

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

*Com. Substitute For*

HOUSE BILL No. 72

*Com. on the Judiciary*

(By Mr. ....)



PASSED March 7 1949

In Effect From Passage



72

**ENROLLED**  
COMMITTEE SUBSTITUTE FOR  
**House Bill No. 72**

(Originating in the Committee on the Judiciary.)

[Passed March 7, 1949; in effect from passage.]

AN ACT to amend and reenact article eight, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to authorizing and enabling any municipality in the state to permanently improve streets, avenues, alleys, easements, sidewalks or other public ways by grading, paving surfacing, curbing, or otherwise improving or reimproving the same, and to construct storm sewers and sanitary sewers and sewer systems therein, and to assess the cost of any or all of such improvements on abutting property.

*Be it enacted by the Legislature of West Virginia:*

That article eight, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. *Powers of Municipal Corporations Relating*  
2 *to Street, Sidewalk and Sewer Improvements.*—Every  
3 municipal corporation in this state, whether existing  
4 and operating under a special charter, home rule charter  
5 or under general law, is hereby authorized and empow-  
6 ered, in addition to any other rights or powers conferred  
7 upon it, upon the terms, conditions and in the manner  
8 hereinafter set forth, to grade, regrade, pave or repave,  
9 surface or resurface, curb or recurb, streets and alleys,  
10 and to build or renew sidewalks, and to construct, pro-  
11 vide or renew any of such improvements or other per-  
12 manent public improvements in any streets, alleys, public  
13 ways or casements, or portions thereof, in such munici-  
14 pality, and, if deemed advisable, to construct storm and  
15 sanitary sewers, or all or a part of a sewer system in any  
16 streets, easements, public ways, or alleys, or portions  
17 thereof, independently or in conjunction with other of  
18 such improvements, and to assess the costs of any or all  
19 of such improvements on abutting property.

Sec. 2. *Petition of Abutting Property Owners; Action*  
2 *of Governing Body Without Petition.*—Upon the petition

3 in writing of persons owning the greater amount of  
4 frontage of property abutting upon both sides of any  
5 portion of a street, public way, alley, or easement, for  
6 any permanent improvement or reimprovement author-  
7 ized in section one hereof the council or other governing  
8 body of any such municipality, by a lawful majority  
9 thereof, may, after giving notice to abutting property  
10 owners as in this article is provided, by resolution or  
11 ordinance declare the necessity or convenience of such  
12 improvement and order and cause such portions of such  
13 streets, alleys, public ways or easements to be graded,  
14 regraded, paved, repaved, surfaced, resurfaced, curbed,  
15 recurbed, sewerred, re sewerred, permanently improved or  
16 reimproved with sidewalks or otherwise permanently  
17 improved or reimproved with suitable material, or any  
18 one or more of such improvements without the others,  
19 as may be determined by the governing body, to be con-  
20 structed therein or in such part or parts thereof as the  
21 governing body may determine, and such governing body  
22 may specially assess the entire cost of such improvements,  
23 or any part thereof, upon the property abutting on the

24 portions of the streets, alleys, public ways or easements  
25 improved.

26 Such governing body of the municipality may also  
27 adopt such resolution or ordinance of necessity or con-  
28 venience and provide for such improvements and the  
29 assessing of the cost thereof upon abutting property  
30 without such a petition of property owners having first  
31 been received, when the resolution or ordinance provid-  
32 ing for such improvement is adopted by the affirmative  
33 vote of at least three-fourths of the members of such  
34 governing body by recorded vote, after having given  
35 notice to abutting property owners as hereinafter pro-  
36 vided.

Sec. 3. *Notice to Abutting Owners to be Given Before*  
2 *Authorizing Improvement; Form of Notice.*—Before the  
3 adoption of such resolution or ordinance of necessity or  
4 convenience, the governing body shall cause notice to be  
5 given to owners of abutting property that such resolu-  
6 tion or ordinance will be considered before adoption at  
7 a public meeting of the governing body at a time and  
8 place named in the notice and all persons or corporations

9 shall at that meeting, or an adjournment thereof, be  
10 given an opportunity to protest or be heard concerning  
11 the adoption or rejection of said resolution ordinance.  
12 Such notice to owners of property abutting on the por-  
13 tion of the street, alley, public way or easement to be  
14 improved may be by personal service on owners at least  
15 ten days before said meeting. In lieu of personal service  
16 of such notice, the following described notice, or one  
17 in substantially the same form, may be given, and shall  
18 be deemed to have been served on all such owners of  
19 abutting property, by publication once a week for three  
20 successive weeks before said meeting in some newspaper  
21 of general circulation, but not necessarily published, in  
22 said municipality, as follows:

23 "NOTICE TO ALL PERSONS OR CORPORATIONS  
24 OWNING PROPERTY ABUTTING ON .....  
25 (here describe the portion of the street, alley, public way  
26 or easement to be improved) IN THE ..... (town  
27 or city) OF ..... (name of municipality):  
28 Proposals have been made to the ..... (common  
29 council, board of directors, commissioners, or other gov-

30 ernal body) of the ..... (town or city)  
31 of ..... (name of municipality) to  
32 permanently improve the portion of the street (alley,  
33 public way or easement) above described in .....  
34 (name of municipality) by ..... (grading,  
35 paving, constructing sanitary or storm sewers, construct-  
36 ing sidewalks, or other general description of the pro-  
37 posed improvements) as the ..... (council,  
38 board of directors, commissioners, or other governing  
39 body) may deem proper, and to assess the cost of such  
40 improvements on the property abutting said portion of  
41 said street (alley, public way or easement).

42 The proposals to make such improvements, and the  
43 plans, specifications, profiles and estimates will be con-  
44 sidered by the ..... (governing body)  
45 at a public meeting to be held on the ..... day of .....,  
46 19...., at .... M. at ..... Any abutting owner or  
47 interested party will be given an opportunity to protest  
48 or be heard at said meeting or an adjournment thereof.  
49 ..... (name of the clerk or recorder)  
50 ..... (official position)."

51 A certificate of publication of the notice, made by the  
52 newspaper publisher, and a copy of the notice shall be  
53 made a part of the minutes of the governing body and  
54 spread on its records of the meeting described in the  
55 notice. The service of said notice upon all persons, firms  
56 or corporations owning any interest in any property abut-  
57 ting upon any portion of said street, alley, public way  
58 or easement to be improved shall conclusively be deemed  
59 to have been given when such newspaper publication  
60 shall have been completed: *Provided*, That where any  
61 foreign railroad or other foreign corporation is the owner  
62 of property abutting upon any street, alley, public way  
63 or easement sought to be improved under the provisions  
64 hereof, notice shall be given to such railroad or other  
65 foreign corporation as prescribed by section one, article  
66 ten, chapter eight of the code of West Virginia, one thou-  
67 sand nine hundred thirty-one, before the adoption of any  
68 ordinance or resolution relating to, and providing for,  
69 such improvements.

Sec. 4. *Sewers and Sewer Assessments.*—The govern-  
2 ing body is authorized and empowered to order and



3 cause to be constructed, in said municipality, or part  
4 within and part outside of the limits of said municipality,  
5 public, common, lateral, branch, trunk and combined  
6 sewers or public sewer systems, or both, by contract or  
7 direct by the municipality, for the benefit of said mu-  
8 nicipality or any part thereof, and to purchase lands or  
9 easements therein or to condemn lands or easements  
10 therein in the manner provided by law for such sewers  
11 or sewer systems. When the governing body shall order  
12 and complete the construction of any such sewer or sewer  
13 system or any part thereof in said municipality, the prop-  
14 erty abutting on such sewer or abutting upon an avenue,  
15 street, alley, right of way or easement in which such  
16 sewer shall be constructed, or abutting on any avenue,  
17 street, alley, right of way or easement, in which any such  
18 sewer or part of a sewer system is constructed and laid,  
19 may be charged with all or any part of the cost thereof,  
20 including the cost of such sewer or sewer system at and  
21 across intersections at avenues, streets, roads and alleys  
22 adjacent thereto.

23 A sewer system shall be deemed to include all the com-

24 mon sewers whether they be lateral, branch, trunk or  
25 combined sewers, which serve to drain a definite drain-  
26 age area as specified in the order of the council directing  
27 the work to be done.

28 In case of a corner lot, frontage which may be assessed  
29 is to be measured along the longest dimension thereof  
30 abutting on each street, alley, right of way or easement  
31 in which such sewer is laid, but if sewerred on both sides  
32 then such corner lot is to be charged only with the side  
33 first sewerred unless more than two hundred feet in  
34 depth. Any lot having a depth of two hundred feet or  
35 more and fronting on two streets, alleys, rights of way  
36 or easements, one in the front and one in the rear of said  
37 lot, shall be assessed on both of said streets, alleys, rights  
38 of way or easements, if a sewer is constructed on both  
39 such streets, alleys, rights of way or easements. Where  
40 a corner lot has been assessed on either or both ends, it  
41 shall not be assessed on the side, and where it has been  
42 assessed on the side, it shall not be assessed on the end.

43 In case of corner lots where the cost of sewerred along  
44 one dimension is not assessed against the owner thereof,

45 and in the case of lots less than two hundred feet deep  
46 abutting at each end on a street, alley, right of way or  
47 easement in which a sewer is laid, the cost of sewer is laid,  
48 the cost of sewerage along the dimension or end not as-  
49 sessed against the property owner shall in every case  
50 be apportioned and assessed against the other property  
51 abutting on the streets, alleys, easements and public ways  
52 being improved, in the manner of the apportionment of  
53 the cost of improvements in intersections.

Sec. 5. *What Total Cost to Include.*—In ascertaining  
2 the total cost of the improvements in any project under-  
3 taken pursuant to this article, there shall be included the  
4 cost and expense of surveys, engineering and attorneys'  
5 fees, the printing and publishing in relation thereto, and  
6 the cost and expense of all labor, work, supervision,  
7 inspection, equipment leased, and materials furnished  
8 and used in completing said improvements.

Sec. 6. *Apportionment and Assessment of Cost.*—The  
2 cost of the entire project, including the cost of all  
3 improvements at and within intersections, shall be ap-  
4 portioned to, and assessed against, and borne by the prop-

5 erties abutting upon the streets, public ways, alleys or  
6 easements upon which the improvements involved in the  
7 project shall have been made. Each lot or parcel of land  
8 so abutting shall be assessed with that portion of the total  
9 cost of the entire project which is represented by the  
10 proportion which the abutting frontage in feet of such  
11 lot or parcel bears to the total abutting frontages in feet  
12 of all the lots or parcels of land abutting on the streets,  
13 public ways, alleys or easements so improved: *Provided,*  
14 *however,* That if the character of the improvements shall  
15 be substantially different upon different streets, public  
16 ways, easements or alleys, or portions thereof, the cost  
17 may be equitably apportioned to the respective streets,  
18 public ways, alleys, easements, or portions thereof, in  
19 proportion to the character and cost of the improvements  
20 respectively thereon; and the part of the cost so appor-  
21 tioned to each respective street, public way, easement,  
22 or alley, or portion thereof, shall be apportioned to and  
23 assessed against the respective lots or parcels of land  
24 abutting thereupon in the proportion as hereinabove pro-  
25 vided: *Provided further,* That if any part of the street,

26 alley, easement or public way improved is used by a  
27 railway then the cost of the portion of the improvements  
28 between the rails and for two feet outside said rails shall  
29 be assessed against and wholly borne by the owner of  
30 the railway: *Provided further*, That, if there be any land  
31 or other property abutting on the portion of the street  
32 or alley so improved which it has been determined by  
33 the governing body of the municipality, and, shown in  
34 the ordinance or resolution authorizing the improve-  
35 ment, not to be specially benefited by the improvement,  
36 or for other reasons would not be liable to assessment  
37 for any of the cost of improvement, then the cost of the  
38 improvements abutting such part of said street or alley  
39 as is so determined to be nonassessable shall be appor-  
40 tioned among, assessed and borne by the remaining prop-  
41 erty abutting upon the portion of the street, alley, pub-  
42 lic way or easement improved in proportion to the front-  
43 age of such remaining abutting property as hereinabove  
44 provided: *Provided further*, That if such improvement  
45 include the construction or reconstruction of sidewalks  
46 on only one side of a street, alley, public way or ease-

47 ment, then the cost of such sidewalk shall be assessed  
48 only on the property abutting on that side where the  
49 sidewalks are so constructed: *Provided, further, That*  
50 in apportioning and assessing the cost of sewers or sewer  
51 systems the provisions of section four hereof shall be  
52 observed: *Provided further, That* if there be land or other  
53 property abutting the street, alley, easement or public  
54 way so improved which is owned by the United States of  
55 America, and, for that reason, not legally subject to  
56 assessment, then the municipality shall pay the propor-  
57 tionate part of the cost of the improvement which other-  
58 wise would be assessable against such federally owned  
59 land or property.

Sec. 7. *Ordinance or Resolution Authorizing Improve-*  
2 *ment; Approval of Plans, Specifications and Estimates;*  
3 *Provisions for Payment and Cost and Assessment Cer-*  
4 *tificates; Advertisement for Bids.*—After hearing held  
5 pursuant to notice as provided in section three hereof the  
6 governing body of the municipality, by resolution or  
7 ordinance, may authorize such improvement and the  
8 assessing of the total cost or any part thereof on abutting

9 property as herein provided. In the same or subsequent  
10 resolutions or ordinances, but before advertising for bids  
11 from contractors, the governing body of the municipality  
12 shall cause to be prepared plans, specifications and esti-  
13 mates of the cost of the proposed improvements under  
14 the supervision of the engineer for the municipality. Such  
15 plans, specifications and estimates shall show the pro-  
16 posed grade and sufficient data for any owner of abutting  
17 property to calculate approximately what proportionate  
18 part of the estimated cost thereof might be assessed  
19 against his property, and shall be filed with the clerk or  
20 recorder and open to the inspection of interested persons  
21 before advertisement for bids of contractors and before  
22 the meeting at which such bids may be accepted or re-  
23 jected. Before advertising for bids of contractors such  
24 governing body of the municipality shall consider said  
25 plans, specifications and estimates and may amend or  
26 modify them, and before advertising for bids shall by  
27 resolution or ordinance approve such plans, specifications  
28 and estimates as so amended and modified. Such resolu-  
29 tion or ordinance before advertisement for bids shall also

30 provide for advertisement for bids, for letting of contract  
31 or contracts for the work to the lowest responsible bidder,  
32 with right reserved to such governing body to reject any  
33 and all bids and shall provide for supervision of such  
34 work by the mayor, city manager, city engineer or other  
35 person or committee designated by the governing body.  
36 Such resolution or ordinance shall also provide for pay-  
37 ment of the cost of the work when completed. The gov-  
38 erning body shall provide in such resolution or ordinance  
39 for the payment by abutting property owners of the cost  
40 thereof in equal installments payable over a period of not  
41 less than five years nor more than ten years from the  
42 date of assessment, with interest at the rate of six per cent  
43 per annum from the date of assessment, and in said reso-  
44 lution or ordinance the governing body shall fix the num-  
45 ber of installments in which the amounts assessed shall  
46 be payable: *Provided*, That each of said assessments or  
47 the installments thereof then remaining unpaid shall be  
48 payable at any time after assessment without interest  
49 after the date of payment: *Provided further*, That on  
50 failure of the owner of the property assessed to pay any



51 installment as and when due, and such default continuing  
52 for sixty days, then at the option of the holder of the  
53 certificates evidencing such assessment, the entire bal-  
54 ance due may be declared immediately due and payable  
55 and the holder of the certificates may forthwith proceed  
56 to enforce the collection thereof: *And provided further,*  
57 That if the amounts to be assessed against abutting prop-  
58 erty be less than two dollars for each abutting front foot  
59 of property, then said governing body is authorized to  
60 make the same payable in one lump sum or in install-  
61 ments, with interest, over a period of less than five years  
62 from the date of assessment.

Sec. 8. *Report on Completion; Notice to Abutting Own-  
2 ers; Hearings; Assessment.*—When the improvement of  
3 such street, alley, easement, or public way has been com-  
4 pleted, the governing body shall cause the engineer, or  
5 other person charged by the governing body with the  
6 supervision of the work of improvement, to make a report  
7 showing the several frontages abutting thereon, and the  
8 total cost, and showing the respective amounts charge-  
9 able upon each lot or parcel of land assessed abutting

10 thereon, and showing the proper amounts to be assessed  
11 against the respective abutting lots or parcels of land as  
12 provided herein, with a description of the abutting lots  
13 and lands as to ownership, frontage and location. The  
14 governing body of the municipality shall thereupon give  
15 notice to the owners of the property to be assessed that  
16 on or after a date named in said notice an assessment may  
17 be laid against the property so improved as embodied in  
18 said report. Said notice shall state that the owner or  
19 owners whose property is to be assessed, or other inter-  
20 ested party, may on said date appear before the governing  
21 body to move the revision or correction of such proposed  
22 assessment. Such notice shall be by publication once a  
23 week for two successive weeks in a newspaper of general  
24 circulation in the county in which such municipality is  
25 located, and said notice shall show the total cost of the  
26 improvement, the several frontages abutting thereon and  
27 the respective amounts to be assessed against the abutting  
28 property, with a description of the respective abutting  
29 lots and lands as to ownership, frontage and location. On  
30 or after the date so advertised, the governing body may

31 revise, amend, correct and verify the report and proceed  
32 by resolution or ordinance to lay the assessments as cor-  
33 rected and verified.

Sec. 9. *Assessment Certificates; Issuance, Sale and*  
2 *Negotiation; Recording Assessing Resolution or Ordi-*  
3 *nance.*—Immediately on laying of the assessment against  
4 the abutting property, certificates shall be issued evidenc-  
5 ing said assessments and each installment of principal  
6 and interest payable. Said certificates shall be payable to  
7 the bearer and be signed by the mayor and clerk or other  
8 equivalent officers of the municipality, and shall refer  
9 to the ordinance or resolution laying the assessments;  
10 shall show the amount and date of the assessment and  
11 describe the property against which the assessment is  
12 laid, describe the same as to ownership, amount, frontage  
13 and briefly as to location. Said certificates shall also show  
14 the dates on which principal and interest payments are  
15 due, and shall contain a provision that in event of default  
16 in the payment of any one of such installments, and such  
17 default continuing for a period of sixty days, than all  
18 unpaid installments shall become due and payable at

19 the election of the certificate holder and the holder may  
20 proceed to collect all of the unpaid balances of install-  
21 ments, with interest until paid. Said certificates shall be  
22 issued to the contractor making the improvements in pay-  
23 ment therefor, upon the contractor's reimbursing the  
24 municipality for those items of the cost and expense ad-  
25 vanced by the municipality and mentioned in section five  
26 hereof. Said certificates shall be assignable by delivery  
27 of the certificates and be enforceable by the holder. The  
28 municipality issuing such certificates shall not be held as  
29 guarantor or in any way liable for the payment thereof.  
30 A notice of the lien of said assessment, referring to the  
31 assessing ordinance or resolution, and setting forth a list  
32 of the property assessed, described respectively as to  
33 amounts of assessment, frontage, location and ownership  
34 of the property, shall be certified by the clerk or recorder  
35 of the municipality to the clerk of the county court of the  
36 county wherein the improvement is located. The county  
37 clerk shall record the same in a proper trust deed book  
38 and index the same in the name of each owner of abutting  
39 property assessed.

Sec. 10. *Liens; Payment, Suit for Enforcement; Enforcement; When Service May be Had by Publication.*—The  
2 property abutting the portion of the street, alley, ease-  
3 ment or public way improved shall be subject to a lein,  
4 from the date of the ordinance or resolution laying the  
5 assessment, for the payment of the costs of the improve-  
6 ments assessed against said property. From the date of  
7 the assessments the holder of the assessment certificates  
8 shall be the holder of said leins and entitled to enforce  
9 the same in his own name or the name of the municipality  
10 to the extent of the amount, principal and interest, pro-  
11 vided in said certificates, and against the said property,  
12 as to any assessment not paid as and when due. Said  
13 assessment shall be and constitute leins in the hands of  
14 the holders of said certificates upon the respective lots  
15 and lands assessed and shall have priority over all other  
16 liens except those for land taxes due the state, county,  
17 and municipality, and except the leins for pre-existing  
18 special assessments. Said assessments and interest there-  
19 on shall be paid by the owners of the property assessed  
20 as and when the installments are due. The holder of any  
21

22 certificate may enforce the lien thereof in any proper  
23 suit, and when default in the payment, as and when due,  
24 of any certificate of principal or interest or installment  
25 certificate shall occur and such default may have con-  
26 tinued for more than sixty days, the holder may at his  
27 option declare the whole unpaid balance due and payable  
28 and by proper suit in equity enforce the lein thereof, upon  
29 process issued and served according to law upon the  
30 owner or owners of the land subject to said lien at the  
31 time such suit may be brought as shown by the records  
32 of the clerk of the county court in which said land is  
33 located. Service by publication upon such owner may  
34 be had if, upon affidavit filed with the clerk of the court  
35 where each suit is brought, it appears that the owner of  
36 such land is a nonresident of the State of West Virginia.  
37 Service by publication may also be had upon such owner  
38 upon affidavit filed in said clerk's office that personal  
39 process issued to the sheriff of the county in which said  
40 land is located has been returned "not found" in said  
41 county and if said affidavit also states that the plaintiff in  
42 the suit does not know where the owner is resident.

Sec. 11. *Assessment Against Property of Public, Charitable, Eleemosynary, Educational or Religious Institutions; Duty of Those in Charge to Cause Assessments to be Paid.*—When any of the lots or lands abutting the portion of the street, alley, easement or public way improved consist of property owned or controlled by the state, county, municipality, board of education or other public body, or consist of property owned by, or used for, a church, or religious, charitable, educational or eleemosynary institution for purposes not subject to taxation, such property shall nevertheless be assessed with its proper proportion of the cost of said improvement, and it shall be the duty of those persons having charge of the fiscal affairs of such owner or the management of any such property or institution to make proper arrangements for the payment of, and cause to be paid, such assessments as and when due and payable.

Sec. 12. *Place of Payment; Release.*—Payments of any assessments or installment certificates may be made to the treasurer of the municipality or the holder of the assessment certificates. If payment is made to the treas-

5 urer he shall require all interest to be paid which is owed  
6 up to the time of payment, and notify the holder of the  
7 certificate, if informed of the holder's address, that he  
8 has received such payments, and make payment to the  
9 holder on presentation for cancellation of the certificate  
10 representing such payment. If payment is made to the  
11 holder of the certificate, the holder shall deliver to the  
12 payor certificates marked "paid" representing the pay-  
13 ments made of principal and interest. On presentation to  
14 the treasurer for cancellation of all certificates of prin-  
15 cipal and interest for the whole assessment made against  
16 a specific piece of property assessed, the treasurer shall  
17 on request execute and deliver a release of the lien of  
18 such assessment.

Sec. 13. *Re-assessment for Void, Irregular or Omitted*  
2 *Assessments.*—In the case of the construction of any per-  
3 manent improvements where an assessment has hereto-  
4 fore been laid or may hereafter be laid for the cost there-  
5 of, which said assessment is or shall be void or voidable  
6 by reason of errors, irregularities or defects in the pro-  
7 ceedings under which such improvement was made, or



8 in case such assessment shall have been made against  
9 the wrong person or property, or shall have been omitted  
10 to be made in a case where the same was proper, it shall  
11 be the duty of the governing body within ten years  
12 after the completion of such improvement, or after any  
13 court shall have declared such assessment invalid, to  
14 cause notice to be given to any person against whom the  
15 cost of said improvement might properly be or have been  
16 assessed, of its intention to lay such assessment and fix-  
17 ing a time and place at which the owner may appear  
18 and show cause against the same. Said notice shall be  
19 served in the manner provided in this article in the  
20 giving of notices in assessment proceedings, or any other  
21 manner provided by law. At the time and place, under  
22 the notice aforesaid, or at any time thereafter, the gov-  
23 erning body shall proceed to lay and levy an assessment  
24 for the cost of such improvement as would have been  
25 lawful under proper proceedings at the time said im-  
26 provement was completed, unless the owner so notified  
27 shall show good cause against the same. The reassessment  
28 so laid shall be a lien upon the property liable therefor

29 in the manner hereinabove provided from the date of the  
30 completion of the improvement, with interest therefrom,  
31 and proper assessment certificates may be issued, recorda-  
32 tion had, and payment and the lien may be enforced in the  
33 same manner and upon the same terms as would have  
34 been proper at the time of the completion of the said  
35 improvement had the assessment therefor been then prop-  
36 erly laid and levied.

Sec. 14. *Liberal Construction of this Act.*—This article  
2 shall be liberally construed to accomplish the purpose of  
3 providing reasonable, economical and expeditious means  
4 for municipalities to provide permanent improvements  
5 and assure to the contractors making such improvements,  
6 or persons directly or indirectly financing the same, secu-  
7 rity in the payment of the cost and expense of such im-  
8 provement; and nothing in this article shall be construed  
9 as imposing a time limit on the certificate holder for the  
10 enforcement of his rights.

Sec. 15. *Effect on Special and Home Rule Charter Pro-*  
2 *visions.*—The provisions of all existing municipal charters  
3 and the rights, powers and duties of municipalities there-

4 under and under existing statutory and other laws in  
5 respect of municipal and public improvements shall con-  
6 tinue and remain in full force and effect, and nothing  
7 herein contained is intended or shall be construed to re-  
8 peal, supersede, suspend or modify any provision of any  
9 special charter or home rule charter of any municipality  
10 in this state.

Sec. 16. *Separability.*—If any provision or part of this  
2 article is declared unconstitutional or invalid such decla-  
3 ration shall in no way affect any other part hereof.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Forest L. Meyer*

Chairman Senate Committee

*R. K. Matthews*

Chairman House Committee

Originated in the House of Delegates

Takes effect *From* passage.

*Howard Meyer*  
Clerk of the Senate

*J. Quinn*  
Clerk of the House of Delegates

*Joseph P. Hunter*  
President of the Senate

*W. S. Flamm*  
Speaker House of Delegates

The within *Approved* this the *12th* day of *March*, 1949.

*Chas. L. Patton*  
Governor

Filed in the Office of the Secretary of State of West Virginia

**MAR 14 1949**  
D. PITT O'BRIEN,  
SECRETARY OF STATE

