WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941

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ENROLLED

HOUSE BILL No. _276_

(By Mr. _Hudson & Mr. Casey_)

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PASSED _March 8,_ 1941

In Effect _ninety days from_ Passage

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House Bill No. 276

(By Mr. Hudson and Mr. Casey)

[Passed March 8, 1941; in effect ninety days from passage.]

AN ACT to amend article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto five new sections to be numbered sections ten-a, ten-b, ten-c, ten-d and ten-e, authorizing the governing boards, commissions or councils of incorporated municipalities to adopt ordinances relating to the repair, closing and demolition of dwellings or any other buildings unfit for human habitation.

Be it enacted by the Legislature of West Virginia:

Section 10-a. *Conferring of Authority to Adopt Ordi-*

2 *nances.*—Authority and power is hereby conferred upon

3 any incorporated city or town in this state to adopt

4 ordinances regulating the repair, closing and/or demoli-

5 tion of any dwellings or other buildings unfit for human

6 habitation due to dilapidation, defects increasing the

7 hazard of fire, accidents or other calamities, lack of ven-

8 tilation, light or sanitary facilities or any other conditions

9 prevailing in any building or buildings, whether used for

10 human habitation or not, which would cause such build-

11 ings to be unsafe, unsanitary, dangerous or detrimental to

12 the public welfare.

Sec. 10-b. *Enforcement Agency.*—The governing board,

2 commission or council in formally adopting such ordin-

3 ances shall designate the enforcement agency which shall

4 consist of the mayor or other chief executive officer, the

5 city engineer or building inspector and one member at

6 large to be selected by and to serve at the will and

7 pleasure of the mayor or chief executive officer. The

8 ranking health officer and fire chief shall serve as ex

9 officio members of such enforcement agency.

Sec. 10-c. *Rules of Procedure.*—Any ordinance adopted

2 under this act shall provide fair and equitable rules of

3 procedure and any other standards deemed necessary to

4 guide the enforcement agency, or its agents, in investiga-

5 tion of dwelling conditions, and conducting hearings:

6 *Provided, however,* That any entrance upon premises for

7 purpose of making examinations shall be made in such

8 manner as to cause the least possible inconvenience to

9 the persons in possession.

Sec. 10-d. *Assessment of Costs of Repairs.*—Any ordi-

2 nance adopted under this act shall provide for the assess-

3 ment of costs of such repairs, alterations, improvements,

4 or vacating an dclosing and/or removal or demolition by

5 order of the enforcement agency; and said costs, after the

6 sale of salvaged material is credited to the account, shall

7 be a lien against the real property upon which such cost

8 was incurred.

Sec. 10-e. *Right of Appeal.*—All complaints or orders is-

2 sued by the enforcement agency shall be served in accord-

3 ance with the law of this state and shall, in addition

4 thereto, be posted in a conspicuous place on premises

5 affected by the complaint or order; *Provided, however,*

6 That no ordinance shall be adopted without including

7 the right to appeal to the circuit court for a temporary in-

8 junction restraining the enforcement agency pending final

9 disposition of the cause, and hearings shall be had by

10 said courts within twenty days, or as soon thereafter as

11 possible, to enter such final order or decree as law and

12 justice may require. Costs shall be imposed in the dis-

13 cretion of the court.

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

C. H. McKown

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *ninety days from* passage.

A. Hale Watkins

Clerk of the Senate

J. R. Cliff

Clerk of the House of Delegates

Byron B. Randolph

President of the Senate

Malcolm R. Arnold

Speaker House of Delegates

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The within *approved* this the *14*

day of *March*, 1941.

Matthew M. Neely

Governor.

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