

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

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 55

[Passed March 7, 1959; in effect from passage.]

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
2 of a city shall enact an ordinance in the cases specified
3 by section nine of this article in accordance with the
4 following requirements:

5 (1) An ordinance shall be read at not less than two
6 meetings with at least one week intervening between
7 each meeting:

8 (2) Before final passage an ordinance shall be pub-
9 lished in two newspapers of opposite politics published
10 in the city, if such there be, and otherwise in one news-
11 paper so published. If no newspaper is published in the
12 city, publication shall be in a newspaper of general cir-
13 culation in the city: *Provided, however,* That in the
14 event the governing body of the city shall propose to
15 codify, reenact and enact a comprehensive code of ordi-
16 nances for the city, it shall not be necessary to publish
17 such code of ordinances in a newspaper or newspapers
18 prior to the adoption thereof. However, at least five days
19 before the meeting at which said code of ordinances is
20 finally adopted, the governing body shall cause notice
21 of the proposed adoption thereof to be published in a
22 newspaper or newspapers, as otherwise required by this
23 section, stating therein the general titles of the code of
24 ordinances and the place where, within the city, the
25 entire proposed code of ordinances is available for public
26 inspection. A reasonable number of copies of the pro-
27 posed code of ordinances shall be kept at such place
28 and there so available for public inspection.

29 (3) An ordinance shall not be finally passed until
30 after three days have elapsed after the date of publica-
31 tion and persons interested have been given an oppor-
32 tunity to attend a meeting of the council and be heard
33 with respect to the ordinance;

34 (4) An ordinance shall not be materially amended at
35 the same meeting at which finally passed. If materially
36 amended after publication the ordinance shall be repub-
37 lished and considered as though publication had not
38 taken place.

39 The governing body of any municipality may adopt
40 building codes, housing codes, plumbing codes, sanitary
41 codes, electrical codes, fire prevention codes, or any
42 other technical codes dealing with general public health,
43 safety or welfare, or a combination of the same, by
44 ordinance, in the manner therein prescribed. Before any
45 such code shall be adopted, it shall be either printed or
46 typewritten and shall be presented in pamphlet form to
47 the governing body of the municipality at a regular meet-
48 ing. The ordinance adopting such code shall not set out
49 said code in full, but shall merely identify the same. The

50 vote on passage of said ordinance shall be the same as
51 on any other ordinance. After its adoption, such code
52 or codes shall be certified to by the chief executive officer
53 and shall be filed as a permanent record in the office of
54 the clerk, who shall not be required to transcribe and
55 record the same in the ordinance book as other ordinances.
56 It shall not be necessary that such ordinance adopting
57 such code or the code itself be published in full, but
58 before final passage of such ordinance, notice of the pro-
59 posed adoption of such code shall be given by publication
60 as herein provided for other ordinances.


61 Any of the above comprehensive or technical codes
62 heretofore adopted by any municipality and published
63 without setting such code out in full in the publication
64 required, if any, or in the notice of public hearing, if any,
65 is hereby validated and held sufficient without the neces-
66 sity of further or other publication.

67 A home rule charter may prescribe a procedure for
68 the enactment of ordinances in greater detail then pre-
69 scribed by this section, but the provisions of this section
70 shall be required. A governing body may enact an ordi-

71 nance under suspension of the rules prescribed by this
72 section only in the case of a pressing public emergency
73 making a procedure in accordance with the section dan-
74 gerous to the public health, safety, or morals, and by the
75 affirmative vote of two thirds of the members elected to
76 the governing body. The nature of the emergency shall
77 be set out in full in the ordinance.

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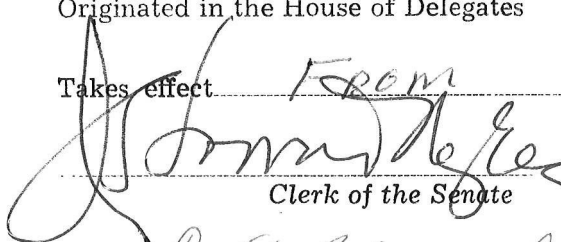
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

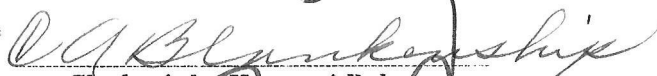

Chairman Senate Committee



Chairman House Committee

Originated in the House of Delegates

Takes effect From passage.


Clerk of the Senate

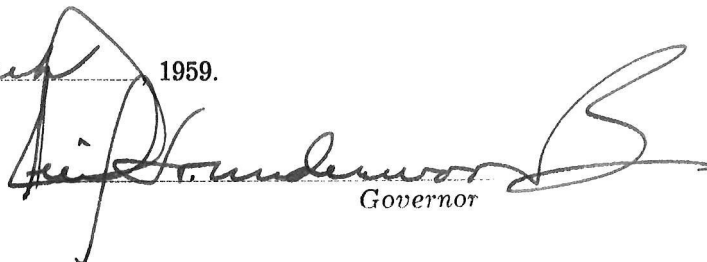

Clerk of the House of Delegates


President of the Senate


Speaker, House of Delegates

The within approved this the 16th

day of March 1959.


Governor

