

CODIFIED ORDINANCES OF GLEN DALE

PART ONE - ADMINISTRATIVE CODE

CHAPTER ONE - General Provisions

- Art. 101. Codified Ordinances.
- Art. 103. Emergency Services.
- Art. 105. Elections.
- Art. 107. Ethics in Government.

CHAPTER THREE - Legislative

- Art. 113. Council.
- Art. 115. Rules of Council.
- Art. 117. Ordinances and Resolutions.

CHAPTER FIVE - Administrative

- Art. 121. Officers and Employees Generally.
- Art. 123. Mayor.
- Art. 125. Recorder.
- Art. 127. City Attorney.
- Art. 129. City Engineer.
- Art. 131. Fire Department.
- Art. 133. Police Department.
- Art. 135. Board of Park and Recreation Commissioners.
- Art. 137. Historic Landmarks Commission.
- Art. 139. Building Commission.

CHAPTER SEVEN - Judicial

- Art. 151. Municipal Court.

CODIFIED ORDINANCES OF GLEN DALE
PART ONE - ADMINISTRATIVE CODE

ARTICLE 101
Codified Ordinances

- | | |
|--|--|
| 101.01 Designation; citation; headings. 101.02 General definitions. 101.03 Rules of construction. 101.04 Repeal of repealing act; effect of repeal. | 101.05 Construction of section references. 101.06 Acts by agent or deputy. 101.07 Conflicting provisions. 101.08 Separability. 101.99 General penalty. |
|--|--|

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 Glen Dale, West Virginia, 2003, 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 Marshall 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 City of Glen Dale, 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.

101.99 GENERAL PENALTY.

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.

ARTICLE 103
Emergency Services

- | | |
|--|---|
| <p>103.01 "Emergency services" defined.</p> <p>103.02 Policy and purpose of chapter.</p> <p>103.03 City organization established.</p> <p>103.04 City Emergency Services Council established; composition; appointment and term of members; bipartisan character.</p> <p>103.05 City Emergency Services Council Chairman; compensation of members; duties.</p> <p>103.06 Director of Emergency Services; appointment; powers and duties in general.</p> | <p>103.07 Director of Emergency Services; specific powers and duties.</p> <p>103.08 Mutual aid arrangements.</p> <p>103.09 Authority to accept services, gifts, grants and loans.</p> <p>103.10 Utilization of existing services, personnel and facilities.</p> <p>103.11 Political activity prohibited.</p> <p>103.12 Loyalty of emergency services personnel; oath required.</p> <p>103.13 Obedience to and enforcement of rules and orders of Director.</p> |
|--|---|

CROSS REFERENCES

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

103.01 "EMERGENCY SERVICES" DEFINED.

For the purposes of this article, the term "emergency services" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage or other hostile action, or by fire, flood, earthquake or other natural causes. These functions include, without limitations, fire-fighting services, police service, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons, defense, evacuation of persons from stricken area, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for the carrying out of the foregoing functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster may be exercised during the period when there is an imminent threat thereof. (1987 Code §5-1-1.)

103.02 POLICY AND PURPOSE OF CHAPTER.

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, earthquake or other natural causes, and in order to insure that preparations of this City will be adequate to deal with such disasters, and generally to provide for the common 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:

- (a) To create a City Emergency Services Organization;
- (b) To provide for the rendering of mutual aid to other cities within the State, and if necessary and only under a compact approved by the governor, the neighboring cities and counties of another State;
- (c) To cooperate with the State government with respect to carrying out emergency services functions.

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 State government, including its various departments and agencies, with other cities and localities, and with private agencies of every type, to the end that the most effective preparation and use may be made of this City's manpower, resources and facilities for dealing with any disaster that may occur.

It is further declared to be the purpose of this article and the policy of this City to organize a civil defense organization in conformity with the West Virginia emergency services plan as directed by the Code of West Virginia, 15-5-8. (1987 Code §5-1-2.)

103.03 CITY ORGANIZATION ESTABLISHED.

Pursuant to authority contained in the Code of West Virginia, 15-5-8, there is hereby established the City Emergency Services Organization, which shall be subject to the regulations and exercise the powers set out in this article, and which shall be subject to all applicable provisions of law and regulations and orders issued pursuant to law. (1987 Code §5-1-3.)

103.04 CITY EMERGENCY SERVICES COUNCIL ESTABLISHED; COMPOSITION; APPOINTMENT AND TERM OF MEMBERS; BIPARTISAN CHARACTER.

There is hereby established the City Emergency Services Council, which shall consist of five citizens appointed by the City Council, not more than three of whom shall be members of the same political party. Members shall serve for a term of two years and until their successors are appointed and qualified. In July of each odd-numbered year, two members shall be appointed, and in July of each even-numbered year, three members shall be appointed. (1987 Code §5-1-4.)

103.05 CITY EMERGENCY SERVICES COUNCIL CHAIRMAN; COMPENSATION OF MEMBERS; DUTIES.

The Mayor shall serve as chairman of the City Emergency Services Council and the members thereof shall serve without compensation. The City Emergency Services Council shall be responsible for and have general direction and control of the emergency services of the City and have such other powers as are granted and conferred by this article and by law. (1987 Code §5-1-5.)

103.06 DIRECTOR OF EMERGENCY SERVICES; APPOINTMENT; POWERS AND DUTIES IN GENERAL.

(a) The Mayor shall appoint a Director of Emergency Services who shall perform such duties as are imposed upon him by this article and as may lawfully be delegated to him by competent authority.

(b) The Director of Emergency Services shall coordinate the activities of all organizations for emergency services within this City and shall maintain liaison with and cooperate with the emergency services agencies and organizations within the State and within the state government. When such authority is delegated to him by the Mayor such Director shall have direct responsibility for the organization, administration, training, equipment and operation of the City Organization for Emergency Services, subject to the direction and control of the Mayor. (1987 Code §5-1-6.)

103.07 DIRECTOR OF EMERGENCY SERVICES; SPECIFIC POWERS AND DUTIES.

(a) In performing his duties under this article, the Director of Emergency Services is authorized to cooperate with the state government, with other cities and counties, and with private agencies in all matters pertaining to the emergency services of the City and of the State.

(b) In performing his duties under this article and to effect its policy and purpose, the Director of Emergency Services is further authorized and empowered;

- (1) To make, amend and rescind the necessary orders rules and regulations to carry out the provisions of this article within the limits of the authority conferred upon him, with due consideration of the plans of the state government;
- (2) To prepare a comprehensive plan and program for the emergency services of this City, such plan and program to be integrated into and coordinated with the emergency services plans of the state government, and of other cities and counties within the State to the fullest extent;
- (3) In accordance with such plan and program for the emergency services of this City, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of the emergency services organization in advance of actual disaster to insure the furnishing of adequately trained and equipped forces of emergency services personnel in the time of need;
- (4) To make such studies and surveys of the industries, resources and facilities in this City as may be necessary to ascertain the capabilities of the City for emergency services, and to plan for the most efficient use thereof;
- (5) On behalf of this City, to enter into mutual aid arrangements with other cities and counties within this State, and also, with the approval of the governor, with emergency services agencies or organizations of other states, for reciprocal emergency services aid and assistance in case of disaster too great to be dealt with unassisted;
- (6) To delegate any administrative authority invested in him under this article, and to provide for the subdelegation of any such authority; and

- (7) To cooperate with the governor and with the State Department of Emergency Services mobilization and with officials and agencies of other cities and counties within the State, in matters pertaining to the emergency services of the City and State, including the direction or control of:
- A. Blackouts and practice blackouts, air raid drills, mobilization of emergency services forces, and other tests and exercises;
 - B. Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;
 - C. The effective screening or extinguishing of all lights and lighting devices and appliances;
 - D. Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;
 - E. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, during, prior and subsequent to drills or attack;
 - F. Public meetings or gatherings; and
 - G. The evacuation and reception of the civilian population.
(1987 Code §5-1-7.)

103.08 MUTUAL AID ARRANGEMENTS.

(a) The Director of Emergency Services may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency services aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency services plan and program, and in the time of emergency, it shall be the duty of the City Organization for Emergency Services to render assistance in accordance with mutual aid agreements.

(b) The Director of Emergency Services may, subject to the approval of the governor, enter into mutual aid arrangements with emergency services agencies or organizations in other states for reciprocal emergency services aid and assistance in case of disaster too great to be dealt with unassisted.
(1987 Code §5-1-8.)

103.09 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS AND LOANS.

(a) Whenever the federal or state government or any agency or officer thereof shall offer to this City services, equipment, supplies, materials or funds by way of gift, grant or loan for the purpose of emergency services, the City acting with the consent of the governor and through the Mayor, may accept such offer and upon such acceptance, the Mayor may authorize any officer of the City to receive such services, equipment, supplies, materials, or funds on behalf of the City, and subject to the terms of the offer and the rules and regulations if any of the agency making the offer.

(b) Whenever any person shall offer to this City any services, equipment, supplies, materials or funds by way of gift or loan for purposes of emergency services, the City, acting through the Mayor, may accept such offer, and upon such acceptance, the Mayor may authorize any officer of the City to receive such services, equipment, supplies, materials or funds on behalf of the City, and subject to the terms of the offer.
(1987 Code §5-1-9.)

103.10 UTILIZATION OF EXISTING SERVICES, PERSONNEL AND FACILITIES.

In carrying out the provisions of this article, the Director of Emergency Services is directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the City to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the Director of Emergency Services and to the City Emergency Services Organization upon request.

(1987 Code §5-1-10.)

103.11 POLITICAL ACTIVITY PROHIBITED.

No organization for emergency services established under the authority of this article shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

(1987 Code §5-1-11.)

**103.12 LOYALTY OF EMERGENCY SERVICES PERSONNEL;
OATH REQUIRED.**

No person shall be employed or associated in any capacity in the City Emergency Services Organization who advocates or had advocated a change by force or violence in the constitutional form of the government of the United States or of this State, or of this City, or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in this organization for civil defense shall, before entering upon his duties, take an oath in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, _____, DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL SUPPORT AND DEFEND THE CONSTITUTION OF THE UNITED STATES, AND THE CONSTITUTION OF THE STATE OF WEST VIRGINIA, AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC; THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE SAME; AND I TAKE THIS OBLIGATION FREELY, WITHOUT ANY MENTAL RESERVATION FOR PURPOSE OF EVASION; AND THAT I WILL WELL AND FAITHFULLY DISCHARGE THE DUTIES UPON WHICH I AM ABOUT TO ENTER.

AND I DO FURTHER SWEAR (OR AFFIRM) THAT I DO NOT ADVOCATE, NOR AM I A MEMBER OF ANY POLITICAL PARTY OR ORGANIZATION THAT ADVOCATES THE OVERTHROW OF THE GOVERNMENT OF THE UNITED STATES, OR OF THIS STATE, BY FORCE OR VIOLENCE; DURING SUCH TIME AS I AM A MEMBER OF THIS EMERGENCY SERVICES ORGANIZATION, I WILL NOT ADVOCATE OR BECOME A MEMBER OF ANY POLITICAL PARTY OR ORGANIZATION THAT ADVOCATES THE OVERTHROW OF THE GOVERNMENT OF THE UNITED STATES, OR OF THIS STATE, BY FORCE OR VIOLENCE."

(1987 Code §5-1-12.)

**103.13 OBEDIENCE TO AND ENFORCEMENT OF RULES AND
ORDERS OF DIRECTOR.**

It shall be the duty of the City Organization for Emergency Services and of the officers thereof to execute and enforce such orders, rules and regulations as may be made by the Director of Emergency Services under authority of this article. Such organization shall have available for inspection at their officers all orders, rules and regulations made by the Director of Emergency Services under his authority.

(1987 Code §5-1-13.)

ARTICLE 105
Elections

- | | |
|--|--|
| <p>105.01 Qualification of voters.</p> <p>105.02 State election and voter registration laws applicable to City elections; when general City elections held.</p> <p>105.03 Integration registration.</p> <p>105.04 Designation of precincts and polling places.</p> <p>105.05 Publication of election notices and information to be given.</p> <p>105.06 Publication of sample ballots.</p> <p>105.07 Records of registration of voters.</p> <p>105.08 Supply of essential election articles.</p> <p>105.09 Preservation of peace and good order at polls.</p> | <p>105.10 Recordation of election results and notification of elected persons; tie votes.</p> <p>105.11 Contested elections.</p> <p>105.12 Failure of elected persons to qualify.</p> <p>105.13 Offenses relating to elections.</p> <p>105.14 Withdrawals; uniform drawing date.</p> <p>105.15 Canvass of returns; declaration of results; recounts; record keeping.</p> <p>105.16 Setting of filing fees.</p> <p>105.17 Appointment of election officials.</p> <p>105.18 Pay of election officials.</p> <p>105.19 Calculation of ballots.</p> |
|--|--|

CROSS REFERENCES

- Elections - see CHTR. Article II
- Municipal elections - see W. Va. Code 3-1-2a
- 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 QUALIFICATION OF VOTERS.

Every citizen of the State who is entitled under the Constitution and laws thereof to vote at any State election, and who shall have been a bona fide resident of the City of Glen Dale for thirty days next preceding any City election, shall be entitled to vote at such City election. (1987 Code §7-1-1.)

**105.02 STATE ELECTION AND VOTER REGISTRATION LAWS
APPLICABLE TO CITY ELECTIONS; WHEN GENERAL
CITY ELECTIONS HELD.**

For the purpose of the general municipal elections to be held in the City on the second Tuesday in June, 1994, and on the second Tuesday in June in each even numbered year thereafter, and for the purpose of such special municipal elections as may be held at any time, all of the provisions of Chapter 3 of the Code of West Virginia, insofar as such provisions are applicable, are hereby adopted to govern the conduct of such elections. In the conduct of elections held hereunder such elections shall be and they are hereby integrated with the system of permanent registration of voters of the State of West Virginia, and all of the provisions of the laws relating thereto, insofar as they shall be applicable, are hereby adopted for the conduct of such elections.

105.03 INTEGRATION REGISTRATION.

The registration of voters shall be integrated with the system of permanent registration of voters by West Virginia Code Chapter 3, Article 2, Section 1 et seq. No voter otherwise qualified shall be permitted to vote an unchallenged ballot at any election within the Municipality unless he or she is duly registered under the provisions of West Virginia law. The registration records shall be maintained by and shall remain in the possession of the Clerk of the County Commission, except for use in municipal elections. (1987 Code §7-1-2(A).)

105.04 DESIGNATION OF PRECINCTS AND POLLING PLACES.

The City Council shall, for time to time as may be necessary, establish election precincts within the City and designate the polling places therein, and all persons entitled to vote in City elections who are registered under the Permanent Registration Law by the County and qualified under Section 105.01 shall cast their ballots at the polling place so designated. (1987 Code §7-1-3.)

**105.05 PUBLICATION OF ELECTION NOTICES AND INFORMATION
TO BE GIVEN.**

It shall be the duty of the Mayor to proclaim the holding of each City election by publication once a week for two weeks prior to such election, in a newspaper of general circulation in the City, and the second publication shall be not less than three days prior to such election. This notice shall state the date of the election, the purpose thereof, the hours during which the polls shall be open, the respective polling places, a general definition of the boundaries of each precinct, and such other information concerning the election as may be required by State Law, this Code or other ordinance, or by the City Council. (1987 §7-1-4.)

105.06 PUBLICATION OF SAMPLE BALLOTS.

The Recorder shall cause to be published once before each City election, in a newspaper of general circulation in the City, a sample ballot, listing the names of all candidates in that election, or the questions to be voted upon, as the case may be. The publication shall be made not less than ten days prior to the date of the election, nor more than thirty days prior to the election. (1987 Code §7-1-5.)

105.07 RECORDS OF REGISTRATION OF VOTERS.

At least three days prior to each City election, it shall be the duty of the Recorder to procure from the office of the Clerk of the County Commission the municipal registration records necessary for the conduct of such election. Such records shall, within ten days after the date of each such election, be returned to the office of the Clerk of the County Commission by the Recorder. (1987 Code §7-1-6.)

105.08 SUPPLY OF ESSENTIAL ELECTION ARTICLES.

It shall be the duty of the Recorder to provide and deliver to the Election Commissioners, at each place of voting, and in due time, suitable poll books, with the oaths of the Commissioners and clerks written or printed thereon, or upon a paper attached thereto; and, also all needed ballot boxes, tally papers, and whatever else is necessary for holding the election and making due return thereof. (1987 Code §7-1-7.)

105.09 PRESERVATION OF PEACE AND GOOD ORDER AT POLLS.

The Election Commissioners shall preserve peace and good order at and near the several places of voting, and keep the way to and from the polls clear and free from obstruction. The Commissioners may direct any disorderly person to be removed therefrom by any police officer of the City, or any person deputed by them for the purpose, and taken before the judge of the police court or any magistrate, to be dealt with according to law. Any person so removed or arrested shall first be allowed to vote, if entitled, and if prepared to do so promptly. (1987 Code §7-1-8.)

105.10 RECORDATION OF ELECTION RESULTS AND NOTIFICATION OF ELECTED PERSONS; TIE VOTES.

At the next regular meeting of the City Council after any election, or at a special meeting thereof called for the purpose, the Recorder shall submit to the City Council the certificates returned to him by the Election Commissioner, and, under the direction of the Council, the result shall be entered upon the minutes, and written or printed notice given to the persons, respectively, appearing to have been elected. In case any two or more of the persons voted for, for any office, appear to have received each an equal number of votes, so that the election, in that instance, is not decided by the returns, notice of the fact shall be given to each of such persons. (1987 Code §7-1-9.)

105.11 CONTESTED ELECTIONS.

(a) Tie Votes; Recounts; Preservation of Ballots. Proceedings in contested election cases shall be brought before, and heard and determined by, the newly Elected City Council, any tie between two or more persons voted for shall be decided by such Council, by electing one of such persons. When deemed necessary and advisable, it may order the envelope containing the ballots of any election precinct to be opened, and the ballots, under its supervision, recounted; and generally, may take proper measure for ascertaining the true result of the election in any given case. At the end of one year after any election, the ballots of such election shall be destroyed by the Recorder.

(b) Procedure When Voter's Registration Challenged. In case of a contested election, the registration record of any challenged voter may be obtained from the Clerk of the County Commission by the City Council to determine the contest. Such records shall be returned by the Recorder to the office of the Clerk of the County Commission within a reasonable time after the contest shall have been finally decided. (1987 Code §§ 7-1-10, 7-1-11.)

105.12 FAILURE OF ELECTED PERSONS TO QUALIFY.

If any person elected to the City Council shall fail to qualify within twenty days after his election, he shall be deemed to have refused to do so, and the office shall be treated as vacant. (1987 Code §7-1-12.)

105.13 OFFENSES RELATING TO ELECTIONS.

Any person who shall willfully disturb or obstruct the Election Commissioners of any City election in the discharge of their duties; or who shall prevent, or endeavor to prevent, forcibly or otherwise any voter from giving in his vote at the proper time and place of voting at such election; or who shall raise, or participate in any riot, or engage in, or aid, assist or encourage riotous or disorderly proceedings or demonstrations, at or near the place of voting, on the day of any City election; any person who shall willfully fail or refuse to obey any order or direction of the Election Commissioners for the removal of any disorderly persons from any place of voting; or who shall, within three hundred feet of any place of voting, give to any other person a ballot to be used in voting, or who shall call back any voter who has approached within three hundred feet of any place of voting with the intention of voting, and inspect or change the ballot of such a voter, or give, or offer to give, such voter another or different ballot, shall be guilty of an offense against this section.

(1987 Code §7-1-13.)

105.14 WITHDRAWALS; UNIFORM DRAWING DATE.

(a) A candidate who has filed a certificate of announcement and wishes to withdraw and decline to stand as a candidate for the office shall file a signed and notarized statement of withdrawal with the same officer with whom the certificate of announcement was filed. If such statement of withdrawal is received not later than seven (7) weekdays after the last day of the month of March, the name of a candidate who files that statement of withdrawal may not be printed on the ballot. No candidate who files a statement of withdrawal after that time may have his or her name removed from the ballot.

(b) Upon request of the candidate's family, the Clerk of the City may remove the name of a candidate who dies before the ballots are printed. If a candidate dies after the ballots are printed, but before the election, the Clerk of the City shall give a written notice which shall be posted with the sample ballot at each precinct in the City to the following effect:
"To the Voter: (Name) of (Residence), a candidate for (Office) is deceased."

(c) Except for office divisions in which no more than one person has filed a certificate of announcement, the arrangement of names for all offices shall be determined by lot according to the following provisions:

(1) On the third day following the close of the candidate filing (exclusive of weekend days and holidays), beginning at nine o'clock a.m., a drawing by lot shall be conducted in the office of the Clerk of the City. Notice of the drawing shall be given on the form for the certificate of announcement, and no further notice shall be required. The Clerk of the City shall superintend and conduct the drawing, and the method of conducting the drawing shall be prescribed by as follows:

A. The position of each candidate within each office division shall be determined by the position drawn for that candidate individually; provided, that if fewer candidates file for an office division than the total number to be nominated or elected, the vacant positions shall appear following the names of all candidates for the office.

- B. The names of the candidates shall be assigned to numbered balls which will then be placed into a tumbler for drawing order.
- C. The candidates names shall be assigned to the balls using alphabetical order and numerical order, to-wit: the first letter of the last name of the candidate shall be assigned alphabetically to the first available number; the first alphabetical name will receive the number 1, the second alphabetical name will receive the number 2, the third alphabetical name will receive number 3, and so on.
- D. The process provided for in the previous paragraph shall continue until all names have been assigned a number.
- E. A candidate or the candidate's representative may attend the drawings.

(d) This section is to read in para materia with the other ordinances of the City of Glen Dale concerning elections.

(e) In all other particulars, when no specific provision is made in this article for the control, conduct and government of any phase of elections, resort shall be had to other provisions of the City of Glen Dale which may be applicable thereto in controlling thereof.

(f) If any provisions of this section shall be declared invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not invalidate any other provisions of this article. The City of Glen Dale hereby declares that they would have adopted each and every portion of this article separately regardless of the possible validity of any part thereof.

(g) Any ordinance, statute or municipal regulations heretofore adopted and otherwise not incorporated into this article which in any manner conflicts with any provisions of this section are hereby repealed to the extent of such conflict.
(1987 Code §7-1-14.)

105.15 CANVASS OF RETURNS; DECLARATION OF RESULTS; RECOUNTS; RECORD KEEPING.

The Election Commissioners shall be ex officio a board of canvassers, and, as such, shall keep in a well-bound book, marked "Election Record," a complete record of all their proceedings in ascertaining and declaring the results of every election. They shall convene as the canvassing board at the Council Chambers on the fifth day (Sundays excepted) after every election held in the City, and the officers in whose custody the ballots, poll books, registration records, tally sheets and certificates have been placed shall lay them before the Board for examination. They may, if considered necessary, require the attendance of any of the Commissioners, poll clerks, or other persons present at the election, to appear and testify respecting the same, and make such other orders as shall seem proper, to procure correct returns and ascertain the true results of the election in the City; but in this case all the questions to the witnesses and all the answers thereto, and evidence, shall be taken down in writing and filed and preserved. All orders made shall be entered upon the record. They may adjourn from time to time, but no longer than absolutely necessary, and when a majority of the Commissioners are not present, their meeting shall stand adjourned until the next day, and so from day to day, until a quorum is present. All meetings of the Commissioners sitting as a Board of Canvassers shall be open to the public. The Board shall

proceed to open each sealed package of ballots so laid before them, and, without unfolding them, count the number in each package and enter the number upon their record. The ballots shall then be again sealed up carefully in a new envelope, and each member of the Board shall write his name across the place where the envelope is sealed. After canvassing the returns of the election, the Board shall publicly declare the results of the election; however, they shall not enter an order certifying the election results for a period of forty-eight hours after the declaration.

- (a) Within the forty-eight hour period, a candidate voted for at the election may demand the Board to open and examine any of the sealed packages of ballots, and recount them; but in such case they shall seal the ballots again, along with the envelope above named, and the Recorder and each member of the Board shall write his name across the places where it is sealed, and endorse in ink, on the outside: "Ballots of the election held at precinct No. _____ in the City of Glen Dale, and County of Marshall, on the _____ day of _____." In computing the forty-eight hour period as used in this section, Saturdays, Sundays and legal holidays shall be excluded: provided, that at the end of the forty-eight hour period, an order shall be entered certifying all election results except for those offices in which a recount has been demanded.
- (b) If a recount has been demanded, the Board shall have an additional twenty-four hours after the end of the forty-eight hour period, in which to send notice to all candidates who file for the office in which a recount has been demanded, of the date, time and place where the Board will convene to commence the recount. The notice shall be served under the provisions of subdivision (c) of this section. The recount shall be set for no sooner than three days after the service of notice: provided, that after the notice is served, candidates so served shall have an additional twenty-four hours in which to demand a recount of precincts not requested to be recounted by the candidate originally requesting a recount of ballots cast: provided, however, that there shall be only one recount of each precinct, regardless of the number of requests for a recount of any precinct. A demand for the recount of ballots cast at any precinct may be made during the recount proceedings only by the candidate originally requesting the recount and those candidates who notify the Board, pursuant to this subdivision, of their intention to preserve their right to demand a recount of additional precincts.
- (c) The Chief of Police shall deliver a copy thereof in writing to the candidate in person; or if the candidate is not found, by delivering the copy at the usual place of abode of the candidate, and giving information of its purport, to the spouse of the candidate or any other person found there who is a member of his family and above the age of sixteen years; or if neither the spouse of the candidate nor any other person be found there, and the candidate is not found, by leaving the copy posted at the front door of the place of abode.
- (d) Every candidate who demands a recount shall be required to furnish bond in a reasonable amount with good and sufficient surety to guarantee payment of the costs and expenses of such recount in the event the result of the election is not changed by the recount; but the amount of the bond shall in no case exceed three hundred dollars (\$300.00).

When they have made their certificates and declared the results as hereinafter provided, they shall deposit the sealed packages of ballots, absent voter ballots, registration records, poll books, tally sheets and precinct certificates with the Clerk of the County Commission from whom they were received, who shall carefully preserve them for twenty-two months, and if there is not a contest pending as to any election, and their further preservation is not required by any order of a court, the ballots, poll books, tally sheets and certificates shall be destroyed by fire or otherwise, without opening the sealed packages of ballots; and if there is a contest pending, then they shall be so destroyed as soon as the contest is ended.

If the result of the election is not changed by the recount, the costs and expenses thereof shall be paid by the party at whose instance the recount was made.
(1987 Code §7-1-15.)

105.16 SETTING OF FILING FEES.

Any candidate filing for election to office shall, at the time of filing his nominating petition, pay a filing fee of twenty-five dollars (\$25.00). This filing fee shall apply to each elected office of the City of Glen Dale.
(1987 Code §7-1-16.)

105.17 APPOINTMENT OF ELECTION OFFICIALS.

(a) The Clerk of the City of Glen Dale is hereby appointed the Deputy Recorder of the City of Glen Dale.

(b) The Deputy Recorder shall nominate election officials to the City Council for appointment giving due consideration to any recommendations made by voters of the City or by candidates on the ballot.

(c) The Council of the City of Glen Dale shall appoint election officials for each designated Board no later than the 49th day before the election.
(1987 Code §7-1-17.)

105.18 PAY OF ELECTION OFFICIALS.

(a) All election officials shall be required to attend election school and shall be paid twenty-five dollars (\$25.00) for their attendance.

(b) All election officials shall be paid one hundred dollars (\$100.00) for working on election day.
(1987 Code §7-1-18.)

105.19 CALCULATION OF BALLOTS.

Ballots from municipal elections held contemporaneously with County elections shall be calculated by the County's election equipment.
(1-23-06)

ARTICLE 107
Ethics in Government

- | | |
|--|---|
| 107.01 Governmental Ethics Act adopted. | 107.03 Provisions not applicable. |
| 107.02 Statutory sections adopted. | 107.04 Amendments to state statutes. |

CROSS REFERENCES

Governmental Ethics Act - see W.Va. Code Art. 6B

107.01 GOVERNMENTAL ETHICS ACT ADOPTED.

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 article, without specifically republishing such state purposes herein.
(Ord. 9-11-89)

107.02 STATUTORY SECTIONS ADOPTED.

Council further hereby finds that for the purpose of assisting in the administration of the provisions of this article, that various statutory sections of the aforesaid State Act shall be hereby expressly adopted and incorporated as provisions of this article, except as otherwise expressly provided herein, and which state statutory sections specifically hereby adopted and incorporated herein are as follows: Sections 6B-1-1 to 5; and Section 6B-2-5.
(Ord. 9-11-89)

107.03 PROVISIONS NOT APPLICABLE.

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 Section 107.02 hereof, Council specifically finds that certain statutory provisions of the aforesaid State Act are either inapplicable to the administration of this article 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 article can be effectively executed at the municipal level without the specific adoption and incorporation of the statutory provisions of West Virginia Code 6B-2-6 and 6B-2-7, respecting financial disclosure, and West Virginia Code Article 6B-3 relating to regulation and registration of lobbyists, and which statutory provisions Council hereby expressly opts not to include as provisions of this article, and affirmatively elects that such provisions shall not apply to this Municipality and its officers and employees.
(Ord. 9-11-89)

107.04 AMENDMENTS TO STATE STATUTES.

Any amendment to any of the aforesaid statutory provisions of the State which are expressly herein adopted and incorporated as provisions of this article, shall upon enactment by the State Legislature, pursuant to the state-prescribed effective date thereof, be deemed to be an amendment to this article unless the City expressly opts not to adopt any such amendment by ordinance duly adopted by Council evidencing the non-adoption of such amendments.
(Ord. 9-11-89)

CHAPTER THREE - Legislative

- Art. 113. Council.
 - Art. 115. Rules of Council.
 - Art. 117. Ordinances and Resolutions.
-

**ARTICLE 113
Council**

113.01 City contracts generally.

CROSS REFERENCES

- Council - see CHTR. Art. III
 - Open meeting law - see W. Va. Code Art. 6-9A
 - Proceedings - see W. Va. Code Art. 8-9
 - General powers - see W. Va. Code Art. 8-12
 - Adoption of rules - see W. Va. Code 8-12-5(45)
 - Extraterritorial exercise of powers - see W. Va. Code 8-12-19
-

113.01 CITY CONTRACTS GENERALLY.

Except as otherwise provided, no contract, agreement or stipulation shall be binding upon the City unless made or ratified by Council; provided, that this section shall not be construed to prohibit or restrict the authority of the Mayor to enter into contracts, agreements or stipulations contemplated by the City budget and for which unencumbered funds are available in the City Treasury. (1987 Code 2A-1-2)

**ARTICLE 115
Rules of Council**

115.01 Rules and regulations.

CROSS REFERENCES
Adoption of rules - see W. Va. Code 8-12-5(45)

115.01 RULES AND REGULATIONS.

GOVERNING RULES

RULE I.

Except as otherwise provided in the Constitution of the United States and the State of West Virginia, the laws of the State of West Virginia or the Charter of the City of Glen Dale, all questions of order, the methods of organization and the conduct of business of the municipal Council shall be governed by Roberts Rules of Order in all cases to which they are applicable, and in which they are not inconsistent with the governing rules of Council.

INFORMAL MEETINGS

RULE II.

Council, with a quorum of the governing body can only meet to discuss purely logistical matters, such as when and where to hold a meeting, and what items need to be included in the agenda, and what staff members or documents need to be available during the meeting to support the matters on the agenda.

MEETINGS
TIMES AND PLACES ESTABLISHED

RULE III.

(A)
The Council shall hold regular meetings on the second and fourth Mondays of each month at 7:30 p.m.; provided, however, that the regular meeting date and time may be changed to a different date and time upon being duly passed by the majority of the members present. Provided further that in the event that the regular meeting date and time are so changed, notice shall be given to the general public of such change by Class I Legal Publication. When the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal, national or religious holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

(B)

Special meetings may be called at any time by the Mayor, or upon request of a majority of Council. Notice of any special meeting shall be given as provided in Rule III(E)(2).

(C)

All meetings of the Council shall be held in the Council Chambers of the City Building of the City of Glen Dale unless otherwise specified by the Mayor.

(D)

All regular and special meetings of the Council shall be open to the public provided however, that the Council may recess for the purpose of conducting an executive session, limited to its membership plus any person or persons requested to attend such executive session by a majority of the Council. Such executive session shall be conducted and held in the manner specified in Chapter 6, Article 9A, Section 4 of the West Virginia Code, as amended, and only for the purpose therein stated.

(E) NOTICES

- (1) Regular Meetings. A notice shall be posted and maintained by the City Clerk at the front door or bulletin board of the Glen Dale City Building of the date, time and place fixed and entered of record by Council for holding of regular scheduled meetings. In addition, a copy of the agenda for each regularly scheduled meeting shall be posted at the same location by the City Clerk not less than three days before each regular meeting is to be held. In computing this three-day period, the day of the meeting, Saturdays, Sundays, and legal holidays are not counted. If a particular regularly scheduled meeting is canceled or postponed, a notice of such cancellation or postponement shall be posted at the same location as soon as feasible after such cancellation or postponement has been determined. When a meeting is postponed, at least two days' advance notice of the new meeting date and time must be provided.
- (2) Special Meetings. A notice shall be posted by the City Clerk at the front door or bulletin board of the Glen Dale City Building not less than two days in advance of any special meeting. This two-day notice period shall be computed as previously provided in Rule III(E)(1). Such notice shall include the date, time, place and purpose for which such special meeting shall be held. If the meeting is being held for multiple purposes, an agenda may be issued and posted with the meeting notice. If a special meeting is canceled, a notice of such cancellation shall be posted at the same location as soon as feasible after such cancellation has been determined.

AGENDA

RULE IV.

(A)

All matters requiring official action by the Council, including all reports, communications, ordinances, resolutions, claims, license reports, contracts, documents, or other matters to be submitted for consideration by the Council, shall be delivered to the City Clerk not later than 4:30 p.m. Tuesday, one week prior to the regular Council meeting. The Clerk will prepare an agenda of such matters and any additional matters which she may have to present, following the prescribed order of business as hereinafter provided in Rule XI, stating each item requiring official action so as to make the public aware of the matters which will be dealt with at the meeting. A copy of the completed agenda shall be furnished to each member of Council. Items received after the deadline for submitting agenda items will be placed on the next regular Council agenda, unless the item involves a matter requiring immediate official action and the Council determines to include it as provided in Rule IV(B). Upon request, the Clerk shall also furnish the Mayor, City Attorney, and Department Heads with a copy of the same, prior to the Council meeting, and as far in advance of the meeting as the time for preparation will permit. Once the meeting agenda for a regular meeting, or the meeting notice for a special meeting, has been posted in accordance with Rule III, copies shall be provided to the news media or any member of the public upon request.

(B)

In the event of an emergency requiring immediate official action by the Council, the Council may decide to suspend Rule IV(A) by unanimous vote of those present. If the matter constituting an emergency arises in time to be included on a revised meeting agenda, the fact and circumstances of the emergency will be explained on the meeting agenda, as well as documented in the meeting minutes. If the matter constituting an emergency doesn't arise in time to be included in a revised meeting agenda, the facts and circumstances of the emergency will nonetheless be explained in the meeting minutes.

PRESIDING OFFICER - DUTIES

RULE V.

(A)

The Presiding Officer of the Council shall be the Mayor. In the absence of the Mayor the Recorder shall serve as the Presiding Officer.

(B)

In the absence of the Mayor or Recorder at any regular or special meeting of the Council, the presiding officer of the meeting shall be elected by the majority of the members of the Council present. The City Clerk or her designee shall conduct the election. The City Clerk shall entertain nominations from the Council for the position of Presiding Officer, each nomination requires a second. After nominations for Presiding Officer have been closed, the City Clerk shall call for a vote, which vote shall be by a roll call pursuant to Rule XIII of these governing rules.

(C)

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council and announce the decision of the Council on all matters coming before it. A majority vote of Council shall govern and conclusively determine all questions of order not otherwise herein covered or as otherwise provided by law.

PARLIAMENTARIAN

RULE VI.

The City Attorney shall act as parliamentarian, and when requested, shall advise and assist the presiding officer in matters of parliamentary law.

CITY ATTORNEY

RULE VII.

The City Attorney, or his designee, shall be available to the Council at all regular and special meetings. The City Attorney or his designee, shall draft ordinances, resolutions, or other legal documents when requested by a Council Member.

CALL TO ORDER ROLL CALL

RULE VIII.

The Mayor shall take the chair at the hour appointed for the meeting and shall immediately call the Council to order.

Before proceeding with the business of the Council, the Recorder or designee, shall call the roll of the members, and the names of those present shall be entered in the minutes.

QUORUM

RULE IX.

A majority of the total number of the Council shall constitute a quorum. Should no quorum attend within thirty (30) minutes after the hour appointed for the meeting of the Council, the Mayor, or in his absence the presiding officer, may thereupon adjourn the meeting until the next day at the same hour and place.

READING OF MINUTES

At each regular meeting of the Council, a journal of the proceedings of the last meeting shall be read, and corrected if erroneous, and signed by the presiding officer for the time being; provided, that the reading of the journal of the proceeding of the last meeting may be dispensed with by a majority vote by the governing body if the members thereof have received and examined a copy of the journal or a synopsis thereof prior to the meeting at which this journal is signed. Upon the call of any member the yeas and nays on any question shall be taken and recorded in this journal.

OPEN MEETINGS
ORDER OF BUSINESS

RULE XI.

All regular and special meetings of the Council shall be open to the public. The business of the Council shall be taken up for consideration and disposition in the following manner:

1. Pledge of Allegiance
2. Roll Call
3. To read, correct and approve the minutes of the previous meeting
4. To receive and consider reports of standing committees
5. To receive and consider reports of special committees
6. To receive and consider messages from the Mayor
7. To receive and consider resolutions, petitions, motions
8. Unfinished business
9. Ordinances, second reading
10. Ordinances, first reading
11. Miscellaneous business
12. Public Forum. Thirty (30) minutes maximum. Five (5) minutes per person.
13. Adjournment

RULES OF DEBATE

RULE XII.

(A)

Questions under consideration - A motion presented and seconded is under consideration and no motion shall be received thereafter, except to: 1) To adjourn; 2) To lay on the table, to postpone or to amend, until the question is decided; or 3) To refer to a committee. These motions shall have preference in order in which they are mentioned and the first two shall be decided without debate.

(B)

Limitations on debate: No member shall speak more than twice upon the same subject without leave of the Council. Nor more than once until every member choosing to speak shall be spoken.

(C)

A member of the Council once recognized, shall not be interrupted when speaking unless it be to call him or her to order or as herein otherwise provided. If a member of the Council, while speaking, be called to order, he or she shall cease speaking until the question or order by determined by the presiding officer, and if in order he or she shall be permitted to proceed. Any member of the Council may appeal to the Council from the decision of the presiding officer upon a question or order, whereupon without debate the presiding officer shall submit to the Council the question, "Shall the decision of the chair be sustained", and the Council shall decide the question by a majority vote.

(D)

Privilege of closing debate: Any member of Council may close debate by moving the previous question which requires 2/3 vote.

ROLL CALL FOR VOTING

RULE XIII.

Upon any roll call there shall be no discussion or explanation given by any member of Council voting, and he shall vote "yea" or "no;" unless he shall first receive permission from a majority of the Council to explain his vote. A member of the Council may abstain from voting on any matter. The vote upon every motion, resolution, or ordinance shall be taken by a roll call and the vote is to be entered in the minutes.

MANNER OF ADDRESSING COUNCIL TIME LIMIT

RULE XIV.

Each person desiring to address the Council shall stand and give his or her name and address in an audible tone of voice for the record, and unless further time is granted by the majority of the Council, shall limit his address to 5 minutes. All remarks shall be addressed to the presiding officer and Council as a body and not to any individual member of the Council. No person, other than members of the Council, and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council without the permission of the presiding officer. No question shall be asked by a member of Council except through the presiding officer.

DECORUM

RULE XV.

(A) - By Council Members:

While the Council is in session, the members must preserve order and decorum. A councilperson shall not, by conversation or otherwise, except as herein provided, delay, or interrupt the proceedings or the peace of the Council, or disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.

(B) - By Other Persons

Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall forthwith be barred by the presiding officer from further audience before the Council, unless permission to continue or again address the Council be granted by the majority vote of the Council. The Chief of Police, or such members of the Police Department as he may designate, shall be the sergeant-at-arms of the Council meetings. He, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting.

COUNCIL COMMITTEES

RULE XVI.

All standing and special committees, and the chairman thereof, shall be appointed by the presiding officer at regular or special meetings. All committees shall consist of five members, including the chairman.

PREPARATION OF ORDINANCES ETC.

RULE XVII.

The City Attorney or his designee, when requested, shall prepare ordinances, resolutions, motions, contracts, or other documents, which shall be delivered to the Clerk in conformity with Rule IV and Rule VIII. A copy of the same shall be forthwith furnished to each member of the Council by the Clerk. All prepared ordinances, resolutions and legal documents shall be approved by the City Attorney or his designee and bear his notation that they are correct in form.

NOMINATIONS AND ACTION THEREON

RULE XVIII.

(A)

Upon the receipt from the Mayor of any nomination to any office or position, the same shall be read under "Item" messages from the Executive Office, by the Recorder or his designee, and unless otherwise ordered, shall be considered by the Council under "new business". When taken up for action the presiding officer shall put the question on each nomination as follows: "Will the Council confirm the nomination?" On that motion, a vote shall be ordered, and if the majority votes to confirm, the presiding officer shall announce "The nomination is confirmed". If less than the majority vote to confirm, the presiding officer shall announce, "The nomination is rejected".

EXPENDITURES OF COUNCIL

RULE XIV.

Before a member of the Council shall make any agreement to buy, purchase, or contract services, or in any way commit monies of the Council in excess of \$100.00, or request any monies for services, expenses or fees in excess of \$100.00, he or she will first have prior approval of the Finance Committee and a majority of Council.

REPORTS AND RESOLUTIONS

RULE XX.

All reports and resolutions shall be filed with the Recorder and entered in the minutes.

READING AND ACTION OF ORDINANCES

RULE XXI.

Ordinances will be voted on at first reading, and if defeated will not be brought back up for second reading.

ADJOURNMENT

RULE XXII.

A motion to adjourn shall always be in order and decided without debate.

(Ord. 6-9-03.)

ARTICLE 117
Ordinances and Resolutions

117.01 Duties of Recorder; ordinance books.

CROSS REFERENCES

Ordinances - see CHTR. 3.2

To make powers effective - see W. Va. Code 8-11-1

Delegating discretion - see W. Va. Code 8-11-2

Action required to be by ordinance - see W. Va. Code 8-11-3, 8-5-12

Procedures - see W. Va. Code 8-11-4

Penalty limitations - see W. Va. Code 8-12-5(57); 8-11-1

117.01 DUTIES OF RECORDER; ORDINANCE BOOKS.

It shall be the duty of the Recorder to endorse upon every ordinance passed by Council, next after the title, the date of passage. The Recorder shall also record every such ordinance of a general nature in a well-bound book to be called the "General Ordinance Book", which shall be thoroughly indexed by the Recorder, showing in the index not only all subjects mentioned in such ordinance, but also the chapter, article and section amended and other matters necessary to make a complete index. All other ordinances not of a general nature, such as granting franchises, shall be recorded in a book to be called the "Special Ordinance Book", which shall be fully indexed. (1987 Code 2B-4-4)

CHAPTER FIVE - Administrative

- Art. 121. Officers and Employees Generally.
- Art. 123. Mayor.
- Art. 125. Recorder.
- Art. 127. City Attorney.
- Art. 129. City Engineer.
- Art. 131. Fire Department.
- Art. 133. Police Department.
- Art. 135. Board of Park and Recreation Commissioners.
- Art. 137. Historic Landmarks Commission.
- Art. 139. Building Commission.

**ARTICLE 121
Officers and Employees Generally**

- | | |
|---|--|
| <p>121.01 Official bonds.</p> <p>121.02 Failure to qualify.</p> | <p>121.03 Compensation of officers and employees.</p> <p>121.04 Salaries of elected officials.</p> |
|---|--|

CROSS REFERENCES

- Bonds - see CHTR. 8.3
- Oath of office - see CHTR. 8.4
- Rights of officers and employees - see CHTR. 9.1
- 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
- Military leave - see W. Va. Code Art. 6-11; 15-1F-1
- Social security - see W. Va. Code 5-7-5
- Police holidays - see W. Va. Code 8-14-2a
- Fire department holidays - see W. Va. Code 8-15-10a

121.01 OFFICIAL BONDS.

All officers and employees as Council may by resolution require to do so, and all officers and employees required by law to do so, shall give bond in such amount and upon such conditions and with such surety as may be specified by Council, and the premiums of such bonds shall be paid by the City. (1987 Code 2C-1-1)

121.02 FAILURE TO QUALIFY.

If any person appointed to office shall fail to qualify within ten days after his or her appointment, the office shall be treated as vacant.

(1987 Code 2C-1-2)

121.03 COMPENSATION OF OFFICERS AND EMPLOYEES.

Council shall by ordinance fix or cause to be fixed the salary or compensation of every municipal officer and employee: provided, that the salary of any officer shall not be increased or diminished during his or her term.

Council shall have plenary power and authority to provide by ordinance for the allowance of time off of officers and employees with pay for vacations and illness, as additional consideration for their services and employment.

(1987 Code 2A-1-4)

121.04 SALARIES OF ELECTED OFFICIALS.

- (a) The compensation of the Mayor shall be three hundred dollars (\$300.00) per month.
- (b) The compensation of the Recorder shall be two hundred dollars (\$200.00) per month.
- (c) The compensation of Council Members shall be one hundred dollars (\$100.00) per month. (2-25-08)

ARTICLE 123
Mayor

123.01 Payment of claims.

CROSS REFERENCES

Election - see CHTR. Art. II

Mayor - see CHTR. Art. IV

Powers and duties generally - see W. Va. Code 8-10-1

123.01 PAYMENT OF CLAIMS.

No money shall be paid to any person having debt or claim against the City except upon an order signed by the Mayor and the Recorder.
(1987 Code 2A-1-3)

ARTICLE 125
Recorder

EDITOR'S NOTE: There are no sections in Article 125. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Election - see CHTR. Art. II

Position established - see CHTR. 4.4

Powers and duties generally - see W. Va. Code 8-10-3

ARTICLE 127
City Attorney

EDITOR'S NOTE: There are no sections in Article 127. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City Solicitor - see CHTR. 7.1

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

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

ARTICLE 129
City Engineer

EDITOR'S NOTE: There are no sections in Article 129. This article has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City Engineer - see CHTR. 7.2
Registration of Engineers - see W. Va. Code Art. 30-13
Low cost improvements: memorandum of engineer - see W. Va. Code
8-17-4 et seq.
Certification of costs - see W. Va. Code 8-17-10
Report - see W. Va. Code 8-17-11
Sewer and street assessments: report on completion - see W. Va.
Code 8-18-5

**ARTICLE 131
Fire Department**

- | | |
|--|--|
| 131.01 Organization and continuance of Volunteer Fire Department. | 131.03 Dissolution of Volunteer Fire Department. |
| 131.02 Duties of company members; meetings to inspect equipment; report; penalty for noncompliance. | 131.04 Support of Volunteer Fire Department; return of property upon dissolution. |

CROSS REFERENCES

Power of governing body - see W. Va. Code 8-15-1
 Fire protection contracts - see W. Va. Code 8-15-3, 8-12-5(56)
 Volunteer fire companies - see W. Va. Code 8-15-4 et seq.
 Paid fire departments - see W. Va. Code 8-15-9 et seq.
 Civil service - see W. Va. Code 8-15-11 et seq.
 Pension and relief fund - see W. Va. Code Art. 8-22
 Authority of local fire departments - see W. Va. Code 29-3A

**131.01 ORGANIZATION AND CONTINUANCE OF VOLUNTEER
FIRE DEPARTMENT.**

There is hereby established in the City a volunteer fire department known as the Glen Dale Volunteer Fire Department. The Department shall have no less than twenty members. The members of the company shall elect its officers, including a chief and make rules and regulations for effecting its object consistent with the laws of the State of West Virginia and the ordinances of the City. The Volunteer Fire Company shall be subject to the authority of the governing body of the City. (1987 Code 9-2-1)

**131.02 DUTIES OF COMPANY MEMBERS; MEETINGS TO INSPECT
EQUIPMENT; REPORT; PENALTY FOR NONCOMPLIANCE.**

Every member of the Volunteer Fire Department shall, upon any alarm of fire, attend, according to the ordinances of the Municipality and the company's rules and regulations, and endeavor to extinguish the fires.

In addition to the meeting required by the rules and regulations of the department, semiannual meetings of the department shall be held in April and October, on such days as the Chief thereof may appoint, to examine the state of the engine, hose and other equipment, practice therewith and see that the same are in good condition. Within one month after any such semiannual meeting the Chief of such department shall make to the governing body a written report of the names of those attending such meeting, together with a written report of the condition of the engine, hose and other equipment. For any failure to comply with the provisions of this section, the Chief shall be fined not less than ten nor more than twenty-five dollars.
(1987 Code 9-2-2)

131.03 DISSOLUTION OF VOLUNTEER FIRE DEPARTMENT.

Whenever the governing body shall ascertain that such department has failed, for three months successively, to consist of twenty effective members, or shall ascertain that it has failed for a like period of time to have and keep in good serviceable condition any engine, hose or other proper equipment, such governing body shall declare such failure and by order direct the members of the department to take the necessary action under the general corporation laws of this State to bring about the dissolution of such corporation. Upon the entry of any such order, it shall be the duty of the members of such department to comply therewith.
(1987 Code 9-2-3)

131.04 SUPPORT OF VOLUNTEER FIRE DEPARTMENT; RETURN OF PROPERTY UPON DISSOLUTION.

The Municipality may contribute to the support of its Volunteer Fire Department by providing a firehouse, firefighting equipment, necessary paid personnel and incidental requirements to maintain such department upon an efficient basis. Upon the dissolution of the Department, all of the property contributed by the Municipality shall become the property of and be returned to such Municipality.
(1987 Code 9-2-4)

ARTICLE 133
Police Department

133.01 Appointment of Chief.
133.02 Appointment of members.

133.03 Appointment of special police.

CROSS REFERENCES

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 zone 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

133.01 APPOINTMENT OF CHIEF.

The Mayor, as chief executive officer of the City and being responsible for the enforcement of this Code, and all other ordinances, shall appoint and remove the Chief of Police. Provided, however, that such appointment and removal shall not be effective until confirmed by the Council. (1987 Code 23-1-1)

133.02 APPOINTMENT OF MEMBERS.

The Council shall appoint such other members of the police force as it shall deem necessary for the preservation of peace and good order within the City. (1987 Code 23-1-2)

133.03 APPOINTMENT OF SPECIAL POLICE.

In times of disorder or riot or when necessity therefor appears, the Mayor shall have power to appoint special police, who shall take the oath of office and shall receive compensation as set by Council. The Mayor shall report at the first meeting of Council thereafter the names and numbers of the special police, the service rendered and the occasions calling for such service. (1987 Code 23-1-3)

ARTICLE 135
Board of Park and Recreation Commissioners

- | | |
|--|---|
| <p>135.01 Established.</p> <p>135.02 Members; quorum; qualifications; election or appointment; terms.</p> <p>135.03 Oath of office.</p> | <p>135.04 General powers of the Board.</p> <p>135.05 Limitations.</p> |
|--|---|

CROSS REFERENCES

Board of park and recreation commissioners - see W. Va. Code Art. 8-21

135.01 ESTABLISHED.

There is hereby created and established the Board of Park and Recreation Commissioners of the City of Glen Dale, hereinafter called the "Board".
(1987 Code 31-1-1)

135.02 MEMBERS; QUORUM; QUALIFICATIONS; ELECTION OR APPOINTMENT; TERMS.

The Board shall consist of five members all of whom shall be residents of and freeholders of the City of Glen Dale, and shall be appointed by Council. The terms of the members of the first Board shall be two for a term of six years, two for a term of four years, and one for a term of two years. Thereafter all appointments shall be for a term of six years. The terms of all members shall begin on the 15th day of February.
(1987 Code 31-1-2)

135.03 OATH OF OFFICE.

All members shall take the oath required by law before entering on their duties.
(1987 Code 31-1-3)

135.04 GENERAL POWERS OF THE BOARD.

The Board shall have all of the rights, powers and duties as granted by Chapter 8, Article 21 of the Code of West Virginia, including any rights, power and duties hereinafter granted by said Article. (1987 Code 31-1-4)

135.05 LIMITATIONS.

The Board shall be subject to all of the limitations and obligations set forth in Chapter 8, Article 21, of the Code of West Virginia.
(1987 Code 31-1-5)

ARTICLE 137
Historic Landmarks Commission

137.01 Established.

137.03 General powers and duties.

**137.02 Members; terms; election;
quorum.**

CROSS REFERENCES

Historic landmark commissions - see W. Va. Code Art. 8-26A

137.01 ESTABLISHED.

There is hereby created and established a commission which shall be named and known as The City of Glen Dale Historic Landmarks Commission.
(1987 Code 32-1-1)

137.02 MEMBERS; TERMS; ELECTION; QUORUM.

The Commission shall consist of five members appointed by the Mayor upon the approval of Council. The terms of the members of such Commission shall be for a period of two years to begin on January 1st of each even-numbered year, except for the initial appointees which shall be members until December 31, 2003, regardless of when they are appointed prior thereto. Members of the Historic Landmarks Commission shall serve at the will and pleasure of the Mayor and Council, and can be removed without cause and without notice or hearing. Vacancies shall be filled by the Mayor upon the approval by Council for any time remaining on an unexpired term.

Commission members shall not be entitled to any pay or remuneration for their services. Reasonable and necessary expenses actually incurred may be reimbursed at the discretion of Council.

Such officers as are deemed necessary for the Commission shall be elected from and by the membership thereof.

The Commission shall not meet less than twice per year. A quorum of the Commission consisting of three members shall be necessary to meet and transact business. Each member of the Commission shall have one vote, including the officers thereof.
(1987 Code 32-1-2)

137.03 GENERAL POWERS AND DUTIES.

The Historic Landmarks Commission shall have those powers and duties granted by Chapter 8, Article 26A, Sections 3, 4, 5 and 6, of the West Virginia Code.
(1987 Code 32-1-3)

ARTICLE 139
Building Commission

- | | |
|--|--|
| <p>139.01 Creation of Board.</p> <p>139.02 Membership; residency, etc., requirements; term of office.</p> <p>139.03 Vacancies.</p> <p>139.04 Oath of office; secretary and Treasurer of Board.</p> <p>139.05 Compensation; conflict of interests.</p> | <p>139.06 Office facilities; power and authority generally.</p> <p>139.07 Powers and duties.</p> <p>139.08 Commission debt and surplus.</p> <p>139.09 Contributions to the Commission; funds; reports; audits.</p> |
|--|--|

139.01 CREATION OF BOARD.

There is hereby created and established the City of Glen Dale Building Commission.
(Ord. 12-8-08.)

139.02 MEMBERSHIP; RESIDENCY, ETC., REQUIREMENTS; TERM OF OFFICE.

The Building Commission shall consist of a Board of five members, all of whom shall be residents of the City. The members thereof shall be appointed by the City Council. No more than two-thirds (2/3) of the total number of members shall be from the same political party and no member shall hold any office (other than notary public) or employment under the United States of America, the State of West Virginia, or any country or political subdivision thereof, or any political party. Subject to such exception, the remaining members of the Board shall serve for a term of five years. As to the first Board, the City Council shall appoint the members thereof to service, one for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. As the term of each initial appointee expires, the successor to fill the vacancy of that position, shall be appointed for a term of five years. The date upon which terms of such Board members shall begin is the 1st day of January, 2009. (Ord. 12-8-08.)

139.03 VACANCIES.

When any vacancy occurs on the Commission before the expiration of the term of that member, by reason of death, resignation, change of residence or other cause, City Council shall appoint a successor to serve until the expiration of the term.
(Ord. 12-8-08.)

139.04 OATH OF OFFICE; SECRETARY AND TREASURER OF BOARD.

After appointment, members of the Commission shall qualify by taking and filing with the City Clerk the oath prescribed by law for public officials and shall not be permitted to serve until so qualified. If any member of the board fails to so qualify before the next regular City Council meeting, the Council may declare the position vacant and shall appoint a successor. At the first meeting held after the first Board has been appointed, as hereinbefore provided, and thereafter at a meeting in January 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 shall record the proceedings and transactions of each meeting of the Board. The secretary shall be paid such compensation for services as the City Council shall fix from year to year. The City Treasurer shall be ex officio Treasurer of said Board, and shall take an oath prescribed by law and shall furnish such bond as may be required by said Board. (Ord. 12-8-08.)

139.05 COMPENSATION; CONFLICT OF INTERESTS.

The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement for any reasonable expenses incurred in the performance of their duties as members of the Board, such expenses to be paid only upon approval of the City Council. 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. (Ord. 12-8-08.)

139.06 OFFICE FACILITIES; POWER AND AUTHORITY GENERALLY.

The City Council shall furnish the Board facilities where it may hold its meetings and keep its records. The Board shall have complete and exclusive control and management of all the properties which it shall operate in connection with 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. The Commission shall subscribe to the state worker's compensation fund with respect to covering all eligible employees. (Ord. 12-8-08.)

139.07 POWERS AND DUTIES.

The Commission shall have plenary power and authority to:

- (a) Sue and be sued;
- (b) Contract and be contracted with;
- (c) Adopt and use a common seal;
- (d) Make and adopt all necessary, appropriate and lawful bylaws and rules and regulations pertaining to its affairs;
- (e) 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;
- (f)
 - (1) Acquire, purchase, own and hold any property, real or personal; and
 - (2) Acquire, construct, equip, maintain and operate public buildings, structures, projects and appurtenant facilities, of any type or types which the City creating such commission is permitted by law to expend public funds (all hereinafter in this article referred to as facilities);

- (g) Apply for, receive and use grants-in-aid, donations and contributions from any source or sources, including, but not limited to, the United States of America, or any department or agency thereof, and accept and use bequests, devises, gifts and donations from any source whatsoever;
- (h) Sell, encumber or dispose of any property, real or personal;
- (i) 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;
- (j) Raise funds by the issuance or sale of revenue bonds in the manner and subject to the limitations provided by the applicable provisions of West Virginia Code;
- (k) Exercise the power of eminent domain in the manner provided in the West Virginia Code, but only after consent and approval by resolution of City Council;
- (l) Lease its property or any part thereof, for public purposes, to such persons and upon such terms as the commission deems proper, but when any municipality or county commission is a lessee under any such lease, such lease must contain a provision granting such municipality or county commission the option to terminate such lease during a fiscal year covered thereby; and
- (m) Do all things reasonable and necessary to carry out the foregoing powers.
(Ord. 12-8-08.)

139.08 COMMISSION DEBT AND SURPLUS.

Indebtedness of the Commission is controlled by and is subject to State law. Disposition of any surplus over and above amounts required for the improvement, maintenance and operation of commission facilities shall be set aside in a reserve pursuant to terms more particularly described in the West Virginia Code.
(Ord. 12-8-08.)

139.09 CONTRIBUTIONS TO THE COMMISSION; FUNDS; REPORTS; AUDITS.

Contributions may be made from time to time by the City, and by any persons or entities that shall desire to do so. All funds received by the Commission shall be deposited in such banking institution or banking institutions the Board may direct and shall be withdrawn therefrom in such manner as the Board may direct. The Commission shall keep strict account of all of its receipts, expenditures and activities, and shall each quarter make a quarterly report thereon to the City Council and persons which have made contributions to it, and such report shall contain an itemized account of its receipts and disbursements during the preceding quarter. Such report shall be made 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 fiscal year and publish the same as a Class II-0 legal advertisement in compliance with the provisions of article three {§59-3-1 et seq.}, chapter fifty-nine of the West Virginia Code, and the publication area for such publication shall be the County of Marshall. The books, records and accounts of the Commission shall be subject to audit and examination by the State Tax Commissioner and by other proper public official or body in the manner provided by law.
(Ord. 12-8-08.)

**ARTICLE 151
Municipal Court**

- | | |
|---|---|
| <p>151.01 Jurisdiction, powers and duties.</p> <p>151.02 Search warrants.</p> <p>151.03 Docket; Clerk of Court.</p> <p>151.04 Warrant required; exception.</p> <p>151.05 Procedure upon arrests without warrant.</p> <p>151.06 Issuance of warrants at request of Police Officers.</p> <p>151.07 Failure of accused person to appear for trial.</p> <p>151.08 Continuances.</p> | <p>151.09 Judgment of guilty shall include judgment for costs.</p> <p>151.10 Enforcement of adjudged fines, penalties and costs.</p> <p>151.11 Suspension of execution of judgments, etc.</p> <p>151.12 Appeals and appeal bonds.</p> <p>151.13 Contempt.</p> <p>151.14 Use of County Jail.</p> <p>151.15 Municipal Court costs.</p> <p>151.16 Reinstatement fee; driver's license.</p> |
|---|---|

CROSS REFERENCES

- Charter provisions - see CHTR. Art. IV
 Establishment - see W. Va. Code 8-10-2
 General rights 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
 Search warrant - see W. Va. Code 62-1A-1

151.01 JURISDICTION, POWERS AND DUTIES.

The Mayor, may, at his election, choose not to serve as Municipal Judge of the City of Glen Dale. If the Mayor should so choose not to serve as Municipal Judge of the City, then in that case, the Mayor shall appoint a citizen as Municipal Judge of the City of Glen Dale. The Mayor shall also have the power to remove the Municipal Judge. Provided, however, that such appointment and removal shall not be effective until confirmed by the City Council.
 (1987 Code §22-1-1.)

151.02 SEARCH WARRANTS.

Upon proper complaint, the Municipal Judge shall issue search warrants in connection with the violation of any provision of this Code or other City ordinance.
 (1987 Code §22-1-2.)

151.03 DOCKET; CLERK OF COURT.

It shall be the duty of the Clerk of the Municipal Court to keep a well bound book, which book shall be called the "docket".

Such docket shall contain a record of each case brought before the Municipal Judge and the disposition thereof.

It shall be the duty of the Clerk of the Municipal Court to index the docket in such a manner as to provide a ready reference to each case and to keep such index current.

Unless the Mayor, with the approval of the City Council, shall appoint some other person, the Recorder shall be ex officio Clerk of the Municipal Court.
(1987 Code §22-1-3.)

151.04 WARRANT REQUIRED; EXCEPTION.

Proceedings before the Municipal Judge shall be by warrant of arrest in the name of the City, except that when an offense of which the Municipal Judge has jurisdiction is committed in his presence, or in that of a City police officer, either of them may forthwith apprehend the offender or cause him to be apprehended, and in such case the offender may be tried before the Municipal Judge and dealt with according to law.

(1987 Code §22-1-4.)

151.05 PROCEDURE UPON ARRESTS WITHOUT WARRANT.

When a person arrested without a warrant is brought before the Municipal Judge, a complaint shall be filed and a warrant issued forthwith. The officer executing the warrant shall make return thereof to the Municipal Judge.

(1987 Code §22-1-5.)

151.06 ISSUANCE OF WARRANTS AT REQUEST OF POLICE OFFICERS.

It shall be the duty of the Clerk of the Municipal Court to properly make out a complaint and warrant, upon request, for any member of the Police Department.

(1987 Code §22-1-6.)

151.07 FAILURE OF ACCUSED PERSON TO APPEAR FOR TRIAL.

If a warrant or summons is returned executed and the accused person shall fail to appear at the time designated for the trial, the case may be proceeded into, heard and determined as if there were an appearance by the accused. Or the Municipal Judge may in his discretion, after hearing the evidence, issue his process requiring the officer to whom it shall be directed to arrest the accused and bring him, either forthwith or at some designated time, before him to hear judgement in the case.

(1987 Code §22-1-7.)

151.08 CONTINUANCES.

(a) On Motion of Accused; Recognizance. Continuances may be granted as justice may require. If one be granted at the instance of the accused, he may be required to enter into a recognizance, payable to the City, with approved security, in a sum determined by the Municipal Judge, conditioned for his appearance at the time and place named in the order of continuance, to answer further as to the alleged offense.

(b) On Motion of Other Than Accused; Recognizance. If the continuance is not at the instance of the accused, he may be allowed to depart until the time appointed for the trial upon entering into his own recognizance, payable and condition as in subsection (a) hereof, or without recognizance, as may be deemed right and proper.

(c) Default in Recognizance. In case default is made in the condition of any recognizance entered into by virtue of this article, it shall be noted on the docket; and in the event that payment is not made of the sum named as the penalty thereof, an action may be maintained thereon in the name of the City in any court of competent jurisdiction to recover the amount of the penalty against the accused and his sureties. In such action the court may give judgement for the whole of the penalty, or remit in, in whole or in part, and render judgement upon such terms and conditions as may be deemed reasonable.
(1987 Code §§22-1-8, 22-1-9, 22-1-10.)

151.09 JUDGMENT OF GUILTY SHALL INCLUDE JUDGMENT FOR COSTS.

Upon the final hearing of any proceeding to punish for an offense, if judgement be given against the accused, such judgment shall include the costs incurred by the city or due to any officer in that behalf. (1987 Code §22-1-11.)

151.10 ENFORCEMENT OF ADJUDGED FINES, PENALTIES AND COSTS.

The Municipal Judge shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof in default of such payment. (1987 Code §22-1-12.)

151.11 SUSPENSION OF EXECUTION OF JUDGMENTS, ETC.

After judgment, execution may be suspended by the Municipal Judge upon such terms as may be imposed by him and agreed to by the party convicted.
(1987 Code §22-1-13.)

151.12 APPEALS AND APPEAL BONDS.

Any person convicted of an offense by the Mayor or Municipal Court Judge may appeal such conviction to the Circuit Court as a matter of right by requesting such appeal within twenty (20) days after the sentencing for such conviction. The Mayor or Municipal Court Judge may require the posting of bond with good security conditioned upon the appearance of the defendant as required by the Circuit Court, such bond may not exceed the maximum amount of fine which could be imposed for the offense. The bond may be upon the defendant's own recognizance. (West Virginia Code §8-34-1d; 1987 Code §22-1-14.)

151.13 CONTEMPT.

(a) Special Acts. The Municipal Judge may punish for contempt any person guilty of the following acts and in no other case:

- (1) Contemptuous or insolent behavior toward the Municipal Judge while engaged in the trial of a case or in any other judicial proceeding.
- (2) Any breach of the peace, willful disturbance or indecent conduct in the presence of the Municipal Judge while so engaged, or so near as to obstruct or interrupt his proceedings.
- (3) Violence or threats of violence to the Municipal Judge or any officer, witness or party going to, attending or returning from any judicial proceeding before the Municipal Judge in respect to any thing done or to be done in the course of such proceeding.
- (4) Misbehavior of an officer in his official character in respect to any action or judicial proceeding had or pending before the Municipal Judge or any process, order, judgment or notice therein.
- (5) Disobedience or resistance by any officer, witness, party or other person to any lawful process, judgement or order by the Municipal Judge.

(b) Hearings. An order of arrest may be issued by the Municipal Judge, on which the person charged with contempt may be taken and brought before him, or such person may be taken in custody by an officer present upon the oral order of the Municipal Judge and held to answer for contempt. An opportunity shall be given him to be heard in defense or explanation of his conduct, and the Municipal Judge may thereupon discharge him or adjudge him guilty of contempt and punish him as provided in the Code of West Virginia.

(c) Entry of Convictions on Docket, Etc. The conviction for contempt, specifying the particular circumstances of the offense and judgment thereon, shall be entered by the Municipal Judge in his docket. A warrant of commitment for the term of imprisonment may be issued by the Municipal Judge commanding an officer to take the offender to the jail and the jailer to imprison him therein for the term. The judgement may include, in addition to the fine, all costs in the case, including costs of arrest and keeping in prison the offender. An appeal may be taken from such judgment of the Municipal Judge, as in other cases, to any court of competent jurisdiction in the county. (1987 Code §§22-1-15 to 22-1-17.)

151.14 USE OF COUNTY JAIL.

The Marshall County Jail is hereby designated as the official City Jail or Lockup and it shall be used for all purposes for which a City Lockup would be used, were a City Lockup in existence.

(1987 Code §22-1-18.)

151.15 MUNICIPAL COURT COSTS.

In addition to any other costs which may be lawfully imposed, an additional cost shall be imposed in the amount of ten dollars (\$10.00) for all charges, except violations of municipal parking violations.

(1987 Code §22-1-19.)

151.16 REINSTATEMENT FEES; DRIVER'S LICENSE.

A fee of twenty-five dollars (\$25.00) is hereby imposed upon any person whose driver's license or privilege to operate a motor vehicle in this State is reinstated after having been suspended for any of the following:

- (a) Failure to timely pay costs, fines, forfeitures or penalties imposed by the Municipal Court;
- (b) Default on a payment plan for such costs, fines, forfeitures or penalties; or
- (c) Failure to appear or otherwise respond in court when charged with a municipal violation, all as provided for by the West Virginia Code.

The fee imposed by this section shall be paid at the time the person's driver's license or privilege to drive is reinstated by the State Division of Motor Vehicles. Such fee is imposed to defer the costs to the City associated with administrative expenses related to the suspension and reinstatement. (Ord. 8-22-05.)