WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED
Committee Substitute for
HOUSE BILL No. 55

(By Mr. Committee on the Judiciary)

PASSED March 7, 1959

In Effect From Passage

Filed in Office of the Secretary of State of West Virginia MAR 16 1959
JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend and reenact section ten, article three, chapter eight-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to ordinance procedure.

Be it enacted by the Legislature of West Virginia:

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

Section 10. Ordinance Procedure.—The governing body of a city shall enact an ordinance in the cases specified by section nine of this article in accordance with the following requirements:

(1) An ordinance shall be read at not less than two meetings with at least one week intervening between each meeting:
(2) Before final passage an ordinance shall be published in two newspapers of opposite politics published in the city, if such there be, and otherwise in one newspaper so published. If no newspaper is published in the city, publication shall be in a newspaper of general circulation in the city: Provided, however, That in the event the governing body of the city shall propose to codify, reenact and enact a comprehensive code of ordinances for the city, it shall not be necessary to publish such code of ordinances in a newspaper or newspapers prior to the adoption thereof. However, at least five days before the meeting at which said code of ordinances is finally adopted, the governing body shall cause notice of the proposed adoption thereof to be published in a newspaper or newspapers, as otherwise required by this section, stating therein the general titles of the code of ordinances and the place where, within the city, the entire proposed code of ordinances is available for public inspection. A reasonable number of copies of the proposed code of ordinances shall be kept at such place and there so available for public inspection.
(3) An ordinance shall not be finally passed until after three days have elapsed after the date of publication and persons interested have been given an opportunity to attend a meeting of the council and be heard with respect to the ordinance;

(4) An ordinance shall not be materially amended at the same meeting at which finally passed. If materially amended after publication the ordinance shall be republished and considered as though publication had not taken place.

The governing body of any municipality may adopt building codes, housing codes, plumbing codes, sanitary codes, electrical codes, fire prevention codes, or any other technical codes dealing with general public health, safety or welfare, or a combination of the same, by ordinance, in the manner therein prescribed. Before any such code shall be adopted, it shall be either printed or typewritten and shall be presented in pamphlet form to the governing body of the municipality at a regular meeting. The ordinance adopting such code shall not set out said code in full, but shall merely identify the same. The
vote on passage of said ordinance shall be the same as on any other ordinance. After its adoption, such code or codes shall be certified to by the chief executive officer and shall be filed as a permanent record in the office of the clerk, who shall not be required to transcribe and record the same in the ordinance book as other ordinances. It shall not be necessary that such ordinance adopting such code or the code itself be published in full, but before final passage of such ordinance, notice of the proposed adoption of such code shall be given by publication as herein provided for other ordinances.

Any of the above comprehensive or technical codes heretofore adopted by any municipality and published without setting such code out in full in the publication required, if any, or in the notice of public hearing, if any, is hereby validated and held sufficient without the necessity of further or other publication.

A home rule charter may prescribe a procedure for the enactment of ordinances in greater detail than prescribed by this section, but the provisions of this section shall be required. A governing body may enact an ordi-
nance under suspension of the rules prescribed by this section only in the case of a pressing public emergency making a procedure in accordance with the section dangerous to the public health, safety, or morals, and by the affirmative vote of two thirds of the members elected to the governing body. The nature of the emergency shall be set out in full in the ordinance.
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 10th day of March 1959.

Governor