

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 49

(By Mr. Moats)

PASSED March 4, 1959

In Effect July 1, 1959 Passage



Filed in Office of the Secretary of State
of West Virginia MAR 10 1959
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

Senate Bill No. 49

(By MR. MOATS)

[Passed March 4, 1959; in effect July 1, 1959.]

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 special charges for municipal services.

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, street lighting, sewerage and sewage disposal,
7 and the collection and disposal of garbage, ashes or other
8 waste materials, may by ordinance provide for the con-
9 tinuance, maintenance, installation or improvement of
10 such service, may make reasonable regulations with re-
11 spect thereto, may impose upon the users of such service
12 reasonable rates, fees and charges to be collected in the
13 same manner as municipal taxes are collected or in some
14 other manner specified in the ordinance, and may provide
15 penalties for any violation of such ordinance. The mu-
16 nicipal corporation shall not, however, have a lien on any
17 property as security for payments due under such ordi-
18 nance: *Provided, however,* That any ordinance enacted
19 under the provisions of this section shall be published at
20 least once a week for two successive weeks in two news-
21 papers published in such municipality, or if there be only
22 one newspaper published therein then in that newspaper,
23 or if there be no such newspaper published then by post-
24 ing copies of such ordinance for a like period in at least
25 ten conspicuous places in such municipality, and in the

26 event ten per cent of the registered voters by written pe-
27 tition duly signed by them and filed with the municipal
28 authority within fifteen days after the expiration of such
29 publishing or posting protest against such ordinance, the
30 ordinance shall not become effective until it shall be rati-
31 fied by a majority of the votes cast by the duly qualified
32 voters of such municipality at an election duly and regu-
33 larly held as provided by the laws and ordinances of the
34 municipality and the result of such election ascertained
35 and declared. Such election shall be held after notice of
36 such submission shall be given by publication or posting
37 of the same for two successive weeks next prior to the
38 date of such election as above provided for the publication
39 of the ordinance when adopted. The powers hereby given
40 to such municipalities and to the authorities thereof are
41 in addition to and supplemental of the powers named in
42 the respective charters thereof: *Provided*, That in the
43 event fees and charges herein provided for, shall be im-
44 posed by the governing body of any municipal corpora-
45 tion for the purpose of, and in amounts approximately
46 sufficient, to replace in its general fund such amounts as

47 shall be appropriated to be paid out of ad valorem taxes
48 upon property within the municipality pursuant to an
49 election duly called and held under the constitution and
50 laws of the state to authorize the issuance and sale of gen-
51 eral obligation bonds of the municipality for public im-
52 provement purposes, in the call for which election it shall
53 be stated that the governing body of the municipality pro-
54 poses to impose fees and charges in specified amounts un-
55 der this section for the use of one or more of the services
56 above specified, which shall be related to the public im-
57 provement proposed to be made with the proceeds of the
58 bonds, no notice, publication or posting of notice, or ref-
59 erendum or election or other condition or prerequisite to
60 the imposition of such rates shall be required or necessary,
61 other than the legal requirements for the issuance and
62 sale of such general obligation bonds.

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

W. Jasper

 Chairman Senate Committee

J. F. Deen

 Chairman House Committee

Originated in the Senate.

Takes effect *July 1, 1959.* _____ passage.

J. Brown

 Clerk of the Senate

C. A. Blankenship

 Clerk of the House of Delegates

Ralph W. Bean

 President of the Senate

N. R. Pauley

 Speaker House of Delegates

The within *approved* _____ this the *9th* _____
 day of *March*, 1959.

W. B. Underwood

 Governor