WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED
SENATE BILL NO. 49

(By Mr. M. L. T. S.)

PASSED March 4, 1959
In Effect July 1, 1959

Filed in Office of the Secretary of State
of West Virginia MAR 10 1959
JOE F. BURDETT
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 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 that furnishes any essential or special municipal service, including police and fire protection, parking facilities on
the streets or otherwise, recreational facilities, street
cleaning, street lighting, sewerage and sewage disposal,
and the collection and disposal of garbage, ashes or other
waste materials, may by ordinance provide for the con-
tinuance, maintenance, installation or improvement of
such service, may make reasonable regulations with re-
spect thereto, may impose upon the users of such service
reasonable rates, fees and charges to be collected in the
same manner as municipal taxes are collected or in some
other manner specified in the ordinance, and may provide
penalties for any violation of such ordinance. The mu-
nicipal corporation shall not, however, have a lien on any
property as security for payments due under such ordi-
nance: Provided, 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 news-
papers 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 post-
ing 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 authority within fifteen days after the expiration of such publishing 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 ascertained 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 approximately 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 gen-
eral obligation bonds of the municipality for public im-
provement purposes, in the call for which election it shall
be stated that the governing body of the municipality pro-
poses to impose fees and charges in specified amounts un-
der this section for the use of one or more of the services
above specified, which shall be related to the public im-
provement proposed to be made with the proceeds of the
bonds, no notice, publication or posting of notice, or ref-
erendum 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.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1959, passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

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

[Signature]
Governor