

CHARTER OF THE CITY OF CHESTER

Acts of The Legislature of West Virginia

Regular Session 1907

Chapter 2, House Bill No. 67

An ACT Providing for a Charter for the City of Chester, in the County of Hancock, and to nullify the Certificate of Incorporation heretofore granted by the Circuit Court of the said County to the Town of Chester.

(Passed February 28, 1907; over the veto of the Governor. In effect ninety days from passage.)

Sec.

1. Corporate Name and Powers.
2. Boundaries.
3. Wards.
4. Officers; Qualifications; Common Council; Compensation. (Amended 6-21-82)
5. Election System. (Amended 2-18-02)
6. Contested Elections.
7. Term of Office.
8. Oath of Office.
9. Powers and Duties of Officers Appointed By Council.
10. Bonds.
11. Removals; Vacancies.
12. Council Meetings.
13. Minute and Ordinance Books.
14. Proceedings of Council.
15. Expenditures.
16. Powers of Council. (Amended 10-27-69)
17. Adoption of Ordinances; Enforcement; Mayor's Absence.
18. Salary of Mayor. (Revoked 6-21-82)
19. Duties of Mayor. (Amended 5-13-74)
20. Process in Proceedings to Enforce Ordinances. (Revoked 5-13-74.)
21. Power of Mayor to Fine. (Revoked 5-13-74)
22. Duty of Jailor. (Revoked 5-13-74)
23. Docket. (Revoked 5-13-74)
24. Appeal Time Frame. (Revoked 5-13-74)
25. Duty of Mayor Where Appeal is Taken. (Revoked 5-13-74)
26. Appellant Found Guilty. (Revoked 5-13-74)
27. Other Appeals. (Revoked 5-13-74)

28. Duties of City Clerk; Duties of Treasurer. (Amended 6-21-82)
29. Duties of Assessor; Compensation. (Revoked 6-21-82)
30. Council to Lay Levy Based on Estimate of Annual Expenses; What Levy Upon; Capitation Tax; Council to Have Published Financial Statement. (Amended 6-21-82)
31. Clerk's Bond.
32. Duty of City Clerk. (Revoked 6-21-82)
33. Duty of Sergeant. (Revoked 6-21-82)
34. Duties of Solicitor. (Amended 5-13-74)
35. Lien on Real Estate.
36. Duties of Chief of Police; to Execute Bond; Salary. (Amended 6-21-82)
37. Violations in Presence of Police.
38. City Licenses.
39. Application for Licenses.
40. Provisions of Law Relating to State Licenses Applicable to Licenses Granted by City. (Amended 6-21-82)
41. Condemnation Proceedings.
42. Pavements.
43. Bids for Paving.
44. Succession.
45. Inconsistent Acts Repealed.

**AMENDMENTS TO THE CHARTER
OF THE CITY OF CHESTER**

SEC. 1. CORPORATE NAME AND POWERS.

The inhabitants of Hancock County in this state now and hereafter residing within the boundaries prescribed in the next section hereof, shall be and they are hereby constituted a body politic and corporate, by and under the name of "City of Chester" and as such, and by and in that name, shall have perpetual succession and a common seal, and may sue and be sued. Contract and be contracted with, purchase, lease, hold and use real and personal property necessary for corporate purposes; and generally, shall have all the rights, powers and franchises belonging or appertaining to Municipal corporations in this state.

SEC. 2. BOUNDARIES.

The boundaries of the said city shall be as follows: They shall include all of the territory included within the limits of the Town of Chester, in Grant District, in said county, as the same existed at and prior to the passage of this act, and in addition thereto shall include the territory included by extending the eastern and western boundary lines as formerly existing to the north bank of the Ohio River and using the north bank of the Ohio River between these points of intersection as the north boundary lines of said Town of Chester.

SEC. 3. WARDS.

The territory of the said City is hereby divided into five wards, as follows: The boundaries of the wards of said Town of Chester as heretofore existing, shall remain and designate the limits of the several wards of said City.

The Council of said City may change the boundaries of the different wards; and if at any time the number of inhabitants exceed ten thousand, the Council may increase the number of wards to not more than eight; but in either case regard shall be had to equality of population; should the number of wards be increased the Council shall re-apportion the representation of the several wards in the Council, giving to each ward equal representation.

SEC. 4. OFFICERS; QUALIFICATIONS; COMMON COUNCIL; COMPENSATION.

A. Offices. The elected officers of the said City shall be a Mayor, Clerk and the City Council. The appointed officers of said City shall be Solicitor, Municipal Court Judge, Superintendent of Water Board, Chief of Police, Treasurer and such other officers as City Council may, from time to time create. All appointed offices shall be filled and appointed by each Council.

B. Qualifications. No person shall be eligible to any elected office unless he is a qualified voter thereof, nor unless he has resided therein for at least six months before his election; and, in the case of a councilman, unless he is a bona fide resident of the ward from which he is elected, or a councilman from the ward from which he is elected shall vacate his office; and no person shall be eligible to any elected city office unless he is a taxpayer and assessed and paid tax on at least \$100.00 worth of real or personal property in said city and a qualified voter thereof. Appointed officers need not be residents of the City, but must be residents of Hancock County, West Virginia prior to his or her appointment and assuming of office.

C. Compensation. Those officers holding office through appointment by Council shall receive such salary or compensation as the City Council shall, from time to time, fix. The elected officers shall receive such salary or compensation as may be provided by Council, provided that said salary or compensation shall not be increased or decreased during the elected term of said officer. (Amended Ord. 6-82, passed 6-21-1982.)

SEC. 5. ELECTION SYSTEM.

A regular non-artisan election system will be established eliminating the primary election and only a non-partisan general election will be held on the second Tuesday of June beginning with the June, 1994 election. Said election shall be in accord with the election laws of the State of West Virginia.

A. NOMINATIONS. Candidates for the offices of Members of Council, Mayor and City Clerk:

Any person desiring his name to appear on the non-partisan ballot as a candidate for any such offices at such primary election shall file with the City Clerk on or before the ninetieth day preceding such non-partisan general election date. (Amended Ord. 310-C, passed 2-18-2002.)

SEC. 6. CONTESTED ELECTIONS.

Contested elections shall be heard and decided by the Council, and the proceedings therein shall conform as nearly as may be to similar proceedings in the case of county and district officers; the Council shall be the Judge of Election, returns and qualifications of its own members. In case two or more persons receive an equal number of votes for the same office, if such number be the highest cast for such office, the persons under whom the supervision of such election is held shall decide by lot which of such two or more shall be returned elected and shall take their own return accordingly.

SEC. 7. TERM OF OFFICE.

The term of office of the Mayor, Clerk and Councilmen shall begin on the first Monday in April next succeeding their election and shall be for the term of two years and until their successors shall have been elected and qualified; the Sergeant, Chief of Police, Assessor, Health Officer and Street Commissioner shall be appointed by the Council, and shall hold their office during the pleasure of the Council; the same person shall not be appointed Clerk for more than two consecutive terms, and any former incumbent shall be ineligible for a second appointment unless he shall have fully settled up the business of his former term or terms.

SEC. 8. OATH OF OFFICE.

Every person elected or appointed to any office in said City shall within twenty days after his election or appointment and before entering upon the discharge of the duties thereof, take and subscribe the oath of office prescribed by law for officers generally, which may be done before the Mayor or Clerk of said City, or before any person authorized by law to administer oaths; and the same, together with the certificate of the officer administering the oath, shall be filed with the Clerk of said City.

SEC. 9. POWERS AND DUTIES OF OFFICERS APPOINTED BY COUNCIL.

The Council shall prescribe the powers and define the duties of all officers by it appointed, except so far as the same are by this act defined; shall fix their compensation, and may require and take from them, respectively, bonds payable to the City in its corporate name with such sureties and in such penalties, as may be deemed proper, conditioned for the faithful performance of their duties.

SEC. 10. BONDS.

The Council shall require and take from all officers elected or appointed as aforesaid whose duty it shall be to receive funds, assets or property belonging to said City, or have charge of the same, such bonds, obligations or other writings, as may be deemed necessary and proper, to secure the faithful performance of their several duties. All bonds, obligations and other writings taken in pursuance of any of the provisions of this act shall be made payable to the City of Chester, with such sureties and in such penalties as may be deemed proper, conditioned for the faithful performance of their duties, and for the accounting for and paying over, as required by law, all moneys coming into their hands by virtue of their offices, and the respective persons, and their heirs, executors and assigns bound thereby, shall be subject to the same proceedings on said bonds, obligations and other writings, for enforcing the conditions of the terms hereof, by a motion or otherwise, before any court of competent jurisdiction held in the County of Hancock, that collectors of county levies and other sureties are or shall be subject to on their bonds for enforcing the payment of county levies.

SEC. 11. REMOVALS; VACANCIES.

The Council shall have the authority to remove from office any officer of the City, whether elected or appointed, for misconduct or neglect of duty by an affirmative vote of three-fourths of the members of the Council, but only after reasonable notice to such officer, and a hearing of the charges preferred; and any vacancy in office however occasioned may be filled by the Council for the unexpired term.

SEC. 12. COUNCIL MEETINGS.

The Council shall fix the place and times of holding its regular meetings; may provide for special and adjourned meetings; shall have power to compel the attendance of its members; and may prescribe rules and regulations not inconsistent herewith, for the transactions of business and for its own guidance and government; the Council shall be presided over at its meetings by the Mayor, or in his absence by one of the councilmen selected by a majority of the Council present, who may vote on any question as member of the Council; the Mayor shall have a vote only in case of a tie, and in no case shall the presiding officer have but one vote; a majority of the Council shall be necessary to constitute a quorum for the transaction of business; no members of the Council shall vote upon or take part in the consideration of any proposition in which he is or may be interested otherwise than as a resident of said City.

SEC. 13. MINUTE AND ORDINANCE BOOKS.

The Council shall cause to be kept by the Clerk in a well bound book, to be called the "Minute Book", accurate record of all its proceedings, ordinances, acts, orders and resolutions, and in another to be called "Ordinance Book", accurate copies of all general ordinances adopted by the Council; both of which shall be fully indexed and open to the inspection of any one required to pay taxes to the City, or who may be otherwise interested; all oaths and bonds of officers of the City, and all papers of the Council, shall be endorsed, filed and securely kept by the Clerk; all printed copies of such ordinances purporting to be published under authority of the Council, and transcripts of such ordinances, etc., orders and resolutions, certified by the Clerk, under the seal of the City, shall be deemed prima facie correct, when sought to be used as evidence in any court, or before any justice.

SEC. 14. PROCEEDINGS OF COUNCIL.

At each meeting of the Council the proceedings of the last meeting shall be read, and if erroneous, corrected, and signed by the presiding officer for the time being. Upon the call of any member the yeas and nays on any question shall be taken and recorded in the Minute Book.

SEC. 15. EXPENDITURES.

No ordinance or by-law, and no resolution or measure for the expenditure of money, other than to defray the current and incidental expenses of the City, shall be deemed passed or adopted, unless it shall have been fully read at two consecutive meetings of the Council, and shall have received a majority of the votes of the members present, when it shall stand and be declared adopted, and not otherwise.

SEC. 16. POWERS OF COUNCIL.

The Council shall have power and authority to exercise all municipal powers that are now, or hereafter may be granted to the City of Chester, or to municipalities in general, by the Constitution or laws of the State of West Virginia; and all such powers, whether expressed or implied, shall be exercised and enforced in such manner as shall be provided by ordinance or resolution of Council. Provided however, that City of Chester and the Council thereof shall have no power to lay off, vacate, close, open, alter, grade, or repair the sidewalks along the streets and alley in said City, nor shall it have power to exercise control or regulate said sidewalks or to assume any responsibility with respect to maintenance or correction of defects therein.
(Amended 10-27-69)

SEC. 17. ADOPTION OF ORDINANCES; ENFORCEMENT; MAYOR'S ABSENCE.

To carry into effect these enumerated powers and all others by this act or by general law conferred or which may hereafter be conferred upon the said City or its Council or any of its officers, the said Council shall have and possess full authority to make, pass and adopt all needful ordinances, by-laws, orders and resolutions, not repugnant to the constitution and laws of the United States or of this State; and to enforce any or all of such ordinances, by-laws, orders and resolutions, by prescribing for a violation thereof, fines and penalties and imprisonment in either the County Jail of Hancock County, or the City prison, if there be one; but no fine shall exceed one hundred dollars, and no term of imprisonment shall exceed ninety days; such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced by and under the judgment of the Mayor of said City, or in case of his absence or inability to act, the Clerk of said City shall act as Mayor, or, in the absence of both of said officers, one of the councilmen, appointed for that purpose by the Council shall act.

SEC. 18. SALARY OF MAYOR.

EDITOR'S NOTE: Former Section 18 was revoked by Ordinance 6-82, passed 6-21-1982.

SEC. 19. DUTIES OF MAYOR.

The mayor shall be the chief executive officer of said city, and shall take care that the orders, by-laws, ordinances and resolutions, of the council thereof, are faithfully executed; he shall have control of the police of the city, and may appoint special police officers whenever he deems it necessary; and it shall be his duty, especially, to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end, he may arrest and detain, or cause the arrest and detention of all riotous and disorderly persons before taking other proceedings in the case; he shall, from time to time, recommend to the council such measures as he may deem needful for the welfare of the city. He shall have such additional powers and authority granted under Chapter 8, Article 10, Section 1, of the West Virginia Code, as amended, to mayors.

(Amended Ord. 239-A. Passed 5-13-74.)

SEC. 20. PROCESS IN PROCEEDINGS TO ENFORCE ORDINANCES.

EDITOR'S NOTE: Former Section 20 was revoked by Ordinance 239-A, passed May 13, 1974.

SEC. 21. POWER OF MAYOR TO FINE.

EDITOR'S NOTE: Former Section 21 was revoked by Ordinance 239-A, passed May 13, 1974.

SEC. 22. DUTY OF JAILOR.

EDITOR'S NOTE: Former Section 22 was revoked by Ordinance 239-A, passed May 13, 1974.

SEC. 23 DOCKET.

EDITOR'S NOTE: Former Section 23 was revoked by Ordinance 239-A, passed May 13, 1974.

SEC. 24. APPEAL TIME FRAME.

EDITOR'S NOTE: Former Section 24 was revoked by Ordinance 239-A, passed May 13, 1974.

SEC. 25. DUTY OF MAYOR WHERE APPEAL IS TAKEN.

EDITOR'S NOTE: Former Section 25 was revoked by Ordinance 239-A, passed May 13, 1974.

SEC. 26. APPELLANT FOUND GUILTY.

EDITOR'S NOTE: Former Section 26 was revoked by Ordinance 239-A, passed May 13, 1974.

SEC. 27. OTHER APPEALS.

EDITOR'S NOTE: Former Section 27 was revoked by Ordinance 239-A, passed May 13, 1974.

SEC. 28. DUTIES OF CITY CLERK; DUTIES OF TREASURER.

It shall be the duty of the City Clerk to keep a journal of the proceedings of the Council, and have charge of and preserve the records, bonds, papers and other documents belonging to the City; he shall, in case of sickness or disability of the Mayor to act; or in case of his absence from the City, or during any vacancy in the office of the Mayor, perform the duties of Mayor, and shall be vested with all powers necessary for the performance of such duties; he shall also perform such other duties pertaining to the fiscal affairs of the City, or otherwise, as may be required of him by this Act or by the Council.

It shall be the duty of the City Treasurer to record and collect, as the case may be, City taxes, licenses, assessments and fines and costs from the Municipal Court; he has all the power to enforce the payment and collection thereof, that the officer collecting the State Tax has or may hereafter be given under the statutes and laws of West Virginia. Additionally, he shall perform such other duties as Council may, from time to time, impose upon said Treasurer. (Amended Ord. 6-82, passed 6-21-1982.)

SEC. 29. DUTIES OF ASSESSOR; COMPENSATION.

EDITOR'S NOTE: Former Section 29 was revoked by Ordinance 6-82, passed June 21, 1982.

SEC. 30. COUNCIL TO LAY LEVY BASED ON ESTIMATE OF ANNUAL EXPENSES; WHAT LEVY UPON; CAPITATION TAX; COUNCIL TO HAVE PUBLISHED FINANCIAL STATEMENT.

The Council shall cause to be made up annually and spread upon its minute book, an accurate estimate of all sums which are or may become lawfully chargeable against the City, which ought to be paid within one year, and it shall order, at a meeting held by it in the month of July of each year, a levy of so much as will, in its judgment, be necessary to pay the same; such levy shall be upon all real and personal property otherwise subject to state and county taxes, and an annual capitation tax of One Dollar (\$1.00) upon each male inhabitant of said City who has attained the age of eighteen (18) years of age; provided, that such levy shall not exceed the rate fixed by the General Acts of West Virginia on the ascertained value of such property; at least once in each year the Council shall cause to be made up and published, in one or more of the newspapers of the City, or of Hancock County, a statement of the financial condition of said City including the revenue received from the different sources and of the expenditures upon the different accounts, for the preceding year or portion of the year as the case may be. (Amended Ord. 6-82, passed 6-21-1982.)

SEC. 31. CLERK'S BOND.

The Clerk of said City, before entering upon the discharge of his duties, shall execute a bond conditioned for the faithful performance by him of the duties of his office, and for the accounting for and paying over, as required by law, all money which may come into his hands by virtue of his office with sureties satisfactory to the Council, payable to the City of Chester, in a penalty of not less than one thousand dollars, as the Council may prescribe; he shall be custodian of all bonds, notes, together with all valuable papers which may be placed in his possession by the Council.

SEC. 32. DUTY OF CITY CLERK.

EDITOR'S NOTE: Former Section 32 was revoked by Ordinance 6-82, passed June 21, 1982.

SEC. 33. DUTY OF SERGEANT.

EDITOR'S NOTE: Former Section 33 was revoked by Ordinance 6-82, passed June 21, 1982.

SEC. 34. DUTIES OF SOLICITOR.

It shall be the duty of the solicitor to prepare, when directed by the council, all ordinances for said city, to represent the said city in all civil matters and proceedings in any court, in which the said city is interested, and counsel the said council when requested; he shall receive such compensation for his services as is fixed by the council. The solicitor shall be an attorney licensed to practice law in the State of West Virginia, who is a resident of Hancock County, West Virginia, and maintains offices for the practice of law in said County, and is a member in good standing of the State and county Bar Associations.

(Amended Ord. 239-A. Passed May 13, 1974.)

SEC. 35. LIEN ON REAL ESTATE.

There shall be a lien on real estate, within said City for the City taxes assessed thereon, and for all fines and penalties assessed to, or imposed upon the owners thereof, by the authorities of such City, from the time the same are so assessed or imposed, which shall have priority over all other liens, except the lien for taxes due the State, County and Districts and which may be enforced by the Council in the same manner provided by law for the enforcement of the lien for county taxes or in such other manner as Council shall by ordinance provide. If any real estate within said City be returned delinquent for the nonpayment of the delinquent taxes thereon, a copy of such delinquent list may be certified by the Council to the Auditor, and the same may be sold for the City taxes, interest and commissions thereon, in the same manner, at the same time and by the same officers, as real estate is sold for the non-payment of state taxes.

SEC. 36. DUTIES OF CHIEF OF POLICE; TO EXECUTE BOND; SALARY.

It shall be the duty of the Chief of Police to preserve order and quiet in said City, and to see that all subordinate police officers faithfully perform their official duty; he shall be present in the Police Court whenever the same shall be in session and see that all its orders and requirements are properly executed; he shall, with the consent of the Council, enter of record but not otherwise, appoint one or more policemen as the Council may determine; he shall, before entering upon the discharge of his duties, execute a bond conditioned for the faithful performance by him of the duties of his office, and for the accounting for and paying over, as required by law, all money which may come into his hands by virtue of his office with sureties satisfactory to the Council, in a penalty of not less than one thousand dollars (\$1,000.00) nor more than three thousand dollars (\$3,000.00), as the Council may prescribe.

(Amended Ord. 6-82. Passed 6-21-1982.)

SEC. 37. VIOLATIONS IN PRESENCE OF POLICE.

In case a violation of any ordinance of said City is committed in the presence, or within view, of the Chief of Police or other Police Officers, the offender may be forthwith apprehended and taken before the Mayor, and a complaint under oath, stating such violation there lodged and filed; and thereupon such offender may be tried and dealt with according to law, without summons. The Chief of Police shall execute, within the County of Hancock, any proper process issued by the Mayor in proceedings for the enforcement of ordinances; and shall collect, by levy or execution or otherwise, and duly account for, all fines assessed and costs imposed in such proceedings; he shall have all the right and powers, within said City, in regard to the arrest of

persons, the collection of claims and the execution and return of process, that are or may be lawfully exercised by a constable of a district within the same, and shall be entitled to the compensation therefor; and he and his sureties shall be liable to all fines, penalties and forfeitures that a constable is liable to for any dereliction of duty in office, to be recovered in the same manner, and in the same courts, that such fines, penalties and forfeitures are recovered against constables.

SEC. 38. CITY LICENSES.

The Council shall have the authority to require a City license as follows: for anything to be done, carried on or exhibited within the City, for which a state license is now or may hereafter be required (other than the sale of spirituous, vinous or malt liquors) also for the keeping of hacks, carriages, carts, wagons, and other vehicles for hire within the City, and for the keeping of dogs within the City, and the Council may provide for the killing of all dogs, the keeping of which is not so licensed; and upon all such licenses the Council may impose a reasonable tax for the use of the City.

SEC. 39. APPLICATION FOR LICENSES.

The Council shall prescribe by ordinance, the manner in which licenses of all kinds shall be applied for and granted, and shall require the payment of the tax thereon to be made to the collector and treasurer before delivery to the person applying therefor.

SEC. 40. PROVISIONS OF LAW RELATING TO STATE LICENSES APPLICABLE TO LICENSES GRANTED BY CITY.

The provisions of the Code of West Virginia relating to state license shall be deemed applicable to licenses of a similar character to those therein mentioned, when granted by or under the authority of the Council of said City; licenses for keeping dogs shall also expire on the 30th day of April next after they are granted. (Amended Ord. 6-82. Passed 6-21-1982.)

SEC. 41. CONDEMNATION PROCEEDINGS.

The Council shall have the right to institute proceedings in the name of the City, for the condemnation of real estate for streets, alleys, drains, market grounds, landings, wharves, City prison or other work or purposes of public utility; such proceedings shall conform to the provisions of Chapter Forty-Two of the Code of West Virginia; and the costs thereof shall be borne by the City, except that in contests involving a hearing in the Circuit Court shall be reserved by the prevailing party.

SEC. 42. PAVEMENTS.

After having caused proper curb of brick, stone or other suitable material to be set and placed on any of the streets or alleys of said City at the expense of the property owner, the Council may require sidewalks or footways on such streets or alleys to be paved with brick, stone or such other suitable material as the Council may determine, under the direction of the Street Commissioner, by the owners respectively of the lots, or the fractional part of lots, facing or abutting on such sidewalk or footway and if the owner, of any such sidewalk or footway, or of the real property next adjacent thereto, shall fail or refuse to pave the same in the manner or within the time required by the Council, it shall be the duty of the Council to cause the same to be done at the expense of the City, and to assess the amount of such expense upon such owner; and the same may be collected in the manner herein provided for the collection of City taxes, and the same shall constitute a lien on such property, which may be enforced by a suit in equity in the name of the City in the Circuit Court of Hancock County as other liens against real estate are

enforced; provided, however, that reasonable notice shall first be given to said owners that they are required to construct such sidewalks or footways, and in case the owner is a non-resident of the State, the notice aforesaid may be given by publication for four successive weeks, in a newspaper published in said City or County; the provisions of this section shall also be applicable to needed repairs to any of the pavements of the City, and to the substitution of new pavements for any which may have been heretofore or which may be hereafter laid and completed, and which may be deemed insufficient.

SEC. 43. BIDS FOR PAVING.

The Council shall have the authority to provide that any street or alley, or any portion thereof between the curbstones, shall be macadamized, or paved with bricks, cobblestones or other suitable material, upon the lowest and best terms obtainable, after advertisement for four weeks in one or more newspapers of the City or County for bids and proposals for the work; and the two-thirds of the cost of such macadamizing or paving, from curb to curb of such street or alley, shall be assessed to the owners of the lots, or fractional parts of lots, fronting or abutting on such street or alley, that is to say: The property owners on each side of said street or alley to be assessed one-third of the cost of said improvements, to each property owner a sum proportionate to the distance, or extent in feet by him owned, and one-third of the sum so assessed shall be paid by each property owner to the City within thirty days after the completion of the work, and the remainder in two equal installments in six and twelve months thereafter, or at such other times as the Council may prescribe; the remaining one-third of such expense, as well as the expense of macadamizing or paving at the interest of streets and alleys, shall be defrayed by the City; the Council shall cause a notice to be published for one week in a newspaper of said City or County showing the owners of the property and the number of feet fronting on same improvements, as well as the time and the place where the said Council will proceed to fix said assessments as above provided, and giving notice to any person having an interest in said property to appear and show cause, if any they can, why such assessment should not be made; and the Council may, in making said assessments, consider the petition of any person or corporation relative to the inequality of said assessment, and may equalize and adjust the same; the assessment to be made to any owner of real estate shall constitute a lien on such estate; and like proceedings may be had and taken to enforce such lien proceedings from such owner the amount of such assessment, or if any installment thereof, as those provided for in the preceding section, providing for the laying of pavements. The Council of said City may cause an additional annual levy of twenty-five cents on the hundred dollars of the ascertained value of all the real and personal property within said City, or subject to taxation, for the purpose only of defraying the expense of paving the streets and alleys of said City as herein provided; such levy shall be made at the time the general levy is laid, and shall be collected in like manner, but a separate account shall be kept of the receipts and expenditures of such fund.

SEC. 44. SUCCESSION.

The City of Chester, shall succeed to all the rights, powers and responsibilities, and be vested with the title to all property, of the Town of Chester as heretofore existing, and all officers of said City acting as such at the time this enactment takes effect shall continue until the first Monday in April, one thousand nine hundred and eight, or until their successors, the officers herein mentioned, are elected or appointed and qualify, to exercise the powers, perform the duties, and receive the compensation heretofore conferred, prescribed and allowed by former Charter, by general law, or by the ordinances of said City; such ordinances in force at the time referred to shall continue to have full operation and effect until amended, repealed or superseded by the Council of said City. The certificate of incorporation heretofore granted by the Circuit Court of said County of Hancock, incorporating the Town of Chester is hereby annulled.

SEC. 45. INCONSISTENT ACTS REPEALED.

All Acts or parts of acts which are in conflict and inconsistent with this act are hereby declared inoperative in so far as they are in conflict or inconsistent with this act; and this act shall not be construed to take away any of the powers conferred upon said Town or upon the Council or any officer thereof, conferred by general law, except so far as the same may be inconsistent with the powers conferred by this act; this act shall be in force as soon after its passage as it shall have been ratified by a majority vote of all the qualified voters on the same, under this Charter, within the territory described in this Act. The present Council of the Town of Chester shall have power to call an election, or elections to take the vote of the people upon the ratification or rejection of this Charter, and shall publish in some newspaper of the County and post notices of said election in at least three public places for a period of not less than ten days preceding such election.