

CHARTER
FOR THE CITY OF
BRIDGEPORT, WEST VIRGINIA

EDITOR'S NOTE: The Bridgeport City Charter was adopted on March 6, 1993. Dates appearing in parenthesis following a section heading indicate those provisions were amended, added or repealed on the date given.

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PREAMBLE TO THE BRIDGEPORT CITY CHARTER

Bridgeport became an incorporated community on March 21, 1887, many years after having been carved out of the wilderness by our pioneer ancestors. From humble beginnings, it has become a small city of 7,000 friendly people who take pride in its growth, development, convenience and aesthetic values.

It was the mission of the Charter Board, elected and empowered by the citizens of Bridgeport at an election held June 3, 1992, to study and recommend such improvements in the city government as may be deemed necessary.

The study has identified the following two problem areas:

1. The lack of effective short and long term planning, as well as a lack of continuity and consistency, are the result of the short and unstaggered terms of the governing body.
2. City growth has created additional administrative needs in excess of the response capacity of the administrative authority which meets regularly two evenings per month. Inefficiencies result from the lack of access to an effective central authority on a daily basis.

The proposed charter contains the following remedies to the identified problems:

1. Retain as the governing body, with longer staggered terms, the present Council consisting of the Mayor, Recorder and 5 other members. The Council shall have full legislative powers and be responsible for governmental policy and citizen contacts.
2. Council shall be empowered and required to employ a Manager who is responsible for all the administrative duties of city operations.

In this charter we have provided for leadership of the city, as mandated by the electorate, and a government which is accountable to the citizens it represents, clearly delineating the duties, responsibilities and authorities of the administrative and legislative branches of the city's government.

In the hope that we have fulfilled our mission and our obligation, we, the Charter Board, have adopted and do propose to the electorate of the City of Bridgeport, the following charter:

CHARTER OF
THE CITY OF BRIDGEPORT, WEST VIRGINIA

SECTION 1. INCORPORATION AND SUCCESSION.

The inhabitants within the corporate boundaries of the City of Bridgeport, as they now are or as they may hereafter be, shall be and continue to be a municipal body politic and corporate by the name of the "The City of Bridgeport" and as such shall have perpetual succession and shall succeed to and own, possess and enjoy all property, rights, title and interests of every kind and character owned or held by or vested in the City of Bridgeport, a municipal corporation, at the time this charter becomes effective and shall be subject to all existing debts, liabilities or obligations of said municipal corporation.

SECTION 2. FORM OF GOVERNMENT.

A "Manager-Mayor Plan", set forth as "Plan V" in Section 2 of Article 3 of Chapter 8 of the West Virginia Code 1931 as amended, is established as the form of government for the City of Bridgeport. There shall be a Mayor elected at large by the qualified voters of the City, as hereinafter provided, who shall serve as a member and the presiding officer of the Council; and a Manager who shall be appointed by the Council. The Council, Mayor and Recorder shall be the governing body. The Manager shall be the administrative authority. The Manager shall manage the affairs of the City under the supervision of the Council and shall be responsible to the Council. The Manager shall appoint or employ, in accordance with Chapter 8 of the West Virginia Code and this Charter, all subordinates and employees for whose duties or work the Manager is responsible to Council.

SECTION 3. POWERS OF THE CITY, SELF GOVERNMENT AND HOME RULE.

The City of Bridgeport shall have each and every authority and power granted to it by this Charter and any power and authority heretofore conferred on it by the legislature by general, special or local law or parts thereof not inconsistent with the constitution or general law of the State. The City of Bridgeport shall also have all powers granted to municipalities under the constitution and statutes of the State of West Virginia, including all powers of local self government and home rule granted by Chapter 8 of the Code of West Virginia, as amended, as well as any powers or authority fairly incidental thereto or reasonably implied and within the purpose thereof, and all such powers shall be executed in the manner prescribed by this Charter and if not prescribed herein, in such manner as shall be provided by ordinance of City Council.

SECTION 4. LEGISLATIVE POWER OF COUNCIL; QUALIFICATIONS, TERM OF OFFICE, VACANCIES.

All legislative powers of the City shall be vested, subject to the terms of this Charter and the constitution of the State, in the Governing Body consisting of five (5) Council members, the Mayor and Recorder, elected at large. The Governing Body shall have authority to pass all ordinances necessary and proper to carry into force and effect all of the powers of the City and to fix from time to time the salaries of all City employees and officers, including the Mayor, Manager, Recorder and members of Council: Provided, that no elected officer's salary shall be increased during the term for which he or she is elected. All members of Council shall be qualified voters of the City and shall hold no other elected public office or be employed by the City. Members of Council shall be elected for terms of four (4) years beginning on the 1st day of July following their election, except that of the five members of Council elected at the first election held under the provisions of this Charter, the two receiving the smallest number of votes shall be elected for terms of two (2) years. At each regular election thereafter either two or three members of Council as the case may be, shall be elected to succeed the incumbent members whose terms of office expire on the 30th day of June following the election. The terms of office of all members of Council in office on the date this Charter is adopted shall continue until the close of business on the 30th day of June following the first election held hereunder.

If any member of Council shall cease to be qualified as such, for any reason, the office shall immediately become vacant. Any vacancy on Council shall be filled by the affirmative vote of a majority of the remaining members of Council appointing a qualified person to fill the vacancy for the unexpired term. If the vacancy is not filled within sixty (60) days by the affirmative vote of the majority of the remaining members of Council, the Mayor shall appoint a qualified person to fill the vacancy. A council member, including the Mayor and Recorder, shall be subject to removal from office for neglect of duty pursuant to West Virginia Code 6-6-7 if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter, (2) violates any express prohibition of this Charter, (3) is convicted of a crime involving moral turpitude, or (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council as reflected in the minutes.

SECTION 5. MEETINGS OF COUNCIL; RULES OF PROCEDURE.

Regular meetings of City Council shall be held at least twice a month. Regular meetings of the City Council shall be held at 7:00 p.m. on the second and fourth ~~Tuesdays~~ ^{Tuesdays} of each month or on such other days as Council may by ordinance prescribe. Special meetings may be held at any time upon the call of the Mayor or any three (3) members of Council or upon such notice as Council by rule may prescribe. All meetings shall be open to the public. Four (4) members of Council shall constitute a quorum and the Mayor and Recorder shall be entitled to vote on all matters before Council. The Council may adopt such rules, procedures or order of business as it deems appropriate from time to time and in the absence of such rules adopted by Council, the proceedings of Council shall be governed by the rules of parliamentary procedure contained in Roberts' Rules of Order.

SECTION 6. ATTENDANCE AT COUNCIL MEETING REQUIRED FOR VOTING.

No member of Council may vote on any matter before Council unless that member is present at the time of the vote. No proxies or absentee votes shall be permitted.

SECTION 7. SELECTION, POWERS AND DUTIES OF MAYOR.

There shall be a Mayor elected at large by the qualified voters of the City who shall serve as a member and the presiding officer of the Council and shall perform such other duties as provided by this Charter or by law. The Mayor shall serve for a term of four (4) years beginning on July 1st following his or her election and continuing until June 30 following the next mayoral election. Any vacancy in the office of Mayor shall be filled by appointment by the remaining members of the Governing Body of one of its members to serve for the unexpired term.

SECTION 8. DEVELOPMENT COMMITTEE; MAYOR'S ADVISORY COMMISSION ON ECONOMIC AND INDUSTRIAL DEVELOPMENT.

The Mayor shall appoint and chair a Development Committee consisting of three members of Council, including the Mayor, and two residents of the City. The Development Committee shall consider and report annually to Council matters related to economic development, the use of public buildings and real estate, planning, zoning, housing and annexation.

SECTION 9. LIMITATION ON TERMS OF THE MAYOR.

The Mayor shall be elected to not more than two consecutive terms: Provided, that nothing herein shall be construed as preventing an incumbent Mayor from election to a Council term following the end of the Mayor's term.

SECTION 10. RECORDER.

There shall be a Recorder elected at large by the qualified voters of the City who shall serve as a member of the Council and shall keep the journal of proceedings of the Council and have charge of and preserve the records of the City. Whenever the Mayor is unable because of illness or absence from the municipality to perform the duties of his office and during any vacancy in the office of Mayor, the Recorder shall perform the duties of the Mayor and be vested with all of his power and authority. The Recorder shall serve for a term of four (4) years; provided however, that the Recorder elected at the first election held hereunder shall serve for a term of two (2) years. Any vacancy in the office of Recorder shall be filled by the affirmative vote of Council appointing a qualified person to fill the vacancy for the unexpired term.

SECTION 11. OATHS OF MAYOR AND MEMBERS OF COUNCIL.

The Mayor, Recorder, and all other members of Council, before entering upon the duties of the office, shall make an oath or affirmation to support the Constitutions of the United States and the State of West Virginia and to discharge faithfully the duties of the office to the best of their skill and judgment. This oath or affirmation must be before someone authorized to administer oaths and shall be filed with the City Recorder.

SECTION 12. PERSONAL INTEREST OF MEMBERS OF THE GOVERNING BODY; EFFECT.

Any member of the Governing Body having any interest, direct or indirect, other than as a citizen of Bridgeport, in any matter to be acted upon in any way by Council, shall have no vote on such matter, nor shall be privileged to take part in the discussion thereof except by unanimous consent, and, upon the request of any other member of the Governing Body, the member shall retire from the session until such matter has been disposed of.

SECTION 13. APPOINTMENT, REMOVAL AND QUALIFICATIONS OF MANAGER.

There shall be a Manager appointed by Council to serve at the pleasure of Council: Provided, that the removal of the Manager shall require a vote of a majority plus one of the members elected to Council: provided further, that, if removed at any time after the Manager has served six months, the Manager may demand written charges and the right to be heard thereon at a public meeting of the Council prior to the date on which the final removal shall take effect; but pending and during that hearing the Council may suspend the Manager from office. The action of suspending or removing the Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council. The Council may designate some other officer of the City to perform the duties of the Manager during the Manager's absence or disability. No person shall be eligible to the office of Manager who has been convicted of bribery, perjury, a felony or other infamous crime. The Manager shall be appointed by Council solely on the basis of his executive and administrative qualifications, and he shall have at least three (3) years experience as a manager or assistant manager in city or county government, and shall hold at least a Bachelors Degree in a field reasonably related to his duties. The Manager need not be a resident of the City or State when appointed, but may be required by Council to reside within the City while in office. Neither the Mayor nor any member of Council shall be chosen as Manager. The performance of the Manager shall be reviewed by Council at least semiannually.

SECTION 14. MANAGER, OATH, BOND.

Before entering upon his duties, the Manager shall make an oath of affirmation to support and defend the Constitution of the United States and of this State and to perform the duties of the office faithfully, honestly and to the best of the Manager's skill and judgment. This oath or affirmation must be before someone authorized to administer oaths and shall be filed with the City Recorder. Before entering upon the duties of the office, the Manager shall give a good and sufficient bond, payable to the City in such amount as may be prescribed by Council but not less than ten thousand dollars, conditioned upon the faithful performance of the Manager's duties, and with a corporate surety authorized to do business within the State; and such bond shall be filed with the City Recorder after being approved as to form and surety by a judge of the Circuit Court of Harrison County. The premium on such bond shall be payable by the City.

SECTION 15. MANAGER, POWERS AND DUTIES GENERALLY.

It shall be the duty of the Manager unless otherwise specifically provided in this Charter; to supervise the administration of the affairs of the City; to see that the orders, bylaws, ordinances, acts and resolutions of the Council thereof are faithfully executed and enforced; and to see that the laws of the State are enforced within the corporate limits of the City. The Manager shall be an ex officio member of all committees of Council. It shall also be the duty of the Manager to make all appointments and removals in the administrative and executive services, except as otherwise provided in this Charter, and those appointments and removals shall be made exclusively by the Manager without the consultation, advice or approval of the Council or any member thereof; to recommend from time to time to the Council such measures as the Manager may deem necessary for the welfare of the City; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate; to prepare and submit to the Council such reports as may be required by that body, and to perform such other duties as may be prescribed by this Charter or required by ordinance or resolution of the Council. The Manager shall determine the needs and prepare, in consultation with City department heads, a long range plan, extending two, five, and ten years, setting forth the capital expenditures which are needed to enhance the growth, prosperity and future development of the City and the improvement and development of its facilities, suggesting funding sources to acquire the same. The Manager shall report his findings to Council prior to submission of the annual budget. The Manager shall be responsible to Council for the proper administration of the affairs of the City by the Manager's subordinates. Except as otherwise provided in this Charter, all other executive and administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the Manager or persons designated by the Manager. The Manager shall be vested with discretion in the performance of his duties, and shall not be subject to direction or control by any member of the Council or any other person or persons. The Manager shall have the power to remove any officer whom he may appoint, or any employee of the City for whose duties or work the Manager is responsible, unless otherwise provided in this Charter; Provided, however, that the Manager may exercise this power only with the consent of Council during the first six (6) months of his employment.

SECTION 16. MANAGER CONTRACTS; RATIFICATION.

The Manager shall negotiate and enter into all contracts upon behalf of the City except as otherwise provided in this Charter or by ordinance. Such contracts to be negotiated and entered into by the Manager shall be within the limits of the budget, as determined by the purpose and subject matters of the contracts. If any such contract involves the expenditure of more than \$5,000.00, or the performance thereof extends beyond the budget year, or involves the expenditure of money not within the budget, such contract must be ratified by Council. The Manager shall report in writing to Council any negotiations and the terms of the contracts requiring their ratification, and the Council may in such cases alter, amend, ratify or reject any such contract. Any contract executed by the Manager on behalf of the City in violation of the terms of this section shall not be binding upon the City.

SECTION 17. EXECUTIVE AND ADMINISTRATIVE OFFICIALS; QUALIFICATIONS, BOND.

The duties assigned to administrative officers shall be exercised under the supervision of the Manager. In all cases required by ordinance or in which the Manager may deem it advisable, the Manager shall take, of any person appointed, a bond payable to the City of Bridgeport. Such bond shall be conditioned on the faithful performance of the person's duties and in such amount as the Manager shall deem requisite. Such bonds shall be filed with the Director of Finance. No person shall be appointed in the executive or administrative services of the City who has been convicted of bribery, perjury, felony or other infamous crime. Residence within the City at the time of such appointment shall not be a necessary qualification for appointment unless the Constitution of the State shall provide otherwise. If the Manager or any other officer of the City shall be a member, manager, officer or stockholder of any partnership, business, firm or corporation, which by contract furnished material and supplies to the City or to any workman or contractor for the City, that shall not of itself constitute a disqualification for office under this Charter.

SECTION 18. COUNCIL SEATS FOR CITY OFFICERS; RIGHTS.

The Manager and such other officers of the City as may be designated by vote of Council shall be entitled to seats in Council Chambers. None of those officials shall have a vote, but the Manager shall have the right to discuss any matter coming before the Council and the other officers shall be entitled to discuss any matter before the Council relating to their respective departments and offices.

SECTION 19. ELECTIONS.

A special City election of the Mayor, Recorder and members of Council shall be held on June 8, 1993. Regular City elections shall be held on the second Tuesday of June, 1995, and the second Tuesday of June of each odd year thereafter.

The conduct of all municipal elections shall be integrated with the system of "permanent registration of voters," and those provisions of Chapter Three of the West Virginia Code that integrate county-state elections with the "permanent registration system" are hereby incorporated by reference, to the extent reasonably applicable.

Except as otherwise provided herein, the provisions of general law with respect to the method and time for the filing of certificates of candidacy, conducting elections, and determining and certifying the results of such elections, shall apply to City elections.

All City elections shall be nonpartisan. Any person who is eligible to hold and seeks to hold the office of Mayor, Recorder, or member of Council shall file with the City Recorder at least sixty (60) days before the election, a certificate declaring candidacy for such office, accompanied by a \$25.00 filing fee, which certificate shall be in form and effect as follows:

I, _____, hereby certify that I am a candidate for the office of [Mayor, Recorder, or member of Council] of the City of Bridgeport, and desire my name to be printed on the official ballot of the City of Bridgeport to be voted at the election to be held on the _____ day of _____, 19____; that I am a legally qualified voter of the City of Bridgeport; that my residence is _____, in the City of Bridgeport; that I am eligible to hold that office; and that I am a candidate for that office in good faith.

Candidate

SECTION 20. RECALL OF MAYOR, RECORDER OR MEMBER OF COUNCIL.

The Mayor, Recorder or any member of Council may be removed from office by the following procedure: a petition signed by at least ten percent of the qualified voters of the City shall be filed with the Recorder, which petition shall contain a general statement of the grounds for which the removal is sought. The petition shall be accompanied by a bond in an amount determined by the Recorder to equal the cost of the recall election with sufficient surety condition to pay the cost of the recall election if majority of the legal votes cast are against the recall. Such petition and bond shall be submitted to, examined and certified by the Recorder, and if such petition be deemed sufficient by the Recorder, the Recorder shall certify the same to the City Council without delay. Upon receipt of such petition the Council shall order and fix a date for holding a special recall election, not less than thirty days nor more than fifty days from the date of the Recorder's certificate. The Council shall publish notice of the election once a week for three successive weeks in two newspapers of general circulation in the City. The ballot for such recall election shall be substantially of the following form and effect:

OFFICIAL BALLOT

_____ day of _____, 19____ Special recall
election for the removal of ____ For the recall of _____
____ Against the recall of _____

Should a majority of the votes cast be in favor of recall the person recalled shall forthwith forfeit his office and the Council shall, at its next meeting following the recall election, appoint a successor to such office for the unexpired term of same.

The method of removal shall be cumulative and in addition to any other methods of removal provided by law. No recall petition shall be filed within ninety days succeeding or preceding any regular Council meeting.

SECTION 21. CONTINUATION OF DEPARTMENTS.

The existing departments, commissions, boards and other branches of the City government are continued, unless changed by the provisions of this Charter or by ordinance of the Council. Except as established by the provisions of this Charter, the Council may change, abolish, combine and rearrange the departments, commissions, boards and other branches of the City government provided for in the administrative code, but an ordinance creating, combining, abolishing or decreasing the powers of any department, commission, board of other branch, shall require a vote of a majority plus one of the members elected to Council.

SECTION 22. APPOINTMENTS BY MAYOR.

Unless otherwise provided by this Charter or by Ordinance, the appointments to be made by the Mayor shall be made with the advice and consent of the Council, and such appointees shall serve at the pleasure of Council.

SECTION 23. CITY DIRECTOR OF FINANCE.

The Manager shall appoint, and may discharge, a City Director of Finance who shall serve as chief financial advisor to the Council and the Manager. The Director of Finance shall review the budget with Council and the Manager at least quarterly and shall perform such duties as may be prescribed by ordinance and law, consistent with the office.

SECTION 24. CHIEFS OF POLICE AND FIRE DEPARTMENTS.

The Manager shall appoint, and may discharge, the Chief of Police and the Chief of the Fire Department.

SECTION 25. CITY ATTORNEY; ASSISTANT CITY ATTORNEYS.

The Manager shall appoint, and may discharge, a City Attorney, who need not be a resident of the City of Bridgeport. No person shall be eligible to the office who is not an attorney-at-law, duly admitted to practice in this State. The City Attorney shall serve the Council, officers, commissioners, and boards of the City as legal counsel and attorney, and shall represent the City in all proceedings in Court. The City Attorney may employ such assistant City Attorneys as are from time to time authorized by Council. The Manager may employ special counsel when such employment is authorized by Council.

SECTION 26. SUPERINTENDENT OF PUBLIC WORKS.

The Manager shall appoint and may discharge a Superintendent of Public Works who shall supervise the personnel and procedures of the various sections of the Public Works Department, including the Water Plant, the Water Department and the Street Department and perform such other duties as Council may prescribe by Ordinance or are assigned by the Manager.

SECTION 27. DIRECTOR OF RECREATION.

The Manager shall appoint and may discharge a Director of Recreation who shall be in charge of the recreation programs of the City and all playgrounds, recreation centers and recreation facilities of the City and shall perform such other duties as Council may provide by ordinance or be assigned by the Manager.

SECTION 28. DIRECTOR OF LIBRARY SERVICES.

The manager shall appoint and may discharge a Director of Library Services who shall hold a Masters Degree in Library Science and who shall be in charge of all library facilities of the City and shall perform such other duties as Council may provide by ordinance or be assigned by the Manager.

SECTION 29. APPOINTMENT OF MUNICIPAL COURT JUDGE.

The Manager shall appoint and may discharge a Judge of Municipal Court from among the members of the Harrison County Bar, who need not be a resident of the City of Bridgeport.

SECTION 30. JUDGE TO APPOINT CLERK.

The Judge of the Municipal Court shall appoint a Clerk of the Municipal Court who shall have the powers and duties set forth in Section 35 of the Charter.

SECTION 31. DUTIES OF MUNICIPAL COURT JUDGE; TEMPORARY JUDGE.

The Judge of the Municipal Court shall preside over that Court and try and determine all cases over which that Court has jurisdiction. In the event of the Judge's temporary absence or disability, the Manager shall appoint a member of the Harrison County Bar to preside over the Court, and perform the duties of the Judge thereof, during the absence or disability of the regular Judge, and the Judge's salary shall be transferred to and paid to the temporary Judge for the time of service as such Judge.

SECTION 32. JURISDICTION OF MUNICIPAL COURT.

The Judge of the Municipal Court shall have jurisdiction over all offenses against, or violation of, the ordinances of the City, and full authority to punish in any manner lawfully prescribed by such ordinances, the offenders against or violators of the same.

The Judge of the Municipal Court shall have the same misdemeanor criminal jurisdiction and powers within the City of Bridgeport as is now provided by law for magistrates elected in Harrison County.

SECTION 33. PROCEEDINGS IN MUNICIPAL COURT.

The proceedings for the recovery of the fines or for the enforcement of the penalty prescribed by any ordinance shall conform to the regulations, so far as they are applicable, prescribed in the Code of West Virginia for proceedings before magistrates.

SECTION 34. ENFORCEMENT OF MUNICIPAL COURT ORDERS; JUDGMENTS;
EXECUTION OF PROCESS; FEES.

The Court shall have full power and authority to enforce its orders and judgments, by any process of law which may be necessary and proper for the purpose, and all processes, executions and orders of the Court shall be signed by the Judge or Clerk thereof. Such process and executions shall be directed to the Chief of Police. In the execution of any process or order of the Court, the Chief of Police or officer shall have the same powers, be governed in these proceedings by the same rules of law, and be subject to the same liabilities as the Sheriff of Harrison County, West Virginia, in the performance of like services. There may be charged for the services of such officer the same fees as the Sheriff is entitled to charge for like services, but all such fees, as well as all fines imposed by the Court, shall be collected by the Police Department, and accounted for and paid by the Chief of Police to the Finance Director of the City. The City shall in no event be liable for any such fees.

SECTION 35. POWERS AND DUTIES OF MUNICIPAL COURT CLERK; FEES.

The Clerk of the Court shall have authority to administer oaths within the City and shall perform such duties as may be required by the Judge of the Court, or be prescribed by rule or order of the Council. Such Clerk may charge the same fees for the Clerk's services as are now allowed to be charged by magistrates for like services, and such fees shall be collected; but all such fees shall be accounted for by the Clerk to the City and paid over to its Finance Director.

SECTION 36. MUNICIPAL COURT RECORDS AND CERTIFICATES; EFFECT;
SEAL.

A docket and other books required for the records and a seal shall be provided for the Court by the Council, and the seal may be altered or renewed as the Court may direct. Full faith and credit shall be given to the records of the Court, and the certificates of its Judge or Clerk, whether the seal of the Court be affixed thereto or not, in like manner and with the same effect as if the same were records of the Circuit Court or certificates of the Judge of a Circuit Court similarly authenticated.

SECTION 37. PAYMENT OF MUNICIPAL COURT COSTS.

The Municipal Court shall have power, upon rendering judgment against a defendant charged with the violation of an ordinance of the City, to render judgment against the defendant also for the cost of prosecution.

SECTION 38. APPEALS FROM MUNICIPAL COURT: BOND.

From the judgment of the Municipal Court in any case in which there is unpaid a fine of ten dollars or more, or imprisonment, or both, or in any case involving the validity of an ordinance of the City, an appeal shall lie as a matter of right, to the Circuit Court of Harrison County, either on behalf of the defendant or the City, and in any case where a fine is imposed, on demand of the defendant, such fine must be fixed at not less than ten dollars, so that such appeal may be taken; but no defendant shall be entitled to such appeal until and unless the defendant executes before the Municipal Court, or its Clerk, bond in such penalty, not exceeding five hundred dollars, as the Municipal Court may prescribe, conditioned for the

performance of the judgment or order of the Circuit Court of the County made or rendered upon such appeal. Every such bond shall be with security approved by the Municipal Court or its Clerk; but in any case in which an appeal is taken or granted on behalf of the City, no bond or security shall be required. Every such appeal shall be proceeded within the Circuit Court in the same manner as is provided by law for the proceedings in such Circuit Court, in cases appealed from magistrates. If, on such appeal, judgment be against the appellant, it shall also be against the sureties on the appeal bond for costs, and for any fine or pecuniary penalty adjudged against the defendant. No such appeal shall be allowed after ten days from the date of any final order or judgment desired to be appealed from.

SECTION 39. ANNUAL AUDIT OF BOOKS AND ACCOUNTS; PUBLICATION.

At the end of each fiscal year the City Council shall cause a full and complete examination of all the books and accounts of the City to be made by the West Virginia State Tax Department, Division of Tax and Revenue, or its successors, or by other competent accountants. The Finance Director shall publish such reports as are required by law.

SECTION 40. AUDIT OF BOARDS AND COMMISSIONS.

All boards and commissions of the City of Bridgeport that receive or disburse money independent of the City Finance Department shall be audited by an independent certified public accountant and the audit report shall be filed with the Director of Finance not later than 90 days after the end of the fiscal year of the board or commission.

SECTION 41. FISCAL YEAR FIXED BY ORDINANCE.

Unless otherwise provided by law the fiscal year of the City of Bridgeport shall be fixed by ordinance.

SECTION 42. GENDER.

The masculine gender has been used herein for convenience only and shall be deemed where appropriate to include the feminine and neuter.

SECTION 43. SEPARABILITY.

The provisions of this Charter shall be construed as severable, and should any provision be held unconstitutional, or for any other reason invalid, such holding shall in no way affect any other provision thereof.

SECTION 44. EXISTING ORDINANCES, RULES, REGULATIONS AND PRACTICES TO CONTINUE: INCONSISTENT ORDINANCES, RULES, REGULATIONS AND PRACTICES REPEALED.

All existing ordinances and all existing rules, regulations and practices, if not inconsistent or in conflict with this charter, shall continue in full force and effect until repealed or modified by competent authority. All ordinances, rules, regulations and practices that are inconsistent or in conflict with this charter are hereby repealed to the extent of such inconsistency or conflict.

SECTION 45. EFFECTIVE DATE OF CHARTER.

For the purpose of nominating candidates and conducting the first election held hereunder, this Charter shall be in effect from and after the date of its adoption by the voters of the City. For all other purposes it shall be in effect on and after the first day of July next following the first election held under its provisions.

Approved by voters of the City of Bridgeport at a special election held on March 6, 1993, with 739 votes cast for approval and 361 votes cast against approval as certified by the governing body of the City of Bridgeport, West Virginia, on March 17, 1993.

CHARTER BOARD MEMBERS

Dwight Fowler
Dwight Fowler, Chairman

Robert V. Allen
Robert V. Allen, Secretary

Carl E. Furbee, Jr.
Carl E. Furbee, Jr.

Edgar A. Hess
Edgar A. Hess

Sarah Limpert
Sarah Limpert

Leonard J. Tilms
Leonard J. Tilms

Mark B. Vecchio
Mark B. Vecchio

ATTEST:

Walta Kay Bower
Walta Kay Bower, Recorder

(seal)