

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 439

(By Mr. Smith)

PASSED Mar 8 1955

In Effect from Passage

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

D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED
House Bill No. 439
(By MR. HOLDERBY and MR. KINCAID)

[Passed March 8, 1955; in effect from passage.]

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
- 3 that furnishes any essential or special municipal service,
- 4 including police and fire protection, parking facilities on
- 5 the streets or otherwise, recreational facilities, street
- 6 cleaning, sewerage and sewage disposal, and the collection


7 and disposal of garbage, ashes or other waste materials,
8 may by ordinance provide for the continuance, main-
9 tenance, installation or improvement of such service, may
10 make reasonable regulations with respect thereto, may
11 impose upon the users of such service reasonable rates,
12 fees and charges to be collected in the same manner as
13 municipal taxes are collected or in some other manner
14 specified in the ordinance, and may provide penalties for
15 any violation of such ordinance. The municipal corpor-
16 ation shall not, however, have a lien on any property as
17 security for payments due under such ordinance: *Pro-*
18 *vided, however,* That any ordinance enacted under the
19 provisions of this section shall be published at least once
20 a week for two successive weeks in two newspapers
21 published in such municipality, or if there be only one
22 newspaper published therein then in that newspaper, or
23 if there be no such newspaper published then by posting
24 copies of such ordinance for a like period in at least ten
25 conspicuous places in such municipality, and in the event
26 ten per cent of the registered voters by written petition
27 duly signed by them and filed with the municipal author-

28 ity within fifteen days after the expiration of such pub-
29 lishing or posting protest against such ordinance, the
30 ordinance shall not become effective until it shall be
31 ratified by a majority of the votes cast by the duly
32 qualified voters of such municipality at an election duly
33 and regularly held as provided by the laws and ordinances
34 of the municipality and the result of such election as-
35 certained and declared. Such election shall be held after
36 notice of such submission shall be given by publication
37 or posting of the same for two successive weeks next
38 prior to the date of such election as above provided for the
39 publication of the ordinance when adopted. The powers
40 hereby given to such municipalities and to the authorities
41 thereof are in addition to and supplemental of the powers
42 named in the respective charters thereof: *Provided,*
43 That in the event fees and charges herein provided for,
44 shall be imposed by the governing body of any municipal
45 corporation for the purpose of, and in amounts approxi-
46 mately sufficient, to replace in its general fund such
47 amounts as shall be appropriated to be paid out of ad
48 valorem taxes upon property within the municipality

49 pursuant to an election duly called and held under the
50 constitution and laws of the state to authorize the issuance
51 and sale of general obligation bonds of the municipality
52 for public improvement purposes, in the call for which
53 election it shall be stated that the governing body of the
54 municipality proposes to impose fees and charges in speci-
55 fied amounts under this section for the use of one or more
56 of the services above specified, which shall be related to
57 the public improvement proposed to be made with the
58 proceeds of the bonds, no notice, publication or posting of
59 notice, or referendum or election or other condition or
60 prerequisite to the imposition of such rates shall be re-
61 quired or necessary, other than the legal requirements
62 for the issuance and sale of such general obligation bonds.

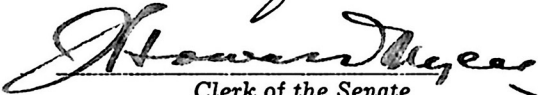
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

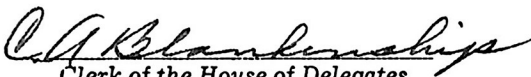

Chairman Senate Committee



Chairman House Committee

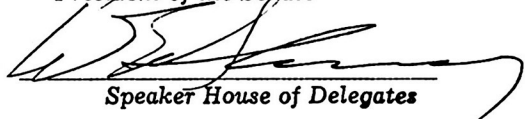
Originated in the House of Delegates

Takes effect from _____ passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 16
day of March 1955.


Governor

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of West Virginia

MAR 17 1955
D. PITT O'BRIEN
SECRETARY OF STATE