

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

236

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House Bill No. 236

(By MR. ROBERTSON)

[Passed March 14, 1959; in effect from passage.]

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-
2 adjustment; Lien and Recovery.*—The governing body
3 shall have power, and it shall be its duty, by ordinance,
4 to establish and maintain just and equitable rates or
5 charges for the use of and the service rendered by such

6 works, to be paid by the owner of each and every lot,
7 parcel of real estate or building that is connected with
8 and uses such works by or through any part of the
9 sewerage system of the municipality, or that in any way
10 uses or is served by such works, and may change and
11 readjust such rates or charges from time to time. Such
12 rates or charges shall be sufficient in each year for the
13 payment of the proper and reasonable expense of opera-
14 tion, repair, replacements and maintenance of the works
15 and for the payment of the sums herein required to be
16 paid into the sinking fund. Revenues collected pursuant to
17 this section shall be deemed the revenues of the works.
18 No such rates or charges shall be established until after
19 a public hearing, at which all the users of the works
20 and owners of property served or to be served thereby
21 and others interested shall have an opportunity to be
22 heard concerning the proposed rates or charges. After
23 introduction of the ordinance fixing such rates or charges,
24 and before the same is finally enacted, notice of such
25 hearing, setting forth the proposed schedule of such rates
26 or charges, shall be given by one publication once each

27 week for two consecutive weeks in two newspapers of
28 opposite political faith published in such municipality,
29 or in one newspaper, if only one political faith is repre-
30 sented by newspapers in the said municipality, at least
31 ten days before the date fixed in such notice for the
32 hearing, which may be adjourned from time to time, and
33 if no newspaper be published in such municipality, the
34 notice shall be published as aforesaid in two newspapers
35 of opposite political faith, if there be such published in
36 the county within which such municipality is embraced,
37 once each week for two consecutive weeks. After such
38 hearing the ordinance establishing rates or charges, either
39 as originally introduced or as modified and amended, shall
40 be passed and put into effect. A copy of the schedule of
41 such rates and charges so established shall be kept on
42 file in the office of the board having charge of the opera-
43 tion of such works, and also in the office of the clerk of
44 the municipality, and shall be open to inspection by all
45 parties interested. The rates or charges so established
46 for any class of users or property served shall be extended
47 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

69 furnished by any municipality to any premises, the
70 schedule of charges may be billed as a single amount or
71 individually itemized and billed for the aggregate thereof.
72 Whenever any rates, rentals or charges for services or
73 facilities furnished shall remain unpaid for a period of
74 thirty days after the same shall become due and payable,
75 the property and the owner thereof, as well as the user of
76 the services and facilities shall be delinquent until such
77 time as all such rates and charges are fully paid. The
78 board collecting such charges shall be obligated under
79 reasonable rules and regulations, to shut off and discon-
80 tinue both water and sewer services to all delinquent
81 users of either water facilities, or sewer facilities, or
82 both, and shall not restore either water facilities or sewer
83 facilities to any delinquent user of either until all de-
84 linquent charges for both water facilities and sewer
85 facilities, including reasonable interest and penalty
86 charges, have been paid in full.

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

W. M. Jasper Jr
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the House of Delegates.

Takes effect *From* passage.

J. Howard Meyer
Clerk of the Senate

C. B. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

F. P. Pauley
Speaker House of Delegates

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

Jeff Henderson
Governor

