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
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 to Street, Sidewalk and Sewer Improvements.—Every municipal corporation in this state, whether existing and operating under a special charter, home rule charter or under general law, is hereby authorized and empowered, in addition to any other rights or powers conferred upon it, upon the terms, conditions and in the manner hereinafter set forth, to grade, regrade, pave or repave, surface or resurface, curb or recurb, streets and alleys, and to build or renew sidewalks, and to construct, provide or renew any of such improvements or other permanent public improvements in any streets, alleys, public ways or casements, or portions thereof, in such municipality, and, if deemed advisable, to construct storm and sanitary sewers, or all or a part of a sewer system in any streets, easements, public ways, or alleys, or portions thereof, independently or in conjunction with other of such improvements, and to assess the costs of any or all of such improvements on abutting property.

Sec. 2. Petition of Abutting Property Owners; Action of Governing Body Without Petition.—Upon the petition
in writing of persons owning the greater amount of
frontage of property abutting upon both sides of any
portion of a street, public way, alley, or easement, for
any permanent improvement or reimprovement author-
ized in section one hereof the council or other governing
body of any such municipality, by a lawful majority
thereof, may, after giving notice to abutting property
owners as in this article is provided, by resolution or
ordinance declare the necessity or convenience of such
improvement and order and cause such portions of such
streets, alleys, public ways or easements to be graded,
regraded, paved, repaved, surfaced, resurfaced, curbed,
recurbed, sewered, resewered, permanently improved or
reimproved with sidewalks or otherwise permanently
improved or reimproved with suitable material, or any
one or more of such improvements without the others,
as may be determined by the governing body, to be con-
structed therein or in such part or parts thereof as the
governing body may determine, and such governing body
may specially assess the entire cost of such improvements,
or any part thereof, upon the property abutting on the
portions of the streets, alleys, public ways or easements improved.

Such governing body of the municipality may also adopt such resolution or ordinance of necessity or convenience and provide for such improvements and the assessing of the cost thereof upon abutting property without such a petition of property owners having first been received, when the resolution or ordinance providing for such improvement is adopted by the affirmative vote of at least three-fourths of the members of such governing body by recorded vote, after having given notice to abutting property owners as hereinafter provided.

Sec. 3. Notice to Abutting Owners to be Given Before Authorizing Improvement; Form of Notice.—Before the adoption of such resolution or ordinance of necessity or convenience, the governing body shall cause notice to be given to owners of abutting property that such resolution or ordinance will be considered before adoption at a public meeting of the governing body at a time and place named in the notice and all persons or corporations
shall at that meeting, or an adjournment thereof, be given an opportunity to protest or be heard concerning the adoption or rejection of said resolution ordinance. Such notice to owners of property abutting on the portion of the street, alley, public way or easement to be improved may be by personal service on owners at least ten days before said meeting. In lieu of personal service of such notice, the following described notice, or one in substantially the same form, may be given, and shall be deemed to have been served on all such owners of abutting property, by publication once a week for three successive weeks before said meeting in some newspaper of general circulation, but not necessarily published, in said municipality, as follows:

"NOTICE TO ALL PERSONS OR CORPORATIONS OWNING PROPERTY ABUTTING ON _____________________________ (here describe the portion of the street, alley, public way or easement to be improved) IN THE __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ ___
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30 erning 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).”
A certificate of publication of the notice, made by the newspaper publisher, and a copy of the notice shall be made a part of the minutes of the governing body and spread on its records of the meeting described in the notice. The service of said notice upon all persons, firms or corporations owning any interest in any property abutting upon any portion of said street, alley, public way or easement to be improved shall conclusively be deemed to have been given when such newspaper publication shall have been completed: Provided, That where any foreign railroad or other foreign corporation is the owner of property abutting upon any street, alley, public way or easement sought to be improved under the provisions hereof, notice shall be given to such railroad or other foreign corporation as prescribed by section one, article ten, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, before the adoption of any ordinance or resolution relating to, and providing for, such improvements.

Sec. 4. Sewers and Sewer Assessments.—The governing body is authorized and empowered to order and
cause to be constructed, in said municipality, or part
within and part outside of the limits of said municipality,
public, common, lateral, branch, trunk and combined
sewers or public sewer systems, or both, by contract or
direct by the municipality, for the benefit of said mu-
nicipality or any part thereof, and to purchase lands or
easements therein or to condemn lands or easements
therein in the manner provided by law for such sewers
or sewer systems. When the governing body shall order
and complete the construction of any such sewer or sewer
system or any part thereof in said municipality, the prop-
erty abutting on such sewer or abutting upon an avenue,
street, alley, right of way or easement in which such
sewer shall be constructed, or abutting on any avenue,
street, alley, right of way or easement, in which any such
sewer or part of a sewer system is constructed and laid,
may be charged with all or any part of the cost thereof,
including the cost of such sewer or sewer system at and
across intersections at avenues, streets, roads and alleys
adjacent thereto.

A sewer system shall be deemed to include all the com-
mon sewers whether they be lateral, branch, trunk or combined sewers, which serve to drain a definite drainage area as specified in the order of the council directing the work to be done.

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

In case of corner lots where the cost of sewering along one dimension is not assessed against the owner thereof,
and in the case of lots less than two hundred feet deep
abutting at each end on a street, alley, right of way or
easement in which a sewer is laid, the cost of sewer is laid,
the cost of sewering along the dimension or end not as-
essed against the property owner shall in every case
be apportioned and assessed against the other property
abutting on the streets, alleys, easements and public ways
being improved, in the manner of the apportionment of
the cost of improvements in intersections.

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

Sec. 6. Apportionment and Assessment of Cost.—The
cost of the entire project, including the cost of all
improvements at and within intersections, shall be ap-
portioned to, and assessed against, and borne by the prop-
erties abutting upon the streets, public ways, alleys or easements upon which the improvements involved in the project shall have been made. Each lot or parcel of land so abutting shall be assessed with that portion of the total cost of the entire project which is represented by the proportion which the abutting frontage in feet of such lot or parcel bears to the total abutting frontages in feet of all the lots or parcels of land abutting on the streets, public ways, alleys or easements so improved: Provided, however, That if the character of the improvements shall be substantially different upon different streets, public ways, easements or alleys, or portions thereof, the cost may be equitably apportioned to the respective streets, public ways, alleys, easements, or portions thereof, in proportion to the character and cost of the improvements respectively thereon; and the part of the cost so apportioned to each respective street, public way, easement, or alley, or portion thereof, shall be apportioned to and assessed against the respective lots or parcels of land abutting thereupon in the proportion as hereinabove provided: 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 apportioned among, assessed and borne by the remaining prop-
40 erty abutting upon the portion of the street, alley, pub-
41 lic way or easement improved in proportion to the front-
42 age of such remaining abutting property as hereinabove
43 provided: Provided further, That if such improvement
44 include the construction or reconstruction of sidewalks
45 on only one side of a street, alley, public way or ease-
ment, then the cost of such sidewalk shall be assessed only on the property abutting on that side where the sidewalks are so constructed: Provided, further, That in apportioning and assessing the cost of sewers or sewer systems the provisions of section four hereof shall be observed: Provided further, That if there be land or other property abutting the street, alley, easement or public way so improved which is owned by the United States of America, and, for that reason, not legally subject to assessment, then the municipality shall pay the proportionate part of the cost of the improvement which otherwise would be assessable against such federally owned land or property.

Sec. 7. Ordinance or Resolution Authorizing Improvement; Approval of Plans, Specifications and Estimates; Provisions for Payment and Cost and Assessment Certificates; Advertisement for Bids.—After hearing held pursuant to notice as provided in section three hereof the governing body of the municipality, by resolution or ordinance, may authorize such improvement and the assessing of the total cost or any part thereof on abutting
property as herein provided. In the same or subsequent resolutions or ordinances, but before advertising for bids from contractors, the governing body of the municipality shall cause to be prepared plans, specifications and estimates of the cost of the proposed improvements under the supervision of the engineer for the municipality. Such plans, specifications and estimates shall show the proposed grade and sufficient data for any owner of abutting property to calculate approximately what proportionate part of the estimated cost thereof might be assessed against his property, and shall be filed with the clerk or recorder and open to the inspection of interested persons before advertisement for bids of contractors and before the meeting at which such bids may be accepted or rejected. Before advertising for bids of contractors such governing body of the municipality shall consider said plans, specifications and estimates and may amend or modify them, and before advertising for bids shall by resolution or ordinance approve such plans, specifications and estimates as so amended and modified. Such resolution or ordinance before advertisement for bids shall also
provide for advertisement for bids, for letting of contract
or contracts for the work to the lowest responsible bidder,
with right reserved to such governing body to reject any
and all bids and shall provide for supervision of such
work by the mayor, city manager, city engineer or other
person or committee designated by the governing body.
Such resolution or ordinance shall also provide for pay-
ment of the cost of the work when completed. The gov-
erning body shall provide in such resolution or ordinance
for the payment by abutting property owners of the cost
thereof in equal installments payable over a period of not
less than five years nor more than ten years from the
date of assessment, with interest at the rate of six per cent
per annum from the date of assessment, and in said reso-
lution or ordinance the governing body shall fix the num-
ber of installments in which the amounts assessed shall
be payable: *Provided*, That each of said assessments or
the installments thereof then remaining unpaid shall be
payable at any time after assessment without interest
after the date of payment: *Provided further*, That on
failure of the owner of the property assessed to pay any
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installment as and when due, and such default continuing
for sixty days, then at the option of the holder of the
certificates evidencing such assessment, the entire bal-
ance due may be declared immediately due and payable
and the holder of the certificates may forthwith proceed
to enforce the collection thereof: And provided further,

That if the amounts to be assessed against abutting prop-
erty be less than two dollars for each abutting front foot
of property, then said governing body is authorized to
make the same payable in one lump sum or in install-
ments, with interest, over a period of less than five years
from the date of assessment.

Sec. 8. Report on Completion; Notice to Abutting Own-
ers; Hearings; Assessment.—When the improvement of
such street, alley, easement, or public way has been com-
pleted, the governing body shall cause the engineer, or
other person charged by the governing body with the
supervision of the work of improvement, to make a report
showing the several frontages abutting thereon, and the
total cost, and showing the respective amounts charge-
able upon each lot or parcel of land assessed abutting
thereon, and showing the proper amounts to be assessed
against the respective abutting lots or parcels of land as
provided herein, with a description of the abutting lots
and lands as to ownership, frontage and location. The
governing body of the municipality shall thereupon give
notice to the owners of the property to be assessed that
on or after a date named in said notice an assessment may
be laid against the property so improved as embodied in
said report. Said notice shall state that the owner or
owners whose property is to be assessed, or other inter-
ested party, may on said date appear before the governing
body to move the revision or correction of such proposed
assessment. Such notice shall be by publication once a
week for two successive weeks in a newspaper of general
circulation in the county in which such municipality is
located, and said notice shall show the total cost of the
improvement, the several frontages abutting thereon and
the respective amounts to be assessed against the abutting
property, with a description of the respective abutting
lots and lands as to ownership, frontage and location. On
or after the date so advertised, the governing body may
revise, amend, correct and verify the report and proceed
by resolution or ordinance to lay the assessments as cor-
rected and verified.

Sec. 9. Assessment Certificates; Issuance, Sale and
Negotiation; Recording Assessing Resolution or Ordi-
nance.—Immediately on laying of the assessment against
the abutting property, certificates shall be issued evidenc-
ing said assessments and each installment of principal
and interest payable. Said certificates shall be payable to
the bearer and be signed by the mayor and clerk or other
equivalent officers of the municipality, and shall refer
to the ordinance or resolution laying the assessments;
shall show the amount and date of the assessment and
describe the property against which the assessment is
laid, describe the same as to ownership, amount, frontage
and briefly as to location. Said certificates shall also show
the dates on which principal and interest payments are
due, and shall contain a provision that in event of default
in the payment of any one of such installments, and such
default continuing for a period of sixty days, than all
unpaid installments shall become due and payable at
the election of the certificate holder and the holder may proceed to collect all of the unpaid balances of installments, with interest until paid. Said certificates shall be issued to the contractor making the improvements in payment therefor, upon the contractor's reimbursing the municipality for those items of the cost and expense advanced by the municipality and mentioned in section five hereof. Said certificates shall be assignable by delivery of the certificates and be enforceable by the holder. The municipality issuing such certificates shall not be held as guarantor or in any way liable for the payment thereof. A notice of the lien of said assessment, referring to the assessing ordinance or resolution, and setting forth a list of the property assessed, described respectively as to amounts of assessment, frontage, location and ownership of the property, shall be certified by the clerk or recorder of the municipality to the clerk of the county court of the county wherein the improvement is located. The county clerk shall record the same in a proper trust deed book and index the same in the name of each owner of abutting property assessed.
Sec. 10. Liens; Payment, Suit for Enforcement; Enforcement; When Service May be Had by Publication.—The property abutting the portion of the street, alley, easement or public way improved shall be subject to a lien, from the date of the ordinance or resolution laying the assessment, for the payment of the costs of the improvements assessed against said property. From the date of the assessments the holder of the assessment certificates shall be the holder of said liens and entitled to enforce the same in his own name or the name of the municipality to the extent of the amount, principal and interest, provided in said certificates, and against the said property, as to any assessment not paid as and when due. Said assessment shall be and constitute liens in the hands of the holders of said certificates upon the respective lots and lands assessed and shall have priority over all other liens except those for land taxes due the state, county, and municipality, and except the liens for pre-existing special assessments. Said assessments and interest thereon shall be paid by the owners of the property assessed as and when the installments are due. The holder of any
certificate may enforce the lien thereof in any proper
suit, and when default in the payment, as and when due,
of any certificate of principal or interest or installment
certificate shall occur and such default may have con-
tinued for more than sixty days, the holder may at his
option declare the whole unpaid balance due and payable
and by proper suit in equity enforce the lien thereof, upon
process issued and served according to law upon the
owner or owners of the land subject to said lien at the
time such suit may be brought as shown by the records
of the clerk of the county court in which said land is
located. Service by publication upon such owner may
be had if, upon affidavit filed with the clerk of the court
where each suit is brought, it appears that the owner of
such land is a nonresident of the State of West Virginia.
Service by publication may also be had upon such owner
upon affidavit filed in said clerk’s office that personal
process issued to the sheriff of the county in which said
land is located has been returned “not found” in said
county and if said affidavit also states that the plaintiff in
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-
urer he shall require all interest to be paid which is owed up to the time of payment, and notify the holder of the certificate, if informed of the holder's address, that he has received such payments, and make payment to the holder on presentation for cancellation of the certificate representing such payment. If payment is made to the holder of the certificate, the holder shall deliver to the payor certificates marked "paid" representing the payments made of principal and interest. On presentation to the treasurer for cancellation of all certificates of principal and interest for the whole assessment made against a specific piece of property assessed, the treasurer shall on request execute and deliver a release of the lien of such assessment.

Sec. 13. Re-assessment for Void, Irregular or Omitted Assessments.—In the case of the construction of any permanent improvements where an assessment has heretofore been laid or may hereafter be laid for the cost thereof, which said assessment is or shall be void or voidable by reason of errors, irregularities or defects in the proceedings under which such improvement was made, or
in case such assessment shall have been made against the wrong person or property, or shall have been omitted to be made in a case where the same was proper, it shall be the duty of the governing body within ten years after the completion of such improvement, or after any court shall have declared such assessment invalid, to cause notice to be given to any person against whom the cost of said improvement might properly be or have been assessed, of its intention to lay such assessment and fixing a time and place at which the owner may appear and show cause against the same. Said notice shall be served in the manner provided in this article in the giving of notices in assessment proceedings, or any other manner provided by law. At the time and place, under the notice aforesaid, or at any time thereafter, the governing body shall proceed to lay and levy an assessment for the cost of such improvement as would have been lawful under proper proceedings at the time said improvement was completed, unless the owner so notified shall show good cause against the same. The reassessment so laid shall be a lien upon the property liable therefor
in the manner hereinabove provided from the date of the
completion of the improvement, with interest therefrom,
and proper assessment certificates may be issued, recorda-
tion had, and payment and the lien may be enforced in the
same manner and upon the same terms as would have
been proper at the time of the completion of the said
improvement had the assessment therefor been then prop-

Sec. 14. Liberal Construction of this Act.—This article
shall be liberally construed to accomplish the purpose of
providing reasonable, economical and expeditious means
for municipalities to provide permanent improvements
and assure to the contractors making such improvements,
or persons directly or indirectly financing the same, secu-

Sec. 15. Effect on Special and Home Rule Charter Pro-
visions.—The provisions of all existing municipal charters
and the rights, powers and duties of municipalities there-
under and under existing statutory and other laws in respect of municipal and public improvements shall continue and remain in full force and effect, and nothing herein contained is intended or shall be construed to repeal, supersede, suspend or modify any provision of any special charter or home rule charter of any municipality in this state.

Sec. 16. **Separability.**—If any provision or part of this article is declared unconstitutional or invalid such declaration shall in no way affect any other part hereof.
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 from 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 approved this the 12th day of March, 1949.

[Signature]
Governor

Filed in the Office of the Secretary of State of West Virginia MAR 14 1949

D. Pitt O'Brien,
Secretary of State