WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 439

(By Mr. Smith)

PASSED May 8, 1955

In Effect from Passage

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

D. Pitt O'Brien
SECRETARY OF STATE
AN ACT to amend and reenact section twenty, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers, duties and allied relations of municipal corporations.

Be it enacted by the Legislature of West Virginia:

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

   Section 20. Special Charges for Municipal Services.—

2. The governing authority of every municipal corporation that furnishes any essential or special municipal service, including police and fire protection, parking facilities on the streets or otherwise, recreational facilities, street cleaning, sewerage and sewage disposal, and the collection
and disposal of garbage, ashes or other waste materials,
may by ordinance provide for the continuance, main-
tenance, installation or improvement of such service, may
make reasonable regulations with respect thereto, may
impose upon the users of such service reasonable rates,
taxes are collected or in some other manner
specified in the ordinance, and may provide penalties for
any violation of such ordinance. The municipal corpor-
atation shall not, however, have a lien on any property as
security for payments due under such ordinance: Pro-
vided, however, That any ordinance enacted under the
provisions of this section shall be published at least once
a week for two successive weeks in two newspapers
published in such municipality, or if there be only one
newspaper published therein then in that newspaper, or
if there be no such newspaper published then by posting
copies of such ordinance for a like period in at least ten
conspicuous places in such municipality, and in the event
ten per cent of the registered voters by written petition
duly signed by them and filed with the municipal author-
ity within fifteen days after the expiration of such pub-
lishing or posting protest against such ordinance, the
ordinance shall not become effective until it shall be
ratified by a majority of the votes cast by the duly
qualified voters of such municipality at an election duly
and regularly held as provided by the laws and ordinances
of the municipality and the result of such election as-
certained and declared. Such election shall be held after
notice of such submission shall be given by publication
or posting of the same for two successive weeks next
prior to the date of such election as above provided for the
publication of the ordinance when adopted. The powers
hereby given to such municipalities and to the authorities
thereof are in addition to and supplemental of the powers
named in the respective charters thereof: Provided,
That in the event fees and charges herein provided for,
shall be imposed by the governing body of any municipal
corporation for the purpose of, and in amounts approxi-
mately sufficient, to replace in its general fund such
amounts as shall be appropriated to be paid out of ad
valorem taxes upon property within the municipality
pursuant to an election duly called and held under the constitution and laws of the state to authorize the issuance and sale of general obligation bonds of the municipality for public improvement purposes, in the call for which election it shall be stated that the governing body of the municipality proposes to impose fees and charges in specified amounts under this section for the use of one or more of the services above specified, which shall be related to the public improvement proposed to be made with the proceeds of the bonds, no notice, publication or posting of notice, or referendum or election or other condition or prerequisite to the imposition of such rates shall be required or necessary, other than the legal requirements for the issuance and sale of such general obligation bonds.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Chairman House Committee

[Signature]

Originated in the House of Delegates

Takes effect from passage.

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

[Signature]

The within approved this the 16th day of March, 1955.

Governor

[Signature]

Filed in the Office of the Secretary of State of West Virginia on MAR 17, 1955.

Secretary of State

[Signature]