

#16 - ESTABLISHMENT OF A SANITARY BOARD

Whereas by Federal and State Statute, all cities, towns and villages located on the Ohio River) its tributaries, etc. have been ordered to establish Sewerage Treatment Plants for untreated waste being deposited in said Ohio River and it's Tributaries, and ;

Whereas, it is desire of the village of Beech Bottom to establish a Sewerage Treatment Plant and the necessary sewerage facilities for said plant, and;

Whereas, in order to accomplish the establishment of a sewerage treatment plant and all the other things necessary thereto, and in order to receive certain Federal and/or State Funds which may be available at this time or in the future to Finance said Sewage System and Treatment Plant as hereinbefore set forth, and;

Whereas, in order to facilitate the planning of, construction of, and establishment of a Sewerage Disposal Plant, Sewerage Facilities, and all other things necessary in this regard, the Common Council of the Village of Beech Bottom wishes to establish a Sanitary Board.

Now, therefor, beit ordained by the Council of the Village of Beech Bottom that

Section 1 - There be established a Sanitary Board of the Village of Beech Bottom.

Section 2 - There is hereby created a Board for the custody, management, operation, control, maintenance, planning, construction, installation, improving, extending and bettering the Sewerage System of the Village of Beech Bottom, which shall have all the powers, rights and authority exercisable under Chapter 16, Article 13 of the Code of West Virginia, and specifically without limitation the following powers :

The said Board shall have custody, management, operation, control, maintenance, planning, construction, installation, improving, extending and bettering the Sewerage System of the Village of Beech Bottom and shall have all powers available to Boards of Municipalities in West Virginia, provided by law now, and in the future, for the purpose as hereinbefore set forth insofar as they apply to the bettering of the Sewerage Systems and further shall have any and all necessary convenient and incidental powers to carry out

the intent of this Ordinance; to employ engineers, architects, inspectors, superintendents, managers, collectors, attorneys and such other employees as in its judgment may be necessary in the execution of its powers and duties and may fix their compensation, all of whom shall do such work as the Board shall direct; and generally, to contract for, and pay the expenses incurred in the necessary and incidental exercise of its powers shall be paid from funds provided under the authority of Chapter 16, Article 13 of the Official Code of West Virginia, now or hereafter existing and pursuant to any other law authorizing Municipalities of West Virginia to manage or operate or construct public works and to finance the same by the issuance of Revenue Bonds and the Board shall not exercise or carry out any authority or power herein given it so as to bind said Board of said Municipality beyond the extent to which money shall have been or may be provided under the Authority of Law. Now contract or agreement with any contractor or contractors for labor and/or material, exceeding the amount of the sum of \$500.00, shall be made without advertising for bids, which bids shall be publicly opened and award made to the best bidder, with power in the Board to reject any or all bids. After the construction, installation and completion of any works, the Board shall have custody, management, operation of the same and shall have the power to extend and better the same within its sound discretion as it may see fit.

Section 3 - The Sanitary Board of the Village of Beech Bottom shall consist of three members, one of whom shall be the Mayor of the village of Beech Bottom, who shall be its presiding officer, and two persons appointed by the governing body one of whom during the construction period must be a registered professional engineer, the engineer member of the Board need not be a resident of said Municipality. After the construction of the Plant has been completed, the Engineer member may be succeeded by a person not an engineer. No officer or employee of the Municipality, whether holding a paid or unpaid office, shall be eligible to appointment of said Sanitary Board until at least one year after the expiration of each term and each succeeding term of his public office. Upon the expiration of each term and each succeeding term, and appointment of a

successor shall be made in a like manner for a term and each succeeding term, and appointment of a successor shall be made in a like manner for a term of three years. Vacancies shall be filled for an unexpired term as in the same manner the original appointment. Each member of said Board shall give such bond, if any, as may be required by law. The Board member of said Board shall give such bond, if any, as may be required by law. The Board shall elect a Chairman from its member and shall designate a Secretary and Treasurer (but the Secretary and Treasurer may be one and the same), who need not be a member or Members of the Board. The Members of the Board shall receive such compensation for their services either as a salary or as payments for meetings attended, as the City Council may determine, not in excess of \$25.00 per month for each member and shall be entitled to payment for their reasonable expenses incurred in the performance of their duties. The City Council shall fix the reasonable compensation of the Secretary and Treasurer in its discretion, and shall fix the amounts of bond to be given by the Treasurer. All compensation together with the expenses in this Section referred to shall be paid from the Revenues of the Sanitary Board. The Board shall have power to establish by-laws, a rules and regulations, have its own government so long as the same are not inconsistent with this Ordinance

Section 4 - All Ordinances or parts thereof the Village of Beech bottom in conflict herewith are hereby repealed.

Section 5 - Each section, sentence, clause, or provision of this Ordinance is separable one from the other and the invalidity of any such section, sentence, clause or provision hereof shall not affect the validity of any other part this Ordinance, which can be given effect without such invalid part or parts

Motion was made by Mr. Custer to accept the Ordinance as read. Seconded by Mr. Fleming passed unanimously. April 11, 1962. Page 180, Recorder's Book

NOTES:

Meeting on Sewerage P. 170, Todd Engineers—Notes of particular interest, Dec. 4, 1961.

Total people in BB, Dec.13, 1961, 458. Meeting held at BB School with Congressman

Moore, (Public Meeting) P. 170, 171, 172, Jan. 14, 1962. Dozens of references follow on

action taken during the years until TOWN MEETING AT COMMUNITY HALL Feb. 4,
1976, page 459, resulting in motion, second and voting for BB to be made part of Brooke
County Public Service District, p. 461. See ORDINANCE #3 1, March 10, 1976, p. 461.

Further Notes: Sewers at Third Street and High Street. By Church and by Crousers
(Leavitts) (n.e. and s.w. corners) are property or the state, p. 184, June 20, 1962. Also:
permit needed plus \$10.00 for River dumping, Jan. 15, 1975, P. 441.

appealed February 7, 2017