

## #5 ORDINANCE DEFINING THE POWERS AND DUTIES OF THE MAYOR OF THE VILLAGE OF BEECH BOTTOM

Whereas, Ordinance #5, wherein the powers and duties of the mayor are defined, was originally enacted by the Village Council of the Village of Beech Bottom on April 26, 1954;

Whereas, West Virginia Code § 8-10-1, provides the general authority granted to a mayor of a municipal corporation;

Whereas, the Village Council of the Village of Beech Bottom finds it desirable and appropriate that Ordinance #5 be amended;

Therefore be it ordained by the Village Council of the Village of Beech Bottom, amend Ordinance #5 as follows:

A. The mayor of the Village of Beech Bottom shall be the chief executive officer of the Village and shall see that the ordinances, orders, bylaws, acts, resolutions, rules and regulations of the governing body thereof are faithfully executed, and shall serve as spokesperson for the Village Council.

B. The mayor shall preside over all Village Council meetings; the mayor cannot cast a vote on any matter before the Village Council, except that he or she shall have the ability to cast the deciding vote, should the issue arise.

C. The mayor shall, from time to time, recommend to the governing body such measures as he or she may deem needful for the welfare of the municipality.

D. Except as provided for in the Personnel Manual issued by the Village Council,<sup>1</sup> and further excepting the provisions of Section E in this Ordinance, the mayor shall not have the ability to hire or terminate a Village employee without consent of the Council.

E. The mayor shall have control of the police of the municipality, subject to the provisions of the Personnel Manual issued by the Village Council, and may appoint special police officers whenever he or she deems it necessary, except when otherwise provided by law.

a. Any person appointed by the mayor as a special police officer shall serve in that capacity until the next regularly scheduled Village Council meeting; the Village Council may decide to hire or terminate said person as a special police officer.

F. It shall be the mayor's duty to see that the peace and good order of the municipality are

preserved, and that persons and property therein are protected; and to this end he or she may

1 I WOULD RE-WRITE THE PERSONNEL MANUAL TO INCLUDE THAT THE MAYOR SHALL HAVE THE ABILITY TO SUSPEND, WITHOUT PAY, ANY VILLAGE EMPLOYEE FOR OFFENSES THAT ARE GROUNDS FOR IMMEDIATE TERMINATION, SUBJECT TO FINAL REVIEW BY THE COUNCIL.

cause the arrest and detention of all riotous and disorderly individuals in the municipality before issuing his or her warrant therefor.

G. In the event that there is no municipal court judge, subject to the requirements set forth in West Virginia Code g 8-10-2(b) & (c), the mayor shall have the ability to preside over a mayor's court, subject to the following:

- a. The mayor shall have jurisdiction to hear and determine any and all alleged violations of Village Ordinances and to convict and sentence persons therefor.
- b. The Village Recorder shall be the clerk of the Mayor's court and shall keep a record of all proceedings therein.
- c. Upon complaint, the mayor shall have authority to issue a search warrant in connection with the violation of a municipal ordinance. Any search warrant, warrant of arrest or other process issued by him may be directed to the chief of police or any member of the police department or force of the municipality, and the same may be executed at any place within the county or counties in which the municipality is located.
- d. Warrants issued from the mayor's court shall be upon complaint sworn before the mayor and thereupon the mayor shall sign and issue the warrant directed to the chief of police for the Village or such other officers as he or she may see fit, and it shall be the duty of any officer to whom such process is directed to execute the same without delay
- e. The mayor shall have power to issue executions for all fines, penalties, and costs imposed by him or her, and may require the immediate payment thereof, and in default of such payment, he or she may commit the party in default to the jail of the county or counties in which such municipality is located, or other place of

imprisonment within the corporate limits of such municipality, if there be one, until the fine or penalty and costs shall be paid, but the term of imprisonment in such case shall not exceed thirty days.

f. The expense of maintaining any individual committed to a county jail by him, except it be to answer an indictment, or, until the first day of January, one thousand nine hundred seventy-seven, be under the provisions of sections eight and nine, article eighteen, chapter fifty of this code, shall be paid by the municipality and taxed as part of the costs of the proceeding.

g. The Mayor, as a court, may punish for contempt any person guilty of any of the following acts:

i. Contemptuous or insolent behavior towards the Mayor while engaged in the \_\_\_ trial of a case;

ii. Any breach of the peace, willful disturbance, or indecent conduct in the presence of the juries while so engaged, or to obstruct or interrupt their proceedings;

iii. Violence or threats of violence to the justice or any officer, witness or party going to, attending, or returning from any judicial proceedings such mayor in respect to anything done, or to be done in the course of such proceedings;

iv. Misbehaving of any officer in his official character in respect to any action or judicial proceeding had or pending before the mayor, or and judgment, order or notice therein;

v. Disobedience or resistance of any officer, witness, party or other person to any lawful process, judgment or order of such mayor;

H. The mayor is authorized to cooperate with the State government, with other cities and counties, and with private agencies in all matters pertaining to the emergency services of this Village and of the State. In furtherance thereof, the mayor shall have the following authority:

a. To prepare a comprehensive plan and program for the emergency services of the Village, such plan and program to be integrated into and coordinated with the emergency services plans of the State government, and of other cities and counties

within the State to the fullest extent.

b. In accordance with such plan and program for the emergency services of the Village, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps including partial or full mobilization of the emergency services organization in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency services personnel in time of need.

c. To make such studies and surveys of the industries, resources and facilities in the Village as may be necessary to ascertain the capabilities of the Village for emergency services and to plan for the most efficient emergency use thereof

d. On behalf of the Village, to enter into mutual aid arrangements with other cities and counties within the State and also, with the approval of the Governor, with emergency services agencies or organizations of other states, for reciprocal emergency services aid and assistance in case of disaster too great to be dealt with unassisted.

e. To delegate any administrative authority invested in him under this article to the Director of Emergency Services, to Village officers and employees, or to other agents within the emergency services organization, and to provide for the sub-delegation of any such authority.

f. To cooperate with the Governor and the West Virginia Division of Emergency Services and with officials and agencies of other cities and counties within the State, in matters pertaining to the emergency services of the Village and State, including the direction or control of:

i. Blackouts and practice blackouts, air raid drills, mobilization of emergency services forces, and other tests and exercises;

ii. Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

iii. The effective screening or extinguishing of all lights and lighting devices and appliances;

- iv. Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;
- v. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, during, prior and subsequent to drills or attack;
- vi. Public meetings or gatherings; and L
- vii. The evacuation and reception of the civilian population.