AN ORDINANCE CODIFYING THE MUNICIPAL LAWS OF THE TOWN OF ALBRIGHT, PRESTON COUNTY, WEST VIRGINIA: ADOPTING A CODE OF LAWS OF THE TOWN OF ALBRIGHT, AND PROVIDING AN ENABLING ORDINANCE TO ADOPT THE SAME.

BE IT ORDAINED, by the Council of the Town of Albright.

Section 1. ADOPTION.

There is hereby adopted by the Council of the Town of Albright, a Code of Laws of the Town of Albright, consisting of the codification of all laws, ordinances and resolutions heretofore passed and in effect in said Town of Albright, since March 16, 1914, the date of its incorporation, together with all laws affecting said Town as contained in Chapters 8 and 8A of the West Virginia Code, as Amended.

Section 2.

Said Code of Laws of the Town of Albright shall consist of the following Chapters:

I. Organization and Procedure; Defining Boundaries of Wards; Meetings; Order of Business; Procedure; Ordinances; Oaths; Elections.

II. Revenue and Taxation.

III. Licenses and Permits; Regulations; License Officer; Enforcement;

IV. Morals and Conduct, offenses.

V. Health, Safety and Sanitation.

VI. Vehicles and Traffic; Administration; Regulations; Stops; Rules; Pedestrians, Rights and Duties; Regulations for Bicycles; Parking; Stopping; Weight Limits on Certain Streets; Penalties.

VII. Streets, Alleys and Sidewalks.

VIII. Zoning and Planning.

IX. Buildings and Signs.

X. Water, Light and Power.

Section 3.

Said Code of Laws of the Town of Albright shall be kept by the Recorder of said Town and shall be made available to any citizen or resident thereof, or any person interested therein.

Section 4.

Said Code of Laws of the Town of Albright shall be in full force and effect on and after September 24, 1956, and all parts thereof in force at the time that this ordinance shall take effect and inconsistent herewith, are hereby repealed.

Section 5.

This ordinance shall be known as the Enabling Ordinance for the Code of Laws of the Town of Albright and said Code is hereby adopted as now written and shall constitute the ordinances and laws of said Town, together with the laws of the State of West Virginia relative to municipal corporations.

Paul Elliott
Mayor

Attest: Victor Overbeck
Recorder

Charles V. Wehner,
Town Counsel

CODE OF THE TOWN OF ALBRIGHT
PORTLAND DISTRICT, PRESTON COUNTY, WEST VIRGINIA

1956

FOREWORD

The Town of Albright was created by an Order of the Circuit Court of Preston County, West Virginia, entered on March 16, 1914, after a petition filed for that purpose. The area of the corporation is 161 acres and its metes and bounds are as follows:

Beginning at a point of Cheat River below the county bridge at Albright; thence crossing the county road East 75 poles to a stake, corner of John Sypolt's land; thence S. 36° E. 20 poles; S. 31° E. 16 poles; S. 44° E. 27 poles; S. 40° E. 180 poles; S. 11° E. 34 poles to Dority Run; thence down and with said run crossing the Pike S. 85° W. 56 poles to Cheat River; thence down and with the meanders of said Cheat River to the place of beginning, using the following courses and distances: N. 30 W. 40 poles; N. 45 W. 20 poles; N. 67 W. 44 poles; N. 75 W. 48 poles; N. 55 W. 60 poles; N. 35 W. 20 poles; N. 14 W. 25 poles; N. 15 E. 34 poles; N. 7 W. 46 poles, containing 161 acres.

There has long been a need to revise and remodel the ordinances of the Town of Albright, and Council in the Fall of 1955, authorized its attorney, Charles V. Wehner, to completely revise and remodel the ordinances.

West Virginia Code, Chapter 8, relating to Municipal Corporations, applies to the Town of Albright, and all provisions therein contained and all powers therein conferred are adopted and imposed, except as hereinafter modified or changed. Said Chapter 8 of said Code shall be adopted and remain in full force and effect at the same time this Code of the Town of Albright is adopted.

The Town of Albright is a town within the meaning of West Virginia Code, Chapter 8 A, Article 1, Section 4, and upon adoption hereof shall have all of the powers granted to Towns by virtue of said Code, Chapter 8 A, relating to Municipal Home Rule.

CHAPTER I.

DEFINING BOUNDARIES OF WARDS AND RECONSTITUTING CERTAIN WARDS.

WHEREAS, it is the sense of the Common Council of the Town of Albright, to adjust as nearly as possible the boundaries of the various wards of said Town in number of voters therein contained, as well as land area enclosed, thus enabling the citizens of said Town to have more equal representation upon the Common Council thereof,

BE IT ORDAINED by the Common Council of Albright, West Virginia:

Section 1-101. That Ward 1 of said Town shall be composed of all territory lying between the following boundaries and including the following area: Having as the southern boundary, the northern side of Bishoff Avenue from the point where the same would bisect Cheat River at the southwestern end thereof, to the point where the northern side of Bishoff Avenue would bisect the Northeastern Corporation line; from the line so established to the Northern Corporation line, and embracing all territory and residents contained therein.

Section 1-102. That Ward 2 of said Town shall be composed of all territory lying between the following boundaries and including the following area: Having as its northern boundary the southern side of Bishoff Avenue running from the bisection thereof, if continued, to Cheat River on the southwest, and the Northeastern Corporation line, including all territory and residents from the southern side of Bishoff Avenue to the northern side of Central Avenue, and having as its southern boundary, said northern side of Central Avenue from Cheat River to the Northeastern Corporation line.

Section 1-103. That Ward 3 of said Town shall be composed of all territory lying between the following boundaries and including the following area: Having as its northern boundary the southern side of Central Avenue running from the bisection thereof, if continued, to Cheat River on the southwest and the Northeastern Corporation line, and including all territory and residents from said southern side of Central Avenue to the northern side of Guffey Avenue, having as its southern boundary the northern side of Guffey Avenue, running from the bisection thereof, if continued, to Cheat River on the southwest, and

thence along the northern side of Guffey Avenue toward the Northeastern Corporation line, but following the northern side of Griffey Avenue of the Schoolhouse Addition, to the place of intersection with the Northeastern Corporation line.

Section 1-104. That Ward 4 of said Town shall be composed of all territory lying between the following boundaries and including the following area: Having as its northern boundary the southern side of Guffey Avenue running from the bisection thereof, if continued, to Cheat River on the southwest and thence along the southern side of Guffey Avenue toward the Northeastern Corporation line following the southern side of Griffey Avenue of the Schoolhouse Addition to the place of intersection with the Northeastern Corporation line, and including all territory and residents from said southern side of Guffey Avenue and Griffey Avenue to the northern side of the old Bishop Road leading from Bruceton and Terra Alta Pike and following said Old Bishop Road, to the intersection thereof with the Northeastern boundary line of this Corporation.

Section 1-105. That Ward 5 of said Town shall be composed of all territory lying between the following boundaries and including the following area: Having as its northern boundary, the southern side of the old Bishop Road, leading from the Bruceton and Terra Alta Pike to the Northeastern Corporation line, and including all territory and residents lying between said southern side of the old Bishop Road and the Southern Corporation line, following Dority Run (also known as Daugherty Creek) 5.85° W. 56 poles to Cheat River.

MEETINGS

Section 1-201. REGULAR MEETINGS.

(a) Time. The City Council shall hold regular meetings on first Saturday each month at six o'clock, P.M., provided, however, that when the day fixed for any regular meeting of Council falls upon a holiday, such meeting of Council shall be held at the same hour on the next succeeding Saturday.

(b) Place. All regular meetings of Council shall be held at Ladies Aid Hall of the Methodist Church.

Section 1-202. SPECIAL MEETINGS. The mayor shall call special meetings of Council whenever in his opinion the public business may require it, or at the express written request of any three members of Council. Whenever a special meeting is called, all members of Council shall be notified in person, or by notice left at his place of residence, stating the date and hour of the meeting, and the purpose thereof.

Section 1-203. AGENDA AND ORDER OF BUSINESS. All meetings of Council shall be open to the Public. Business of Council shall be taken up in the following order.

1. Roll call.
2. Reading and approval of minutes of previous meeting.
3. Petitions and communications.
4. Introduction and adoption of resolutions and ordinances.
5. Report of Officers and Committees.
6. Unfinished business.
7. New business.
8. Miscellaneous.
9. Appropriations and orders to pay bills.
10. Adjournment.

Section 1-204. DUTIES OF MAYOR. The Mayor shall preside at Council meetings, and shall preserve order and decorum at all meetings. He shall have all of the authority granted by West Virginia Code Chapter 8, and assume all the duties therein contained. He shall state every question coming before the Council, announce the decision of Council on all matters, and shall vote on all questions, his name being called last. He shall sign all ordinances and resolutions adopted by Council. In the event of the absence of the Mayor, Council shall elect one of their number to preside as Presiding officer who shall sign ordinances and resolutions adopted. A quorum of council authorized to do business shall be a majority thereof. In the absence of a quorum, the

Presiding officer shall, at the instance of any members present, compel the attendance of absent members.

Section 1-205. PROCEDURE: The Presiding officer may move, second and debate from the chair, and any Presiding officer who is a member of Council shall not be deprived of any of the rights and privileges of a Councilman by virtue of being Presiding Officer. Every member desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself to the matter under debate, avoiding all personalities or indecorous language. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed. The Clerk may be directed by the Presiding officer, with consent of Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before Council. Unless a member of council states that he is not voting, his silence shall be recorded as an affirmative vote. No bill or other demand against the Town shall be allowed until the same has been considered and reported upon.

Section 1-206. ORDINANCES. All ordinances shall be prepared by the Town attorney, who shall be a member of the Preston County Bar, regularly practicing before the Circuit Court. No ordinance shall be presented unless ordered by a majority vote of Council, or requested by the Mayor, or prepared by the Town attorney on his own initiative. No ordinance shall be put on its final passage on the same day on which it was introduced, except upon unanimous consent of Council. Otherwise, an ordinance shall have two separate readings, but the second reading shall never be had on the same day as the first. An ordinance shall stand for final action on the day of the second reading, notwithstanding any amendment or substitute ordinance. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing

ordinances or sections thereof.

Section 1-207. RESOLUTIONS AND REPORTS. All resolutions for the appropriation of money shall designate the particular fund from which the appropriation is to be made. Any objection voiced by one member shall require a roll call upon the motion to adopt the resolution. If no objection is made the Clerk shall record a unanimous consent to the motion for immediate consideration. All reports and resolutions shall be filed with the Clerk and entered on the minutes.

Section 1-208. OATH OF MAYOR AND COUNCILMEN. The oath to be taken before assuming office, by the Mayor and each member of Council, shall be:

"State of West Virginia,

County of Preston, to-wit:

I, _____ do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and the Laws and Ordinances of the Town of Albright; that I will faithfully, honestly and impartially discharge my duties as _____ _____ during my continuance therein; that I am not directly or indirectly pecuniarily interested in any company or person doing business with the Town of Albright, so help me God.

_____

Taken, subscribed and sworn to before me this _____ day of _____ 19____.

_____
Notary Public

My Commission expires: _____."

Section 1-209. Council shall carry on all duties heretofore contained in this Chapter and shall have all the duties, liabilities, powers and responsibilities conferred upon members of Council of a Municipal Corporation by West Virginia Code, Chapter 8. It shall constitute the governing body of the Town of Albright, and shall serve faithfully and until successors are chosen. Members of Council shall maintain proper records, attend meetings, carry out committee assignments, and perform all duties imposed by law and serve as

Councilman to his best ability.

Section 1-210. ELECTIONS. Municipal elections for the office of Mayor and Council shall be held as required by the law of the State of West Virginia and shall be held on the first Tuesday of June, biennially, during odd numbered years. The Mayor and members of Council elected to their respective offices, shall take office July 1 following such election and shall serve until their successors are chosen and qualified. All special elections shall be held as required by law and in the manner set forth in the Code of West Virginia.

Section 1-211. APPLICABILITY OF ORDINANCES. The Town of Albright, through its Mayor and Council, reserves all rights, powers and privileges belonging to municipalities of this State, and particularly as contained in Chapter 8 and Chapter 8A of the Code of West Virginia, as now enacted or hereinafter amended, and the Ordinances of said Town of Albright shall be cumulative to said laws and not in place thereof, except as plainly stated in such ordinance. There is hereby adopted all such powers as are given to municipal corporations of this State by the laws of the State of West Virginia, and the same are hereby adopted herein as if set out verbatim in this ordinance. No further resolution or ordinance shall be deemed necessary to effectuate the adoption of such laws, particularly but not limited to, Chapter 8 and Chapter 8A of said Code of West Virginia, as amended.

CHAPTER II.

Section 2-101. REVENUE AND TAXATION. The Town of Albright shall be a Taxing Unit as defined in Chapter 11, Article 8, Section 4, of the West Virginia Code and shall have all of the rights conferred by said Chapter and Article upon municipal corporations to levy taxes upon Class I, Class II, and Class IV properties within said municipality, as defined by law. It shall have all of the rights to special levies, or special taxes as contained in said Chapter or as may be contained in Chapter 8 or Chapter 8A of said Code. Until passed by Council, the regular municipal levy rates shall apply to all property of the Classes aforesaid (as defined in said West Virginia Code, Chapter 11, Article 8, Section 5) within the corporate limits of Albright.

Said Town of Albright reserves the right, as contained in Code, Chapter 11A, Article 1, Section 15, to receive from the Sheriff of Preston County each month all taxes collected for the Town of Albright, to be paid on or before the 5th day of each month for all taxes collected during the preceding month.

Section 2-102. Said Town of Albright specifically reserves, in addition to all other powers conferred upon it by law, to levy all such license fees, and taxes as may be levied under municipal home rule or as reserved to municipalities not under the municipal home rule statute. This ordinance shall be deemed the adoption by Council of all such rights, powers and privileges.

CHAPTER III.

LICENSES AND PERMITS

Section 3-101. This ordinance shall be known and may be cited as the "General Licensing Ordinance of the Town of Albright."

Section 3-102. It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance. There is specifically retained the following license fees, heretofore adopted:

1.	Soft drinks	$2.00 per year
2.	Tobacco and cigars	$2.00 per year
3.	Cigarettes	$5.00 per year
4.	Restaurant or hotel or boarding house	$3.00 per year
5.	Beer - Retail	$100.00

Said license fees were adopted by ordinance passed June 8, 1939.

6.	Vending machines (one cent)	$1.00 per year
7.	Vending machines (five cents)	$5.00 per year

Said license fees were adopted by ordinance passed December 2, 1941.

Section 3-103. For the purposes of this Ordinance, the following definitions shall apply:

(1) "Business" is meant to include all kinds of vocations, occupations and professions, conducted for private profit, directly or indirectly, on any premises in this Town.

(2) "Town" is the Town of Albright.

(3) "Council" is the Town Council of Albright.

(4) "License Officer" is the Town Recorder.

(5) "License" shall include the word "permit".

(6) "Person" shall include individual natural persons, partnerships, joint adventures, societies, associations, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors, or any personal representatives of any thereof.

(7) "Premises" shall include all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property affixed to, or otherwise used in connection with any such business conducted on such premises.

Section 3-104. APPLICATION OF REGULATIONS:

A. It shall be unlawful for any person, either directly or indirectly, to conduct any business or non-profit enterprise, or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required by law or ordinance of this Town, without such license or permit being first procured and kept in effect at all such times as required by this Ordinance or other law or ordinance of this Town.

B. (1) For the purpose of this Ordinance any person shall be deemed to be in business or engaging in profit-making enterprise when he does one act of selling any goods or service, soliciting business or offering goods or services for sale or hire, or acquiring or using any vehicle or any premises in the Town for business purposes.

(2) The agents or other representatives of non-residents who are doing business in this Town shall be personally liable for the compliance of their principals, and of the businesses they represent within the meaning of this Ordinance.

(3) The Town Recorder shall issue special permits, without the payment of any license fees, to any person or organization for the conduct or operation of a non-profit enterprise, either regularly or temporarily, when he finds that the applicant operates without private profit, for a public, charitable,

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educational or religious purpose.

Section 3-105. TOWN LICENSE OFFICER.

A. The Town License officer shall collect all license fees and shall issue licenses in the name of the Town to all persons qualified under the provisions of this Ordinance and shall enforce all rules necessary to the operation and enforcement of this ordinance, adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers, submit all applications to the Mayor for his endorsement on the license or permit if it be granted, investigate and determine the eligibility of the applicant for a license, and notify any applicant of the acceptance or rejection of his application.

Section 3-106. All applicants for a license or permit shall be citizens of the United States, and of good moral character.

Section 3-107. Every person required to procure a license under the provisions of any ordinance or law of the Town shall apply therefor upon a blank application made up for that purpose, by the Town License Officer and shall accompany the application with the full amount of the fee. The License Officer shall issue a receipt for the money paid, but such receipt shall not be construed as the approval of the License officer for the issuance of a license; nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this Ordinance. Upon disapproving any application submitted, the License Officer shall refund all fees paid in advance to the applicant, provided the applicant is not otherwise indebted to the Town.

Section 3-108. CONTENTS OF LICENSE.

Each license issued hereunder shall state upon its face the following:

(1) The name of the licensee and any other name under which the business is to be conducted

(2) The kind and address of each business so licensed

(3) The amount of license fee

(4) The dates of issuance and expiration thereof

(5) Such other information as the License Officer shall determine.

The License shall be posted and maintained upon the licensed premises in a place where it may be seen at all times. When the license is issued in connection with a motor vehicle, the same shall be kept in said vehicle, and when issued to a person who has no licensed business premises (e. g. hawker or peddler) it shall be carried on his person.

Section 3-109. TRANSFER OF LICENSE. A licensee hereunder shall have the right to transfer his license to another person provided he shall obtain written permission from the license officer, promptly report the transfer, and pay a transfer fee of $1.00 to the License Officer.

Section 3-110. ENFORCEMENT. The License Officer or the Town Sergeant may make all investigations reasonably necessary to the enforcement of this Ordinance, inspect the licensed premises to see if this ordinance is being complied with. The License Officer shall have the authority to suspend or revoke licenses for failure to observe the conditions of this ordinance. Upon revocation or suspension no refund of any portion of the license fee shall be made to the licensee and he shall immediately cease all business at all places under such license.

The amount of any unpaid fee, the payment of which is required hereunder, shall constitute a debt due the Town, which shall have a lien upon said property for the payment thereof, if past due. The Town Attorney shall, if instructed by the Licensing officer, institute civil suit in the name of the Town to recover any such unpaid fee. No civil judgment or payment of the fee shall be a bar to criminal prosecution for a violation hereunder.

Section 3-111. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not exceeding fifty dollars or imprisoned in the Preston County jail for a period not exceeding thirty (30) days or both fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

CHAPTER IV.

MORALS AND CONDUCT

Section 4-101 The Town of Albright reserves the right to exercise all of the powers of municipal corporations provided in West Virginia Code Chapter 8 Article 4 Section 10 pertaining to general powers of council and all additions thereto as may be provided by law.

Section 4-102. SALE OF BEER. It shall be unlawful for any retail establishment selling beer to remain open on Sunday for the sale of beer in this corporation; or to sell, dispense, give away, or deliver any beer to any persons, firms or corporations on Sunday.

Section 4-103. Any person violating the terms of Section 4-102 hereinabove, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than $50.00 or confined in the Preston County jail not more than ten days, or both. Each violation hereof shall constitute a separate offense.

Section 4-104. LOITERING. It shall be unlawful for any minor under the age of 18 years to loiter, idle, wander or play in or upon the public streets, highways, roads, alleys, parks, or other public places, public grounds or public buildings, vacant lots or other unsupervised places, between the hours of 10 P. M. and 6 A. M. of the following day, from September 1 to June 1 and between the hours of 11 P. M. and 6 A. M. of the following day, from May 30 to August 30; Provided, however, that the privisions of this Section do not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.

Each violation of the provisions of this Section shall constitute a separate offense.

Section 4-105. Any minor violating the provisions of Section 4-104 shall be dealt with in accordance with Juvenile Court law and procedure.

Section 4-201. OFFENSES AGAINST PUBLIC PEACE.

(1) No person in the Town of Albright shall: disturb, tend to

disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control;

(2) Beat, strike, wound, imprison, or inflict violence on another where the circumstances show malice, or assault another with intent to commit murder, rape, mayhem, robbery, or larceny. Nor shall any person assault another with a lethal weapon, instrument, or thing with intent to commit upon the person of another any bodily injury where no considerable provocation appears or where the circumstances of the assault show malice;

(3) No person shall fight another person except in boxing exhibitions duly authorized and licensed under law;

(4) No person shall loiter or have the status of a vagrant. For purposes of this section a vagrant shall be defined as any person having no lawful means of support realized solely from lawful accupations or sources; or, any person who lives idly and without visible means of support.

(5) No person shall keep, operate, frequent, live in or be employed in any house or other establishment of ill fame, or, whether married or single, engage in or commit any act of fornication or perversion.

(6) No person shall frequent or loaf, loiter or idle in or around or be an occupant of or employed in any gambling establishment or establishment where intoxicating liquor is sold without a license.

(7) No person shall engage in any fraudulent scheme, device or trick to obtain money or other valuable thing from others; nor shall any person aid or assist such trick, device or scheme;

(8) No person shall keep a place where lost or stolen property is concealed;

(9) No person shall disquiet or disturb any congregation or assembly for religious worship by making a noise or by rude or indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting;

(10) No person shall manufacture for sale or gift, sell or keep for sale any intoxicating liquors, or sell any intoxicating liquors to another, or permit another to keep for sale any intoxicating liquors or sell any intoxicating liquors on any premises owned or controlled by him. This paragraph shall not apply to a private residence kept as such unless it or some part of it is used in connection with or as a store, shop, hotel, boarding-house, rooming-house or place of public resort;

(11) No person shall wear under his clothes, or conceal about his person, or display in a threatening manner, any dangerous or deadly weapon including, but not by way of limitation, any pistol, revolver, sling shot, cross-knuckles, or knuckles of lead, brass, or other metal, or any bowie knife, or any knife resembling a bowie knife, or any knife with a switch-blade or device whereby the blade or blades can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance;

(12) No person shall have in his possession, except within his own domicile or place of business, or carry or use, a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any air-gun, "B-B gun", gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a "peashooter", "slingshot" or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name. The prohibition of this paragraph shall not be construed to forbid United States marshals, sheriffs, constables, and their deputies, and any regular, special, or ex-officio police officer, or any other law enforcement officer from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.

(13) No person shall throw any stone, snowball or any other missile upon or at any vehicle, building, tree, or other public or private property, or upon or at any person in any public or private way or place or enclosed or unenclosed ground; nor throw, kick, or knock any ball, or play ball in any other manner upon any public street, alley or sidewalk.

(14) No person shall cast, throw, light or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

(15) No person shall make or assist in making any bonfire in or upon any public street or place within the Town of Albright without the permission of the Mayor or Town Sergeant.

(16) No person shall resist any police officer, or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty; offer or endeavor to assist any person in the custody of a police officer, a member of the Police Department or a person duly empowered with police authority to escape or to attempt to escape from such custody.

Section 4-301. OFFENSES AGAINST PUBLIC HEALTH.

(1) WEEDS. No owner of any lot, place or area within the Town, or the agent of such owner, shall permit on such lot, place or area, or upon any sidewalk abutting the same, any weeds, grass, or deleterious, unhealthful growths, or other noxious matter, that may be growing, lying or located thereon.

(a) NOTICE TO DESTROY. The Mayor or Town Sergeant is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area within the Town or the agent of such owner, to cut, destroy, and/or remove any such weeds, grass, or deleterious, unhealthful growths, or other noxious matter, found growing, lying or located on such owner's property, or upon the sidewalk abutting same. Such notice shall be by certified mail, addressed to said owner, or agent of said owner, at his last known address.

(b) ACTION UPON NON-COMPLIANCE. Upon the failure, neglect, or refusal of any owner or agent so notified, to cut, destroy and/or remove weeds, grass, or deleterious, unhealthful growths, or other noxious matter, growing, lying, or located upon such owner's property, or upon the sidewalk abutting the same, within five (5) days after receipt of the written notice provided for in sub-section (a) above, or within five (5) days after the date of such notice, in the event the same is returned to the Town Post Office because of its

inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the Mayor or Town Sergeant is hereby authorized and empowered to pay for the cutting, destroying and/or removal of such weeds, grass, or deleterious, unhealthful growths or other noxious matter or to order the removal by the Town.

(c) CHARGE THEREFOR. When the Town has effected the removal of such obnoxious growth or has paid for its removal the actual cost thereof, plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be a lien upon the property from which such work was done, in accordance with Chapter 38, Article 10C, Sections 1 and 2 of the Code of West Virginia, or may be collected in accordance with Chapter 8, Article 7, Section 2 of said Code. The Town attorney, when directed by the Mayor or Town Sergeant shall prepare a notice of lien for recordation in the office of the Clerk of the County Court of Preston County, or bring such action as directed, in accordance with the law herein referred to.

Section 4-302. No person in the Town shall expectorate upon any sidewalk, street, floor in public buildings or upon any other public place.

Section 4-303. OFFENSES AGAINST PROPERTY. No person shall:

(a) Willfully, maliciously, wantonly, negligently or otherwise injure, deface, destroy or remove real property or improvements thereto, or moveable or personal property belonging to the Town or to any person in the Town.

(b) Throw or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any private property, any waste or other material of any kind.

(c) POSTING NOTICES. Fasten in any way any show-card, poster or other advertising device upon public or private property in the Town unless legally authorized to do so.

(d) Tamper with, injure, deface, destroy or remove any sign, notice, marker, fire-plug, monument or any other personal property erected or placed by the Town.

(e) Move, disturb, or take any earth, stone or other material from any public street, alley, park or other public ground.

Section 4-304. OFFENSES INVOLVING MORALS. No person shall:

(a) Commit or offer or agree to commit a lewd act or an act of prostitution or moral perversion, secure or offer another for such purpose, or aid, abet, allow, permit, or participate in any of the same.

(b) Use vulgar, profane, or indecent language on any public street or other public place or in any public hall, place of business or room open to public patronage.

(c) Publicly expose his person or make any indecent gestures.

(d) Look, peer, or peep into, or be found loitering around or within view of, any window not on his own property with the intent of watching or looking through said window.

(e) Engage in a game of chance, or indulge in any form of gambling prohibited by the statutes of the State of West Virginia or ordinances of the Town of Albright; have in his possession any evidence of illegal gambling in the nature of policy or pool tickets, numbers tickets, slips or checks or memoranda of any combination or bet, or any policy wheel, dice, implement, apparatus or material of any form of illegal gambling or lottery. Nor shall any person, being the owner or person in control of premises, knowingly permit the use or occupancy thereof for gambling.

(f) CRUELTY TO ANIMALS. No person shall overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhuman manner, any animal; or cause any of these things to be done. Nor shall any person fail to provide any animal in his charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done, nor abandon any animal, or cause such act to be done; nor poison any dog or dogs or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or dogs. Nor shall any person frighten, shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner

molest or injure any robin, lark, whippoorwill, finch, sparrow, thrush, wren, martin, swallow, snow-bird, bobolink, red-winged blackbird, crow, raven, oriole, song-sparrow, or other song bird or insectivorous bird; or in any manner molest or injure the nest eggs or young of any such bird; or have in possession the nest eggs, young or body of such bird.

Section 4-401. OFFENSES INVOLVING CHILDREN.

No person in the Town of Albright shall:

(a) No person having the care, custody, control or confidence of or influence over any child shall willfully cause or permit the life of such c child to be endangered, or the health of such child to be injured, or the morals of such child to be impaired; or shall willfully cause or permit such child to be placed in such a situation, business, or occupation that its life, health, or morals shall be endangered; or shall willfully cause or permit such child to be placed in such a situation, business, or occupation that its life, health, or morals shall be endangered; or to willfully abandon such child, or shall torture, torment, cruelly punish, or willfully or negligently deprive of necessary food, clothing or shelter, or in any other manner injure such child unnecessarily.

(b) Take, receive, hire or employ any child under the age of sixteen (16) years to labor in or about any business or employment whatever within the Town of Albright during the school hours of any school day.

(c) No person who is the proprietor or keeper of a tavern shall employ or permit any minor under the age of eighteen (18) years to frequent or be in or about such place, or to drink any intoxicating liquors or beer or any other fermented malt beverage in or about the same, or engage or participate in any bet, wager with any cards or other gambling device, or any other game whatsoever, in or about such place. It shall be the duty of any person who is the proprietor or keeper of a tavern to post conspicuously in his place of business the following sign: "MINORS UNDER THE AGE OF EIGHTEEN (18) YEARS NOT ALLOWED HERE."

(d) Assault any child under sixteen (16) years of age; or take

indecent and improper liberties with the person of such child; or entice, allure, or persuade such child into any room, office, or any other place for the purpose of taking any immodest, immoral, or indecent liberties with such child; or take any such liberties with the person of such child at any place.

(e) To hang on to or ride upon the outside of any moving vehicle.

Section 4-501. PENALTIES. For the violation of any of the provisions of this Chapter, such person so violating the same shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars, or by imprisonment in the Preston County jail not exceeding thirty days, or both. Each such violation shall constitute a separate offense and shall be punishable as such hereunder, and by virtue of West Virginia Code, Chapter 8, Article 4, Section 3.

CHAPTER V.

HEALTH, SAFETY AND SANITATION

Section 5-101. UNNECESSARY NOISES. It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

Section 5-102. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

(1) Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

(2) Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neigh-

boring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock P. M. and seven o'clock A. M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) Loud Speakers, Amplifiers for Advertising. The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11 P. M. and 7 A. M. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(5) Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(7) Defect in Vehicle or Load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(8) The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7 A. M. and 6 P. M.

on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Mayor. If the Mayor should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6 P. M. and 7 A. M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 P. M. and 7 A. M., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(9) Schools and Churches. The creation of any excessive noise on any street adjacent to any school or church while the same are in use, which unreasonably interferes with the workings of such institutions.

(10) Hawkers, Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

Section 5-103. PENALTIES. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding $25.00 or by imprisonment for not more than ten (10) days, or by both fine and imprisonment.

Section 5-201. TAXING AND CONTROL OF DOGS. As used in this ordinance, unless the context otherwise indicates:

(a) "Dog" shall be intended to mean both male and female.

(b) "Owner" shall be intended to mean any person or persons, firm association or corporation owning, keeping, or harboring a dog.

(c) "At large" shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.

Section 5-202. LICENSE AND REGISTRATION REQUIRED. All dogs kept, harbored or maintained by their owners in the Town of Albright shall be taxed and registered if over six (6) months of age, as provided in West Virginia Code, Chapter 19, Article 20, Section 2, as amended. Dog tags shall be issued by

the County Assessor of Preston County, West Virginia, as provided in said Code, Chapter and Article and the City dog tax to be so collected by said Assessor as in said Chapter and Article provided, shall be One Dollar ($1.00) on each male or spayed female dog, and Two Dollars ($2.00) on each unspayed female dog. The owner, keeper or harborer shall state at the time application is made for such tag, and upon printed forms provided for such purpose, his name and address, the age, sex, color, character of hair (long or short), and breed (if known) of each dog owned or kept by such owner, keeper or harborer. The provisions of this section shall not be intended to apply to dogs whose owners are non-residents temporarily within the Town, nor to dogs brought into the Town for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

Payment of such dog head taxes shall be paid to said Assessor as provided in the said Code Chapter and Article at the time such Assessor makes assessment of the personal property within Preston County, West Virginia, and such Assessor shall remit to the Town Clerk of the Town of Albright the taxes as in said Chapter and Article provided.

Section 5-203. TAG AND COLLAR. Upon payment of the head tax, said Assessor shall issue to the owner a certificate of registry of such dog and a registration tag for each dog so taxed. The design of such tag shall be changed from year to year, so that identification of the year of issue of any tag may be made without close visual examination and such tags shall be made of metal or some other suitable substance of a permanent nature. If any registration tag be lost, a duplicate shall be furnished by such Assessor upon proper proof of loss, and the payment fee of twenty-five (25) cents. Every owner shall be required to provide each dog with a collar to which the dog tag must be affixed and shall see that the collar and tag are constantly worn. Dog tags shall not be transferrable from one dog to another and no refunds shall be made on any dog tag because of death of the dog or the owners leaving the town before expiration of the taxing period. The failure to have displayed or worn on any dog at any

time of such valid tag shall be prima facie evidence that such dog is not registered, and such dog shall be subject to be, and shall be, impounded, sold or destroyed as herein provided.

Section 5-204. RUNNING AT LARGE PROHIBITED. No owner or keeper of any dog shall permit such dog to run at large within the corporate limits of the Town of Albright, and such dog shall at all times be on a leash, chain or other suitable device, whether head tax is paid thereon or not, except when upon the premises of the owner. If any such dog is found running at large in violation of this provision it shall be taken up and impounded and shall not be released until after payment of the fees hereinafter provided: PROVIDED, HOWEVER, that if any dangerous, fierce or vicious dog so determined to be dangerous, fierce or vicious by any peace officer of said Town of Albright, so found at large, cannot be safely taken up and impounded, such dog may be slain by any policeman.

Section 5-205. IMPOUNDING. It shall be the duty of every police officer or other person appointed by the Town Council, or the County Dog Warden and his deputies, as provided in West Virginia Code, Chapter 19, Article 20, Section 6 as amended, to apprehend any dog found running at large contrary to the provisions of Section 4 hereinabove, and to impound such dog in the Town Pound or any dog pound provided by Preston County, West Virginia, or operated in cooperation with said Town of Albright, as provided in said West Virginia Code, Chapter 19, Article 20, at Section 7 therein as amended, or other suitable place. The police officer or other person appointed by the Town Council or County Dog Warden, upon receiving any dog, shall list the breed, color and sex of such dog and whether wearing a dog collar and tag. If tagged he shall enter the name and address of the owner and the number of the dog tag.

Section 5-206. NOTICE TO OWNER AND REDEMPTION. When any dog shall have been seized and impounded the said police officer or other person appointed by the Council or dog warden shall forthwith give notice to the owner of such dog, if such dog be wearing a tag, or if such owner be known, that such dog has been impounded and that it will be sold or destroyed if not redeemed

within five (5) days. If the owner of such dog be not known to the police officer or other party apprehending any dog, he shall post a notice at the front door of the City Hall in said Town of Albright, describing the dog and the place and time of seizing, and advising the unknown owner that such dog will be sold or destroyed if not redeemed within five (5) days. The owner of any dog so impounded may reclaim such dog upon payment of the head tax, if unpaid, and of all costs and charges incurred by the Town of Albright for impounding and maintenance of said dog. The following charges shall be paid to the Town Clerk: For impounding any dog $2.00; for keeping any dog 50 cents per day; for giving notice 50 cents.

Section 5-207. DISPOSITION OF UNCLAIMED OR INFECTED DOGS. It shall be the duty of the keeper of the dog pound, to be known as the dog warden, to make proper provision for the feeding and care of dogs and to keep all dogs so impounded for a period of six (6) days. If, at the expiration of six (6) days from the date of the notice to the owner or the posting of notice, such dog shall not have been redeemed, it may be destroyed. Any dog for which no dog tag has been issued or any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but may be forthwith destroyed. A record of all dogs impounded, the disposition of such dogs and a statement of costs assessed against each dog shall be kept by the dog warden and a transcript thereof furnished to the Town Council quarterly.

Section 5-208. MUZZLING. Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on its premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large or on a chain, leash or other device, during the time of the proclomation shall be seized and impounded as hereinbefore provided. All dogs noticeably affected with rabies and displaying vicious propensities shall be killed by the dog warden without notice to the owner. Dogs impounded during

the first two (2) days of such proclamation shall, if claimed within five (5) days, be released to the owner upon the payment of the charges provided in this ordinance, unless infected with rabies. If unclaimed after that period such dog may be summarily destroyed as provided in Section 5-207 of this ordinance.

Section 5-209. RABIES - NOTICE. If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owners premises and shall be placed under the observation of a veterinarian at the expense of the owner, for a period of two (2) weeks. The owner shall notify the dog warden or the Chief of Police of the fact that his dog has been exposed to rabies and at his discretion the dog warden or Chief of Police, or any officer, is empowered to have such dog removed from the owner's premises and placed under the observation and care of a veterinarian for a period of two (2) weeks at the expense of the owner.

It shall be unlawful for any person knowing, or suspecting a dog to have rabies, to allow such dog to be taken off his premises or beyond the limits of the Town of Albright without the written permission of the dog warden. Every owner or other person upon ascertaining a dog is rabid, shall immediately notify the dog warden or a policeman who shall either remove the dog to the pound or summarily destory it.

Section 5-210. DOG KENNELS AND VETERINARY HOSPITALS. Every owner or operator of a dog kennel or veterinary hospital wherein dogs are bred, kept, boarded, treated, sold or handled as a commercial venture for profit shall annually, between the first day of January and the thirty-first day of March, file with the Assessor of the County, a report of the location of the kennel or veterinary hospital and the name and address of the person actually in charge of the same. As to the dog tags required in Section 5-203 of this ordinance, such owner of such kennel or veterinary hospital shall be entitled to receive certificates and tags for not more than five (5) dogs without the payment of a separate head tax on such dogs, as provided in said West Virginia Code, Chapter

19, Article 20, in Section 3 thereof, as amended.

Section 5-211. PENALTIES. Any owners found violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Fifty Dollars ($50.00) for such offense.

Section 5-212. REPEALING OF CONFLICTING ORDINANCES. All existing ordinances of the Town of Albright are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

Section 5-213. SEPARABILITY OF PROVISIONS. It is the intention of the Town Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of Town Council that if any provision of this ordinance be declared invalid all other provisions thereof shall remain valid and enforceable.

CHAPTER VI.

VEHICLES AND TRAFFIC

Section 6-101. DEFINITION OF WORDS AND PHRASES.

The words: "vehicle; motor vehicle; motorcycle; motor-driven cycle; authorized emergency vehicle; school bus; bicycle; railroad; railroad train; traffic; truck tractor; farm tractor; road tractor; bus; trailer; tire; explosives; flammable liquid; gross weight; person; pedestrian; driver; owner; police officer; street; highway; private road or driveway; roadway; sidewalk; through highway; intersection; crosswalk; safety zone; business district; alley; residence district; official traffic-control devices; traffic control signal; railroad sign or signal; traffic; right-of-way; stop; stop, stopping or standing; and park", shall mean and be defined as contained in the West Virginia Code, Chapter 17C, Article 1, pertaining to "Traffic Regulations, As Amended By Act of The 1951 Legislature."

Section 6-102. TRAFFIC ADMINISTRATION.

1. It shall be the duty of the chief of police and all police

officers with such aid as may be rendered by other law enforcement authorities to enforce the street traffic regulations of this Town and all State vehicle laws applicable to street traffic, to make arrests for traffic violations, to investigate accidents, and to carry out the duties of this ordinance.

2. The police department shall keep a record of all violations of the traffic ordinances of this Town or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses.

3. All police officers shall investigate traffic accidents, arrest and assist in the prosecution of all persons charged with violations of law causing or contributing to such accidents.

4. The chief of police shall determine and recommend to council the installation and maintenance of traffic-control devices, plan the operation of traffic on streets, and recommend such measures as may be necessary for the welfare and safety of pedestrians and motorists using the streets of Albright. The chief of police, by and with consent of council is hereby empowered to make regulations necessary to make effective the traffic ordinances, including stop signs, crosswalks, temporary parking places and the like, and the chief of police and all police officers shall enforce all street traffic laws of this Town and all State vehicle laws applicable to street traffic. The chief of police and all police officers are hereby authorized to direct all traffic by voice, hand, or signal in conformance with this ordinance, provided that, in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

5. The police department shall designate a type of pennant or other identifying insignia to be displayed upon vehicles in funeral processions.

6. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

7. No person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance or resolution of Council. Council or the Mayor may designate certain streets for coasting in the winter and coasting shall be limited to the streets so designated.

8. The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States, this State, County or Town of Albright, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance or by State statute.

9. The driver of an authorized emergency vehicle, (fire truck, police cruiser or ambulance) when responding to an emergency call or when in the pursuit of an actual suspected violator of the law of when responding to but not upon returning from a fire alarm, may exercise the privilege, when necessary, of parking or standing; proceeding past red lights or stop signs, but only after slowing down as may be necessary for safe operation; exceed the speed limits so long as he does not endanger life or property, or disregard governing direction of movement or turning in specified directions. The exemptions herein granted shall apply only when the driver of such emergency vehicle while in motion sounds audible signal by bell, siren, or whistle, as reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. These provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

10. Upon the approach of an authorized emergency vehicle equipped as set forth in 9 above, and giving the signal therein provided, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed except when otherwise directed by a police officer.

11. It shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance.

Section 6-103. ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS.

1. It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this Town and all of the State vehicle laws applicable to street traffic in this Town.

2. In event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, and when at the scene of a fire, officers of the fire department may direct or assist the police in directing traffic.

3. No persons shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official and any wilful failure or refusal to so comply shall constitute a misdemeanor.

Section 6-104. TRAFFIC-CONTROL DEVICES:

1. If and when required and with the consent of council, the chief of police shall place and maintain traffic-control signs, signals and devices as he may deem necessary to regulate traffic, or guide or warn traffic. Such signs, signals and devices shall conform to the specifications set forth in Article 3 of Chapter 17C of the West Virginia Code, and shall be erected consistent with the provisions of state law.

2. The driver of any vehicle shall obey any such traffic-control

device unless otherwise directed by a police officer. Whenever traffic is controlled by traffic-control signals, the colors of said traffic-control signals shall be obeyed, red meaning "STOP", yellow meaning "CAUTION", and green meaning "GO", and such vehicular traffic shall proceed straight through or turn right or left, as the case may be, when the green signal is given, but shall yield the right-of-way to other vehicles and to pedestrians when the red or yellow signal is given.

3. No pedestrian facing any such signal shall enter the roadway until the green signal is shown and only when he can do so safely and without interfering with vehicular traffic using the intersection.

4. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking or device which purports to be or is in imitation of, or resembles an official traffic-control device or sign, nor shall any person place or maintain upon any street any sign or signal bearing any commercial advertising. This section shall not be deemed to prohibit the erection upon private property adjacent to such street, of signs giving useful directional information and of a type that cannot be mistaken for official signs. Any such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the chief of police shall cause any such sign to be removed without notice.

5. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any inscription or insignia thereon, or any other part thereof.

6. The chief of police is hereby authorized to designate and maintain by appropriate devices, marks, or lines upon the surfaces of any street, cross walks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary, and to establish safety zones and traffic lanes for the protection of pedestrians and the regular alignment of traffic.

Section 6-105. SPEED REGULATIONS.

1. The State traffic laws regulating the speed of vehicles shall be

applicable upon all streets within this Town as contained in West Virginia Code, Chapter 17C, Article 6. No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards, and in every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the streets in compliance with legal requirements, and the duty of all persons to use due care. Where no special hazard exists that requires lower speed for compliance with the first sentence of this section, the speed of any such vehicle shall not exceed 15 miles per hour when passing a school building or the grounds thereof during school recess, or while children are going to or leaving school during opening or closing hours, not in excess of 25 miles per hour in any business or residential district of said Town of Albright.

2. Any violation of the terms of this article shall constitute a misdemeanor.

Section 6-106. TURNING MOVEMENTS.

1. The driver of a vehicle intending to turn at an intersection shall both during the approach for such turn and during the turn itself do so with extreme caution, and for the approach for a right turn and a right turn such vehicle shall keep as close as practicable to the right-hand curb or edge of the roadway, and for an approach for a left turn and a left turn, such vehicle shall keep to the right of the center line of the roadway at all times and such left turn shall be made in that portion of the intersection to the left of the center of the intersection.

2. The chief of police is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place proper signs at such intersections, and no driver of a vehicle shall disobey the directions of any such sign.

Section 6-107. ONE-WAY STREETS AND ALLEYS.

1. Whenever the chief of police or any ordinance of this Town designates any one-way street or alley, the chief of police shall place and maintain signs giving notice thereof.

2. Whenever any such streets and alleys are determined to be one-way streets and alleys, and signs appropriately placed, vehicular traffic shall move only in the indicated direction and movement in the opposite direction is prohibited.

Section 6-108. SPECIAL STOPS REQUIRED.

1. Whenever the chief of police or any ordinance of this Town designates and describes a through street, it shall be the duty of the chief of police to place and maintain a stop sign on each and every street intersecting such through street, unless traffic at any such intersection is controlled at all times with traffic-control signals.

2. The chief of police is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets, and to determine whether vehicles shall stop at one or more entrances at any such stop intersection and shall erect a stop sign at every such place where a stop is required. Such stop sign or signs shall be located as near as practicable at the nearest line of the cross walk on the near side of the intersection, or if none, at the nearest line of the roadway.

3. When stop signs are erected as herein authorized at or near the entrance to any intersection, every driver of a vehicle shall stop before entering the cross walk on the near side of the intersection, or in the event there is no cross walk, shall stop at a clearly marked stop line, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when otherwise directed to proceed by a police officer.

4. The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, yielding the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. No driver shall enter an intersection or a marked cross

walk unless there is sufficient space on the other side of the intersection or cross walk to accomodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians.

5. Whenever any person driving a vehicle approaches a railroad grade crossing, the driver of such vehicle shall stop within 50 feet but not less than 10 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A closing gate is lowered or when a human flagman gives or continues to give the signal of the approach or passage of a railroad train;

(3) A railroad train approaching within approximately 1500 feet of the street crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing is an immediate hazard;

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

No person shall drive any vehicle through, around or under any cross-gate or barrier at a railroad grade crossing while such gate or barrier is closing or is being opened or closed.

Section 6-109. MISCELLANEOUS DRIVING RULES.

1. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

2. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or otherwise, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

3. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance.

This provision shall not apply at intersections where traffic is controlled by police officers or traffic-control signals.

4. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable, and shall follow the vehicle ahead as close as is practicable and safe.

5. No funeral procession, or parade containing 100 or more persons, or 25 or more vehicles, except the forces of the United States Army or Navy or the military forces of this State, shall occupy, march, or proceed along any street except in accordance with a permit issued by the mayor of the Town of Albright, and in accordance with such other regulations as set forth herein which may apply.

6. The driver of a vehicle shall not drive within any said work area except at a permanent or temporary driveway, and the driver of a vehicle shall not back the same unless such movement can be made with reasonable safety, and without interfering with other traffic.

7. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on such motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

8. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway or street.

Section 6-110 PEDESTRIANS' RIGHTS AND DUTIES.

1. Pedestrians shall be subject to traffic-control signals and to the directions of police officers, as contained in this ordinance.

2. Where traffic-control signals are not in place, nor in operation, nor any police officer is on duty at an intersection, the driver of a vehicle shall yield the right of way, slowing down or stopping, if need be, so as to

yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. Whenever any vehicle is stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

3. Pedestrians shall move whenever practicable upon the right half of crosswalks and no pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk. Every pedestrian crossing a roadway at any point other than within a marked crosswalk, or at an intersection, shall yield the right of way to all vehicles upon the roadway.

4. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

5. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway facing traffic approaching from the opposite direction.

6. No person shall stand in a roadway for the purpose of hitchhiking, soliciting a ride, employment or business from the occupant of any vehicle.

7. Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any children or any confused or incapacitated person upon any roadway.

Section 6-111. REGULATIONS FOR BICYCLES.

1. Every person riding a bicycle upon a roadway shall have the rights and be subject to all of the duties applicable to the driver of a vehicle by the terms of this ordinance, and by the laws of this State declaring rules of the road applicable to vehicles, except as to those provisions of laws and ordinances which by their nature can have no application. Any person operating a bicycle shall obey the instructions of official traffic-control signs and signals and the instructions of police officers.

2. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto and no bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3. Every person operating a bicycle upon a roadway shall ride as near to the right hand side of the roadway as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction. Persons riding bicycles on a roadway shall not ride more than two abreast, nor at a speed greater than is reasonable and prudent under the conditions then existing.

4. The operator of a vehicle emerging from an alley, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway, nor shall any person operating a bicycle carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars. No person shall park a bicycle except in such a manner as to afford the least obstruction to pedestrian traffic.

5. No person shall ride a bicycle upon a sidewalk within a business district and when riding a bicycle upon a sidewalk outside the business

district such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

6. Every bicycle when in use at night-time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. No person shall operate a bicycle unless it is equipped with a bell or horn or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle. Every bicycle shall be equipped with a brake which will enable the operator to make the brake wheel skid on dry, level, clean pavement.

7. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article. The regulations herein contained shall apply whenever a bicycle is operated upon any street or roadway of the Town of Albright.

8. Every person convicted of a violation of any provision of this article shall be punished by a fine of not more than 10 days, or by impounding of such persons for a period not to exceed 10 days, or by any combination thereof.

Section 6-112. METHOD OF PARKING.

1. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as otherwise herein provided.

2. The chief of police shall determine upon what streets, if any, angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any state highway within this Town

unless the State Road Commission has determined by resolution or minute order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

3. Upon those streets which have been signed or marked for angle parking no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

4. The chief of police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and it shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Section 6-113. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

1. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

(1) A sidewalk;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within 15 feet of a fire hydrant;

(5) On a cross walk;

(6) Within 20 feet of a cross walk at an intersection or stop sign;

(7) Within 50 feet of the nearest rail of a railroad crossing;

(8) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);

(9) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;

(10) On a roadway side of any vehicle stopped or parked at the edge or curb of a street, known usually as double-parking;

(11) At any place where official signs prohibit stopping, including any such curbs or markings painted with yellow paint by proper authority of the chief of police or council.

Any curb or line so painted with yellow paint shall without any further sign or indication be deemed to be an area along which no vehicle shall be stopped, left standing, or parked.

2. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb an unlawful distance.

3. No person shall park a vehicle within an alley or on any street in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

4. No person shall park a vehicle upon any roadway for the purpose of displaying the same for sale or washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

5. The chief of police is hereby authorized to erect signs indicating no parking or controlled parking upon either of both sides of any street adjacent to any school property when such parking would interfere with traffic or create a hazardous situation. When official signs or yellow lines are placed or painted indicating no parking upon either side or part of a street adjacent to any school property, as authorized herein, no person shall park a vehicle in any such designated place.

6. The chief of police is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

7. The chief of police is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the

stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic, and when so determined and designated no person shall stop, stand, or park a vehicle in any such designated place.

8. No parking shall be permitted at any time along the street extending parallel with Cheat River from the junction of State Route 26 to the bridge crossing Daugherty Run in the "St. Joe" Section of said Town. Nor shall any parts of vehicles be placed on said street or on the right-of-way of said street at any time.

Section 6-114. STOPPING FOR LOADING OR UNLOADING ONLY.

1. The chief of police is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. The chief of police shall not designate or sign any curb loading zone unless the person requesting the same makes application for a permit for such zone and for two signs to indicate the ends of each such zone. Upon granting of such a permit, the Town recorder shall collect from the applicant and deposit in the Town treasury a service fee of Ten Dollars ($10.00) per year or fraction thereof, and may by general regulations impose conditions upon the use of such signs and for reimbursement to the Town for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year from the date of issuance thereof.

2. No person shall stop, stand, or park a vehicle for any purpose or period of time at any place marked as a loading zone during the hours when the regulations are effective other than for the expeditious loading or unloading of passengers or freights, as the case may be, and in no case in excess of 30 minutes.

3. The chief of police is hereby authorized to establish bus stops and stands for common carrier motor vehicles on such public streets in such

places, and in such number, as may be for the greatest benefit and convenience to the public and every such stop or stand shall be designated by appropriate signs. No operator of a bus or other common carrier shall park such vehicle upon any street at any place other than the street so designated except in case of an emergency and when parking said vehicle or stopping the same at such bus stop or stand, such vehicle shall not be parked farther than 18 inches from the curb and approximately parallel thereto so as not to impede the movement of other vehicular traffic.

Section 6-115. REGULATING THE KINDS AND CLASSES OF TRAFFIC ON CERTAIN HIGHWAYS.

1. When signs are erected giving notice thereof no person shall operate any vehicle with a gross weight in excess of _____ pounds on any of the streets, alleys, or roadways of this Town, except the parts of such streets as are part of the State Highway system through the Town of Albright and except as may be permitted by special permit hereinafter provided for. No loaded trucks shall be driven on Walls Street or the alley adjacent thereto.

2. The chief of police by and with the mayor and town council of the Town of Albright is hereby authorized to determine and designate any heavily traveled streets upon which shall be prohibited the use by trucks in excess of the gross weight set forth in "1" of this section. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

3. The mayor and council of the Town of Albright, may, upon request, and upon such terms as they may deem proper issue special permits to any person, firm, or corporation making application therefor for the use of certain streets by trucks in excess of the gross weight set forth in this article, but upon the payment of such service fees, and upon such conditions as will compensate for the damage done to such streets by such overweight thereof, and any such permittee so using said streets under the terms of any such permit shall not violate the terms thereof, and any such violation shall constitute a separate offense thereof.

Section 6-116. PENALTIES AND PROCEDURE ON ARREST.

1. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than ONE HUNDRED DOLLARS ($100.00) or by imprisonment of not more than 30 days, or by both such fine and imprisonment.

2. The Town Clerk shall provide books to include traffic citation forms for notifying alleged violators to appear and answer charges of violating traffic laws and ordinances, before the Mayor of this Town. Such books shall include serially numbered sets of citations at least in duplicate in the form prescribed and approved jointly by the mayor and the chief of police. Such Town Clerk shall issue such books to the chief of police and other police officers during his jurisdiction and shall maintain a record of every book so issued and take a receipt therefor. The chief of police shall maintain a record of any such book and each set of citations contained therein.

3. Except when authorized or directed under State law to immediately take a person before a justice of the peace or the mayor for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name, address, and operators license of such person, the number of license plate attached to said vehicle, and shall issue to him in writing on a form provided by the Town Clerk a traffic citation containing a notice to answer to the charge against him before the mayor at a time at least five (5) days after such alleged violation to be specified in such citation.

4. Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this State, or of the traffic ordinances of this Town shall deliver and deposit the original of such citation to the mayor of the Town of Albright and said police officer shall retain the duplicate of such citation. Upon the filing of such citation with the mayor the same may be disposed of only by trial before said mayor or by other official action, including forfeiture of bail or by payment of a fine.

5. It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this article.

6. It shall be unlawful for any person to fail to appear in answer to any such citation. If such alleged violator does not appear, the Clerk of the Town shall send the owner of the motor vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest will be issued.

In the event such person fails to comply with such letter, fails or refuses to deposit bail as required and within the time specified, the Clerk of the Town of Albright shall secure and issue a warrant for his arrest. In the event bail is forfeited or the alleged violator convicted of the charge against him, the said Town Clerk shall prepare and forward to the State Department of Motor Vehicles an abstract of the court record covering the case in which said person was so convicted, or forfeited bail, which abstract shall be certified by said Clerk to be true and correct.

7. All fines or forfeitures collected upon conviction or forfeiture of bail of any person charged with the violation of any of the provisions of this ordinance, shall be paid into the Town treasury except for the costs attaching to such violation, which shall be delivered to the person entitled thereto, as provided by State law.

8. Members of the police department of said Town are hereby authorized to remove a vehicle from a street or highway to the nearest garage or place of safety:

(1) When the same is left unattended where such violation constitutes an obstruction to traffic;

(2) When the vehicle is disabled so as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its removal, and

(3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a hazard or obstruction to the normal removal of traffic.

When any such vehicle is removed and the police officer removing the same knows or is able to ascertain from the registration records in such vehicle the name and address of the owner, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor, and of the place to which such vehicle has been removed. Whenever such vehicle so removed is not claimed, or the officer is unable to ascertain the name of the owner, and is not returned within three (3) days to the owner, then said officer shall report the same to the State Department of Motor Vehicle's Registration Division.

9. The chief of police, nor any other police officer, shall accept any bail from any alleged violator of any of the terms of this ordinance, but such alleged violator shall, upon his request, be taken to the mayor or clerk and shall pay over such bail as may be determined to such mayor or clerk pending the hearing to be held upon such traffic charge. Upon such hearing being held such bail may be forfeited if the alleged violator does not appear or if the alleged violator does appear, said bail may be returned to him or credited against any such fine which may be imposed, as the case may be. Any guaranteed arrest bond certificate of any insurance company licensed to do business by the insurance commissioner of this State, when presented by the person whose signature appears thereon, shall be accepted in lieu of cash bail, as a bail bond to guarantee the appearance of such person before such mayor at such time as may be required by him, when such alleged violator is arrested for violation of any of the provisions of this traffic ordinance (except for the offenses of reckless driving, driving while intoxicated, or for any felony) committed prior to the date of the expiration shown on such guaranteed arrest bond certificate. Such guaranteed arrest bond certificate shall be subject to the same forfeiture and enforcement provisions as any other bail bond.

Section 6-117. EFFECT OF AND SHORT TITLE OF ORDINANCE.

1. Any part or parts of this ordinance which shall for any reason be held to be invalid shall not effect the validity of the remaining portions hereof.

2. All prior ordinances including Ordinance No. _____ of the Town of Albright in conflict herewith or inconsistent with the provisions hereof, are hereby repealed, except that this repeal shall not effect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this ordinance taking effect.

3. This ordinance may be known and cited as the Town Traffic Ordinance.

4. All references to West Virginia Code, Chapter 17C, relating to traffic regulations in the State of West Virginia are made a part hereof for all pertinent purposes the same as if set out verbatim herein and said traffic regulations and laws of the road of the State of West Virginia are in full force and effect as contained in Chapter 17C of said Code, and except as herein modified or changed.

CHAPTER VII.

STREETS, ALLEYS, AND SIDEWALKS

Section 7-101. There is hereby retained, and Council shall have plenary power and authority by ordinance or resolution to lay off, vacate, close, open, alter, curb, recurb, pave or repave and keep in good repair roads, streets, alleys, sidewalks, crosswalks, drains and gutters, for the use of the public, and to improve and light the same, and have them kept free from obstructions on or over them, all as specifically provided in Chapter 8, Article 4, Section 10, of the West Virginia Code, as Amended, and as provided by law generally, its charter, legislative act or under municipal home rule.

CHAPTER X.

WATER, LIGHT AND POWER

SECTION 10. TELEVISION FRANCHISE TO BOWYER & EVERLY, INC., ITS SUCCESSORS AND ASSIGNS, TO OPERATE AND MAINTAIN A COMMUNITY TELEVISION SYSTEM IN THE TOWN: SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE: PROVIDING FOR CITY REGULATION AND USE OF THE COMMUNITY TELEVISION SYSTEM: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

Section 10-101. GRANT OF AUTHORITY. There is hereby granted by the Town to BOWYER AND EVERLY, INC., hereinafter called "Company", the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof, and additions thereto, in the Town, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the Town of a community television system for the interception, sale and distribution of television signals.

Section 10-102. NON-EXCLUSIVE GRANT. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive, and the Town reserves the right to grant a similar use of said streets, alleys, public ways and places, to any person at any time during the period of this Franchise.

Section 10-103. COMPLIANCE WITH LAWS. The Company shall, at all times during the life of this Franchise, be subject to all lawful exercise of the police power of the Town and to such reasonable regulation as the Town shall hereafter by resolution or ordinance provide.

Section 10-104. COMPANY LIABILITY. It is expressly understood and agreed by and between the Company and the Town that the Company shall save the Town harmless from all loss sustained by the Town on account of any suit, judgment, execution, claim or demand whatsoever, resulting from negligence on the

part of the Company in the construction, operation or maintenance of its television system in the Town. The Town shall notify the Company's representative in the Town within ten (10) days after the presentation of any claim or demand, either by suit or otherwise, made against the Town on account of any negligence as aforesaid on the part of the Company.

Section 10-105. SERVICE STANDARDS. The Company shall maintain and operate its system and render efficient service in accordance with the rules and regulations as are, or may be, set forth by the Council as provided for in Section 10--112 of this Ordinance, or by the Public Service Commission of the State of West Virginia.

(1) Notice of Interruption for Repairs. Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installations, the Company shall do so at such time as will cause the least amount of inconvenience to its customers, and unless such interruption is unforseen and immediately necessary, it shall give reasonable notice thereof to its customers.

Section 10-106. COMPANY RULES. The Company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and perform its obligations under this Franchise, and to assure an uninterrupted service to each and all of its customers. Provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of laws of the State of West Virginia, and shall be subject to approval by the Public Service Commission of West Virginia.

Section 10-107. CONDITIONS OF STREET OCCUPANCY.

(1) Use. All transmission and distribution structures, lines and equipment erected by the Company within the Town shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets,

alleys, or other public ways and places.

(2) Restoration. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Company shall, at its own cost and expense and in a manner approved by the Mayor, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good condition as before said work was commenced, and shall maintain the restoration in an approved condition for a period of one (1) year.

(3) Relocation. In event that at any time during the period of this Franchise the Town shall lawfully elect to alter, or change the grade of, any street, alley or other public way, the Company, upon reasonable notice by the Town, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

(4) Placement of Fixtures. The Company shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixture, water hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such a manner as not to interfere with the usual travel on said streets, alleys and public ways.

Section 10-108. APPROVAL OF TRANSFER. The Company shall not sell or transfer its plant or system to another, nor transfer any rights under this Franchise to another without Council approval. Provided, that no sale or transfer shall be effective until the vendee, assignee or lessee has filed with the Town Clerk an instrument, duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of the Franchise, and agreeing to perform all the conditions thereof.

Section 10-109. TOWN RIGHTS IN FRANCHISE.

(1) Town Rules. The right is hereby reserved to the Town to adopt, in addition to the provisions herein contained, and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power, provided that such regulations, by ordinance or

otherwise, shall be reasonable, and not in conflict with the rights herein granted, and shall not be in conflict with the laws of the State of West Virginia.

(2) The Town shall have the right, during the life of this Franchise, free of charge, where aerial construction exists, of maintaining upon the poles of the Company within the Town limits, wire and pole fixtures necessary for a police and fire alarm system, such wires and fixtures to be constructed and maintained to the satisfaction of the Company and in accordance with its specification.

(a) Compliance with Company Rules. The Town in its use and maintenance of such wires and fixtures, shall at all times comply with the rules and regulations of the Company so that there may be a minimum danger of contact or conflict between the wires and fixtures of the Company and the wires and fixtures used by the Town.

(b) Liability. The Town shall be solely responsible for all damage to persons or property arising out of the construction or maintenance of said wires and fixtures authorized by this Section and shall save the Company harmless from all claims and demands whatsoever arising out of the attachment, maintenance, change or removal of said wires and fixtures to the poles of the Company. In case of rearrangement of the Company plant or removal of poles or fixtures, The Town shall save the Company harmless from any damage to persons or property arising out of the removal or construction of its wires or other fixtures.

(3) Supervision and Inspection. The Town shall have the right to supervise all construction or installation work performed subject to the provisions of this Ordinance and to make such inspections as it shall find necessary to insure compliance with governing ordinances.

(4) Procedure after Termination or Revocation. Upon the revocation of this Franchise by the Council, or at the end of the term of this Franchise the Town shall have the right to determine whether the Company shall continue to operate and maintain its distribution system pending the decision of the

Town as to the future maintenance and operation of such system.

Section 10-110. RATES. Rates charged by the Company for service hereunder shall be fair and reasonable and designed to meet all necessary costs of the service, including a fair rate of return on the net valuation of its properties devoted thereto, under efficient and economical management. The Company agrees that it shall be subject to all authority now or hereafter possessed by the Town, or any other regulatory body having competent jurisdiction, to fix just, reasonable and compensatory television signal distribution rates. When this Franchise takes effect, the Company shall have authority to charge and collect not to exceed the following schedule of rates, which shall remain in effect until changed or modified in accordance with the general standards set out in this Section:

(1) Savings to Customers. If during the term of this Franchise, the Company receives refunds, or if the cost to the Company of receiving the television signals which it relays is reduced by order of any regulatory body having competent jurisdiction, the Company shall pass on to its customers such refunds or any savings resulting from such reduced costs.

Section 10-111. RECORDS AND REPORTS. The Town shall have access at all reasonable hours to all of the Company's plans, contracts, and engineering, accounting, financial, statistical, customer and service records relating to the property and the operation of the Company and to all other records required to be kept hereunder.

Section 10-112. TERM OF FRANCHISE. The Franchise and rights herein granted shall take effect and be in force from and after the final passage hereof, and upon filing of acceptance by the Company with the Clerk of the Town, and shall continue in force and effect for a term of twenty (20) years after the effective date of this Franchise. Provided, that if the acceptance is not filed within 10 days, the system authorized hereunder completed and service begun within six (6) months after the acceptance date, the provisions of this

Franchise shall be null and void.

Section 10-116. The Company shall assume the cost of publication of this Franchise as such publication is required by law. A bill for publication costs shall be presented to the Company by the Treasurer of the Town upon the Company's filing of acceptance and shall be paid at that time.