WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

HOUSE BILL No. 397

(By Mr. File)

PASSED March 12, 1949

In Effect From Passage
AN ACT to amend and reenact section seventeen, chapter sixty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, relating to establishment, maintenance, adjustment, readjustment, collection and enforcement of rates or charges for municipal public works, and providing for the collection and enforcement of rates or charges heretofore or hereafter established and maintained for the improvement or protection of property, provided or afforded by a municipal flood control system from the time provided in the municipal ordinance or resolution establishing such rates or charges, if, at such time, such works, though not yet fully constructed, are nearing completion and the municipal authorities are reasonably assured that such works will be completed and placed in operation without unreasonable delay.
Be it enacted by the Legislature of West Virginia:

That section seventeen, chapter sixty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, be amended and reenacted to read as follows:

Section 17. Charges for Services Rendered by Works—

2 Municipal authorities shall have the power and it shall
3 be their duty, by ordinance or resolution, to establish and
4 maintain just and equitable rates or charges for the use
5 and services rendered, or the improvement or protection
6 of property, provided or afforded by such works, to be
7 paid by the person using the same, receiving the services
8 thereof, or owning the property improved or protected
9 thereby, and may readjust such rates or charges from
10 time to time. Rates or charges heretofore or hereafter
11 established and maintained for the improvement or pro-
12 tection of property, provided or afforded by a municipal
13 flood control system, to be paid by the person owning
14 the property improved or protected thereby, shall be
15 collectible and enforceable from the time provided in such
16 ordinance or resolution, any provision of this or any other
17 law to the contrary notwithstanding, if, at such time,
such works, though not yet fully constructed, are nearing
completion and such municipal authorities are reason-
ably assured that such works will be completed and placed
in operation without unreasonable delay. Such rates or
charges shall be sufficient in each year for the payment
of the proper and reasonable expenses of operation, repair,
replacements and maintenance of the works, and for the
payment of the sums herein required to be paid into the
sinking fund.

Revenues collected pursuant to this section shall be
deemed the revenues of the works. No such rates or
charges shall be established until after a public hearing
at which all the users of the works and/or owners of the
property served, or to be served thereby, and others inter-
ested, shall have an opportunity to be heard concerning
the proposed rates or charges. After introduction of pro-
posal of the ordinance or resolution fixing such rates or
charges and before the same is finally enacted or passed,
notice of such hearing, setting forth the proposed schedule
of such rates or charges, shall be given by publishing
same once each week for two successive weeks in two
newspapers of opposite political faith published in such municipality, or in one newspaper, if only one political faith is represented by newspapers in the said municipality, or, if there be no newspapers so published, then such ordinances shall be posted in at least three public places therein, the first publication or posting of said notice to be at least ten days before the date fixed in such notice for the hearing, which hearing may be adjourned from time to time. No other or further notice to parties at interest shall be required. After such hearing the ordinance or resolution establishing rates or charges, either as originally proposed or introduced, or as modified and amended, shall be passed or adopted and put into effect. A copy of the schedule of such rates and charges so established shall be kept on file in the office of the board having charge of the operation of such works, and also in the office of the municipal authorities, and shall be open to inspection by all parties interested. The rates or charges so established for any class or users or property served, shall be extended to cover any additional class or users or property thereafter served which fall within the same
class, without the necessity of any hearing or notice. Any change or readjustment of rates may be made in the same manner as such rates or charges were originally established as hereinabove provided. The aggregate of the rates or charges shall always be sufficient for such expense of operation, repairs and maintenance, and for such sinking fund payments. If any service rates, charge or fee so established shall not be paid within thirty days after the same is due, the amount thereof may be recovered by the board in a civil action in the name of the municipality, and in the case of charges due for services rendered, such charges, if not paid when due, may, if council so provide in the ordinance provided for under section six of this act, constitute a lien upon the premises served by such works, which lien may be foreclosed against such lot, parcel of land or building so served, in accordance with the laws relating to the foreclosure of liens on real property. Upon failure of any person receiving any such service to pay for same when due, the board may discontinue such service without notice.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect [Signature] from [Signature] passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within [Signature] approved this the 18th day of [Signature] March, 1949.

[Signature]
Governor

Filed in the Office of the Secretary of State of West Virginia [Signature] D. Pitt O'Brien, Secretary of State