

## CODIFIED ORDINANCES OF BRIDGEPORT

### PART ONE - ADMINISTRATIVE CODE

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## CODIFIED ORDINANCES OF BRIDGEPORT

### PART ONE - ADMINISTRATIVE CODE

#### CHAPTER ONE - General Provisions

##### Art. 101. Codified Ordinances.

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#### ARTICLE 101

##### Codified Ordinances

101.01 Designation; citation; headings.	101.06 Acts by agent or deputy.
101.02 General definitions.	101.07 Conflicting provisions.
101.03 Rules of construction.	101.08 Separability.
101.04 Repeal of repealing act; effect of repeal.	101.99 General penalty.
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#### CROSS REFERENCES

See sectional histories for similar State law

Maximum penalty permitted - see W. Va. Code 8-11-1, 8-12-5(57)

Authority to impose penalties - see W. Va. Code 8-11-1, 8-12-2(11)

Codification of ordinances - see W. Va. Code 8-11-4(b)

#### 101.01 DESIGNATION; CITATION; HEADINGS.

(a) All ordinances of a permanent and general nature of the Municipality as revised, recodified, rearranged, renumbered and consolidated into component codes, chapters, articles and sections shall be known and designated as the Codified Ordinances of Bridgeport, West Virginia, 1985, for which designation "Codified Ordinances" may be substituted. Code, chapter, article and section headings do not constitute any part of the law as contained in the Codified Ordinances.

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

#### 101.02 GENERAL DEFINITIONS.

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

- (a) Council means the legislative authority of the Municipality.
- (b) County means Harrison County, West Virginia.
- (c) Land or lands and real estate or real property include lands, tenements and hereditaments, and all rights thereto and interests therein except chattel interests.
- (d) Laws of the State includes the Constitution of the State and the Constitution of the United States, and treaties and laws made in pursuance thereof. (WVaC 2-2-10)
- (e) Municipality or City means the City of Bridgeport, 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)



- (s) Health Officer means the head of the department or agency of the government of Harrison County having to do with health, sanitation and related matters, as well as any other public officer having jurisdiction within this City with respect to health, sanitation and related matters; "health officer" also includes their duly constituted representatives.

#### 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.

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

(b) The imposition of a jail sentence or a period of imprisonment in jail as a penalty or punishment for offenses against, or violations of, the Codified Ordinances or any ordinances of the City is hereby eliminated or repealed, except to the extent that any such imprisonment or period of confinement in jail shall relate to matters involving contempt of the Municipal Court or as may be otherwise specifically required by law. All other fines, penalties, or punishments for offenses against, or violations of, the Codified Ordinances of the City or any ordinances of the City shall remain in full force and effect. (Ord. 1-01. Passed 2-2-01.)

ARTICLE 103  
Official Standards

103.01 City Seal.

CROSS REFERENCES

Legal holidays - see W. Va. Code 2-2-1

Daylight savings time - see W. Va. Code 5-1-25

Computation of time - see ADM. 101.03(c)

Seal - see W. Va. Code 8-12-1(l)

103.01 CITY SEAL.

(a) The City Seal shall be a corded circle, within which shall be another corded circle; and between these two circles and conforming to the arcs of the circumferences thereof, at the top, shall be the words in capital letters "CITY OF BRIDGEPORT, W. VA"; and at the bottom there shall be a star. Across the center of the inner circle shall be the word, set horizontally in capital letters, "SEAL", above which and conforming to the arc of the inner circle shall be the word, set in smaller capital letters, "INCORPORATED"; and beneath the word "SEAL" shall be the figures "1887".

(b) The Recorder shall be the custodian of the City Seal.(1976 Code Sec. 1-9)



ARTICLE 105  
Emergency Services

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| <p>105.01 Policy and purpose.</p> <p>105.02 Definitions. prohibited.</p> <p>105.03 City organization for emergency services.</p> <p>105.04 Director of Emergency Services: appointment; responsibilities.</p> <p>105.05 Powers and duties of the Director.</p> <p>105.06 Utilization of existing services and facilities.</p> | <p>105.07 Political activity</p> <p>105.08 Qualifications and oath required of emergency services personnel.</p> <p>105.09 Enforcement; availability of file of orders, rules and regulations.</p> |
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CROSS REFERENCES

Emergency services - see W. Va. Code Art. 15-5  
Falsely reporting an emergency incident - see  
GEN. OFF. 501.08

105.01 POLICY AND PURPOSE.

(a) In view of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, earthquakes or other natural or manmade causes, and in order to insure that preparations of the City will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health and safety and to preserve the lives and property of the people of the City, it is hereby found and declared to be necessary to create a City emergency services agency; to confer upon the Mayor and Council and the organization established by this article the emergency powers provided herein; to provide for the rendering of aid, on a mutual basis, to other communities and local governmental units to the extent authorized or permitted by State and Federal laws and regulations, and to the extent of the capabilities of the City; and to provide cooperation with the State and Federal governments with respect to the carrying out of emergency service functions.

(b) It is further declared to be the purpose of this article and the policy of this City, that all emergency service 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 the City's manpower, resources and facilities for dealing with any disaster that may occur.

(c) It is further declared to be the purpose of this article and the policy of the City to organize an emergency services organization in conformity with the comprehensive plan and program prepared by the Governor pursuant to West Virginia Code 15-5-5, and as the City is directed to do by West Virginia Code 15-5-8. (1976 Code Sec. 7-1)

#### 105.02 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) "Emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which 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 or manmade causes. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, air-raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare service, 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 and 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.
- (b) "Local organization for emergency services" means an organization created in accordance with the provisions of West Virginia Code Article 15-5 by State or local authority to perform local emergency service functions.
- (c) "Mobile support unit" means an organization for emergency services created in accordance with the provisions of West Virginia Code Article 15-5 by State or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area.
- (d) "Political subdivision" means any county or municipal corporation in the State. (1976 Code Sec. 7-2)

#### 105.03 CITY ORGANIZATION FOR EMERGENCY SERVICES.

(a) Pursuant to the provisions of West Virginia Code 15-5-8, there is hereby established the City organization for emergency services, which may be known as the Bridgeport Emergency Services Organization, and which shall consist of the Director of Emergency Services and such other members as may be required from time to time and authorized by Council.

(b) Council shall have general direction and control of the Emergency Services Organization and shall be responsible for carrying out the provisions of this article. (1976 Code Sec. 7-3)

**105.04 DIRECTOR OF EMERGENCY SERVICES: APPOINTMENT; RESPONSIBILITIES.**

The Director of Emergency Services, hereinafter in this article referred to simply as the Director, shall be appointed by Council, to serve at its will and pleasure. Subject to the direction and control of Council, the Director shall be the executive head of the Emergency Services Organization and shall be directly responsible to Council for the organization, administration and operation of the local emergency services program. (1976 Code Sec. 7-4)

**105.05 POWERS AND DUTIES OF THE DIRECTOR.**

(a) The Director shall coordinate the activities of all organizations concerned with any or all phases of emergency services which may exist within the City and shall maintain liaison and cooperate with the emergency services agencies and organizations within the State and within the State Government.

(b) The Director, in the performance of his duties, is hereby authorized to cooperate with the State Government, with other cities and counties of the State, and with private agencies in all matters pertaining to emergency services of the City and of the State.

(c) In performing his duties under this article, and to effect its policy and purpose, the Director 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 and Federal Governments.
- (2) To prepare a comprehensive plan and program for emergency services for the City, such plan and program to be integrated into and coordinated with the 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 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 organization in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency services personnel in time of need.
- (4) To make such studies and surveys of the industries, resources and facilities in the City as may be necessary to ascertain the capabilities of the City to provide for emergency services, and to plan for the most efficient emergency use thereof.
- (5) On behalf of the City, to enter into mutual aid arrangements with other cities and counties within the State, and also, with the approval of the Governor of the State, with emergency services agencies or organizations of other States, for reciprocal 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.
- (7) To cooperate with the governor and the State Office of Emergency Services 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 electronic and mechanical services to be used in connection therewith;
  - C. The effective screening or extinguishing of all lights and lighting devices and appliances and of all devices emitting electronic signals of any character whatever;
  - 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.

(1976 Code Sec. 7-5)

#### 105.06 UTILIZATION OF EXISTING SERVICES AND FACILITIES.

In carrying out the provisions of this article, the Director 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, and to the Emergency Services Organization upon request. (1976 Code Sec. 7-6)

#### 105.07 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.  
(1976 Code Sec. 7-7)

#### 105.08 QUALIFICATIONS AND OATH REQUIRED OF EMERGENCY SERVICES PERSONNEL.

No person shall be employed or associated in any capacity in the Emergency Services Organization established under this article who advocates or has 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 of information charging any subversive act against the United States. Each person who is appointed to serve in the Organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in the State, which 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 West Virginia, against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or 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 this State by force or violence and that during such time as I am a member of the Bridgeport 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 this State by force or violence." (1976 Code Sec. 7-8)

#### 105.09 ENFORCEMENT; AVAILABILITY OF FILE OF ORDERS, RULES AND REGULATIONS.

The Organization for Emergency Services established pursuant to this article, and the officers thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor of West Virginia pursuant to West Virginia Code Article 15-5, as well as those made by Council and by the Director under authority of this article; and the Director shall maintain in his office, or in the Office of the Recorder, a complete file of all such orders, rules and regulations of the Governor which affect or relate to the City or to the Emergency Services Organization, and all such orders, rules and regulations of Council and himself, while in effect, and this file shall be open to the public for inspection and use during all regular business hours.(1976 Code Sec. 7-9)



ARTICLE 107  
Elections

<p>107.01 Election regulations.</p> <p>107.02 Permanent registration of voters established.</p> <p>107.03 Duties of Recorder.</p> <p>107.04 Establishment of voting precincts.</p> <p>107.05 Regular City elections for Mayor, Recorder and Councilmen; special elections.</p> <p>107.06 Precinct election officials.</p> <p>107.07 Qualification of candidates for office of Mayor, Recorder and Councilmen.</p>	<p>107.08 Notice of election of City officers.</p> <p>107.09 Withdrawal from ballot.</p> <p>107.10 Committee treasurers; required to receive and disburse funds. (Repealed)</p> <p>107.11 Detailed accounts and verified statements.</p> <p>107.12 Ballots.</p> <p>107.13 Canvass.</p>
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CROSS REFERENCES

<p>Elections - see CHTR. Sec. 19</p> <p>Municipal elections - see W. Va. Code 3-1-2a</p> <p>Municipal voting precincts - see W. Va. Code 3-1-6</p> <p>Municipal precinct registration records - see W. Va.</p> <p>3-1-27</p> <p>Absentee voting in municipal elections - see W. Va. Code 3-3-13</p> <p>Integration of municipal elections with systems of permanent registration - see W. Va. Code 8-5-13</p> <p>Special elections - see W. Va. Code 8-5-15a</p>	<p>Code</p>
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107.01 ELECTION REGULATIONS.

(a) The general laws of the State shall apply to and control, as near as may be, all procedures relating to elections, except as such laws relate to political parties or partisan procedure. Council shall be the Municipal election authority, and may prescribe other rules for the conduct of other elections not inconsistent with general law or the provisions of this article.

(b) The powers and duties prescribed by State law for county commissions shall devolve upon Council, and the powers and duties prescribed by State law for clerks of circuit courts and for clerks of county commissions shall devolve upon the Recorder, insofar as the State law may be made applicable to Municipal elections and subject to the provisions of this article. (1976 Code Sec. 6-1)

(c) The Recorder of the City and two persons by him appointed, one from each of the two political parties which cast the largest and second largest number of votes in the last preceding City election, shall constitute a Board of Ballot Commissioners of which Board, the Recorder shall be the chairman. The Recorder shall notify the chairman of the respective executive committees of such two parties at least five days before making such appointments, of the time and place of making the same, and if at any time after such notice is given, and before or on the day so fixed for making the appointments, the chairman of either party designates in writing a member of such party as Ballot Commissioner having the qualifications of a voter, he shall be appointed. A Ballot Commissioner shall be appointed between January 15 and 30 of each year in which an election is to be held for a term of two years, beginning on February 1 next ensuing. Ballot Commissioners shall perform such duties as are prescribed by state law at all general or special City elections held in the City.  
(Ord. 2-91. Passed 2-12-91.)

#### 107.02 PERMANENT REGISTRATION OF VOTERS ESTABLISHED.

Pursuant to West Virginia Code 8-5-13, the conduct of all city elections shall be integrated with the system of "permanent registration of voters" as set out in West Virginia Code Article 3-2, the provisions of which, insofar as they are applicable to the City, are hereby adopted and made a part of this article.  
(1976 Code Sec. 6-2)

#### 107.03 DUTIES OF RECORDER.

(a) The chief election official of the City shall be the Recorder who shall perform such duties as required by ordinance and by West Virginia Code Chapter 3.

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

#### 107.04 ESTABLISHMENT OF VOTING PRECINCTS.

For the purpose of all Municipal elections of the City, the voting precincts in the City shall, to the extent that they lie within the confines of the City, coincide with the boundaries of the voting precincts as fixed by the County Commission of Harrison County for all State and County elections; each County precinct and each part of a County precinct within the City to constitute a separate voting precinct of the City.  
(1976 Code Sec. 6-4)

#### 107.05 REGULAR CITY ELECTIONS FOR MAYOR, RECORDER AND COUNCILMEN; SPECIAL ELECTIONS.

The regular election for the choice of a Mayor and a Recorder and for the choice of five members of Council shall be held on the second Tuesday in June in odd-numbered years. Council may, by resolution, order a special election at any time to determine answers to questions to be submitted or for the election of a new Council by the qualified electors of the City. Any special election of Council shall be held as nearly as is practicable according to the provisions for a regular election.  
(Ord. 2-87. Passed 2-10-87.)

**107.06 PRECINCT ELECTION OFFICIALS.**

The Recorder shall recommend and Council shall approve the appointment of three commissioners and two clerks to hold the election in each precinct in the City. One commissioner in each precinct shall be appointed as Head Commissioner and shall assume a general supervisory role at the polling place. The Head Commissioner shall secure the election supplies from the Recorder before the election and shall, as soon as possible after closing of the polls on election day, deliver to the Recorder the ballots, tally sheets, certificates of results of the election, registration records, ballot boxes and other election supplies.  
(2-8-1983)

**107.07 QUALIFICATION OF CANDIDATES FOR OFFICE OF MAYOR, RECORDER AND COUNCILMEN.**

Candidates for the office of Mayor, Recorder or Councilmen must be qualified voters of the City of Bridgeport, Harrison County, West Virginia. (3-22-1983)

**107.08 NOTICE OF ELECTION OF CITY OFFICERS.**

The Recorder shall cause to be published in a newspaper of general circulation within the City at least seventy-five days prior to each election of City officers a "Notice of Election". (Ord. 8-96. Passed 10-28-96.)

**107.09 WITHDRAWAL FROM BALLOT.**

A candidate for the office of Mayor, Recorder, or Council who files a written statement of withdrawal received by the Recorder by 8:00 a.m. on the first Tuesday following the close of filing is to be removed from the ballot.  
(Ord. 9-96. Passed 10-28-96.)

**107.10 COMMITTEE TREASURERS; REQUIRED TO RECEIVE AND DISBURSE FUNDS.**

(EDITOR'S NOTE: Former Section 107.10 was repealed by Ordinance 10-96, passed October 28, 1996.)

**107.11 DETAILED ACCOUNTS AND VERIFIED FINANCIAL STATEMENTS.**

Every candidate and treasurer of a political party committee shall file a financial statement on forms provided by the Recorder setting forth all contributions and expenditures concerning the candidacy of that person or of the committee's financial activity not less than five nor more than ten days before the election and again within thirty days after the election.  
(2-8-1983)

**107.12 BALLOTS.**

The ballots shall be prepared by the ballot commissioners. The full names of all candidates for office of Mayor shall be arranged under the heading "Mayor." The full names of all candidates for the office of Recorder shall be arranged under the heading "Recorder." The full names of all candidates for Council shall be arranged under the heading "Council." If two candidates for the same office have the same surname, or have names so similar as to be likely to cause confusion, the addresses of their places of residence shall be placed with their names on the ballot. On the first Tuesday following the close of the candidate filing, beginning at 9:00 a.m., a drawing by lot shall be conducted in the office of the Recorder/Clerk to determine position of candidates' names on the ballot. Notice of the drawing shall be given on the form for the certificate of announcement, and no further notice shall be required. The Recorder/Clerk shall superintend and conduct the drawing.

(Ord. 4-95. Passed 2-27-95.)

**107.13 CANVASS.**

Within a week after each election, Council shall canvass the returns of the election and declare the result. A candidate, or candidates, where more than one are to be elected for the same office, who received the greatest number of votes shall be elected.

(3-22-1983)



## CHAPTER THREE - Legislative

- Art. 111. Council.
- Art. 113. Mayor.
- Art. 115. Recorder.
- Art. 117. Ordinances and Resolutions.

ARTICLE 111  
Council

- |         |                                      |        |                                       |
|---------|--------------------------------------|--------|---------------------------------------|
| 111.01  | Meetings; quorum.                    | 111.06 | Sergeant at Arms.                     |
| 111.02  | Annual tax estimate and levy.        | 111.07 | Duties of the Recorder.               |
| 111.03  | Biennial organizational.             | 111.08 | Order of business at meetings.        |
| 111.04  | Meetings to be public; exceptions.   | 111.09 | Rules.                                |
| 111.041 | Notice of meetings of Council.       | 111.10 | Disorderly conduct, etc., prohibited. |
| 111.05  | Procedure when meeting lacks quorum. |        |                                       |

## CROSS REFERENCES

- Open meeting law - see W. Va. Code Art. 6-9A
- Composition - see CHTR. Sec. 4
- General powers - see CHTR. Sec. 4
- Term - see CHTR. Sec. 4
- Vacancies - see CHTR. Sec. 4
- Proceedings - see CHTR. Sec. 5
- Attendance required for voting - see CHTR. Sec. 6
- Oath - see CHTR. Sec. 11
- Adoption of rules - see W. Va. Code 8-12-5(45)

## 111.01 MEETINGS; QUORUM.

- (a) Regular meetings of Council shall be held at the Council Chamber on the second and fourth Monday of each month, beginning at 7:00 p.m. effective July 26, 1993; provided, that when any such day falls upon a holiday Council may fix another day for such meeting; and provided further, that if the Council Chamber is not available or is not suitable for any such meeting, Council may designate another place in the City which is open to the public as the place for holding such meeting.  
(Ord. 6-93. Passed 7-7-93.)

(b) Special meetings of Council, in addition to the annual tax estimate and levy meeting and the biennial organizational meeting, may be called by the Mayor or by any three other members of Council. All such calls for special meetings shall be in writing and signed by the Mayor or by the other three or more members joining in the call; shall set forth the purposes of the meeting and the business to be transacted; a true copy of such call shall be delivered to each member of Council not joining in the call; and delivery to his home shall be sufficient. This provision, however, may be waived by any member of Council and any such waiver shall be entered in the journal of Council in the minutes of the called meeting to which it relates; and the calls shall be delivered as hereinbefore provided not less than eight hours before the time specified for the meeting to convene. At any special meeting which is called pursuant to this subsection, only those subjects stated in the call shall be considered or acted upon, except by affirmative vote of four members of Council then and there present.  
(1976 Code Sec. 2-15)

(c) A majority of the members of the Governing Body shall be necessary for a quorum for the transaction of business at any meeting, regular, adjourned or special.  
(Ord. 10-87. Passed 4-28-87.)

#### 111.02 ANNUAL TAX ESTIMATE AND LEVY.

Each year Council shall fix a date and hour between the seventh and twenty-eighth days of March, and at the time so fixed Council shall meet in public session in the Council Chamber at the City Building and there proceed with the transaction of the business which is the subject of West Virginia Code 11-8-14. Upon completion of that business, the session shall stand adjourned until the same meeting hour on the next following third Tuesday in April, at which time it shall reconvene and Council shall proceed in conformity with the provisions of West Virginia Code 11-8-14a. (1976 Code Sec. 2-16)

#### 111.03 BIENNIAL ORGANIZATIONAL.

(a) At 10:01 a.m. on the first day of July of each odd-numbered year the Mayor-elect, the Recorder-elect and the Councilmen-elect shall meet in special public session in the Council Chamber and shall be called to order by the incumbent Mayor or, in his absence, by the incumbent Recorder or, in the absence of both the incumbent Mayor and the incumbent Recorder, by the eldest Councilman or Councilman-elect, whereupon those officers-elect who have not as yet taken the prescribed oath of office shall do so before an officer who is authorized by law to administer oaths, at which time they shall be deemed to have qualified for the office to which they, respectively, have been elected; provided, that no officer who is required to give bond shall be deemed to have qualified until such bond has been given, except for the specific purpose of participating and voting in this particular meeting and any adjourned session thereof.

(b) Council shall then proceed to adopt, readopt or amend rules governing the official conduct of its members and the transaction of its business, and the failure to do so shall have the effect of continuing in force the rules of the preceding Council. Council shall then proceed to consider and act upon other matters of an organizational nature such as filling vacancies in appointive offices which are within the appointive authority of Council or of the Mayor and Council; but no such office shall be deemed vacant when it is in fact held by an incumbent unless the office be declared vacant by a majority vote of Council.  
(1976 Code Sec. 2-17)

#### 111.04 MEETINGS TO BE PUBLIC; EXCEPTIONS.

All meetings of Council shall be open to orderly members of the public; provided, that Council when sitting as a committee of the whole may go into executive session when authorized under West Virginia Code 6-9A-4 and exclude all persons from attending such executive session except those whose presence is deemed necessary by such committee of the whole; and provided further, that the committee of the whole shall not reconstitute itself as Council until the executive session is terminated and the meeting is again open to orderly members of the public. (1976 Code Sec. 2-18)

#### 111.041 NOTICE OF MEETINGS OF COUNCIL.

Written notice of all meetings of Council shall be given by posting at least twenty-four hours prior to the meeting, at a public place in the Municipal Building, City of Bridgeport, and at the Benedum Civic Center, a written notice stating the time and location of such meeting. (Ord. 11-91. Passed 8-13-91.)

#### 111.05 PROCEDURE WHEN MEETING LACKS QUORUM.

Any two or more members of Council who have assembled at a time appointed for a meeting thereof, and a quorum is not present, shall recess temporarily or adjourn to a subsequent time, and shall cause the Sergeant at Arms to compel the attendance of the absent members or give notice to the absent members of the time to which adjournment has been made, requiring their attendance at such adjourned meeting. (1976 Code Sec. 2-19)

#### 111.06 SERGEANT AT ARMS.

The Chief of Police shall attend all meetings of Council, or cause a competent policeman to do so, to serve as Sergeant at Arms and maintain order in the Council Chamber and in the immediate vicinity thereof; and shall execute all lawful orders and process directed to him by Council or by its presiding officer. (1976 Code Sec. 2-20)

#### 111.07 DUTIES OF THE RECORDER.

The Recorder shall attend all meetings of Council and shall keep, in a well-bound book, which may be known as the journal, an accurate record of all its proceedings, which shall be fully indexed and open to the inspection of all interested persons. Upon request of any member of Council the ayes and noes on any question shall be taken and entered upon the journal. (1976 Code Sec. 2-21)

#### 111.08 ORDER OF BUSINESS AT MEETINGS.

At each meeting of Council the roll shall be called and members shall be recorded in the journal as present or absent. The proceedings of the last meeting shall then be read and corrected, if erroneous, and signed by the Recorder and the presiding officer for the time being; provided, that the reading of the journal of the proceedings of the last meeting may be dispensed with by majority vote of Council if the members thereof have received and examined a copy of the journal or a synopsis thereof prior to the meeting at which the journal is signed. The subsequent proceedings at any regular meeting shall then be as specified in the agenda, prepared in advance by the Mayor or by the Recorder at the direction of the Mayor, except as may be provided otherwise under the rules of Council. (1976 Code Sec. 2-22)

**111.09 RULES.**

Council may by resolution adopt such rules as may be deemed desirable for the conduct of its meetings, the transaction of its business and the official conduct of its members, and may include therein reasonable penalties for the violation thereof; but no such rules shall be inconsistent with State law or this Code. Such rules may include, among other subjects, the following:

- (a) Appointment, jurisdiction and duties of standing and special committees of Council.
- (b) Attendance at meetings of Council by members and by others.
- (c) Investigations and hearings, and compulsory attendance thereat of witnesses and the production of books and papers.
- (d) Parliamentary procedure.
- (e) Preservation of order at meetings.
- (f) Manner and form of petitions, applications and other papers intended for presentation to Council and procedures relating thereto.
- (g) The order of business at regular meetings. (1976 Code Sec. 2-27)

**111.10 DISORDERLY CONDUCT, ETC., PROHIBITED**

(a) No person shall behave in a boisterous or disorderly manner at any meeting of Council or any committee thereof, or shall cause a disturbance thereat, whether by force, shouting or other words or action tending to disrupt such meeting, or shall fail or refuse to obey any ruling or order of the officer presiding at such meeting relative to the orderly procedure thereof.

(b) Boisterous or disorderly behavior within the purview of subsection (a) hereof shall include, but is not limited to, any of the following acts:

- (1) Contemptuous or insolent behavior towards the presiding officer or any member of Council or committee of council, or its Clerk, Sergeant at Arms or any other officer, while Council or committee is in session;
- (2) Any breach of the peace, willful disturbance or indecent conduct in the presence of such Council or committee while so engaged, or so near as to obstruct or interrupt its proceedings;
- (3) Violence or threats of violence to any member of such Council or committee or any officer, witness, or party going to, attending, or returning from, any Council or committee proceeding in respect to anything done or to be done in the course of such proceeding;
- (4) Willful resistance to any lawful order of the presiding officer or Sergeant at Arms at any such meeting.

(c) The presiding officer of Council or of any committee of Council shall have plenary power to order that the Council Chamber and adjacent areas be cleared, or any part thereof, or any person or persons ejected from the Council Chamber or adjacent areas, in the event of disorderly conduct or disturbance which does or tends to interrupt or disrupt the orderly conduct of business by Council or its committee.  
(1976 Code Sec. 2-28)





ARTICLE 113  
Mayor

EDITOR'S NOTE: There are no sections in Article 113.  
This Article has been established to provide a place for cross  
references and any future legislation.

CROSS REFERENCES

Member of Governing Body - see CHTR. Sec. 4  
Selection; powers and duties - see CHTR. Sec. 7  
Term limitation - see CHTR. Sec. 9  
Oath - see CHTR. Sec. 11  
Recall - see CHTR. Sec. 20  
Appointments - see CHTR. Sec. 22



ARTICLE 115  
Recorder

- |   |                           |
|---|---------------------------|
| 115.01 City records.                                | 115.03 Additional duties. |
| 115.02 Property and property insurance inventories. |                           |

CROSS REFERENCES

Member of Governing Body - see CHTR. Sec. 4  
Powers and duties; term; vacancy - see CHTR. Sec. 10  
Oath - see CHTR. Sec. 11  
Recall - see CHTR. Sec. 20

115.01 CITY RECORDS.

The Recorder shall be custodian of all City records, books, documents, correspondence and other instruments and papers for which the custody is not otherwise provided, and he shall certify to all true copies thereof for persons entitled thereto by law and shall charge therefor such fees as may be prescribed by resolution or order of Council. The Recorder shall have such other powers and perform such other duties as may be provided for the office of Recorder by the City Charter, State law, the Codified Ordinances or other ordinance, resolution or order of Council.

115.02 PROPERTY AND PROPERTY INSURANCE INVENTORIES.

(a) The Recorder shall maintain on file in his office an inventory of all real property owned by or leased to the City. This inventory shall be maintained in current status, and during June of each year shall be revised, as may be appropriate, to show changes in value due to depreciation or to repairs, renovations, etc. For each building or lot such inventory shall also show a brief description; a reference to the deed, devise, lease or other instrument whereby the City acquired title to or the use thereof; the department office or agency charged with custody; the purpose or use; the insurance of all types thereon, together with rates as to premiums payable and anniversary dates; and for property owned by the City and leased to other persons, copies of such leases and appropriate notes as to the revenues derived therefrom.

(b) Each City officer or employee having custody of items of nonexpendable personal property of value greater than twenty-five dollars (\$25.00) owned by or leased to the City shall, during June of each year, prepare in duplicate an itemized inventory of such property, showing for each item its value and a brief description, together with identification, by serial number, where applicable; a reference to the instrument, if any whereby title or use was acquired; the department, office or agency having custody; the purpose or use; and the insurance of all types, if any, together with notes as to premiums payable and anniversary dates. The original copy of each such inventory shall be filed in the office of the Recorder and the duplicate copy shall be retained on file in the office of the person who prepared it.  
(1976 Code Sec. 2-9)

#### 115.03 ADDITIONAL DUTIES.

The Recorder shall have the authority to issue warrants for arrest, to administer oaths and to accept and approve sureties and bonds; providing, that the Recorder may only issue warrants, administer oaths or accept and approve sureties and bonds, in the absence of the Municipal Judge.  
(6-26-1984)

ARTICLE 117  
Ordinances and Resolutions

- |   |                               |
|---|-------------------------------|
| 117.01 Ordinances generally.                                  | 117.04 Resolutions and record |
| 117.02 Attestation; record of ordinances.                     | thereof.                      |
| 117.03 Ordinances to amend provisions of Codified Ordinances. |                               |

CROSS REFERENCES

- 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 ORDINANCES GENERALLY.

The action of Council shall be by ordinance in all cases enumerated in West Virginia Code 8-11-3, except as may be otherwise provided by the Code of West Virginia; and the requirements and procedures set out in West Virginia Code 8-11-4 shall be adhered to by Council with respect to the introduction, action upon and passage of all ordinances. (1976 Code Sec. 2-23)

117.02 ATTESTATION; RECORD OF ORDINANCES.

Each ordinance, upon its final passage, shall be signed by the presiding officer of Council and attested by the Recorder, who shall then number it consecutively and record it in the record of ordinances or minute books. (1976 Code Sec. 2-24)

117.03 ORDINANCES TO AMEND PROVISIONS OF CODIFIED ORDINANCES.

(a) Each bill which proposes an ordinance to repeal, amend or add to any portion of the Codified Ordinances, and each bill which proposes an ordinance of a general and permanent nature suitable for inclusion in the Codified Ordinances though constituting new subject matter not therein contained, shall be drafted so as to specify the specific section numbers, subsections, etc., of the Codified Ordinances which are to be repealed or amended and, with respect to additions and to new subject matter, so as to provide appropriate chapter, article, section, etc., numbers therefor; and each amendment of and addition to the Codified Ordinances shall be set out in full and appropriate chapter and article headings and section catchlines shall be included.

(b) Upon the adoption of an ordinance to repeal, amend or add to any portion of the Codified Ordinances, or to include new subject matter in the Codified Ordinances, the Recorder shall separate the several chapters, articles, sections, etc., of such ordinance and enter them in their proper places in each file copy of the Codified Ordinances, and in the margin of each insertion in the file copies of the Codified Ordinances he shall note and initial the date of passage, effective date and number of the amending or repealing ordinance.

(c) The requirements of subsection (b) hereof are in addition to the requirement that each ordinance, upon adoption, shall be included in the record of ordinances or minute books. (1976 Code Sec. 2-25)

#### 117.04 RESOLUTIONS AND RECORD THEREOF.

(a) Each resolution shall, before its introduction, be reduced to writing and, when adopted, shall be signed by the presiding officer and attested by the Recorder, who shall then date and number it and file it in the minute books.

(b) Resolutions and portions of resolutions which are repealed or amended by subsequent resolutions or ordinances shall be noted and initialed in the margin thereof by the Recorder so as to show the date and number of the repealing or amendatory ordinance or resolution, but shall not be removed from the minute books. (1976 Code Sec. 2-26)



## CHAPTER FIVE - Administrative

- Art. 123. General Provisions.
- Art. 125. Manager.
- Art. 129. Director of Finance.
- Art. 131. City Attorney.
- Art. 133. Department of Public Works.
- Art. 135. City Engineer.
- Art. 137. Director of Recreation.
- Art. 139. Police Department.
- Art. 141. Fire Department.
- Art. 143. Library Board.
- Art. 145. Planning Commission.
- Art. 147. Sanitary Board.
- Art. 149. Municipal Building Commission.
- Art. 155. Employment Provisions.
- Art. 157. Development Authority.

ARTICLE 123  
General Provisions

- |        |   |        |   |
|--------|---|--------|---|
| 123.01 | Limited authority to administer oaths; false swearing.                    | 123.05 | Officers and employees relationship with public.                  |
| 123.02 | Books and records.  | 123.06 | Code imposes no liability for acts or omissions pursuant thereto. |
| 123.03 | Right of entry upon private property for inspection.                      | 123.07 | Indemnification of public officers.                               |
| 123.04 | Authority of deputies, assistants and acting City officers and employees. | 123.08 | Authority of City Manager to make budget revisions.               |

## CROSS REFERENCES

- Continuation of departments - see CHTR. Sec. 21
- Municipal inspection - see W. Va. Code 8-12-15
- Acts by agent or deputy - see ADM. 101.06
- Obstruction of municipal officer - see GEN. OFF. 501.02
- Injury or destruction of City property - see GEN. OFF. 533.05

**123.01 LIMITED AUTHORITY TO ADMINISTER OATHS; FALSE SWEARING.**

(a) The Mayor, the presiding officer of Council or any committee thereof, the presiding officer of any board, commission or other body of the City Government, the Recorder, the City Clerk and each other officer, deputy or assistant officer of the City to whom any sworn statement, whether oral or in writing, is required to be made or submitted by any person pursuant to any provision of the Codified Ordinances or other ordinance or resolution of Council shall have authority to administer the oath so required; provided, that nothing in this section shall be construed as purporting to authorize the administration of any oath which, by law, is required to be administered by a judicial officer, notary public or other officer authorized by statute to administer oaths, nor shall this section be construed as purporting to authorize the taking of any acknowledgment of any signature or seal for the purpose of recording elsewhere than in the office of the Recorder or some other office of the City.

(b) No person to whom an oath has been administered pursuant to this section shall knowingly make any false certificate, affidavit or statement, oral or written, concerning any matter whatsoever in violation of such oath.  
(1976 Code Sec. 2-31)

**123.02 BOOKS AND RECORDS.**

(a) Except as may be provided otherwise by State law, the Codified Ordinances or other ordinance or resolution of Council to safeguard the security of license tax returns, personnel records and other confidential information, all records, books, maps, documents and other papers which are maintained on file in any City office shall be open for inspection and use by citizens of the City and others having an interest therein during all regular business hours, but none shall be removed from the office of its custodian.

(b) No person shall, without proper authority as provided in subsection (a) hereof, remove from the office of its custodian any record, book, map, document or other paper which is maintained on file in any City office, nor shall any person fail to return any such item to its proper custodian within the time set by the custodian for its return.

(c) No person shall willfully destroy, obliterate, secrete, deface, mark upon, disturb the arrangement of, damage or otherwise tamper with any record, book, map, document or other paper which is maintained on file in any City office. (1976 Code Sec. 2-10)

**123.03 RIGHT OF ENTRY UPON PRIVATE PROPERTY FOR INSPECTION.**

Whenever any officer or employee of the City is required or authorized by statute, the Codified Ordinances or any other ordinance or resolution, or rules, regulations or orders issued pursuant thereto, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything contained therein, such officer or employee shall have the right to enter any such premises or vehicle, in accordance with law and upon display of proper identification, at any reasonable time in pursuance of such duties; provided, that this section shall not be construed as purporting to authorize any unreasonable search and seizure prohibited by Section 6, Article III of the Constitution of West Virginia.  
(1976 Code Sec. 2-11)

123.04 AUTHORITY OF DEPUTIES, ASSISTANTS AND ACTING CITY OFFICERS AND EMPLOYEES.

(a) Authority vested in and duties imposed upon City officers by State law, the Codified Ordinances or other ordinances and resolutions of Council may, when they so authorize, be exercised or performed by their deputies, assistants and other subordinates, to the extent not prohibited by State law, or the Codified Ordinances or other ordinance or resolution of Council.

(b) When any City officer or employee is absent or disabled, or when any office or position in the City Government is vacant, the person designated by competent authority to act in the place of such absent or disabled City officer or employee or to hold temporarily the vacant office or position shall have the powers and perform the duties of such absent or disabled officer or employee or appertaining to such vacant office or position.  
(1976 Code Sec. 2-12)

123.05 OFFICERS AND EMPLOYEES RELATIONSHIP WITH PUBLIC.

(a) City officers and employees shall be courteous in their official transactions with the public, and they shall conduct themselves in the performance of their official duties so as to not knowingly deprive any person, at the time and under the circumstances then existing, of any lawful right or benefit to which such person may be entitled. Any person who feels aggrieved by the conduct of any City officer or employee in violation of this subsection is hereby invited to bring such matter to the attention of such officer's or employee's department head or to the Manager without prejudice to any other recourse to which such aggrieved person may be entitled.

(b) Members of the public, in turn, should be courteous in their transactions with City officers and employees, and it shall be unlawful for any person to knowingly taunt, deride, jeer or otherwise debase or insult, whether by act, word or gesture, any City officer or employee at any time or place while such City officer or employee is lawfully engaged in the performance of official duty. (1976 Code Sec. 13-11)

123.06 CODE IMPOSES NO LIABILITY FOR ACTS OR OMISSIONS PURSUANT THERETO.

(a) Nothing in the Codified Ordinances or any other ordinance or resolution of the City shall be construed to impose any liability upon the City or upon any person for any act or omission required or permitted thereby when such act or omission is otherwise lawful, in good faith, and without malice or mischievous intent and, in the case of any City officer or employee, is in line of duty and within the scope of his authority.

(b) It shall be the duty of Council to provide for the defense of City officers and employees against all claims, demands, actions, suits, prosecutions and other proceedings brought against them for their acts or omissions while acting in line of duty and within the purview of subsection (a) of this section. (1976 Code Sec. 1-8)

123.07 INDEMNIFICATION OF PUBLIC OFFICERS.

(a) The City shall indemnify and hold harmless each person who shall serve at any time hereafter as Mayor, Recorder, member of Council or public officer thereof from and against any and all claims and liabilities to which such person shall become subject by reason of his having heretofore or hereafter been Mayor, Recorder, member of Council or public officer of the City or by reason of any action alleged to have been heretofore or hereafter taken or omitted by him as such Mayor, Recorder, member of Council or public officer.



(b) The City shall reimburse each such person for all legal and other expenses reasonably incurred by him in connection with any claim or liability, including the deductible under any insurance policy insuring against officers and directors of public officials' liability; provided, however, that no such person shall be indemnified against any expense incurred in connection with any claim arising out of his own willful misconduct.

(c) All rights accruing to any person under the provisions of this section shall not exclude any other right to which he may be lawfully entitled nor shall anything herein contained restrict the right of the City to indemnify or reimburse such person in any proper case even though not specifically herein provided. (2-11-86)

#### 123.08 AUTHORITY OF CITY MANAGER TO MAKE BUDGET REVISIONS.

The governing body of the City hereby delegates to the City Manager the power and authority to make line item revisions within departments in the General Fund budget and line item revisions in the Water Fund budget, the Sewer Fund budget and the Cemetery budget. This authority shall extend only to line item revisions within departments and within funds and shall not be construed to delegate authority to transfer items from one department to another or to budget additional revenues or contingency funds.  
(Ord. 9-99. Passed 10-25-99.)

ARTICLE 125  
Manager

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

Appointment; removal; qualifications - see CHTR. Sec. 13  
Oath; bond - see CHTR. Sec. 14  
Powers and duties - see CHTR. Sec. 15  
Contractual powers - see CHTR. Sec. 16  
Participation in Council meetings - see CHTR. Sec. 18





ARTICLE 129  
Director of Finance

129.01 Disbursement of funds.

CROSS REFERENCES

Appointments; duties - see CHTR. Sec. 23  
Supervision of public offices - see W. Va. Code Art. 6-9  
Purchasing; competitive bidding - see W. Va. Code 8-12-10  
Collection of moneys - see W. Va. Code 8-13-15 et seq.  
Financial statements - see W. Va. Code 8-13-23  
Accounting principles; funds - see W. Va. Code 8-13-17 et seq.

129.01 DISBURSEMENT OF FUNDS.

No money shall be disbursed from the City Treasury except as authorized by budget documents and approved by a department head or the Manager, and then only if there is on hand sufficient funds appropriated for the purpose of such disbursement and not otherwise obligated. All checks on City depositories shall be signed by the Director of Finance and countersigned by the Manager; provided, that Council may, by resolution, provide alternate officers for such purposes to act when the Director of Finance or Manager are absent or disabled.



ARTICLE 131  
City Attorney

131.01 Powers and duties.

CROSS REFERENCES

Appointment; duties - see CHTR. Sec. 25

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

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

131.01 POWERS AND DUTIES.

(a) The City Attorney shall be the legal adviser and counselor of Council and all other officers of the City. He shall represent the City in all courts in all proceedings in which the City, or any City officer or employee in his official capacity, is a party, and he shall perform such duties incidental to his office as may be required of him by Council. The City Attorney shall receive such regular compensation, and such fees for special services, as may be agreed upon by Council and the City Attorney.

(b) The City may designate a firm of attorneys to perform the duties required of the City Attorney in which case the firm so designated shall have all the responsibilities of the City Attorney's office as would be required of an individual attorney appointed to such position.  
(1976 Code Sec. 2-38)



ARTICLE 133  
Department of Public Works

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

CROSS REFERENCES

Superintendent of Public Works - see CHTR. Sec. 26  
Municipal inspection - see W. Va. Code 8-12-15; ADM. 123.03  
Municipal public works - see W. Va. Code Art. 8-16 et seq.  
Building permits - see BLDG. & HOUS. 1705.04  
Member of Building Commission - see BLDG. & HOUS. Art. 1709



ARTICLE 135  
City Engineer

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

CROSS REFERENCES

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 137  
Director of Recreation

EDITOR'S NOTE: There are no sections in Article 137.  
This article has been established to provide a place for cross  
references and any future legislation.

CROSS REFERENCES

Director of Recreation - see CHTR. Sec. 27  
Authority to operate recreational facilities - see W. Va. Code 8-12-5(37)  
Public recreation and playgrounds - see W. Va. Code Art. 10-2  
Recreation rules - see GEN. OFF. 533.12



ARTICLE 139  
Police Department

EDITOR'S NOTE: There are no sections in Article 139.  
This article has been established to provide a place for cross  
references and any future legislation.

CROSS REFERENCES

Appointment of Chief - see CHTR. Sec. 24  
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  
Sergeant at Arms - see ADM. 111.06





ARTICLE 141  
Fire Department

141.01 Paid Fire Department; Civil  
Service Commission established.

141.02 Emergency medical service  
fees.



#### CROSS REFERENCES

Appointment of Chief - see CHTR. Sec. 24  
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 Art. 29-3A

#### 141.01 PAID FIRE DEPARTMENT; CIVIL SERVICE COMMISSION ESTABLISHED.

- (a) There is hereby established a paid Fire Department within the City of Bridgeport consisting of paid full time firemen as defined by Article 15, Chapter 8 of the West Virginia Code.
- (b) A Firemen's Civil Service Commission is hereby established with members to be appointed as required by Article 15 of Chapter 8 of the West Virginia Code.
- (c) The provisions of this section shall be applied prospectively only and the firemen currently employed by the City shall continue in their respective positions subject only to the future application of the civil service provisions of Article 15 of Chapter 8 of the West Virginia Code. (Ord. 9-00. Passed 11-27-00.)

## 141.02 EMERGENCY MEDICAL SERVICE FEES.

Fees and charges for Emergency Medical Services rendered by the Bridgeport Fire Department Emergency Medical Services are established and fixed as set forth in the schedule below:

<u>Procedure</u>	<u>Fee</u>
Basic Life Support, Non Emergency	\$ 300.00
Basic Life Support, Emergency	350.00
Advanced Life Support, Level 1 (ALS 1)	400.00
Advanced Life Support - Emergency Level 1 (ALS 1)	500.00
Advanced Life Support, Level 2 (ALS 2)	600.00
BLS Mileage (loaded)	8.00
ALS Mileage (loaded)	8.00
Paramedic Assist to another department's BLS Ambulance	75.00
Basic Extrication (includes lighting, stabilizing vehicle & removing windows, B.E.S.T. Tools)	500.00
Advanced Extrication (in addition to basic extrication) (includes hydraulic Jaws of Life, cutters & rams, and air tools)	500.00
Prolonged Extrication (more than one hour)	
Extrication Personnel	25.00 per hour
Crash Truck	50.00 per hour

Fees for ambulance service are all inclusive.  
(Ord. 4-01. Passed 6-11-01.)

ARTICLE 143  
Library Board

- |   |                      |
|---|----------------------|
| 143.01 Bridgeport Public Library.                                       | 143.03 Library fund. |
| 143.02 Appointment, powers and duties<br>of Board of Library Directors. |                      |

CROSS REFERENCES

- Appointment of Director - see CHTR. Sec. 28  
Authority to establish library - see W. Va. Code 8-12-5(38)  
Public libraries - see W. Va. Code Art. 10-1

143.01 BRIDGEPORT PUBLIC LIBRARY.

The City shall, upon the effective date of this section pursuant to the authority granted in West Virginia Code 10-1-2, take over, maintain and support that certain public library, known as the Bridgeport Public Library, heretofore established. (1976 Code Sec. 2-49)

143.02 APPOINTMENT, POWERS AND DUTIES OF BOARD OF LIBRARY DIRECTORS.

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

(b) The Board of Library Directors shall have the powers and shall perform the duties conferred and required by general law. (1976 Code Sec. 2-50)

143.03 LIBRARY FUND.

Council shall provide and allocate in the annual City budget sufficient funds for the adequate operation, maintenance and repair of the public library. All money so allocated and collected for library purposes, except donations, bequests and devises, and the proceeds and income therefrom, made to or received by the Board of Library Directors under the provisions of West Virginia Code 10-1-9 shall be set aside in the City Treasury in a special library fund, and shall be disbursed by the Finance Director upon properly authenticated orders drawn by the Board upon such fund. (1976 Code Sec. 2-51)



ARTICLE 145  
Planning Commission

- |  |   |
|--|---|
| <p>145.01 Created; composition.</p> <p>145.02 Advisory members; City and County Planning Commissions.</p> <p>145.03 Regular and special meetings.</p> <p>145.04 Quorum.</p> <p>145.05 Offices; appropriation for expenses.</p> <p>145.06 Election of officers.</p> | <p>145.07 Secretary and employees; special and temporary services.</p> <p>145.08 Administrative powers and duties.</p> <p>145.09 Expenditures; disposition of gifts; participation in Federal programs.</p> |
|--|---|

CROSS REFERENCES

- Authority to establish - see W. Va. Code 8-24-1  
 General provisions - see W. Va. Code 8-24-5  
 Adoption of comprehensive plan - see W. Va. Code 8-24-16 et seq.  
 Approval of subdivision plats - see W. Va. Code 8-24-28 et seq.  
 Zoning recommendations - see W. Va. Code 8-24-42 et seq.

145.01 CREATED; COMPOSITION.

The City Planning Commission is hereby created, which shall consist of seven citizens, all of whom shall be residents of the City, shall be qualified by knowledge and experience in matters pertaining to the development of the City, shall include representatives of business, industry and labor, three-fifths of whom shall have been residents of the City for at least one year prior to nomination, and each shall be nominated by the Mayor and appointed by him after confirmation by Council. One member of the Commission shall also be a member of the governing body and another member shall be an administrative officer of the City; and the terms of these two members shall be coextensive with the term for which they, respectively, have been elected or appointed, unless the Mayor and Council at the first Council meeting of each year, designate another or others to take their place or places. All other members shall each serve for a term of three years and until his or her successor has been appointed and qualified, and, to provide for overlapping terms of office, such members shall be appointed prior to November 1 of each year, and each shall take office on November 1 of the year of this appointment. Members of the Commission shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties.  
 (Ord. 4-98. Passed 11-23-98.)

#### 145.02 ADVISORY MEMBERS; CITY AND COUNTY PLANNING COMMISSIONS.

Pursuant to the directives of West Virginia Code 8-24-7, a designated representative of the County Planning Commission shall be an advisory member to the City Planning Commission. At its first regular meeting in each year, the City Planning Commission shall designate one of its members as its representative to the County Planning Commission, such representative to serve as an advisory member of the County Planning Commission. Such advisory members shall have all of the privileges of membership of the respective commissions except the right to vote.  
(1976 Code Sec. 14-22)

#### 145.03 REGULAR AND SPECIAL MEETINGS.

(a) The Planning Commission shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July and October.

(b) Special meetings of the Commission may be called by the president or by two members, upon written request, by the secretary. The secretary shall send to all the members, at least two days in advance of a special meeting, a written notice fixing the time and place of the meeting.

(c) Written notice of special meetings is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting.  
(1976 Code Sec. 14-23)

#### 145.04 QUORUM.

In order to conduct a Commission meeting a quorum of the members must be present. A majority of the members of the Planning Commission shall constitute a quorum. No action of the Commission is official, unless authorized by a majority of the members present at a regular or properly called special meeting.  
(1976 Code Sec. 14-24)

#### 145.05 OFFICES; APPROPRIATION FOR EXPENSES.

Council shall provide the Planning Commission with suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts, and shall provide by appropriation a sum sufficient to defray the reasonable expenses of the Commission.  
(1976 Code Sec. 14-25)

#### 145.06 ELECTION OF OFFICERS.

At its first regular meeting of each year, the Planning Commission shall elect from its members a president and vice president. The vice president shall have authority to act as president of the Commission during the absence or disability of the president.  
(1976 Code Sec. 14-26)

#### 145.07 SECRETARY AND EMPLOYEES; SPECIAL AND TEMPORARY SERVICES.

(a) The Planning Commission may appoint and prescribe the duties and fix the compensation of a secretary, and such employees as are necessary for the discharge of the duties and the responsibilities of the Commission. All such compensation, however, shall be in conformity to and in compliance with the salaries and compensation theretofore fixed by Council, and any such compensation or salaries shall be approved by Council.

(b) The Planning Commission may make contracts for special or temporary services and any professional counsel. The members of the Commission by virtue of such membership, shall not be precluded from performing special or temporary services or services as professional counsel; provided, that the fee for any such special or temporary services or the fee for professional counsel must be approved by council.  
(1976 Code Sec. 14-27)

#### 145.08 ADMINISTRATIVE POWERS AND DUTIES.

To effectuate the purposes of West Virginia Code Article 8-24 and City ordinances, the Planning Commission shall have the power and duty to:

- (a) Exercise general supervision of and make regulations for the administration of the affairs of the Commission.
- (b) Prescribe uniform rules pertaining to its investigations and hearings.
- (c) Supervise the fiscal affairs and responsibilities of the Commission.
- (d) Prescribe the qualifications of, appoint, remove and, subject to the approval of Council as hereinabove provided, fix the compensation of the employees of the Commission.
- (e) Delegate to employees' authority to perform ministerial acts in all cases except where final action of the Commission is necessary.
- (f) Keep an accurate and complete record of all departmental proceedings, record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission.
- (g) Make recommendations and an annual report to Council concerning the operation of the Commission and the status of the planning within its jurisdiction.
- (h) Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under West Virginia Code Article 8-24 and City ordinances.
- (i) Adopt a seal and certify to all official acts.
- (j) Invoke any legal, equitable or special remedy for the enforcement of the provisions of West Virginia Code Article 8-24 or of any ordinance enacted pursuant to the authority of West Virginia Code Article 8-24 or of any action taken by the Commission thereunder.
- (k) Prepare and submit an annual budget to Council, and the Commission shall be limited in all expenditures to the provisions made therefor by Council.
- (l) If deemed advisable, establish an advisory committee or committees.
- (m) Delegate to a committee composed of one or more members of the Commission the power to hold any public hearings or conferences required or permitted under West Virginia Code Article 8-24 to be held by the Commission. If the hearing or conference is held by a committee, a written record of the substance of the hearing or the conference shall be made and preserved with the records of the Commission for not less than five years. The committee shall have authority only to conduct the hearing and report to the Commission.(1976 Code Sec. 14-28)

145.09 EXPENDITURES; DISPOSITION OF GIFTS; PARTICIPATION IN  
FEDERAL PROGRAMS.

(a) The Planning Commission has authority to expend, under regular City procedure as provided by law, all sums appropriated to it for purposes and activities authorized under West Virginia Code Article 8-24 or applicable ordinance.

(b) Any gifts and donations accepted by the City for Planning Commission purposes shall be deposited with the City in a special nonreverting Planning Commission fund to be available for expenditures by the Planning Commission for the purpose designated by the donor. The Director of Finance shall draw warrants against such special nonreverting fund only upon vouchers signed by the president and secretary of the Planning Commission.

(c) The Planning Commission is authorized to spend funds made available for the purposes of West Virginia Code Article 8-24 and City ordinances, and to accept and use funds provided for such purposes by the Government of the United States and any other agency or group whose interests are in harmony with such purposes in accordance with Federal requirements and under such conditions as the laws of the State may provide. In this connection, the Planning Commission is hereby expressly authorized to participate in the Federal planning assistance programs set forth in the Federal Housing Act of 1954, as amended, and any subsequent acts. (1976 Code Sec. 14-29)

ARTICLE 147  
Sanitary Board

147.01	Created; powers and duties.	147.04	Bond required.
147.02	Membership and officers of Board; term; salaries and compensation.	147.05	Powers, duties and functions.
147.03	Officers.	147.06	Bylaws, rules and regulations.

CROSS REFERENCES

Powers and duties - see W. Va. Code 16-13-3 et seq.  
 Composition of Board - see W. Va. Code 16-13-18  
 Publication of financial statement - see W. Va. Code 16-13-18a  
 Sewer regulations - see S.U. & P.S. Art. 927

147.01 CREATED; POWERS AND DUTIES.

There is hereby created a Sanitary Board of the City, having such powers, duties and functions as hereinafter set forth and also such other and additional powers, duties and functions as may be prescribed by ordinance or resolution of Council, including without limitation those which may be enacted or adopted in connection with or relating to the construction and operation of the City sewage system and works and the acceptance of grants or loans of money, including funds derived from the issuance and sale of sewer revenue bonds. (1976 Code Sec. 19-38)

147.02 MEMBERSHIP AND OFFICERS OF BOARD; TERM; SALARIES AND COMPENSATION.

(a) The membership of the Board shall be composed of the Mayor and two other persons appointed by Council from time to time. During any construction period of the works and until the final completion and acceptance thereof one of such persons shall be registered under the applicable laws of the State as a professional engineer, and such engineer member need not be, but the other person appointed as a member shall be, a resident of the City. When the engineer member is no longer required to be a member of the Board, he may be succeeded by a resident of the City who is not an engineer. Except for the Mayor, no officer or employee of the City, whether holding a paid or unpaid position or office, shall be eligible for appointment to the Board until at least one year after the expiration of the term of his public office or employment and the Mayor, after the termination of his election as such, shall be likewise ineligible for such appointment to the Board for such one year period thereafter; provided, that other members of the Board shall be eligible for reappointment to the Board.

(b) The term of the Mayor as a member of the Board shall be coextensive with his term of office as Mayor, and the other members shall each serve for a term of three years and until their respective successors are appointed and qualified. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

(c) Each member of the Board shall receive such compensation for his services, either as a salary or as payments for meetings attended, as Council may from time to time determine and fix by resolution duly adopted, and the members of the Board shall be further entitled to payment for their reasonable expenses incurred in the performance of their duties, all such payments of compensation and expenses to be made solely from funds available to the Board relating to the sewage works of the City.  
(1976 Code Sec. 19-39)

#### 147.03 OFFICERS.

The Mayor shall act as chairman of the Sanitary Board, which shall elect a vice chairman from its members and shall designate a secretary and treasurer, who may be one and the same person, neither of whom need be a member of the Board. All officers of the Board except the chairman shall hold office as such at the will of the Board.  
(1976 Code Sec. 19-40)

#### 147.04 BOND REQUIRED.

The Sanitary Board shall require every person, excluding a depository, having custody of, and opportunity to disburse, funds of the Board or of the City relating to the sewage works, to give bond, payable to the City, conditioned upon the faithful performance of their respective official duties and the faithful accounting for all such funds and otherwise conditioned as required by law, in an amount at all times at least equal to the total amount of such funds so in custody at any one time, with corporate surety approved by the Recorder of the City. The treasurer of the Board shall be covered by such Board in the amount as aforesaid. The premium on all such bonds shall be paid by the Board.  
(1976 Code Sec. 19-41)

#### 147.05 POWERS, DUTIES AND FUNCTIONS.

(a) The construction, acquisition, improvement, equipment, custody, administration, operation and maintenance of the sewage collection, treatment and disposal works ("works" is hereby defined as a works for the collection and/or treatment, purification and disposal of sewage, in its entirety or any integral part thereof) and the collection of revenues therefrom for the service rendered thereby shall be under the supervision and control of the Sanitary Board.  
(1976 Code Sec. 19-42)

(b) The board shall have all of the powers, duties and functions as are prescribed for such boards under the provisions of West Virginia Code Article 16-13 and, without limiting the generality of the foregoing, the Board shall have the power and shall take all steps and proceedings and make and enter into all contracts or agreements necessary or incidental to the performance of its duties and the execution of its powers under this article; provided, that any contract relating to the financing of the acquisition or construction of any such works, or any trust indenture as may be required in connection therewith, shall be approved by Council before it shall be effective. The Board may employ engineers, architects, inspectors, superintendents, managers, collectors, attorneys and such other employees as in its judgment

may be necessary in the execution of its powers and duties and may fix their compensation, all of whom shall do such work as the Board shall direct. All such compensation and all expenses incurred in carrying out the powers, duties and functions of the Board shall be paid solely from funds provided for, or derived from the construction and operation of such works, and the Board shall not exercise or carry out any authority or power herein given it so as to bind the Board or the City beyond the extent to which moneys shall have been, or may be, so provided. After the construction, installation and completion of the works, or the acquisition thereof, the Board shall operate, manage and control the same and may order and complete any extensions, betterments and improvements of and to the works that the Board may deem expedient, if funds therefor be available, or are made available, for such purpose, and shall establish rules and regulations for the use and operation of the works, and of other sewers and drains connected therewith so far as they may affect the operation of such works, and do all things necessary or expedient for the successful operation thereof. All public ways or public works damaged or destroyed by the Board in carrying out its authority under this article shall be restored or repaired by the Board and placed in their original condition, as nearly as practicable, if requested so to do by proper authority, out of the funds lawfully available to the Board for such purpose. (Ord. 3-96. Passed 3-11-96.)

(c) All necessary preliminary expenses actually incurred by the Board in the making of surveys, estimates of costs and of revenue, employment of engineers or other employees, the giving of notices, taking of options and all other expenses of whatsoever nature, necessary to be paid prior to the issue and delivery of the City sewer revenue bonds or the receipt of other funds for the purposes of the works, may be met and paid in the following manner: The Board may from time to time certify such items of expense to the Director of Finance, directing him to pay the several amounts thereof, and thereupon the Director of Finance shall at once draw a warrant or warrants upon the funds of the City, which warrant or warrants shall be paid out of the General Fund of the City not otherwise appropriated, without a special appropriation being made therefor by Council; or, in case there are no general funds of the City not otherwise appropriated, the Director of Finance shall recommend to Council the temporary transfer from other funds of the City of a sufficient amount to meet such items of expense, or the making of a temporary loan for such purpose, and Council shall thereupon at once make such transfer of funds, or authorize such temporary loan in the same manner that other temporary loans are made by the Municipality; provided, that the fund or funds of the City from which such payments are made shall be fully reimbursed and repaid by the Board out of the first proceeds available to it for the purposes of such works, and before any other disbursements are made therefrom, and the amount so advanced to pay such preliminary expenses shall be a first charge against the proceeds resulting from the sale of the City sewer revenue bonds, or other funds made available for the purpose of such works until the same has been repaid as herein provided.

(d) The Board shall cause to be prepared and published in the manner and at the times as prescribed by West Virginia Code 16-13-18a a financial statement of the Board. (1976 Code Sec. 19-42)

147.06 BYLAWS, RULES AND REGULATIONS.

The Board shall have the power to establish bylaws, rules and regulations for its own government and shall discharge its duties in conformity with all applicable laws, ordinances and regulations, including any agreements with agencies of the United States of America or the State of West Virginia. (1976 Code Sec. 19-43)

ARTICLE 149  
Municipal Building Commission

149.01 Created; composition.

CROSS REFERENCES  
Municipal building commission - see W.Va. Code Art. 8-33

149.01 CREATED; COMPOSITION.

(a) There is hereby created and established a Municipal Building Commission to be known as the Bridgeport Municipal Building Commission, which Commission, in accordance with West Virginia Code Article 8-33, shall be a public corporation and shall have perpetual existence.

(b) The Board of the Commission shall consist of three members, of whom no more than two-thirds shall be from the same political party; no member shall hold any office (other than the office of notary public) or employment under the United States of America, the State of West Virginia, any county or political subdivisions thereof, or any political party; all members shall be residents of the City; and no member shall receive any compensation for his services as such, but shall be reimbursed by the Board for his reasonable and necessary expenses authorized and actually incurred in the discharge of his duties.

(c) The Building Commission shall not undertake any project without the prior written approval of Council.  
(Ord. 14-90. Passed 10-23-90.)









ARTICLE 155  
Employment Provisions

EDITOR'S NOTE: Ordinance 2-99, passed April 26, 1999, repealed former Sections 155.01 to 155.04, 155.07, 155.12 and 155.18. Ordinance 7-00, passed August 28, 2000, repealed former Sections 155.02 to 155.06 and 155.10. The remaining sections have been renumbered as set forth below.

155.01	Sick leave.	155.03	Federal social security.
155.02	Compensation of City officers and employees.	155.04	State employees retirement system.

CROSS REFERENCES

Social security - see W. Va. Code 5-7-5  
 Compensation of officers and employees - see CHTR. Sec. 4; W. Va. Code 8-5-12  
 Conflict of interest - see W. Va. Code 8-5-19  
 Bonds - see CHTR. Sec. 17; 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 15-1F-1

155.01 SICK LEAVE.

(a) Sick leave with pay shall be granted for total disability resulting from sickness or injury sustained in the course of employment compensated by Worker's Compensation after the employee has used up their ninety-day Worker's Compensation supplement.  
 (Ord. 8-00. Passed 8-28-00.)

(b) The City shall pay a benefit which, together with Worker's Compensation payable for the same period, will equal normal earnings during the first ninety calendar days of total disability per incident. However, due to the length of time required to process Worker's Compensation checks, the City shall continue to pay the employee until such time that the employee receives his or her compensation checks. A waiver on forms provided by the City shall be signed by the employee stating that moneys received by the employee in excess of the employee's normal regular pay will be reimbursed to the City. When an employee is receiving the ninety-day Worker's Compensation supplement, his sick leave shall not be charged. After an employee has used up his ninety-day benefits, he may continue to have his fringe benefits and wage supplemented if he has accumulated sick leave. The City shall supplement Worker's Compensation wages and benefits one calendar day for each day of accumulated sick leave acquired prior to the accident which caused the Worker's Compensation claim.

After return to work an employee may be reinstated to the ninety-day supplement after working for a period of one year without being absent for Worker's Compensation claim injury.

Existing employees who have used up their 120 days as of the effective date of this subsection (b) hereof will have to work one year before being eligible for the ninety-day supplement. (Ord. 17-90. Passed 12-19-90.)

#### 155.02 COMPENSATION OF CITY OFFICERS AND EMPLOYEES.

(a) The Mayor, Councilmen and other City officers and employees shall receive such salaries and wages as may be provided for them from time to time by Council in the annual budget or other ordinances; provided, that the salary of no elective City officer shall be increased or diminished during the term for which he was elected.

(b) Except as may be provided otherwise in the Codified Ordinances or other ordinance, all fees paid to City officers and employees shall be deemed to be money belonging to the City, and shall be paid over to the Director of Finance or other officer designated by the Codified Ordinances or other ordinance by the recipients thereof not less frequently than once each week.

(1976 Code Sec. 2-2)

#### 155.03 FEDERAL SOCIAL SECURITY.

Council, having heretofore elected to extend the benefits of Title II of the Federal Social Security Act to all eligible City officers and employees, as provided in West Virginia Code 5-7-5, hereby declares that the plan for extending those benefits as heretofore submitted to and approved by the State Auditor in his capacity as the State agency shall continue in full force and effect and that the City shall conform to all applicable provisions of West Virginia Code 5-7-1 through 5-7-10.

(1976 Code Sec. 2-13)

#### 155.04 STATE EMPLOYEES RETIREMENT SYSTEM.

Council, having elected on December 1, 1964, by three-fifths vote of its members, to have the City become a participating public employer and thereby include its eligible officers and employees in the membership of the State employees retirement system, hereby declares that the City shall continue to be a participating public employer and shall conform to all applicable provisions of West Virginia Code 5-10-1 through 5-10-51.

(1976 Code Sec. 2-14)

ARTICLE 157  
Development Authority

- |        |   |        |                         |
|--------|---|--------|-------------------------|
| 157.01 | Creation of the Bridgeport Development Authority. | 157.03 | Management and control. |
| 157.02 | Authority.  | 157.04 | Powers.                 |

CROSS REFERENCES

Authority to establish - see W. Va. Code Art. 7-12

157.01 CREATION OF THE BRIDGEPORT DEVELOPMENT AUTHORITY.

There is hereby created and established a municipal development authority pursuant to the authority given by Article 12 of Chapter 7 of the West Virginia Code to be known as the "Bridgeport Development Authority" which shall constitute and be a public corporation. (Ord. 5-03. Passed 9-8-03.)

157.02 AUTHORITY.

The Bridgeport Development Authority shall have and may exercise all of the powers and authority set forth in Article 12, Chapter 7 of the West Virginia Code, as the same exists upon adoption of this article or as the same may be hereafter amended, enacted, reenacted, supplemented or changed. (Ord. 5-03. Passed 9-8-03.)

157.03 MANAGEMENT AND CONTROL.

The management and control of the Bridgeport Development Authority shall be lodged in a Board consisting of twelve (12) members which shall be appointed by the governing body of the City. The initial Board shall consist of four members appointed for a one-year term, four members appointed for a two-year term and four members appointed for a three year term.

Upon the expiration of the terms of the members of the initial Board, members shall serve for a term of three (3) years and may be appointed for such additional term or terms as the governing body of the City may deem proper.

All Board members shall be qualified as set forth in Article 7 and the general management, operation and control of the Bridgeport Development Authority shall at all times be governed by Article 12 of Chapter 7 of the West Virginia Code. (Ord. 5-03. Passed 9-8-03.)

157.04 POWERS.

The Board of the Bridgeport Development Authority shall have and may exercise all of the powers set forth in Article 12 of Chapter 7 of the West Virginia Code as the same exists upon the adoption of this article or may be hereafter amended, enacted, reenacted, supplemented or changed.

(Ord. 5-03. Passed 9-8-03.)

(NOTE: The next printed page is page 67.)

CHAPTER SEVEN - Judicial  
Art. 171. Municipal Court.

ARTICLE 171  
Municipal Court

171.01	Court created; jurisdiction generally.	171.12	Requisites and disposition of cash deposits.
171.02	Municipal Judge, qualifications, terms, etc.	171.13	Unauthorized acceptance of cash bond; approval in felony cases.
171.03	Powers and duties of Municipal Judge.	171.14	Persons prohibited to be surety on bail bonds.
171.04	Warrants, orders and process. defendant unable to pay.	171.15	Method of payment when
171.05	Rules governing court and judges; maintenance of records.	171.16	Determination of ability to pay.
171.06	Record of traffic cases; traffic violations bureau.	171.17	Payment may be condition of probation or suspension of sentence.
171.07	Appeals.	171.18	Good behavior until fine and costs are paid.
171.08	Contempt; acts punishable.	171.19	Procedure upon default in payment under agreement.
171.09	Procedure upon occurrence of contemptuous act.		
171.10	Judgment and commitment.		
171.11	Bail bonds and cash deposits in lieu thereof.		

CROSS REFERENCES

Municipal Court - see CHTR. Sec. 29 et seq.  
 Establishment - see W. Va. Code 8-10-2  
 General rights of appeal - see W. Va. Code 8-24-1  
 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  
 Authority of Recorder - see ADM. 115.03

171.01 COURT CREATED; JURISDICTION GENERALLY.

There is hereby created a court, to be known as the Municipal Court, which shall have criminal jurisdiction over violations of City ordinances and the criminal jurisdiction of a magistrate of the State with respect to offenses committed within the City limits of the

City.(1976 Code Sec. 11-1)

### 171.02 MUNICIPAL JUDGE, QUALIFICATIONS, TERMS, ETC.

There shall be a judge, to be known as the Municipal Judge, who shall be appointed as provided in Section 29 of the Charter. The person so appointed as Municipal Judge shall qualify by taking the oath of office as such and shall give bond in an amount fixed by Council, under which bond he shall be responsible for all funds coming into his hands by virtue of such appointment. (1976 Code Sec. 11-2)

### 171.03 POWERS AND DUTIES OF MUNICIPAL JUDGE.

(a) The Municipal Judge shall preside over the Municipal Court. He shall be a conservator of the peace within the City, and insofar as any ordinance of the City is concerned, shall have and exercise all such powers and duties in criminal cases as a magistrate may lawfully exercise under the statutes of the State, and he shall also be ex officio a magistrate within the City, and shall, within the City, have and exercise all of the criminal powers and perform all duties fixed by law in a magistrate, except that he shall have no jurisdiction in civil cases; and he shall have such further powers and perform such other duties as may be from time to time prescribed or conferred by any law of the State or by ordinance of the City.

(b) The Municipal Judge shall have power to issue warrants upon complaint under oath by any person or officer for the arrest of anyone charged with any offense within the jurisdiction of the Court. The Municipal Judge shall hear and determine all cases over which the Court has jurisdiction, and within the limits prescribed by ordinance or by general law shall have the power to punish by fine or imprisonment, or both. The Municipal Judge shall have power to summon persons or subpoena witnesses for the trial of any case before him, to compel the attendance of police officers of the City, to require the Chief of Police to enforce all judgments or orders entered by him in the exercise of his powers as Municipal Judge and issue executions for all fines, penalties and costs imposed by him. The proceedings for the recovery of fines or for the enforcement of penalties fixed by any ordinance or law shall, so far as applicable, conform to the provisions of the general law governing civil proceedings before a magistrate of the State.(1976 Code Sec. 11-5)

#### 171.04 WARRANTS, ORDERS AND PROCESS.

All warrants and other process and orders of the Municipal Court shall be directed to the Chief of Police, to be executed by him or by one of his subordinates. The police officer executing any such process or order shall have the same authority and be subject to the same liability as a sheriff of the State in performance of like services.  
(1976 Code Sec. 11-6)

#### 171.05 RULES GOVERNING COURT AND JUDGES; MAINTENANCE OF RECORDS.

In the discharge of his duties and in the trial of cases, the Municipal Judge shall follow the rules prescribed by law for criminal proceedings before a magistrate of the State. The Municipal Judge shall keep a record of all warrants issued by him of all persons arrested and brought before him and of all trials, fines or sentences imposed or judgments entered by him in a permanent book to be known as the Municipal Court docket. A record of all entries made in such docket shall be signed by the Municipal Judge on the date of such entry.  
(1976 Code Sec. 11-7)

#### 171.06 RECORD OF TRAFFIC CASES; TRAFFIC VIOLATIONS BUREAU.

The Municipal Judge shall keep or cause to be kept a record of every traffic complaint, or other legal form of traffic charge deposited with or presented to the Municipal Court or its traffic violations bureau, if and when he shall establish such bureau, and shall keep a record of every official action by the Court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint deposited with or presented to the Court or traffic violations bureau. (1976 Code Sec. 11-8)

#### 171.07 APPEALS.

(a) Any person sentenced to imprisonment, or any individual or corporation against whom a fine of ten dollars (\$10.00) or more is assessed, shall have the right of appeal from such judgment of the Municipal Judge to the court having jurisdiction over appeals therefrom, upon the payment of costs and the execution of an appeal bond, with security deemed sufficient by the Municipal Judge, in a penalty of an amount deemed sufficient by the Municipal Judge, and costs, conditioned that the appellant will appear before the appellate court on the first day of the next term thereof to answer to the offense with which he is charged and to perform and satisfy any judgment which may be entered against him by the appellate court on such appeal.

(b) In no case shall a fine of less than ten dollars (\$10.00) be imposed by a Municipal Judge if the defendant, his agent or attorney object thereto. If an appeal be taken, the warrant of arrest, transcript of the judgment, the appeal bond and other papers and exhibits in the case shall be forthwith delivered by the Municipal Judge to the clerk of the appellate court which shall have jurisdiction to try the case in accordance with law.  
(1976 Code Sec. 11-9)

#### 171.08 CONTEMPT; ACTS PUNISHABLE.

The Municipal Judge may punish for contempt a person guilty of any of the following acts:

- (a) Contemptuous or insolent behavior towards him while he is engaged in the trial of a case or in any other judicial proceeding.
  - (b) Any breach of the peace, wilful disturbance or indecent conduct in the presence of such Judge while so engaged, or so near as to obstruct or interrupt his proceedings.
  - (c) Violence or threats of violence to such Judge or any officer, juror, witness or party going to, attending or returning from, any judicial proceeding before such Judge in respect to anything done or to be done in the course of such proceeding.
  - (d) Misbehavior of any officer in his official character in respect to any action or judicial proceeding had or pending before such Judge or any process, judgment, order or notice therein.
  - (e) Wilful resistance, in the presence of the Judge by an officer, juror, witness, party or other person to any lawful process or order of such Judge.
- (1976 Code Sec. 11-10)

#### 171.09 PROCEDURE UPON OCCURRENCE OF CONTEMPTUOUS ACT.

An order of arrest may be issued by the Municipal Judge on which any person guilty of contempt may be taken and brought before him, or such person may be taken in custody by any officer or person present, upon the oral order of the Judge, and held to answer for the contempt. An opportunity must be given him to be heard in defense or explanation of his conduct; and the Judge may thereupon discharge him, or adjudge him guilty of the contempt, and punish him by fine or imprisonment, or both. The fine shall not exceed ten dollars (\$10.00) or imprisonment for five days.

(1976 Code Sec. 11-11)

#### 171.10 JUDGMENT AND COMMITMENT.

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 adjudged may be issued by the Judge, commanding an officer to take the offender to the jail of the County, and the jailer to imprison him therein for the adjudged term; and such warrant shall contain a transcript of the entry in the docket. The judgment may include, in addition to the fine, all costs in the case, including costs of arresting and keeping in prison the offender.

(1976 Code Sec. 11-12)

#### 171.11 BAIL BONDS AND CASH DEPOSITS IN LIEU THEREOF.

Except as may be provided otherwise in any case by State law, the Codified Ordinances, or other ordinance, whenever any person is arrested for any violation of an ordinance of the City or for any offense of which the Municipal Judge has jurisdiction, the Municipal Judge, Recorder, Municipal Court Clerk, Chief of Police and the Desk Sergeant or person in charge of Police Headquarters may admit such person to bail upon the execution of a bond to the City in such an amount, not less than twenty-five dollars (\$25.00) nor more than the maximum fine which may be adjudged against such person for the offense or offenses he is alleged to have committed plus the costs which could be assessed against him, as in the discretion of the officer will secure the prisoner's presence, conditioned that the accused will appear upon a day named, before the Municipal Judge of the City, to await trial. Every such

bond taken shall be filed as soon as practicable with the Municipal Court by the officer approving and taking such bond. The Municipal Judge, Recorder, Municipal Court Clerk, Chief of Police and the Desk Sergeant or person in charge of Police Headquarters shall each have the power to approve any bond taken under the provisions of this section, precedence being given to the ranking officer present when such bond is presented. No person shall be accepted as surety upon any penal bond unless he shall acknowledge the bond before some official duly authorized by the Codified Ordinances or by State law to administer an oath, and shall make oath that he is the owner in fee of real estate situated in the County and worth the amount of the bond over and above his debts and liabilities; but the officers hereinbefore named in this section are hereby authorized and empowered to accept a deposit in cash of an amount, not less than the minimum nor more than the maximum hereinbefore specified for a bond, which, in the judgment of the officer accepting the deposit, will be sufficient to cause the prisoner's appearance upon the day required of him before the Municipal Judge to await trial upon the charge against him. In the event any person so released upon bond or such deposit shall fail to appear before the Municipal Judge for trial at the appointing time, or, having appeared, shall leave the court without awaiting trial, his bond shall be forfeited thereby to the City, and if a cash deposit has been made to secure his release, the sum so deposited shall be delivered to the Municipal Judge and by him promptly turned into the City Treasury to the credit of the General Fund and accounted for by him in the same manner that fines collected by him are counted for; and in the event of the forfeiture of a penal bond, the Director of Finance shall forthwith take the steps necessary at law for the collection thereof.

(1976 Code Sec. 11-13)

#### 171.12 REQUISITES AND DISPOSITION OF CASH DEPOSITS.

No cash bond shall be accepted by any officer authorized to accept such bond unless the prisoner and the officer authorized to accept it are present at Police Headquarters. The money deposited as security for any person's appearance shall be deposited with the Desk Sergeant at Police Headquarters, to be safely kept until the next regular session of the Municipal Court, when it shall be turned over by the Desk Sergeant who received it to the Judge of the Municipal Court, and by the Judge disposed of as required by the bond and this and the preceding section.

(1976 Code Sec. 11-14)

#### 171.13 UNAUTHORIZED ACCEPTANCE OF CASH BOND; APPROVAL IN FELONY CASES.

If any officer shall accept or approve any cash bond at any place or in any other manner than is provided for and authorized by this article, such unauthorized acceptance or approval shall constitute good cause for his suspension or removal or the reprimand or fining of such officer after a hearing on the charge by Council. In case of the arrest of any person upon a charge of a felony, the bond for his release, if approved, shall only be approved by the Municipal Judge, or the judge of a court having jurisdiction to try the prisoner for the felony alleged to have been committed by him.

(1976 Code Sec. 11-15)

#### 171.14 PERSONS PROHIBITED TO BE SURETY ON BAIL BONDS.

No practicing attorney, officer of the Municipal Court or member of the Police Department shall be accepted as surety on any bond provided for in this article.

(1976 Code Sec. 11-16)

**171.15 METHOD OF PAYMENT WHEN DEFENDANT UNABLE TO PAY.**

Whenever a person is convicted in the Municipal Court of a violation of the Codified Ordinances or other ordinance or any rule, regulation, notice or order promulgated pursuant to authority thereof, and such person is sentenced to pay a fine, and it shall appear to the Court on its own motion or on motion of the defendant that such defendant is unable to pay such fine forthwith, the Court may order the defendant to pay such fine and any costs which the defendant may be required to pay in installments or upon such other terms and conditions or within such period of time as may enable the defendant to pay such fine and costs.

(1976 Code Sec. 11-17)

**171.16 DETERMINATION OF ABILITY TO PAY.**

(a) In determining whether a defendant is unable to pay a fine forthwith, the Municipal Court may require such defendant to file a petition, under oath, with the Court, upon a form provided by the Court, setting forth the financial condition of the defendant.

(b) Such form shall be a questionnaire, and shall include, but shall not be limited to: the name and residence of the defendant; his occupation, if any; his family status and the number of persons dependent upon him; his monthly income; whether or not his dependants are employed and, if so, their approximate monthly income; his banking accounts, if any; real estate owned by the defendant, or any interest he may have in real estate; income produced therefrom; any independent income accruing to the defendant; tangible and intangible personal property owned by the defendant, or in which he may have an interest; and a statement listing the approximate indebtedness of the defendant to other persons. Such form shall also include a payment plan of the defendant, if the Court should exercise its discretion in permitting the payment of such fine and costs in installments or other conditions to be fixed by the Court. At the end of such form there shall be printed in boldface type, in a distinctive color the following: "THIS STATEMENT IS MADE UNDER OATH. ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTION CONTAINED HEREIN SHALL CONSTITUTE FALSE SWEARING AND SHALL BE AN OFFENSE AGAINST THIS SECTION. THE MAXIMUM PENALTY IS \$100 FINE OR THIRTY DAYS IN JAIL, OR BOTH." A copy of the petition shall be retained by the defendant.

(c) If the defendant is unable to read or write, the Court or the Clerk, may assist the defendant in completing the petition and require him to affix his mark thereto. The consequences of the making of a false statement shall be explained to such defendant.

(1976 Code Sec. 11-18)

**171.17 PAYMENT MAY BE CONDITION OF PROBATION OR SUSPENSION OF SENTENCE.**

If a defendant is sentenced to pay a fine and payment of the fine and/or costs is ordered to be made on an installment basis or on other conditions under the provisions of Section 171.15, and if the defendant is also placed on probation or imposition of the execution of sentence is suspended, the Municipal Court may make payment of the fine a condition of probation or suspension of sentence. (1976 Code Sec. 11-19)

171.18 GOOD BEHAVIOR UNTIL FINE AND COSTS ARE PAID.

If a defendant is permitted to pay a fine and/or costs on an installment basis, or under such other conditions as the Municipal Court shall fix under the provisions of Section 171.15, the Court may require as a condition that the defendant be of peace and good behavior until the fine and costs are paid.

(1976 Code Sec. 11-20)

171.19 PROCEDURE UPON DEFAULT IN PAYMENT UNDER AGREEMENT.

When any person sentenced to pay a fine defaults in the payment of any such fine or of any installment thereof, the Municipal Court may issue a summons for such person to appear before the Court for a hearing on the question of whether such person's failure to pay the fine or any installment was attributable to intentional refusal to comply with the prior order of the Court or to a lack of a good faith effort to comply therewith. The Court may, after hearing, order that the person in default be allowed additional time for payment, may reduce or remit the amount of the fine or the unpaid portion thereof in whole or in part, or upon a finding that the default was intentional or due to the lack of a good faith effort to comply with the prior order of the Court, may order such person confined for such period up to thirty days as the Court in its discretion shall determine.

(1976 Code Sec. 11-21)

