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CHAPTER I.

THE LIMITS AND JURISDICTION OF THE TOWN OF LUMBERPORT SHALL EXTEND THROUGHOUT THE TERRITORY EMBRACED IN THE CHARTER OF THE TOWN CREATED BY AN ORDER OF THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA MADE AND ENTERED ON THE 11TH DAY OF SEPTEMBER, 1901, AND IS THEREIN FIXED AND BOUNDED AS FOLLOWS, TO-WIT:

BEGINNING AT THE RIVER BRIDGE AND RUNNING THENCE S. 28 5-6 E. 367 FEET TO A STAKE, THEN S. 37 1-4 E. 335 FEET TO STAKE; THEN S. 43 1-3 E. 401 FEET TO STAKE; THENCE S. 34 1-2 E. 150 FEET TO STAKE; THENCE S. 1 2-3 E. 175 FEET TO STAKE; THENCE S. 2 W. 185 FEET TO STAKE; THENCE 1 1-3 W. 118 FEET TO STAKE; THENCE S. 18 5-12 W. 345 FEET TO A STAKE; THENCE S. 29 5-6 W. 255 FEET TO SYCAMORE; THENCE S. 83 1-6 W. 590 FEET TO STAKE; THENCE S. 62 1-2 W. 190 FEET TO STAKE; THENCE N. 89 2-3 W. 250 FEET TO STAKE; THENCE S. 38 1-2 W. 2040 FEET TO POST; THENCE N. 53 3/4 W. 2185 FEET TO STAKE; THENCE N. 12 3/4 W. 1085 FEET TO WHITE WALNUT; THENCE N. 24 1-3 E. 1400 FEET TO STAKE; THENCE N. 79 1-3 E. 2945 FEET TO THE BEGINNING.

AND ALL ORDINANCES, ORDERS AND REGULATIONS OF THE TOWN OF LUMBERPORT SHALL EXTEND TO AND HAVE FULL FORCE AND EFFECT THROUGHOUT THE ABOVE BOUNDARY, UNLESS IN SAID ORDINANCES, ORDERS AND REGULATIONS PROVIDED OTHERWISE.

CHAPTER II.

IT IS HEREBY ENACTED AND ORDAINED THAT BEGINNING ON THE 1ST DAY OF JULY IN THE YEAR NINETEEN HUNDRED AND THIRTY EIGHT, THE FOLLOWING RULES, REGULATIONS, BY-LAWS, ORDINANCES AND ENACTMENTS SHALL BE IN FULL FORCE AND EFFECT FOR THE GOVERNMENT OF THE TOWN OF LUMBERPORT, WEST VIRGINIA AND THE INHABITANTS THEREOF UNTIL ALTERED OR AMENDED BY FUTURE VALID ACTS, RESOLUTIONS AND ENACTMENTS; AND ALL FORMER ACTS, RESOLUTIONS, BY-LAWS, RULES, ORDINANCES AND ENACTMENTS OF A GENERAL NATURE ARE HEREBY ANNULLED AND REPEALED.

1st. It is enacted and ordered that the several offices of the said Town of Lumberport shall have all the powers and shall be governed by the provisions of chapter eight of the Code of West Virginia, whether herein expressly conferred or required or not, unless some valid ordinance or regulation should otherwise provide.

2nd. It is hereby enacted and ordained that the several definitions, rules of interpretation, constructions and provisions contained in chapter two-article two Code of West Virginia shall be adopted by the Town of Lumberport in so far as they are applicable to these ordinances and enactments and that time shall be computed in the same manner and words and phrases shall have the same construction as is given in said chapter eight.

3rd. Unless otherwise appearing from the context the word "town" shall mean the Town of Lumberport, West Virginia the word "council" shall mean the common Council of Lumberport; the word "state" shall mean the State of West Virginia; the

word "person" shall mean both natural persons and corporations and the masculine gender shall include both genders.

CHAPTER III.

1st. The chief officers of the Town of Lumberport shall be the Mayor, Recorder and five Councilmen, who shall be elected by the qualified voters of the town at an election to be held in the mayor's office or such other place as the council may direct to be held on the first Tuesday of June each alternating year. The next town election being held on June 6, 1939. Who shall serve for a term of two years and until their successors are duly elected and qualified.

The subordinate officers of the Town shall be a sergeant, assessor, street commissioner and health officer to be elected by the council and who shall serve during the will and pleasure of the council.

The council may from time to time appoint necessary assistants to said subordinate officers and combine their offices, when not incompatible and may appoint committees for special purposes.

2nd. Vacancies in the office of mayor, recorder and councilman shall be filled by council, appointees to fill such vacancies to serve the unexpired term of office.

The mayor, recorder and councilmen shall have been citizens of the town for at least six months prior to election and shall have been assessed with and paid taxes on real or personal property of the value of one hundred dollars for the year previous to election.

3rd. No officer shall attempt to serve until he shall have first duly qualified by subscribing the required oath or

affirmation and given bond, in case a bond be required.

CHAPTER IV.

1st. The meetings of the council shall be held in the mayor's office of the town on the first Monday of each month at 7:30 o'clock p.m., from April 1st to October 1st, and at 7:00 o'clock p.m., from October 1st to April 1st, and at such other times and places as may be fixed by order of adjournment.

Special or call meetings may be held at times called for upon notice in writing signed by any three members of the council, or mayor, specifying the time and place of the meeting and purposes of such meeting, reasonable notice having been given each member of the council present in town of such meeting. The call for such meeting shall be copied in the minute books of the proceedings of the council.

2nd. Upon the assembling of the council the mayor, if present and in case of absence the recorder, and in the absence of both, some member of the council shall call the meeting to order and upon ascertainment of the presence of a quorum shall order the reading of the minutes of the preceding meeting by the recorder, or in his absence, by a recorder pro-tempore and, when found correct they shall be signed by the mayor or acting mayor and recorder and proceed to the business of the meeting, the presiding officer preserving order and decorum.

3rd. The parliamentary rules of the last session of the West Virginia State Senate shall govern the procedure and proceedings, except as they may be herein modified or may be

repugnant hereto, in matters not covered by these rules.

4th. All questions of order shall be decided by the presiding officer, subject to reversal upon appeal to the council.

5th. If any member transgress any rule of council, the presiding officer shall call him to order, or any member of council may raise a "point of order" upon which the presiding officer shall rule and in case any member is called to order, he shall immediately sit down and desist speaking and remain silent and any member proving contumacious, may upon complaint of any member before the presiding officer be held guilty of a contempt and fined not exceeding five dollars and upon failure to pay said fine may be imprisoned in town jail not exceeding five days.

6th. No appeal shall be taken from a ruling of the presiding officer except two members shall concur therein and upon such appeal being taken the presiding officer shall put the same in the following form: "The question now is, shall the decision of the chair be sustained?" whereupon a vote shall be taken on said question and result ascertained as in other questions.

7th. Every member present at the time shall vote on all measures, questions, resolutions and propositions before council, unless excused or disqualified by interest, the presiding officer having a vote along with other members and in case of a tie, shall have the casting vote, providing he has not previously voted.

8th. Every motion, resolution or proposition shall if required by presiding officer or any member of council be reduced to writing by its proponent.

9th. When a motion is made and seconded it shall be considered before council and shall be stated by presiding officer before debate and proceeding to vote upon it.

10th. Unless withdrawn by unanimous consent it shall be voted upon and, if carried, shall be duly entered in the minutes.

11th. The regular order of councilmanic procedure shall be as follows:

- 1st. Reading minutes of previous meeting.
- 2nd. Unfinished business appearing upon minutes.
- 3rd. Reports of committees.
- 4th. Reports of officers.
- 5th. Petitions of all kinds.
- 6th. New business and propositions.

12th. The regular order of business may be suspended at any time for special reasons for the time being.

13th. The ayes and noes shall be taken and made a matter of record upon demand of any member.

14th. When a question is properly before council no motion shall be made or received, unless to amend, postpone, lay on table or to adjourn, and no question shall be considered before council until moved and seconded.

15th. A motion to adjourn shall be in order any time, unless council shall be engaged in voting upon some proposition.

16th. All reports of committees shall be in writing a responsive to the purpose of its appointment.

17th. No member of council shall depart during its session without permission.

18th. The council shall have the right to compel attendance of members and in case any member shall refuse to attend any meeting of the council after being notified to

attend, the presiding officer may issue his warrant ordering his apprehension and bringing before council and his remaining present during its session so as to secure proper attendance to transact business.

19th. All petitions for the remission of fines and penalties shall state fully the reasons such remissions are asked for and shall be supported by affidavit.

20th. Charges against officers shall be in writing, specifying the nature of the charge, facts and circumstances attending same and be supported by affidavit.

21st. All bonds of officers shall be approved by council and carefully filed away and a record of the same and the sureties and penal sum shall be entered on the minutes, together with action of approval.

22nd. The records of the council shall be kept in two books, one to be known as "Minute Book" in which shall be kept a complete record of general administrative and current actions and proceedings and the other to be known as "Ordinance Book" in which shall be kept all matters of a legislative nature.

23rd. These rules are only directors and may be changed, annulled, modified and enlarged from time to time.

24th. Subsequent enactments modifying, annulling or changing ordinances shall indicate by chapter and section number of article of ordinance so changed.

CHAPTER V.

DUTIES OF THE MAYOR

1st. The mayor shall be the chief executive officer of the town and shall see that all by-laws, ordinances and laws of the town are properly enforced, respected and observed and that the several subordinate officers faithfully discharge their duties.

2nd. He may arrest and cause to be arrested all persons committing any violation of any laws or ordinances in his view without warrant and likewise arrest and cause to be arrested all persons riotously tumultuously and unlawfully assembled and for the purpose call out the power of the town and have any of such persons brought before him for trial and without warrant may enter the nature of the violation committed in his view on his docket and impose proper fines and penalties.

3rd. In the absence of the mayor from the town or during his sickness or inability to discharge his duties the recorder shall perform the duties of the mayor and be invested with all his powers.

4th. The mayor shall have charge of the corporate seal of the town and affix the same to all proper documents without charge.

5th. The mayor may appoint special police officers to assist sergeant in the discharge of his duties when exigencies of the time may require and administer to them a proper oath and make a report thereof to council.

6th. Upon complaint of a creditable person under oath

of the commission of some violation of some ordinance or law of the town he shall issue his warrant commanding the person charged therewith to be brought before him for trial which warrant he shall deliver to the sergeant or other police officer for service and upon apprehension of the person and the production of his body he shall proceed to try the case, but may continue the case from time to time if in his opinion justice will be promoted thereby and may issue subpoenas for and compel attendance of witnesses and at such trial shall acquit the party or find him guilty and, if found guilty, shall fix and adjudge the penalty provided by the town law or ordinances and if the punishment is by fine only, he shall announce the amount thereof and may require the immediate payment thereof and default thereof, he may order the offender to be committed to the town jail for a period not to exceed ten days for such default, whereupon the sergeant or police officer without other warrant or mittimus commit and confine such offender in such jail the required time.

7th. Or the mayor may order such offender discharged from arrest and may issue executions for such fines, penalties and costs and deliver same to the sergeant for service.

8th. The mayor may also in addition to such fines impose prison sentences on persons adjudged guilty of the infraction of laws and ordinances carrying such penalties and the said sergeant or other police officer shall without other warrant or commitment commit and confine such persons to the town jail for the required time.

9th. The mayor may punish for contempt a person

guilty of any of the following acts, and in no other case:

1st. Contemptuous or insolent behavior toward such mayor while engaged in the trial of a case or during council meetings.

2nd. Any breach of the peace, wilful disturbance indecent conduct in the presence of the mayor or acting mayor while so engaged in trial of case or meeting of council, or so near thereto as to obstruct or interrupt his proceedings.

3rd. Violence or threats of violence to such mayor, or any officer, witness, member of council or other person going to, attending or returning from any trial council meeting before the mayor in respect to anything done or to be done in such trial or meeting.

4th. Misbehavior of any officer in his official character in respect to any action or trial or council meeting held, had or pending before such mayor or his refusal to properly execute any lawful order of such mayor.

5th. The mayor shall keep a book to be known as "Mayor's Docket" in which he shall enter briefly the nature of all complaints made before him, the name of the party making the same and also the name of the party charged, the issuance of the warrant and the person to whom it was delivered for service, the appearance of the accused before him, the continuances, if any, and the time thereof, the recognizances taken, the witnesses summoned and examined in behalf of the town and those on behalf of the accused, the judgment, fine

and penalty and costs incurred both by the town and de-

fendant separately, whether such fine was paid and, if not, whether offender was ordered imprisoned in default of same and the length of the time of such imprisonment and shall also note all orders of imprisonment.

6th. No trial of any party accused shall proceed in his absence and in all cases of conviction the party shall have a right to an appeal in all cases of judgments of imprisonments or fines of ten dollars or more and in all cases fines shall be made ten dollars upon demand of the defendant upon execution of a proper bond in sufficient penalty to be fixed by the mayor with good personal security to be approved by the mayor.

7th. The mayor shall include and collect with his fines on behalf of the town such fees and costs as are allowed justices and constables and witnesses for like services under the laws of West Virginia; but no costs shall be allowed the defendant against the town.

8th. The mayor shall upon the expiration of the term of his office turn over to his successor all books, papers and documents belonging to his office.

9th. The mayor shall conform his proceedings to all the laws of the State of West Virginia respecting justices of the peace in so far as they are applicable to his office and may and shall perform all the duties required of him and invested in him by said laws of the State of West Virginia.

CHAPTER VI.

DUTIES OF RECORDER

1st. In the absence of sickness or vacancy in office of the mayor the recorder shall perform the duties of the mayor and at the sessions of the council during such absence, sickness or vacancy the said recorder shall be presiding officer and there shall be a recorder elected pro-tempore during such absence, sickness and vacancy.

2nd. It shall be the duty of the recorder to keep a journal of minutes of the proceedings of the council, keeping record of administrative matters in the Minute Book and orders of a legislative nature in the Ordinance Book and shall have charge of all the various official books, papers and documents of the town, except Mayor's Docket and Treasurer's records and shall be responsible for the safe keeping of the same. All records of the town shall be kept in a permanently bound book that same may be permanently preserved.

3rd. The said recorder shall issue drafts or warrants on the sergeant, which shall only be done upon order of council which said drafts or warrants shall be duly signed by the mayor and recorder and shall specify on their face the fund out of which they are payable and for what purpose or service they were issued and to whom issued and the amount thereof.

4th. Notwithstanding the above provisions, the said mayor and recorder may without order of council issue warrant on the sergeant for fixed expenses, and salaries of officers

of the town as they shall respectively accrue.

5th. The recorder shall keep a regular book of account showing the total aggregate assessment of all property within the town, the number of licenses issued and to whom issued and the license tax or charge, number of polls in said town, the number of sex of dogs and make a proper charge against the sergeant of all moneys he shall receive and become charged, except fines from mayor's office, as well as a list of all warrants drawn on sergeant, showing the moneys with which he should be credited and shall make proper minutes or entries or all settlements had with sergeant, showing the state of his accounts, which said books and records shall be open at all times to the inspection of the council or any member thereof.

6th. The recorder shall be entitled to a fee of fifty cents for each and every license and like sum for every transfer thereof, to be paid by the applicant therefor.

CHAPTER VII.

DUTIES OF SERGEANT

1st. At the first meeting of the council it shall proceed to elect a town sergeant to serve during the will and pleasure of the council and the person so elected shall before proceeding to exercise the duties of his office take and subscribe a proper oath of office before some person authorized to administer oaths and file the same together with his bond with the recorder of the town, which said bond shall have as sureties thereon four free holders of the town or surety company and shall be in such penalty as the town may require and

which shall be submitted to and approved by the council and a minute of such approved entered of record on the minutes of the council.

2nd. It shall be the duty of the sergeant to carry into effect all the orders of the council and he shall be ministerial agent or officer of the mayor and shall execute all writs, processess, warrants, executions and other orders of the mayor or persons lawfully exercising the powers of the mayor and shall collect all taxes, levies and fines imposed by the mayor and council and shall preserve the peace and good order of the town and shall apprehend and take before the mayor and formally charge all persons committing any violations of any of the laws and ordinances of the town in his view and he shall also exercise all other lawful powers that may be conferred on him by the said council and all powers conferred on him by the laws of the State of West Virginia and he shall have the right to call to his assistance in the performance of his duties, when he shall consider there to be a necessity therefor any male person not under twenty-one years of age and not over fifty years of age.

3rd. The sergeant shall be entitled to such salaries and commissions as shall be allowed him by council and the same fees that a constable is entitled to under the laws of the State of West Virginia for like services for services performed by him for said town, to be taxed in the way of costs and recovered by the town, but he shall not be entitled to any fees as against the town, unless recovered against the adverse party.

4th. By virtue of his office the sergeant shall be the treasurer of the town and shall collect and receive all moneys belonging and coming to the town and shall have control and custody of all the property of the town, except property in control of the mayor and recorder, and shall properly care for and preserve the same and pay out moneys of the town to those entitled thereto upon proper vouchers or warrants drawn on him and signed by the mayor and recorder and shall at any time he may be called upon by the town to exhibit copies of his accounts, showing the amounts received and the persons from whom they were received and the amounts paid out and to whom paid and the balance in his hands, and shall make settlement with the recorder every six months, on the 1st day of February and the 1st day of September, of each year.

5th. Upon the termination of his term of office the sergeant shall turn over to his successor all unpaid tax tickets and all moneys belonging to the town and likewise all other property and shall take from him proper receipts therefor, which he shall file with the recorder, or council.

6th. The sergeant is hereby made "Fire Marshal" within the town and is hereby clothed with the power upon the breaking out of conflagrations within the town to take command and exercise and control of the volunteers to assist in the extinguishing of such fires and arrest and hold in custody disobedient and refractory persons and to prevent the congregating of persons in the streets at points that will interfere and obstruct the fighting of the fires and to have the

right to direct the use of the fire fighting apparatus of the town and to enforce obedience to his commands with regard to fire fighting and, in case the same is absolutely necessary may dynamite and otherwise remove and tear down buildings to prevent the further spread of flames.

CHAPTER VIII.

RELATING TO SALARIES

1st. Until otherwise changed by ordinance the following salaries and wages shall be paid to the several officers and as to the mayor and recorder the same shall not be increased or diminished during their terms of office, that is to say:

Mayor, not to exceed two hundred dollars per annum, exact amount to be set on the 1st Monday of July of each alternate year, beginning July 1st 1939 to be paid in quarterly installments.

Recorder, not to exceed one hundred and fifty dollars per annum, exact amount to be set on the 1st Monday of July of each alternate year, beginning July 1st 1939 to be paid in quarterly installments.

Until otherwise ordered by council the wage of day laborers for common labor in repairing and grading streets and alleys and laying and opening of drains, sewers and like labor and service shall be at the rate of two dollars and forty cents per day of eight hours.

CHAPTER IX.

RELATING TO FINANCE AND TAXATION

1st. A meeting of the council shall be held on the first

CHAPTER IX-A

ARTICLE 4

LICENSES

1. License fees required.
2. Penalties
3. Revocation
4. Issuance by council.
5. Issuance by recorder.
6. Minimum charge; pro rate.
7. License year.
8. Transfers.
9. Recorder's fees.
10. Annual license fees.
11. Term license fees; roller coaster; theaters.
12. Non intoxicating beer.
13. Package dealer.
14. License fees; fraternal clubs.
15. License year.
16. Applications.
17. Qualifications.
18. Revocation.
19. Penalties.
20. Credit to general fund.

Sec. 1. License fees required.

No person shall, without a city license, engage in or prosecute, within the Town of Lumberport, any of the businesses, activities, trades or employments, or exercise any of the following privileges.

(a) Keep a hotel or eating house or

(b) Keep for public use or resort, any bowling alley, pool table, billiard table, bagatelle table, or any table of like kind; or

(c) Exhibit any circus, menagerie, circus and managerie combined, theatrical performances, street or other carnival, or public show, to which admission is charged for money or reward, except any educational, literary, dramatic, musical or benevolent society, or volunteer fire company, not conducted for private profit, unless professional or paid talent, other than director, is employed in such performance or exhibition; or

(d) Run or operate for profit a merry-go-round, or roller coaster, scenic railway, or like device, or keep for public use or resort a shooting gallery, skating rink, or run or operate a crane rack, doll baby rack, knife rack, striking machine, jingle board, punch board, artful dodger, candy wheel, or other scheme or device by which merchandise or other things of value are disposed of by game of chance, or like device, or human laundry device; or dip device; or

(e) Act as hawker or pedler, provided that bona fide farmers pending farm products shall not be required to have a license; or

(f) Act as auctioneer; or

(G) Practice the business of a real estate agent, stock broker, or other broker by buying and selling for others stock securities or any other property for a commission or reward; or

(h) Practice the business of money broker, buying or selling undercurrent or depreciated money or funds, or exchanging one kind of money for another for benefit or reward; or

(I) Practice the business of pawn broker by lending money or other things for profit, for or on an account of personal property deposited with the lender in pledge; or

(j) Sell or offer for sale merchants' trading stamps, premium stamps, or stamps or certificates of like nature, or to undertake to redeem such stamps or certificates in money or goods; or

(k) Carry on the business of junk dealer, or act as agent, solicitor, canvasser or salesman, for any junk dealer; or

(l) Sell pistols, revolvers, dirks, sling shots, billies, bowie knives, metallic or other false knuckles, or weapons of like kind, or

(m) Maintain any slot machine, or other automatic device, which for the same profit or reward, in each case, and without any violation of law, furnishes music or exhibits pictures, or provides facilities for weighing, or supplies merchandise or other thing; or renders any service, but no slot machine or other automatic device with respect to which, or its operations, service or supplies there is any element of chance, (being a gaming table within the meaning of section one, article ten, chapter sixty-one of the Code of West Virginia) Shall be protected a license; or

(n) Manufacture, sell or distribute, either at retail or wholesale, any and all preparations of every kind, character or nature, commonly known as soft drinks, including bevo, pabie, milo, noxie, ginger ale, near-beer, coco-cola, pop grape juice, and all other preparations of like nature and character; or

(o) Solicit or carry on or practice the business of a collection agency or association, whether it be a person, firm or corporation; or

(p) Keep or maintain for public use or resort, a taxi-cab stand or any place of like character; or

(q) Act as a fortune teller, palmist, pornographer, spiritualist, medium, clairvolant, mind reader, or perform the art of profession of telling the past or forecasting the future; or

(r) Engage or conduct in the transient business of selling goods, wares and merchandise and commonly known as "itinerant vending" or

(s) Manufacture, sell or distribute, either at wholesale or retail, non-intoxicating beer, as defined in section twelve of this ordinance.

Nothing in this chapter contained, and no license or payment under the provisions hereof, shall be taken to legalize any act which otherwise may be in violation of law, or exempt any person from any penalty prescribed for such violations.

Section 2. Penalties.

Any person convicted of the violation of the preceding section, or any sub-section thereof, shall be fined not less than twenty, nor more than one hundred dollars and may be imprisoned in the city jail not more than sixty days.

Section 3. Revocation.

Licenses may be revoked by council for violation of the terms, and conditions of the same or the provisions of this chapter, at a meeting of the council of which the holder of such license shall have been given at least ten days notice.

Section 4. Issuance by council.

Every person desiring a city license to keep for public use or resort, a bowling alley, pool table, billiard table, bagatail table or any table of like character shall apply in writing to the city council specifying the place of which the same shall be kept and conducted, and, if the council see fit to grant the same shall enter an order authorizing the recorder to issue such a license.

Section 5. Issuance by recorder.

Subject to the exceptions contained in the preceding section, the recorder shall issue license to all persons applying therefor, who pay the fees he reinafter provided, and such licenses when signed by him and the fees therefor have been paid, shall be valid licenses, but no license shall be valid until the fee or tax shall be paid in full.

Section 6. Minimum charge; pro rate.

Licenses shall be issued for the current fiscal year, except in instances where the schedules or charges are fixed for shorter or other periods of less than a year, but in all other cases the amount of the charge shall be the yearly license rate or charge and licenses shall be issued for the time or periods for which the charges have been made. If a license be granted for a period of less than one year, the tax shall be computed from the annual tax in proportion to such time as the license has to run, unless specifically other wise provided; and provided further, that no license for any purpose or for any length of time shall be issued for less than two dollars.

Section 7. License year.

The license year shall begin on the 1st. day of July of each year and on the 30th, day of June of the following year.

Section 8. Transfers.

Any one desiring to transfer or assign a license for which the asset of the council must be had prior to issue, shall likewise apply to the council for permission for such assignment or transfer, specifying the person to who such transfer is to be made, and if council shall approve of the same, shall enter an order of record allowing such transfer, whereupon the recorder shall issue license to the transferee for the unexpired time of such license fee to the recorder, and in all other cases the recorder shall issue new license to licenses for the unexpired term upon the surrender of the old license and payment of his fee.

Section 9. Recorder's Fee.

The recorder shall be entitled to a fee of fifty cents for each license issued or transferred by him.

Section 10. Annual license fees.

The annual license fees or charges shall be as follows:
Hotel; \$10.00; lunch wagons \$100.00; restaurants \$10.00; eating places not operated in connection with a hotel \$10.00; stock broker or other broker \$100.00; real estate agent or real estate broker \$100.00; retail dealers in tobacco, except cigarettes \$5.00; cigarettes and tobacco \$10.00; bowling alleys for public use where a charge is made \$25.00; for the first one and \$15.00 for each additional one; billiard or pool table or tables of like kind for public use or resort, where any charge is made \$25.00 for the first one and \$15.00 for each additional one; resident junk dealers

\$25.00; junk dealers agent \$10.00; non-resident junk dealer, or his agent \$150.00; itinerant junk collector \$2.00; trading stamps premium stamps or certificates \$100.00; penny slot machines and like devices (for vending purposes) \$2.00; any other slot machines for vending purposes \$5.00; taxie cab stand or place of like kind \$10.00 sell weapons, pistols, revolvers, dirks, slug shots, bowie knives, etc., \$10.00 pawn broker \$25.00; collection agencies \$25.00; hawkers and peddlers, without motor vehicle \$10.00 Hawkers and peddlers, with motor vehicle, of not more than one-half to capacity, but not exceeding one ton capacity \$50.00; with motorvehicle of more than one ton capacity, but not exceeding two tons capacity \$100.00; with motor vehicle of more than two tons capacity \$150.00; plus \$100.00 for each additional ton or fraction thereof over two tons capacity, and the person licensed shall pay at the same rate for each and every motor vehicle so used; shooting galleries for public use or resort \$25.00; skating rink \$15.00 selling, distributing, mixing and preparing wholesale soft drinks \$5.00; retailing same \$5.00; fortune telling \$200.00; and itinerant vendors \$500.00.

Section 11. Term license fees; roller-coaster; theaters.

The license tax to operate a roller-coaster, merry-go-round scenic railway, or like device shall be for one week \$10.00 each; for three months \$30.00 each; six months \$50.00 each; one year \$100.00 each. The license fee to operate doll baby rack, can rack, knife rack, striking machine, jingle board, punch board, artful dodger, candy wheel, or other schemes or devices by which merchandise or other things of value is disposed of, by game or chance or like device, or human laundry device, or tip device \$5.00 for one week; for three months \$20.00, for six months \$30.00 and for one year \$50.00.

The license fee to conduct a theatrical performance of any kind shall be \$10.00 for each week, provided, however, that in view of the fees for conducting a theatrical performance, as above set out, a theatre, opera house or other permanent place for public shows may be kept or maintained upon the payment of the fees for such theatre, opera house or other permanent place for public shows as follows: for three months the fee shall be \$10.00, for six months \$15.00, and for one year \$20.00.

The license fee to exhibit a circus or menagerie, or circus and menagerie combined, wild west show, or other itinerant show not exhibited in a theater, opera house or other permanent place for public shows shall be \$4.00 for each railroad car and \$3.00 for each truck used to transport the property and equipment of such shows.

The license fee to exhibit a street or other carnival shall be five dollars a week for each entertainment, performance, or exhibition given at or in the vicinity of such carnival. Each such entertainment, performance or exhibition shall require separate license, whether or not shown under the same canvas and whether or not exhibited for additional compensation; and upon any such entertainment, performance or exhibition being concluded so that an additional fee for admission is charged, an additional license fee shall be required for any further or additional entertainment, performance or exhibition. To operate any riding device of any kind at or in the vicinity of any street or carnival show, the fee shall be ten dollars a week for each such device. To keep or maintain any concession stand selling service, goods, wares or merchandise, such as food, soft drinks, ice cream, candy floss and the like, at or in the vicinity of such street or carnival show, the fee shall

be five dollars a week for each such concession. To maintain any concession stand such as ball games, bingo, canerack, penny pitch, pitch-till-you-win, striking machine, weighingmachine, shooting gallery, artful dodger, bumper, fish pond, dart game, or other legitimate games of skill, none of which shall be controlled by the operator, at or in the vicinity of any street or carnival show, the fee shall be ten dollars a week for each such concession. To operate or maintain a candy wheel or any other legitimate merchandise wheels, when operated without control of the operator, shall be twenty-five dollars a day, too operate or maintain rides or all kinds shall be ten dollars each a week.

Section 12 Non Intoxicating Beer.

The words "non-intoxicating beer", as used in this ordinance, shall be construed to embrace all beer, lager beer, ale, porter, malt liquors, and all other mixtures and preparations of like nature containing not more than three and two-tenths per cent of alcohol by weight, which are hereby declared to be non-intoxicating; the word "liquors" Shall not be construed to include or embrace any beer, lager beer, ale, porter, malt liquors, or any other liquid mixture or preparation containing not more than three and two-tenths per cent of alcohol by weight.

Section 13. Package Dealer.

The words "package dealer", as used in this ordinance, shall mean and include any person, firm, association, partnership, or corporation holding a Class B. retail license, and selling, delivering or otherwise distributing within the Town of Lumberport

non-intoxicating beer for consumption at a place other than his, it's, or their established and licensed place of business in quantities of less than five gallons. The word "dispenser", as used in this ordinance, shall mean and include any person, firm, association, partnership or corporation, holding a Class A retail license, and selling, serving, delivering or otherwise dispensing non-intoxicating beer, whether in glass bottles or in draught, for consumption at his, its, or their established and licensed place of business. The words "manufacturer or brewer", as used in this ordinance, shall mean and include any person, firm, association, partnership or corporation, manufacturing, in the Town of Lumberport, non-intoxicating beer for sale at wholesale. The word "distributor" as used in this ordinance, shall mean and include any person, firm, association, partnership or corporation, other than a manufacturer or brewer, jobbing or distributing non-intoxicating beer to a package dealer or dispenser at wholesale.

Section 14. License fees; fraternal clubs.

There is hereby levied and imposed upon package dealers as herein defined, an annual license tax of \$15.00, and upon dispensers, as herein defined, an annual license tax of \$100.00. There is hereby levied and imposed upon Manufacturers or brewers as HEREIN DEFINED, manufacturing non-intoxicating beer within the Town of Lumberport, an annual license tax of \$500.00. There is hereby levied and imposed upon "distributor", as herein defined, annual license tax of \$250.00.

Each such package dealer, dispenser, manufacturer or brewer and distributor being engaged in the business of selling, delivering or otherwise distributing non-intoxicating beer, and having more than one place of business within the Town of Lumberport, shall pay the full amount of the annual tax hereby imposed for each fraternal, or private club not operating for profit, and having been in continuous operation for two years or more prior to the enactment of this ordinance shall pay an annual license tax of \$50.00 as a dispenser hereunder.

Section 15. License year.

Licenses for the sale of non-intoxicating beer, shall be for the term of one year commencing on the 1st day of July of each year and ending on the 30th day of June of the following year. If granted for a less period of less than one year the annual tax thereon shall be computed quarterly from the annual tax in proportion to such time as the license has to run.

Section 16. Applications.

All licenses under this ordinance for manufacturers, brewers, distributors, package dealers, and dispensers, including social and fraternal clubs, shall be issued by the recorder.

Each such package dealer or dispenser on or before the first day of July of any year, shall make out and deliver to the recorder upon a blank to be furnished by the recorder for that purpose, a statement showing such package dealer or dispenser, a brief and accurate description of the place where his business as such package dealer or dispenser is conducted and by whom owned. Such statement shall be signed and sworn to before a notary public or other officer empowered to take acknowledgements to deeds.

Section 17. Qualifications.

A license shall be issued by the recorder so empowered in this ordinance to any person, firm association, partnership, or corporation to act as a dispenser who, as to individuals, submits a written application for a license, which application shall state under oath:

(a) The name residence of the applicant, how long he has resided there, that he has been a resident of the state for a period of two years next preceding the date of his application, that he is twenty-one years of age, and, if a firm, association, partnership or corporation, the residence of the members or officers for a period of two years next preceding the date of such application: provided, that if any person, firm, partnership, association or corporation, the members or officers thereof, shall state under oath that he or they have been bona fide residents of the state for four years next preceding the date of such application.

(b) The place of birth of applicant and that he is a citizen of the United States and, if a naturalized citizen, when and where naturalized; and, if a corporation, organized or authorized to do business under the laws of the state, when and where incorporated with the names and addresses of each officer; that each officer is a citizen of the United States and a person of good moral character; and if a firm, association or partnership, that each member is a citizen of the United States and if a naturalized citizen, when and where naturalized, each of whom must; qualify and sign the application. Provided, however, that the requirements as to residence shall not apply to the officers of a corporation which shall apply for a Class B. retailer's license, but the officer, agent, or employee who shall manage and be in charge of the licensed premises shall possess all the qualifications required of an individual applicant for a retailer's license, including the

the requirements as to residence:

(c) The particular place for which the license is desired and a detailed description thereof;

(d) The name of the owner of the building and, if the owner is not a applicant, that such applicant is the actual and bona fide lessee of the premises;

(e) That the place or building in which it is proposed to do business conforms to all laws of health and fire regulations applicable thereto, and is a safe and proper place or building;

(f) That the applicant has never been convicted of a felony, or a violation of the liquor laws either federal or state;

(g) That the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed, and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license;

(h) That the applicant has not during five years next immediately preceding the date of said application had a non-intoxicating beer license revoked, nor during the same period been convicted of any criminal offense.

Section 18. Revocation.

The city council may revoke the license of any licenses subject to an appeal of any licensee to a court of competent jurisdiction, whenever, if shall be of opinion;

(1) The licensee is guilty of any violation of non-intoxicating beer law of the State of West Virginia.

(2) The licensee had made false statements in his, their, or its application, for the purpose of fraudiently obtaining a license.

Section 19. Penalties.

Any person who violates any of the provisions or section 12 to 18, inclusive, of this ordinance, or who makes a false statement concerning any material fact in submitting an application for a license or for a renewal of a license or in any hearing concerning the revocation thereof, shall be punished for each offense by a fine of not less than twenty five dollars nor more than one hundred dollars or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment.

Any person, other than parent or guardian, firm, association, partnership or corporation holding a license under this act who shall sell or give any non-intoxicating beer to any person under the age of eighteen years, knowing, or having reason to believe that such person is under the age of eighteen years, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined by the mayor not less than twenty five dollars, nor more than one hundred dollars.

Section 20. Credit to general fund.

All license taxes collected under the provisions of this ordinance shall be paid to the treasurer of the city in the manner now provided by law, and credited to the general fund.

