

1938

## UA12/2/27 Cherryton Constitution

WKU Cherryton

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## PREAMBLE

We the inhabitants of \_\_\_\_\_ Village in order to promote the general welfare of the community and to secure the cooperation of the Normal School; grateful to Dr. H. H. Cherry for the educational advantages we have and ever thankful to Jehovah for religious liberties we now enjoy, and invoking the continuance of these blessings do ordain and establish this constitution.

## ARTICLE I

### Jurisdiction

The jurisdiction of this village shall extend over such territory as shall be defined by the Western Kentucky State Normal School.

### Bill of Rights

That the great and essential principles of a democratic government may be recognized and established, we declare that:

SEC. I. All inhabitants of this village are by nature free and equal and have certain rights among which may be recognized.

1. The right of enjoying and defending their lives and liberties
2. The right of worshipping Almighty God according to the dictates of their consciences.
3. The right of seeking and pursuing their safety and happiness.
4. The right of freely communicating their thoughts and opinions.
5. The right of acquiring property with the permission of the Normal School.
6. The right of protecting their property.
7. The right to use all public facilities.
8. The right of assembling together in a peaceable manner for common good and of petitioning those invested with power of government for redress of any proper purpose.

SEC. II. No person or persons shall have absolute power over the liberties of the inhabitants of this village.

SEC. III. All power shall be vested in the people and this government is founded on their authority and instituted for their peace, safety, happiness and security of property.

SEC. IV. No person shall be subject to fine or any penalty except as provided for by the law of the village.

SEC. V. No person who can qualify as a student in the Western Kentucky State Normal shall be prevented from residing in this village in company with his or her family.

SEC. VI. No person owning property in the village shall have the right to sell, rent, lease or lend or give away his or her property to any person except with the permission of the President of the Normal School.

SEC. VII. All elections shall be free and equal.

SEC. VIII. No power to suspend laws shall be exercised unless by the assembly or its authority.

#### Distribution of Government

SEC. IX. The powers of government of this village shall be divided into three distinct departments those which are legislative to one; those which are executive to another; and those which are judicial to another.

SEC. X. No person or persons being of one of those departments shall exercise any power properly belonging to either of the others except as shall be directed by this constitution.

#### Legislative Department.

SEC. XI. The legislative power shall be vested in a council which shall be styled as the Village Council.

SEC. XII. Members of the council now holding office shall continue in office until the members of the new council shall have qualified.

SEC. XIII. On the first Saturday after school opens in September and on the first Saturday after school opens in each third term of the year, there shall be elected a village council, each member of which shall begin the duties of his office on Monday following his election and shall continue in the execution thereof until his successor shall have qualified.

SEC. XIV. Any vacancy occurring ten weeks prior to a regular election shall be filled by a special election, which shall be called for this purpose only by the mayor. Any vacancy occurring after the time above mentioned shall be filled as provided in article

SEC. XV. No person shall be a councilman, who at the time of his or her election is not a citizen of this village, has not attained the age of sixteen and is not enrolled in the Normal School or whose time is not wholly occupied in the village or with the Normal School

SEC. XVI. The present council shall take a census and designate the number of councilmen to be elected, declaring one for every twenty-five inhabitants from the village at large. If there shall be an inequality in the division and fifteen left over, one shall be added to the number of councilmen for that fifteen. If less than fifteen, they shall be unaccounted for

SEC. XVII. A majority of members of the council shall constitute a quorum to do business.

SEC. XVIII. The council shall meet on the first Saturday of each month.

SEC. XIX. The council shall have power to direct its own proceedings.

SEC. XX. No member of the village council shall be expelled from office except as provided in Section XVIII.

SEC. XXI. No bill shall become a law until it has been voted upon by the voters of the village.

SEC. XXII. All bills passed by the village council shall receive a majority of votes cast before becoming a law except bills pertaining to appropriation which shall receive a three fifths majority of votes cast.

SEC. XXIII. A bill may be proposed by the people in a assembly but it must be drawn up by the council before being voted upon to become a law.

SEC. Executive Department.

SEC. XXIV. The supreme executive power of the village shall be vested in a chief magistrate, who shall be styled the Mayor.

SEC. XXV. He shall be elected by the qualified voters of the Village at the regular election as provided in Section . The person having the highest number of votes shall be Mayor but if two or more shall be equal the election shall be determined by lot as the Council may direct.

SEC. XXVI. He shall be ineligible for the succeeding term after the expiration of the term for which he shall have been elected.

SEC. XXVII. He shall have the qualifications as required in Section

SEC. XXVIII. He shall begin the execution of the duties of his office on Monday following his election and shall continue in the execution thereof until his successor shall have qualified.

SEC. XXIX. It shall be his duty to see that all laws are faithfully executed.

SEC. XXX He may call an extra session of the Council any time he deems it necessary.

SEC. XXXI. He shall have power to appoint a Committee on Improvements and Sanitation consisting of three members selected from the village at large so as to represent each part.

SEC. XXXII. He, with the consent of the Council shall have power to appoint a judicial officer who shall preside as judge.

SEC. XXXIII. He shall have power to appoint a janitor or police.

SEC. XXXIV. He shall be ex-officio chairman of the Village Council and shall be deemed a member of the Council. He shall give the casting vote in case of a tie.

SEC. XXXV. In absence of the Mayor the Council shall elect a chairman, one of their own number, who shall for the time being perform the same duties and have the same powers as the regular Mayor.

SEC. XXXVI. By order of the Council he shall call a public meeting of members of the Village for publishing all pending bills and by-laws, reports of the clerk, treasurer and committees for nominating candidates and for announcing elections, special and regular

SECXXXVII. In case of sickness or absence of the Mayor for a period of ten weeks or more the Council shall declare the office vacant and such vacancy shall be filled by special election called by the Mayor pro tem.

SEC. XXXVIII. The Mayor shall have care and superintendence of all public property.

#### CLERK

SEC. II. He shall be elected by popular vote as prescribed for elections of Mayor, Section and shall have the qualifications of a councilman Section

SEC. XII. He shall preserve the books records and papers and everything belonging to the Council and deliver same to his successor.

SEC. XIII. He shall keep a regular journal of the proceedings of the Council.

SEC. XLIII. He shall keep and preserve a record of all official public meetings of the Village separate from those of the board.

SEC. XLIV. He shall deliver a copy of the assessor's tax list with the order of the Council to the treasurer taking his receipt therefor.

SEC. XLV. He shall, under direction of the Council have published this Constitution with all by-laws ordinances and rules of the Council in pamphlet form and in such number as the Council shall direct.

SEC. XLVI. In case of temporary vacancy the council shall choose one of its own members to act as clerk.

SEC. XLVII. The clerk shall begin his duties the following Monday after his election.

SEC. XLVIII. In case of permanent vacancy the office shall be filled as the office of Mayor Art.

#### TREASURER.

SEC. XLIX. He shall be elected by popular vote as prescribed for the election of Mayor Art. and shall have the qualification of a councilman Art.

SEC. L. The Treasurer shall receive and safely keep all moneys of the Village and pay out the same only on the orders of the Clerk approved by the Council. Before entering on the duties he shall execute bond with good and sufficient security and in adequate penalty to be fixed by the Council, conditional for the safe keeping of all moneys of the Village and for a faithful discharge of the duties of his office. He shall be allowed a salary of one dollar per month out of the general fund. He shall at each monthly meeting of the Council, file with the Clerk a report showing all moneys received and disbursed for and during said month.

SEC. LI. In case of temporary vacancy the Council shall appoint a Treasurer who shall qualify as prescribed for the regular Treasurer, Article

SEC. LIII. In case of permanent vacancy the office shall be filled as the office of Mayor Art.

#### POLICE OR JANITOR

Sec. LIII. A police shall be appointed by the Mayor Section and shall receive a salary of (\$15.00 ) fifteen dollars per calendar month for December, January, February and March. Salary for the months other than the ones mentioned shall be taken up later.

SEC. LIV. His duties shall be as follows:

1. The bath shall be cleaned and fires made between five and six each morning.
  - (a) The daily cleaning of the bath shall include the sweeping the floor the thorough cleaning with some preparation of the basins, toilets and tubs.
  - (b) The fires shall be continued during the day until 10:00 p.m.
  - (c) He shall keep the windows and premises around the bath house clean.
2. He shall look after the disposal of all garbage.
3. It shall be his duty to report new residents using the bath.

#### COMMITTEE ON IMPROVEMENTS AND SANITATION.

SEC. LV. It shall be the duty of the Committee on Improvements and Sanitation to look after the condition of the works and report to the Council such improvements as in their judgement may be necessary and to make such suggestions as they may deem right and proper in reference thereto. Further duty and power of this Committee shall be whenever deemed necessary to prescribe such sanitary regulations as shall be required for the health of the Village and do any other act which may be conducive to the health of the Village. Anyone failing or refusing to comply with the sanitary regulations shall be deemed guilty of a misdemeanor and fined in any sum, not exceeding

SEC. LVI. The judicial power of this village shall be vested in the Council when sitting in court of impeachment and one court to be styled as the Village Court.

SEC. LVII. The Judge shall be appointed by the Mayor with the consent of the Council. He shall have the same qualifications as that of the Mayor and shall hold office until his successor shall have been qualified.

#### IMPEACHMENTS.

SEC. LVIII. The Council shall have the full power of impeachments. No person shall be convicted without the concurrence of three-fourth of the Council. The Mayor and all civil officers shall be liable to impeachment for any misdemeanor in office.

#### SUFFRAGE AND ELECTIONS

SEC. LIX. All citizens of this Village of the age of (16) sixteen shall have the right to vote. Persons who at the time of the elections are absent from the Village shall forfeit their vote. No more than two elections shall be held each year except as provided in this Constitution. The members of this village shall meet in Convention for the purpose of nominating candidates for their respective offices. After nominations have ceased the three receiving the highest votes shall be declared candidates for their respective offices except the Councilmen

who shall not exceed two more than the regular number required in Section  
The two receiving the lowest number of votes shall be declared defeated.

SAC. LX. All expenses of the Village shall be assessed as follows:

1. The electric light bill shall be apportioned to each house in proportion to the number of rooms per house as: one, two, three, etc.
2. The expense of maintaining the bath, the well houses and garbage cans, shall be assessed per capita. Children under five not to be assessed. Children between five and twelve shall be assessed one-half rate. Those over twelve full rate.
3. A Cumberland telephone shall be installed in the hallway of the central bath and maintained by the method provided for maintaining the bath.