

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 12- 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.

I IT IS HEREEY 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AND ALL FORMER ACTS, RESOLUTION, BY-LAWS RULES, ORDINANCES AND ENACTMENTS OF A GENERAL NATURE ARE HEREBY ANNULLED AND REPEALED.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 contex 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 day.

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 proposition.

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 ordinance so changed.