or business is cited for the same code violation more than one (1) time in a single eighteen month period the following fine structure shall be imposed:

- (1) The minimum fine for a repeat Offense, under this section shall be \$250.00, and the maximum fine shall not exceed \$500.00. Each day that a violation remains shall be a separate violation subject to an individual fine.
- (2) The person or business that receives a "Repeat Offense" violation will have five business days after receipt of the notice of violation to correct the violation. If the violation is not corrected within the five days, the person or business shall be subject to the fines started in subsection (b)(1) hereof.
- (3) The City of Shinnston shall state clearly in the notice of Repeat Offense the nature of the Offense and the date in which the initial violation was issued.

(Passed 11-13-00.)

ARTICLE 103  
Official Standards

EDITOR'S NOTE: There are no sections in Article 103. This article has been established to provide a place for cross references and future legislation.

CROSS REFERENCES

Legal holidays – see W.Va. Code 2-2-1

Computation of time – see ADM. 101.03(c)



ARTICLE 105  
Elections

105.01	Applicability of State law to Municipal elections.	105.05	Regular elections; term of office.
105.02	Reserved.	105.06	Permanent registration law; records.
105.03	Hours.	105.07	Voting precincts; wards.
105.04	Ballot boxes.		

CROSS REFERENCES

Election - see CHTR. Sec. 39  
Municipal voting precincts - see W. Va. Code 3-1-6  
Municipal precinct registration records - see W. Va. Code 3-1-27  
Absentee voting in municipal elections - see W. Va. Code 3-3-13  
Integration of municipal elections with systems of permanent registration - see W. Va. Code 8-5-13  
Special elections - see W. Va. Code 8-5-15a

105.01 APPLICABILITY OF STATE LAW TO MUNICIPAL ELECTIONS.

The provisions of West Virginia Code Chapter 3, as amended shall so far as the same can be applied, govern the conduct of Municipal elections and to that extent, such Chapter 3 is hereby adopted and made a part of the article by reference.

105.02 RESERVED.

105.03 HOURS.

Polls shall be opened in each precinct on the day of such election as provided in West Virginia Code 3-1-31.

105.04 BALLOT BOXES.

The City Clerk shall provide ballot boxes and tickets for each of the wards of the City and the Chief of Police shall convey them to each of the polling places and deliver the same to the Commissioners in time for the holding of the election.  
(1958 Code Sec. 2-4)

**105.05 REGULAR ELECTIONS; TERM OF OFFICE.**

All regular elections for officers shall be held biennially on the second Tuesday in June. The terms of all officers elected shall commence on July 1, following the election and shall be for two years. (12-30-59; Passed 3-3-86.)

**105.06 PERMANENT REGISTRATION LAW; RECORDS.**

(a) All elections of the City shall be held in accordance with and subject to the provisions of the permanent registration law of the State.

(b) At least three days prior to each election of the City, the City Clerk shall procure from the office of the Clerk of the County Court of Harrison County the Municipal registration records necessary for the conduct of such election. Such records shall, within ten days after the date of the Municipal election, be returned to the office of the Clerk of such Court by the City Clerk.

(c) In case of a contested election, the registration record of any challenged voter may be obtained from the Clerk of the County Court by Council to determine the contest. Such records shall be returned by the City Clerk to the office of the Clerk of such County Court within a reasonable time after the contest is finally decided.  
(1958 Code Sec. 2-8)

**105.07 VOTING PRECINCTS; WARDS.**

(a) For the purpose of all Municipal elections of the City, the voting precincts in the City shall coincide with the boundaries of the voting precincts as fixed by the County Court of Harrison County for all State and County elections, insofar as such precincts are within the corporate limits of the City, and except in the fourth ward where there are parts of two County precincts, the same shall constitute a single voting precinct to be designated 4-53-54.

(b) Each voting precinct of the City shall be designated by the number of the ward in which such precinct is situated, followed by the corresponding number used by the County Court to designate such precinct, to wit, 1-50, 2-51, 3-52 and 4-53-54.  
(1958 Code Sec. 2-9, 2-10)

ARTICLE 107  
Emergency Services

107.01	Policy and purpose.	107.05	Acceptance of Federal of State aid.
107.02	Office created; membership.	107.06	Director; appointment.
107.03	Powers and duties.		
107.04	Organization.		

CROSS REFERENCES  
Emergency services - see W. Va. Code Art. 15-5

107.01 POLICY AND PURPOSE.

(a) In view of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, earthquakes or other natural or manmade causes, and in order to insure that preparations of the City will be adequate to deal with such disasters, and, generally to provide for the defense and to protect the public peace, health and safety and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary:

- (1) To create an Office of Emergency Services in the City;
- (2) To confer upon the officials of the City the emergency powers provided herein; and
- (3) To provide for the rendering of emergency services within this City and to cooperate with other governmental agencies with respect to carrying out the emergency service functions.

(b) It is further declared to be the purpose of this article and the policy of this City that all emergency services functions of this City be coordinated to the maximum extent with the comparable functions of the County, State and Federal governments, including various departments and agencies thereof, as well as with other states and localities and with private agencies of every type, so that the most effective preparation and use may be made of the County, State and nation's manpower, resources and facilities for dealing with any disaster that may occur.

107.02 CREATED; MEMBERSHIP.

(a) There is hereby created the Shinnston Office of Emergency Services, which shall consist of the following members: the City Manager, who shall be ex-officio Chairman of the Office of Emergency Services; the Chiefs of Police and Fire of the City, and one other member to be nominated and appointed by Council, not more than three of

whom shall be of the same political party. In nominating and appointing the one member, Council shall consider the political affiliations of the four ex-officio members in order to comply with the requirement that not more than three members of Council shall be of the same political party. If after the appointment of such member, this requirement is not met, the City Manager shall fill the vacancy with a registered professional engineer or the appropriate political party.

(b) The terms of all ex-officio members shall follow the term of their respective Municipal offices.

(c) The term of such registered professional engineer shall be at the will and pleasure of the City Manager. The term of Council's appointee shall be until the second regular meeting of Council following the next regular municipal election for Councilmembers.

#### 107.03 POWERS AND DUTIES.

The powers and duties of the Shinnston Office of Emergency Services shall include the recommendation of a civil defense program and a program for emergency services for the City and shall also include the following:

- (a) Control and direction of the civil defense organization of the City;
- (b) Control and direction of services during every type of emergency within the City;
- (c) Appointment of such voluntary personnel as the Office of Emergency Services may deem advisable;
- (d) The maintenance of necessary liaison with other Municipal, area, State, regional, Federal or other civil defense or emergency services offices or organizations;
- (e) The marshaling, after the declaration of an emergency, of all necessary personnel, equipment or supplies to aid the carrying out of the civil defense plan or the emergency services plan;
- (f) The institution of training programs and public information programs and the taking of other preparatory steps including partial or full mobilization of civil defense programs and emergency services programs in advance of an actual disaster or emergency; and
- (g) On behalf of this City and subject to approval of the Office of Emergency Services, the entering into mutual aid arrangements with other cities and counties in the State, and also, under authority of the State, the entering into of reciprocal civil defense agreements and emergency services agreements with Federal and other states for aid in case of disaster or emergencies too great to be dealt with unassisted.

#### 107.04 ORGANIZATION.

The Emergency Services Organization of the City shall consist of the officers and employees of the City designated by the City Manager, as well as all volunteer Municipal defense and emergency services workers. The functions and duties of this organization shall be distributed among such divisions, services and special staff as Council shall be resolution prescribe. Insofar as possible, the form of organization and terminology shall conform to the recommendations of the Federal and State Emergency Service Organization.

**107.05 ACCEPTANCE OF FEDERAL OR STATE AID.**

Whatever the Federal and State governments, or any agency or officer thereof, shall offer or make available to this City, services, equipment, supplies, material or funds by way of gift, grant, loan or matching funds, for the purpose of civil defense or emergency services, the City, acting through the City Manager, may accept such offer and, upon acceptance, authorize the proper offices of the City to receive such services, equipment, supplies, materials or funds on behalf of the City.

**107.06 DIRECTOR; APPOINTMENT.**

Council may authorize the appointment of a Director of the office of Emergency Services. Upon such authorization, the City Manager is authorized and directed to appoint a Director of the Office of Emergency Services to serve at the will and pleasure of the City Manager.



CHAPTER THREE - Legislative  
 Art. 121. Council.  
 Art. 123. Ordinances and Resolutions.

ARTICLE 121  
 Council

121.01	Time for meetings; special meetings.	121.10	Priority of motions.
121.02	Call to order; quorum; minutes.	121.11	Committee reports to be in writing.
121.03	Parliamentary rules.	121.12	Compelling attendance of members.
121.04	Questions of order.	121.13	Remission of fines and penalties.
121.05	Contempt.	121.14	Charges against officers.
121.06	Appeals from rulings.	121.15	Official bonds.
121.07	Voting.	121.16	Record books.
121.08	Motion; debate; voting.		
121.09	Order of business.		

CROSS REFERENCES

Qualifications; terms; salary - see CHTR. Sec. 4  
 Vacancies - see CHTR. Sec. 6  
 Powers - see CHTR. Sec. 8  
 Meetings; rules; voting - see CHTR. Sec. 13  
 Open meeting law - see W. Va. Code Art. 6-9A  
 Oath - see W. Va. Code 8-5-8  
 Adoption of rules - see W. Va. Code 8-12-5(45)

121.01 TIME FOR MEETINGS; SPECIAL MEETINGS.

(a) The regular meetings of Council shall be held at the Municipal Building on the first Monday of every month at 7:00 p.m. and at such other times and places as may be fixed by Council.

(b) A special or call meeting may be held on call of the Mayor or any three members of Council upon written notice signed by them or the Mayor, specifying the time, place and purpose of such meeting, reasonable notice having been given to all members of Council to be found within the City.

(c) The call for such meeting shall be copied into the minute book of the proceedings of Council. (Passed 10-1-84.)

#### 121.02 CALL TO ORDER; QUORUM; MINUTES.

Upon the assembling of Council, the Mayor, if present, and in his absence the Vice-Mayor, and if both are absent, some member of Council, shall call the meeting to order and upon ascertainment of a quorum, shall order the reading of the minutes of the preceding meeting by the City Clerk or the City Clerk appointed pro tempore, and, if found correct, signed by the presiding officer and the City Clerk, and shall then proceed to the business of Council, the presiding officer preserving order and decorum.  
(1958 Code Sec. 3-2)

#### 121.03 PARLIAMENTARY RULES.

The parliamentary rules of the West Virginia State Senate shall govern the procedure of Council, except insofar as they may herein or hereafter be modified or may be repugnant hereto in matters not covered by these rules.  
(1958 Code Sec. 3-3)

#### 121.04 QUESTIONS OF ORDER.

All questions of order shall be decided by the presiding officer, subject to reversal upon appeal to Council. (1958 Code Sec. 3-4)

#### 121.05 CONTEMPT.

Any member transgressing any rule of Council, the presiding officer shall call to order, or any member of Council may raise a point of order, upon which the presiding officer shall rule, and, in case any member is called to order, he shall immediately sit down and desist from speaking and remain silent, and any member proving contumacious may be punished by the Mayor for contempt and fined not exceeding five dollars (\$5.00), and, upon failure to pay such fine, may be imprisoned in jail not exceeding five days.  
(1958 Code Sec. 3-5)

#### 121.06 APPEALS FROM RULINGS.

No appeal shall be taken from the ruling of the presiding officer except two members shall demand such appeal, and, upon such appeal being taken, the presiding officer shall put the same in the following form: "The question now is, shall the decision of the chair be sustained?" whereupon a vote shall be taken on such question and the result ascertained as on other questions. (1958 Code Sec. 3-6)

#### 121.07 VOTING.

(EDITOR'S NOTE: See Section 13 of the City Charter.)

**121.08 MOTION; DEBATE; VOTING.**

(a) Every motion, resolution or proposition shall, if required by the City Clerk or any member of Council, be reduced to writing by its proponent. When a motion is made and seconded, it shall be considered and debated before Council and shall be stated by the presiding officer before being put to vote and unless withdrawn by unanimous consent, shall be voted upon and duly entered in the minutes.

(b) Upon demand of any member of Council, the “ayes” and “noes” shall be called and a record made of the vote of each member.  
(1958 Code Sec. 3-8, 3-9)

**121.09 ORDER OF BUSINESS.**

(a) The order of councilmanic procedure shall be as follows, after ascertaining that a quorum is present:

- The reading of the minutes of the preceding meeting.
- Unfinished business appearing upon minutes.
- Reports of committees.
- Reports of officers.
- Petitions of all kinds.
- New business and propositions.

(b) The regular order of business may be suspended at any time for special reasons.  
(1958 Code Sec. 3-10)

**121.10 PRIORITY OF MOTIONS.**

(a) When a question is properly before Council, no other motion shall be made or received, unless to amend, postpone, lay on the table or to adjourn, and no question shall be considered before Council until moved and seconded.

(b) A motion to adjourn shall be in order at any time, unless Council shall be engaged in voting on some proposition.  
(1958 Code Sec. 3-11)

**121.11 COMMITTEE REPORTS TO BE IN WRITING.**

All reports of committees shall be in writing and responsive to the purpose of their appointment. (1958 Code Sec. 3-12)

**121.12 COMPELLING ATTENDANCE OF MEMBERS.**

(a) The Council shall have power to compel attendance of members and in case of the refusal of any member, after being notified to attend, the presiding officer may issue a warrant ordering his apprehension, bring him before Council and compel him to remain during the session, so as to secure proper attendance to transact business, and any member refusing to remain after being brought in shall be subject to a fine for contempt as hereinbefore provided.

(b) No member of Council shall depart during its session unless by permission of the Mayor or Council. (1958 Code Sec. 3-13)

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121.13 REMISSION OF FINES AND PENALTIES.

All petitions for the remission of fines and penalties shall state fully the reasons therefor and shall be supported by affidavit.  
(1958 Code Sec. 3-14)

121.14 CHARGES AGAINST OFFICERS.

Charges against officer shall be in writing, specifying fully the nature of the charge and shall be supported by affidavit.  
(1958 Code Sec. 3-15)

121.15 OFFICIAL BONDS.

All bonds of officers shall be presented to and approved by Council and carefully filed away and a record of the same together with the several sureties and the amount entered on the minutes and the Treasurer's bond shall be copied in full in the minutes.  
(1958 Code Sec. 3-16)

121.16 RECORD BOOKS.

The records of Council shall be kept in two books, one to be known as the "Minute Book" in which shall be kept a complete record of the administrative and current actions and proceedings and routine orders, and another to be known as the "Ordinance Book" wherein shall be all bylaws, rules, ordinances and resolutions of a general nature.  
(1958 Code Sec. 3-17)



CHAPTER FIVE - Administrative

- Art. 131. City Manager.
- Art. 133. City Clerk.
- Art. 135. Attorney.
- Art. 137. Police Department.
- Art. 139. Fire Department.
- Art. 141. Sanitary Board.
- Art. 143. Board of Park Commissioners.
- Art. 144. Board of Museums.
- Art. 145. Library Board.
- Art. 146. Building Commission.
- Art. 147. Employment Provisions.

ARTICLE 131  
City Manager

131.01 Office of administrative services.

CROSS REFERENCES

- Appointment, tenure - see CHTR. Sec. 8
- Powers and duties - see CHTR. Sec. 9

131.01 OFFICE OF ADMINISTRATIVE SERVICES.

(a) Purpose. The purpose of this section is to establish the Office of Administrative Services to administer those various functions not assigned to designated departments by the Charter. Among these functions, although not limited to them, are billing, purchasing, funds accounting, information management, payroll, personnel, budgeting, planning, zoning, building inspections, utilities administration and customer relations.

(b) Administration. The Office of Administrative Services shall be headed by an Office Supervisor who shall be appointed by the City Manager. The Office Supervisor shall answer directly to the City Manager. In accordance with the Charter, the Office Supervisor need not be a resident of the City or state at the time of his/her appointment but within six months of his/her appointment to office shall become a resident of and shall reside in Harrison County, West Virginia.

(c) Staff. The position of Office Clerk, and such other positions as may be needed, shall be created by the City Manager with approval of the City Council. The current Funds Clerk

and Billing Clerk positions shall continue until the current employees occupying those positions leave the position or until June 30, 2004, whichever occurs first, at which time both positions will be eliminated.  
(Passed 1-12-04.)



ARTICLE 133  
City Clerk

EDITOR'S NOTE: There are no sections in Article 133.  
This article has been established to provide a place for cross  
references and future legislation.



ARTICLE 135  
City Attorney

EDITOR'S NOTE: There are no sections in Article 135.  
This article has been established to provide a place of cross  
references and future legislation.

CROSS REFERENCES

Duties - see CHTR. Sec. 22

Hiring special counsel - see W. Va. Code 8-10-1a

Notice of suit against municipality - see W. Va. Code 8-12-2



ARTICLE 137  
Police Department

137.01 Powers of Chief of Police.

137.02 Special police officers.

CROSS REFERENCES

Chief of Police appointed - see CHTR. Sec. 25

Appointment of special police - see W. Va. Code 8-10-1

Powers and duties - see W. Va. Code 8-14-1, 8-14-3

Hours of duty; holidays - see W. Va. Code 8-14-2, 8-14-2a

School zones officers - see W. Va. Code 8-14-5

Parking lot or building officers - see W. Va. Code 8-14-5a

Civil service - see W. Va. Code 8-14-6 et seq.

Pension and relief fund - see W. Va. Code Art. 8-22

Police bonds - see W. Va. Code 61-7-5

137.01 POWERS OF CHIEF OF POLICE.

The Chief of Police shall have full power to carry into effect all the legal orders, laws and ordinances made by Council and shall be the ministerial agent or officer of the City Manager and shall execute all writs, processes, warrants, executions and other lawful orders of the City Manager or persons lawfully exercising the powers of the City Manager and shall collect all fines and penalties imposed by the City Manager and Council; shall preserve the peace and good order of the City and apprehend and take before the City Manager and formally charge all persons seen or heard by him to have violated any of the laws and ordinances of the City; shall have control and custody of all prisoners and shall feed the same at the expense of the City; and he shall exercise any and all other lawful duties and powers conferred on him by the Council and the laws of the State, and he shall have the right to call to his assistance in the performance of his duties, when necessary, any able-bodied male person not under twenty-one and or over fifty years of age.

(1958 Code Sec. 6-2)

137.02 SPECIAL POLICE OFFICERS.

Council may from time to time elect special police officers who shall give bond and take the prescribed oath before entering upon their duties. They shall be responsible to the Chief of Police or Assistant Chief of Police on duty and if neither be on duty then they shall be responsible to the City Manager.

(1958 Code Sec. 6-4)



ARTICLE 141  
Sanitary Board

- |        |                   |        |                           |
|--------|-------------------|--------|---------------------------|
| 141.01 | Established.      | 141.03 | Powers; scope; authority. |
| 141.02 | Terms; vacancies. | 141.04 | Officers.                 |

CROSS REFERENCES

Composition of Board - see CHTR. Sec. 31

Publication of financial statement - see W. Va. Code 16-13-18a

141.01 ESTABLISHED.

There is hereby created a Sanitary Board for the City, in Harrison County, West Virginia.  
(Passed 10-10-60.)

141.02 TERMS; VACANCIES.

The appointment of the original Board shall be for the term of two and three years respectively, and upon the expiration of each term, and each succeeding term thereafter, the appointment of a successor shall be made in like manner for a term of three years. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. The City Manager's term shall coincide with his tenure of office.  
(Passed 10-10-60.)

141.03 POWERS; SCOPE; AUTHORITY.

The Sanitary Board shall have the control over and supervision of the construction, acquisition, improvement, equipment, custody, operation and maintenance of a sewage collection system and sewage treatment plant or plants; intercepting sewers; outfall sewers; force mains; pumping stations; ejector stations, the collection and treatment, purification and disposal, in a sanitary manner, of liquid and solid waste, night soil and industrial waste of the City; and in addition thereto, such Board shall be vested with and shall exercise all of the rights and perform all of the duties conferred upon it by West Virginia Articles 16-11 and 16-13 and all acts amendatory and supplemental thereto.  
(Passed 10-10-60.)

141.04 OFFICERS.

The City Manager shall act as chairman of the Sanitary Board, which shall select from its members a vice-chairman and shall designate a secretary and treasurer, but the secretary and treasurer may be one and the same, who need not be a member or members of the Sanitary Board. The vice-chairman, secretary and treasurer shall hold office at the will of the Sanitary Board. The members of the Sanitary Board shall receive compensation for their services, either as salary or as payments for meetings attended, as Council may determine, and shall be entitled to payment for reasonable expenses incurred in the performance of their duties. Council shall fix the reasonable compensation of the secretary and treasurer in its discretion, and shall fix the amounts of bond to be given by the treasurer.

(Passed 10-10-60.)

**ARTICLE 143**  
Board of Parks and Recreation

<p>143.01 Board created; powers generally.</p> <p>143.02 Members; qualifications; appointments; terms; disqualifications.</p> <p>143.03 Vacancies.</p> <p>143.04 Oath; organization.</p> <p>143.05 Compensation; contract interest.</p> <p>143.06 Office; powers.</p>	<p>143.07 Purchases; lease or condemnation of real estate.</p> <p>143.08 Acquisition and disposal of real property.</p> <p>143.09 General powers.</p> <p>143.10 Charge for use of facilities.</p> <p>143.11 Use of appropriations.</p> <p>143.12 Control of pool and park complex and facilities.</p>
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**CROSS REFERENCES**  
Board of Park Commissioners - see CHTR. Sec. 26

**143.01 BOARD CREATED; POWERS GENERALLY.**

There is hereby created the Board of Parks and Recreation for the purpose of establishing, improving, developing, operating and maintaining a Municipal park system. The Board shall be a corporate body, with perpetual existence and a corporate seal. The Board shall have the power to purchase, hold, sell and convey real or personal property; receive any gift, grant, donation and bequest or devise, sue and be sued, contract and be contracted with, and do any and all things and acts which may be necessary or convenient to carry out and effectuate purposes and provisions of this article.

**143.02 MEMBERS; QUALIFICATIONS; APPOINTMENTS; TERMS; DISQUALIFICATIONS.**

(EDITOR'S NOTE: See Charter Section 26.)

**143.03 VACANCIES.**

When a vacancy occurs on such Board by reason of death, resignation, change of residence from the Municipality, or for any other cause, the City Manager shall appoint successors who shall fill the unexpired term or terms.

**143.04 OATH; ORGANIZATION.**

(a) After appointment, the members of the Board shall qualify by taking and filing with the City Clerk the oath prescribed by law for public officials and they shall not be permitted to serve upon the Board until they have so qualified. If any member of the Board shall fail to so qualify on or before the date upon which he should assume the duties of his office, the other qualified members of such Board may declare his position vacant and a successor appointed as provided in this section.

(b) On the second Wednesday in May of each year, the members of the Board shall organize by electing one of their number president, and another vice president, and by electing a secretary who need not be a member of the Board. The secretary shall keep an accurate record of all the fiscal affairs of the Board, and shall keep a minute book in which he or she shall record the proceedings and transactions of each meeting of the Board. The secretary shall be paid such compensation for his/her services as the Board shall fix from year to year. The City Treasurer shall be ex-officio Treasurer of such Board, and he shall take the oath prescribed by law and shall furnish such bond as may be required by the Board.  
(Passed 6-1-55.)

**143.05 COMPENSATION; CONTRACT INTEREST.**

The members of the Board shall receive no compensation for their services but they shall be entitled to reimbursement for any reasonable expenses incurred in the performance of their duties as members of the Board. They shall not be personally interested directly or indirectly, in any contract entered into by the Board, or hold any remunerative position in connection with the construction, operation or maintenance of any of the property under their control as members of the Board. (Passed 6-1-55.)

**143.06 OFFICE; POWERS.**

Council shall furnish the Board an office at the Municipal Building where it may hold its meetings and keep its records. The Board shall have complete and exclusive control and management of all of the properties which it shall operate in connection with the public park system for the City, and shall have power to employ such persons as, in its opinion, may be necessary for the construction, operation and maintenance of the property under its control at such wages or salaries as it shall deem proper, and shall have full control of all employees.  
(Passed 6-1-55.)

**143.07 PURCHASES; LEASE OR CONDEMNATION OF REAL ESTATE.**

The Board shall have power to acquire, by purchase, lease or by exercise of the power of eminent domain, such land as it shall determine to be necessary or incidental to the construction, operation and maintenance of a system of public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks and other like public recreational facilities for the City.  
(Passed 6-1-55)

#### 143.08 ACQUISITION AND DISPOSAL OF REAL PROPERTY.

The Board is authorized to take title in its own name or in the name of the City to all real and personal property acquired by it for the use of the public or useful to the public, in the operation, maintenance or enjoyment of all public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks and other like public recreational facilities for the City and shall manage and dispose of the same as, in its opinion, will best serve the interests of the public in carrying out the purposes of this article. The City and all other public bodies owning real estate intended to be used for public parks, are hereby authorized to convey the same to the Board to be held by it for such purpose; provided, however, that nothing herein contained shall be construed as limiting the Board from going beyond the territorial limits of the City, anywhere within the State, to lease, purchase or otherwise acquire any real estate for the purposes herein set forth; provided further, that such Board shall have the right to sell and convey only such part of the real estate that it may acquire by gift, devise, purchase or otherwise, as it may determine to be of no advantage in the operation, management and maintenance of such public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks and other like public recreational facilities; except that the Board shall have authority and power to make such sales and conveyances of its real estate as may be necessary, desirable or convenient to enable the City to obtain the benefits of West Virginia Code Article 8-4A, or any other like act or legislative authorization; and provided, further, that under no circumstances shall any of such property be sold or conveyed except by unanimous vote of all of the members of the Board. All deeds conveying the real estate of the Board shall be executed in its official name by its president or vice president, and shall have its corporate seal affixed and duly attested by its secretary. (Passed 6-1-55)

#### 143.09 GENERAL POWERS.

(a) The Board shall have the necessary powers and authority to manage and control all public parks, parkways, playgrounds, athletic fields, stadiums, swimming-pools, skating rinks and other recreational facilities of all kinds used as a part of the public park system or as a means of maintaining places of beauty, education and recreation, promoting the health, property, lives, decency, morality and good order of the general public, and particularly of the inhabitants of the City and vicinity; to abate or cause to be abated all nuisances; to regulate or prohibit the selling of any article, goods, wares or merchandise within the park system so designated; to regulate or prohibit the placing of signs, billboards, posters and advertisements within the park system as so designated, or the grounds immediately adjacent thereto; to have the same kept in good order and free from obstruction for the use and benefit of the public; to restrict and prohibit vagrants, mendicants, beggars, tramps, prostitutes or disorderly persons therefrom; to construct, improve and repair such parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks and other recreational facilities on any grounds controlled by the Board; to acquire for public use, by lease or otherwise, lands either within or without the Municipal limits as they now exist, or may hereafter be enlarged or diminished; to cause any public street, bridle path or walkway, which is a part of the public park system to be graded, drained and surfaced; to construct, operate and maintain all necessary sewers and water lines in connection with the public park system; and to do any and all other things or acts which may in any way be necessary or incidental to the use and enjoyment of such public park system by the general public as a place of beauty, education, entertainment and recreation.

(b) In order to accomplish the foregoing purposes, the Board shall be empowered to make or promulgate such ordinances as may be necessary or incidental thereto; to enforce the same by appropriate proceedings in any proper tribunal of the State, or any county, district or municipality thereof, and to employ or cause to be employed or provided such police officers as it shall deem proper and necessary. The City Attorney shall be the official counsel for the Board

and shall advise it on all legal matters, but the Board may, in its own discretion, employ other or additional counsel. (Passed 6-1-55)

**143.10 CHARGE FOR USE OF FACILITIES.**

The Board may make reasonable charges to the public for the privilege of using any of the recreational facilities provided in the parks and may use the funds so received for the purpose of constructing, operating and maintaining the parks. (Passed 6-1-55)

**143.11 USE OF APPROPRIATIONS.**

In carrying out the purposes of this article, the Board shall be authorized to receive and disburse for such purposes any moneys appropriated to it by Council, together with any other funds which may come into its hands by gift, grant, donation, bequest, devise or from its own operation, or otherwise. (Passed 6-1-55)

**143.12 CONTROL OF POOL AND PARK COMPLEX AND FACILITIES.**

There is reserved to the City of Shinnston the exclusive control and operation of City of Shinnston Municipal pool and park complex and facilities. The scope of service by the City of Shinnston shall be as follows:

- (a) Management of Pool Operations.
  - (1) Hiring, training, supervision of pool staff
  - (2) Payroll processing
  - (3) Purchasing and invoice processing
  - (4) Accounts Receivable and Accounts Payable processing
  - (5) Daily cash management
  - (6) Concession Stand operation
  - (7) Budgeting and Financial Reporting
  - (8) Pool maintenance and daily operation
  - (9) Pool activity scheduling
  - (10) Provide management and oversight of the pool operation under the current City management paradigm
- (b) Park Operations.
  - (1) Hiring, training, supplying and supervision of park staff
  - (2) Payroll processing
  - (3) Purchasing and invoice processing
  - (4) Provide maintenance and grounds keeping services
  - (5) Provide required equipment
  - (6) Provide management and oversight of the pool operation under the current City management paradigm
- (c) Cost Allocation. The operational revenues from the pool, concession stand and pavilion rentals will be used to offset the operational costs. The City of Shinnston will not charge a management fee for its services and only budgeted labor costs will be charged. The City will use the revenues generated by the park and pool operation to offset the direct expenses of its operation.  
(Passed 11-13-01.)

ARTICLE 144  
Board of Museums

- |   |   |
|---|---|
| 144.01 Board created; powers generally.                                 | 144.03 Oath; officers.                  |
| 144.02 Members; qualifications; appointments; terms; disqualifications. | 144.04 Compensation; contract interest. |
|   | 144.05 Removal from office.             |
|   | 144.06 Meetings.                        |

**144.01 BOARD CREATED; POWERS GENERALLY.**

There is hereby created the Board of Museums for the purpose of establishing, improving, developing, operating and maintaining a Municipal museum system. The Board shall be a corporate body with perpetual existence and a corporate seal. The Board shall have the power to purchase, hold, sell and convey real or personal property; receive any gift, grant, donation and bequest or devise, sue and be sued, contract and be contracted with, and do any and all things and acts which may be necessary or convenient to carry out and effectuate purposes and provisions of this article. The Board shall have complete and exclusive control and management for all properties which it shall operate in connection with the municipal museum system for the City, and shall have the power to employ such persons as, in its opinion, may be necessary for the construction, operation, and maintenance of the property under its control at such wages or salaries it deems proper, and shall have full control of all employees. (Passed 12-13-04.)

**144.02 MEMBERS; QUALIFICATIONS; APPOINTMENTS; TERMS; DISQUALIFICATIONS**

The Council shall appoint a Board of Museums consisting of five area persons of which one shall be a councilperson. The appointees of the original five-member Board shall serve terms as follows: 2 appointees - 4 years, 2 appointees - 2 years and councilperson one year. The six members shall serve a term of 4 years. Each succeeding term thereafter, the appointment of a successor shall be made in a like manner for a term of four years except the councilperson who shall be appointed each year. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. (Passed 12-13-04.)

**144.03 OATH; OFFICERS.**

After appointment, the members of the Board shall qualify by taking and filing with the City Clerk the oath prescribed by law for public officials. The Board shall select from the five voting members a chairman, a vice-chair and a secretary-treasurer. These officers shall serve for a period of one fiscal year. (Passed 12-13-04.)

**144.04 COMPENSATION; CONTRACT INTEREST.**

The members of the Board of Museums shall receive no compensation for their services but shall be reimbursed for expenses incurred in the performance of their duties as members of the Board. They shall not be personally interested, either directly or indirectly, in any contract entered into by the Board, or hold any remunerative position in connection with the construction, operation or maintenance of any property under their control as members of the Board. (Passed 12-13-04.)

**144.05 REMOVAL FROM OFFICE.**

A Board Member may be removed from his position by the City Council if the Member (1) violates any express prohibition of this article, (2) is convicted of a crime involving moral turpitude, or (3) fails to attend three consecutive meetings of the Board without being excused by the Board. (Passed 12-13-04.)

**144.06 MEETINGS.**

Council shall furnish the Board an office or meeting area where the Board may hold its meetings and keep its records. Meetings shall be held on a monthly basis and shall be posted and open to the public. Minutes shall be kept of each Board meeting. A financial report shall be prepared by the secretary-treasurer and submitted to City Council at the first regular Council Meeting in August to report Board Activity for the proceeding fiscal year. (Passed 12-13-04.)

ARTICLE 145  
Library Board

- |  |                      |
|--|----------------------|
| 145.01 Lowe Public Library.  | 145.03 Library Fund. |
| 145.02 Appointment, powers and duties of Board of Library Directors. |                      |

CROSS REFERENCES

Authority to operate public library - see W. Va. Code 8-12-5(38)  
 Authority to operate library board - see W. Va. Code 8-12-5(39)  
 Public libraries - see W. Va. Code Art. 10-1

**145.01 LOWE PUBLIC LIBRARY.**

The City shall, upon the effective date of this section pursuant to the authority granted in West Virginia Code 10-1-2, take over, maintain and support that certain public library, known as the Lowe Public Library, heretofore established. (Passed 6-5-89.)

**145.02 APPOINTMENT, POWERS AND DUTIES OF BOARD OF LIBRARY DIRECTORS.**

(a) Council shall appoint a Board of Library Directors in accordance with West Virginia Code Article 10-1.

(b) The Board of Library Directors shall have the powers and shall perform the duties conferred and required by general law. (Passed 6-5-89.)

**145.03 LIBRARY FUND.**

Council shall provide and allocate in the annual City budget sufficient funds for the adequate operation, maintenance and repair of the public library. All money so allocated and collected for library purposes, except donations, bequests and devises, and the proceeds and income therefrom, made to or received by the Board of Library Directors under the provisions of West Virginia Code 10-1-9 shall be set aside in the City Treasury in a special library fund, and shall be disbursed by the City Treasurer upon properly authenticated orders drawn by the Board upon such fund. (Passed 6-5-89.)

1989 Replacement

ARTICLE 146  
Building Commission

146.01	Commission created.	146.06	Disposition of surplus.
146.02	Public corporation.	146.07	Contributions.
146.03	Members.	146.08	Sale of property.
146.04	Powers.	146.09	Workers' Compensation.
146.05	Indebtedness.		

CROSS REFERENCES

Authority to establish - see W. Va. Code Art. 8-33

146.01 COMMISSION CREATED.

There is hereby created a Municipal Building Commission for the City of Shinnston, in Harrison County, West Virginia, which shall be known as "Shinnston Municipal Building Commission", herein called the "Commission". (Passed 5-16-68.)

146.02 PUBLIC CORPORATION.

The Commission shall be a public corporation and shall have perpetual existence. (Passed 5-16-68.)

146.03 MEMBERS.

(a) All property, powers and duties and the management and control of the Commission shall be vested in a Board of three members appointed by Council for terms of three years.

(b) Members first appointed shall serve respectively for terms of one year, two years and three years. Thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. As the term of each initial appointment expires the successor to fill the vacancy created by such expired term, shall be appointed for a term of three years. No more than two of the members of the Commission shall be from the same political party, and no member of the Commission shall hold any office or employment under the United State of America, the State of West Virginia, any county or political subdivision thereof, or of any political party. All members of the Commission shall be residents of the City; no member of such Commission shall receive any compensation for his services as such, but each member shall be reimbursed by the Commission for any reasonable and necessary expenses actually incurred in the discharge of his duties as a member of the Commission. (Passed 5-16-68.)

1989 Replacement

#### 146.04 POWERS.

The Commission is empowered to sue and be sued; contract and be contracted with; adopt, use and alter a common seal; make and adopt all necessary, appropriate and lawful bylaws, rules and regulations pertaining to its affairs; elect such officers; appoint such committees and agents and employ and fix the compensation of such employees and contractors as may be necessary for the conduct of the affairs and operations of the Commission; acquire, purchase, own and hold any property, real, personal or mixed, and acquire, equip, construct, maintain and operate public buildings, structures, projects and appurtenant facilities of any type or types for which the City is permitted by law to expend public funds (all hereinafter referred to as facilities); apply for receive and use grants-in-aid, donations, and contributions from source or sources, including, but not limited to the United States of America, or any agency thereof, and accept and use bequests, devises, gifts and donations from any source whatsoever; sell, encumber or dispose of any property, real, personal or mixed; issue negotiable bonds, notes, debentures or other evidences of indebtedness and provide for the rights of the holders thereof, incur any proper indebtedness and issue any obligations and give any security therefor which it may deem necessary or advisable in connection with exercising powers as provided herein; raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of West Virginia Code, and such Commission is hereby declared to be a "municipal authority" with the power of eminent domain in the manner provided in the West Virginia Code, for the purposes set forth in this article, which purposes set forth in this article, which purposes are hereby declared public purposes for which private property may be taken; lease its property or any part thereof, for public purposes, to such persons and upon such terms as the Commission deems proper; and do all things reasonable and necessary to carry out the foregoing powers (Passed 5-16-68.)

#### 146.05 INDEBTEDNESS.

No statutory limitation with respect to the nature or amount of indebtedness which may be incurred by municipalities or other public or governmental bodies shall apply to the indebtedness of the Commission. No indebtedness of any nature of the Commission shall constitute an indebtedness of the Municipality or a charge against any property of the Municipality. No obligation incurred by the Commission shall give any right against any member of the Shinnston Council, or any member of the Commission. The rights of creditors of the Commission shall be solely against the Commission as a corporate body and shall be satisfied only out of property held by it in its corporate capacity. (Passed 5-16-68.)

#### 146.06 DISPOSITION OF SURPLUS.

If the Commission should realize a surplus over and above the amount required for the maintenance, improvements and operation of its facilities and for meeting all required payments on its obligations, it shall set aside such a reserve for future operations, improvements and contingencies as it shall deem proper and shall then apply the residue of such surplus, if any, to the

payment of any recognized and established obligations not then due; and after all such recognized and established obligations have been paid and discharged in full, the Commission shall, at the end of each fiscal year, set aside the reserve for future operations, improvements and contingencies, as aforesaid, and then pay the residue of such surplus, if any, to the City of Shinnston. (Passed 5-16-68 )

#### 146.07 CONTRIBUTIONS.

(a) Contributions may be made to the Commission from time to time by Council and any other persons, firma or corporations that may desire to do so.

(b) All funds received by the Commission shall be deposited in such bank or banks as the Commission may determine and shall be withdrawn therefrom in such manner as the Commission may direct. Such Commission shall keep a strict account of all of its receipts and expenditures and shall quarterly report to the counties, municipalities, persons, firms or corporation which have made contributions to it. Such report shall contain an itemized account of the Commission's receipts and disbursements during the preceding quarter. Such report shall be made within sixty days after the end of the quarter. Within sixty days after the end of each fiscal year, the Commission shall make an annual report containing an itemized statement of its receipts and disbursements for the preceding year and publish the same as a Class II-O legal advertisement in compliance with West Virginia Code. The publication area for such publication shall be each county in which the Commission's facilities are located. The books, records and accounts of the Commission shall be subject to audit and examination by the State Tax Department of West Virginia and by other proper public officials or bodies in the manner provided by law. (Passed 5-16-68.)

#### 146.08 SALE OF PROPERTY.

In the event a majority of Council shall so direct in writing, and if all indebtedness of the Commission has been paid in full, the Commission shall sell, or transfer all or any of its properties, and assets so directed and distribute the proceeds thereof, if any, to the City. (Passed 5-16-68.)

#### 146.09 WORKERS' COMPENSATION.

The Commission shall subscribe to the Workers' Compensation Fund of the State, and pay all necessary premiums therein, to the end that all eligible employees of such Commission shall be covered by Workers' Compensation. (Passed 5-16-68.)

ARTICLE 147  
Employment Provisions

- 147.01 Indemnification of officers, agents and employees.                      147.02 Ethics.

CROSS REFERENCES

Compensation of officers and employees - see W. Va. Code 8-5-12  
 Conflict of interest - see W. Va. Code 8-5-19  
 Bonds - see W. Va. Code 8-12-5(46), (47); 6-2-11  
 Reimbursement of employment applicant - see W. Va. Code 8-12-5(53)  
 Employee benefit fund - see W. Va. Code 8-12-5(55)  
 Insurance and indemnification - see W. Va. Code 8-12-7 et seq.  
 Retirement benefits - see W. Va. Code Art. 8-22

147.01 INDEMNIFICATION OF OFFICERS, AGENTS AND EMPLOYEES.

The City of Shinnston, by the purchase of insurance, shall provide for the indemnification of its officers, agents and employees against any and all liability, losses, damages, expenses and costs, including court costs and reasonable and necessary attorney fees, arising from, growing out of, by reason of or in any way connected with any acts or omissions of such officers, agents or employees in the performance of their official duties.  
 (Passed 10-4-82)

147.02 ETHICS.

(a) Council hereby finds that the purposes of the West Virginia Governmental Ethics Act have reasonable, necessary and appropriate application to matters involving all elected and appointed municipal officials and employees, whether full or part time, who derive a salary, payment of wages or other direct remuneration from the municipality, and does now hereby affirm, ratify and adopt such State defined purposes as being the same purposes of this Municipal Government Ethics Ordinance, without specifically republishing the State purposes herein.

(b) Council further hereby finds that for the purpose of assisting in the administration of the provisions of this section, that various statutory sections of the aforesaid State Act shall be hereby expressly adopted and incorporated as provisions of this section, except as otherwise expressly provided herein, and which such State statutory sections specifically hereby adopted and incorporated herein are as follows: (1) Sec.6B-1-1 through 5; and (2) Sec. 6B-2-5.

(c) Notwithstanding the affirmation and adoption of the purposes of the State Act and further the specific adoption of the selected, statutory sections which were immediately hereinbefore set forth in subsection (b) hereof, Council specifically finds that certain statutory provisions of the aforesaid State Act are either inapplicable to the administration of this section or would otherwise be unduly burdensome for the City to require and administer, and specifically, Council finds that the purposes of the State Act and of this section can be effectively executed at the municipal level without the specific adoption and incorporation of the statutory provisions of West Virginia Code 6B-2-4 and 7 respecting financial disclosure and West Virginia Code Art. 6B-3 relating to regulation and registration of lobbyists, and which the statutory provisions the Council hereby expressly opts not to include as provisions of this section, and affirmatively elects that such provisions shall not apply to this Municipality and its officers and employees.

(d) Any amendment to any of the aforesaid statutory provisions of the State of West Virginia which are expressly herein adopted and incorporated as provisions of this section, shall upon enactment by the State Legislature, pursuant to the State prescribed effective date thereof, be deemed to be an amendment to this section unless the City expressly opts not to adopt any such amendment by ordinance duly adopted by Council evidencing the non-adoption of such amendments. (Passed 8-8-89.)

CHAPTER SEVEN - Judicial  
Art. 173. Police Court.

ARTICLE 173  
Police Court

173.01	Established.	173.12	Temporary Judge.
173.02	Jurisdiction.	173.13	Supervision of Police Department.
173.03	Proceedings.	173.14	Costs and proceedings.
173.04	Authority.	173.15	Executions for fines and costs.
173.05	Duties of Judge.	173.16	Collection.
173.06	Court records; docket.	173.17	Forfeiture of bail.
173.07	Judgments; warrants.	173.18	Invalidity of article.
173.08	Sessions; time; place.	173.19	Conflict.
173.09	Judge; appointment.	173.20	Effective date.
173.10	Qualifications.	173.21	Publication.
173.11	Compensation.		

CROSS REFERENCES

State law provisions - see W. Va. Code 8-10-2  
General right of appeal - see W. Va. Code 8-34-1  
Costs for crime victims reparation fund - see W. Va. Code 14-2A-4  
Costs for funding law enforcement training academies - see  
W. Va. Code 30-29-4

173.01 ESTABLISHED.

Council shall establish a Police Court for the City, which Court shall have such jurisdiction and powers as are now or may hereafter be prescribed by general law.  
(Passed 9-14-64)

173.02 JURISDICTION.

The Police Court shall have jurisdiction over all offenses against or violations of the ordinances of the City, and authority to inflict punishments for such violations in the manner lawfully prescribed by such ordinances upon and against offenders or violators of the same; provided, however, that no jury shall be allowed in any trial in such Court for the violation of any ordinance of the City. (Passed 9-14-64)

#### 173.03 PROCEEDINGS.

The proceedings for the recovery of the fine or for the enforcement of the penalty prescribed by any ordinance shall conform to the relations so far as they are applicable, prescribed in West Virginia Code Chapter 50, for the enforcement of penalties against persons convicted for misdemeanors; but the Judge of such Court by *capias pro fine* or other process may cause the defendant to be arrested and brought before such Court to be dealt with according to law. (Passed 9-14-64)

#### 173.04 AUTHORITY.

The Court shall have full power and authority to enforce its orders and judgments, by any process of law which may be necessary and proper for the purpose, and all processes, executions and orders of such Court shall be signed by the Judge. Such process and executions shall be directed to the Chief of Police of the City, and be executed by him or one of his deputies. In the execution of any process or order of the Court, the Chief of Police or deputy shall have the same powers, be governed in his proceedings by the same rules of law, and be subject to the same liabilities as the Sheriff of Harrison County in the performance of like services. There may be charged for the services of such officer the same fees as the Sheriff is entitled to charge for like services, but all such fees, as well as all fines imposed by the Court shall be collected by the Chief of Police and accounted for and paid by him to the Treasurer of the City. The City shall in no event be liable for any such fees. (Passed 9--14-64)

#### 173.05 DUTIES OF JUDGE.

The Judge of the Court shall have authority to administer oaths within the City, and shall perform such duties as may be required of the Judge of the Court, or be prescribed by rule or order of Council. Such Judge may charge the same fees for his services as are allowed to be charged by justices of the peace for like services, and such fees shall be collected by him in like manner as fees of the Clerk of the Criminal Court are collected, but all such fees shall be accounted for by him to the City and paid over to the Treasurer. (Passed 9-14-64)

#### 173.06 COURT RECORDS; DOCKET.

A docket and other books required for the records and a seal shall be provided for the Court by Council, and the seal may be altered or renewed as the Court may direct. Full faith and credit shall be given to the records of the Court and the certificate of its Judge, whether the seal of the Court be fixed thereto or not, in like manner and with the same effect as if the same were records of the Circuit Court similarly authenticated. (Passed 9-14-64)

#### 173.07 JUDGMENTS; WARRANTS.

The Police Court shall have power, upon rendering judgment against a defendant charged with the violation of an ordinance of the City, to render judgment against him also for the costs of prosecution. In every suit or prosecution for the violation of an ordinance, the Court shall cause the person or persons at whose instance it was instituted to be designated upon the warrant or writ issued to arrest or summon the person charged, and if the person or persons charged are not convicted in such court, and such Court is of the opinion that no sufficient or probable cause exists for the institution

of the suit or prosecution, then judgment for the costs of the City, and of the defendant, or of either of them, as the Court shall deem just, shall be rendered against the person or persons in whose instance such suit or prosecution was instituted.  
(Passed 9-14-64.)

173.08 SESSIONS; TIME; PLACE.

The sessions of the Court shall be at such time and place as the Judge of the Court shall direct. (Passed 9-14-64.)

173.09 JUDGE; APPOINTMENT.

The Judge of the Court shall be appointed by the City Manager to serve at its will and pleasure. (Passed 9-14-64.)

173.10 QUALIFICATIONS.

The Judge shall be at least twenty-one years of age, a citizen of the United States, a resident and registered voter within the City and shall be a person of good moral character and such person as Council shall deem qualified for such services and appointment.  
(Passed 9-14-64.)

173.11 COMPENSATION.

The Police Judge shall be paid on a fee basis.  
(Passed 9-14-64.)

173.12 TEMPORARY JUDGE.

In the event of and during the temporary absence or disability of the Police Judge, Council shall appoint a qualified person to preside over the Court, and perform the duties of the Judge thereof, and the fees payable to the Judge for services shall be transferred to and paid such temporary Judge for the time he serves as such.  
(Passed 9-14-64.)

173.13 SUPERVISION OF POLICE DEPARTMENT.

The supervision and direction of the Police Department of the City shall remain under the authority and powers of the City Manager. (Passed 9-14-64.)

173.14 COSTS AND PROCEEDINGS.

In every criminal case or proceeding instituted in the Police Court of the City, wherein there is a conviction upon the plea of guilty, nolo contendere, or upon a finding of guilty by the Court, there is hereby imposed, and where possible, there shall be collected, the following items of costs, to wit:

- (a) The Police Judge shall charge a fee of three dollars and fifty cents (\$3.50) in each criminal case or proceeding had before him, in which the defendant is found guilty in any of the ways aforesaid, which shall be in full for the following services rendered in any case; including affidavit for warrant, search and seizure warrant, warrant for arrest, trial examination, issuing subpoenas and copies thereof, swearing witnesses and certifying their attendance, entering judgment and taxing costs, and all other acts in connection therewith, except that he shall charge, and where possible, collect an additional fee of fifty cents (\$.50) for making and certifying a transcript of his docket in any particular case

and transmitting the same to the Clerk of the Criminal Court, the State Road Commission or any other office to which he may be by law required to certify any transcript of his docket; and the additional sum of two dollars (\$2.00) for bond recognizance, fifty cents (\$.50) for issuing an execution or *capias pro fine*.

- (b) In every criminal case or proceeding had before the Police Judge aforesaid, the following additional items shall be charged as costs:

For an arrest in case of a felony	\$1.50
For an arrest in a case other than a felony	1.00
For serving a subpoena	.50
For executing a search warrant	2.50
For levying an execution or making an arrest under <i>capias pro fine</i>	1.00

Ten cents (\$.10) per mile for each mile of necessary travel of the police officer in the performance of his duties in any case under this article, and ten cents (\$.10) per mile for transporting prisoners. (Passed 9-15-64.)

- (c) Fees for Funding Maintenance and Repair of Police Equipment.

- (1) Beginning on the effective date of this section, a twenty-five dollar (\$25.00) fee per citation shall be charged by the Police Judge in all criminal court proceedings involving the violation of any criminal law of the Municipality, excluding violations of Municipal parking ordinances.
- (2) All fees collected pursuant to subsection (c)(1) hereof shall be collected by the Police Court and remitted within ten days to the City Clerk for deposit into an escrow account for the funding of maintenance and repair of police equipment. (Passed 1-13-00)

#### 173.15 EXECUTIONS FOR FINES AND COSTS.

The Police Judge shall issue executions for all fines and costs imposed by him in any criminal case or proceeding within ten days from the date judgement is entered by him on his docket, where satisfactory arrangements for satisfying the same have not been made prior to such time, and shall deliver such executions to the Chief of Police of the City, who shall collect the same by levy or otherwise, if the same can be collected, and shall return such executions to the Police Judge within thirty days, showing how he has executed the same, and the Judge shall note such returns on his docket, showing how the same have been executed. (Passed 9-14-64.)

#### 173.16 COLLECTION.

All costs incurred in criminal cases and proceedings had in the Police Court of the City shall be charged to and collected from the defendants, and, when collected, shall be paid to the City Clerk, who shall issue receipts therefor, and who shall deposit the same. (Passed 9-14-64.)

#### 173.17 FORFEITURE OF BAIL.

For the purpose of this article, a forfeiture of cash bail or cash collateral deposited to secure a defendant's or defendants' appearance in Court, which forfeiture has not been vacated, shall be equivalent to a plea of *nolo contendere*, and treated as a conviction in the direction of the Court, and the cash, so forfeited, may be applied to any fine and costs assessed by the Court. (Passed 9-14-64.)

**173.18 INVALIDITY OF ARTICLE.**

If any section, paragraph, clause or provision of this article is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this article. (Passed 9-14-64.)

**173.19 CONFLICT.**

All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this article are, to the extent of such conflict, hereby repealed. (Passed 9-14-64)

**173.20 EFFECTIVE DATE.**

This article shall be in full force and effect from and after September 14, 1964. (Passed 9-14-64)

**173.21 PUBLICATION.**

This article shall be published once each week for two successive weeks in "The Shinnston News," published in the City. (Passed 9-14-64)

