WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

HOUSE BILL No. 236

(By Mr. Robertson)

PASSED March 14, 1959

In Effect From Passage

Filed in Office of the Secretary of State
of West Virginia MAR 20 1959
JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend and reenact section sixteen, article thirteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to sewage works of municipal corporations and sanitary districts and provisions for the collection of charges where municipalities are furnishing both water and sewer service.

Be it enacted by the Legislature of West Virginia:

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

Section 16. Rates for Service; Hearing; Change or Re-adjustment; Lien and Recovery.—The governing body shall have power, and it shall be its duty, by ordinance, to establish and maintain just and equitable rates or charges for the use of and the service rendered by such
works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses such works by or through any part of the sewerage system of the municipality, or that in any way uses or is served by such works, and may change and readjust such rates or charges from time to time. Such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expense 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 owners of property served or to be served thereby and others interested shall have an opportunity to be heard concerning the proposed rates or charges. After introduction of the ordinance fixing such rates or charges, and before the same is finally enacted, notice of such hearing, setting forth the proposed schedule of such rates or charges, shall be given by one publication once each
week for two consecutive weeks in two newspapers of
opposite political faith published in such municipality,
or in one newspaper, if only one political faith is repre-
sented by newspapers in the said municipality, at least
ten days before the date fixed in such notice for the
hearing, which may be adjourned from time to time, and
if no newspaper be published in such municipality, the
notice shall be published as aforesaid in two newspapers
of opposite political faith, if there be such published in
the county within which such municipality is embraced,
once each week for two consecutive weeks. After such
hearing the ordinance establishing rates or charges, either
as originally introduced or as modified and amended, shall
be passed 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 opera-
tion of such works, and also in the office of the clerk of
the municipality, and shall be open to inspection by all
parties interested. The rates or charges so established
for any class of users or property served shall be extended
to cover any additional premises thereafter served which
48 fall within the same class, without the necessity of any
49 hearing or notice. Any change or readjustment of such
50 rates or charges may be made in the same manner as
51 such rates or charges were originally established as here-
52 inbefore provided: Provided, however, That if such
53 change or readjustment be made substantially pro rata,
54 as to all classes of service, no hearing or notice shall be
55 required. The aggregate of the rates or charges shall
56 always be sufficient for such expense of operation, repair
57 and maintenance and for such sinking fund payments.
58 All such rates or charges, if not paid when due, shall
59 constitute a lien upon the premises served by such works.
60 If any service rate or charge so established shall not
61 be paid within thirty days after the same is due, the
62 amount thereof, together with a penalty of ten per cent,
63 and a reasonable attorney’s fee, may be recovered by the
64 board in a civil action in the name of the municipality,
65 and in connection with such action said lien may be
66 foreclosed against such lot, parcel of land or building,
67 in accordance with the laws relating thereto: Provided,
68 however, That where both water and sewer services are
furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof. Whenever any rates, rentals or charges for services or facilities furnished shall remain unpaid for a period of thirty days after the same shall become due and payable, the property and the owner thereof, as well as the user of the services and facilities shall be delinquent until such time as all such rates and charges are fully paid. The board collecting such charges shall be obligated under reasonable rules and regulations, to shut off and discontinue both water and sewer services to all delinquent users of either water facilities, or sewer facilities, or both, and shall not restore either water facilities or sewer facilities to any delinquent user of either until all delinquent charges for both water facilities and sewer facilities, including reasonable interest and penalty charges, have been paid in full.
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.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 20th day of March 1959.

Governor