WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED

HOUSE BILL No. 73,6

(By Mr. Creek and Miss Isopet)

PASSED______March 9__________1961

In Effect__________________From__________Passage

Filed in Office of the Secretary of State of West Virginia

MARCH 1, 1961

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.—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
7 collection and disposal of garbage, ashes or other waste materials, may by ordinance provide for the continuance, maintenance, installation or improvement of such service, may make reasonable regulations with respect 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 municipal corporation shall not, however, have a lien on any property as security for payments due under such ordinance:

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 newspapers 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 posting copies of such ordinance for a like period in at least ten conspicuous places in such municipality, and in the event thirty percent of the registered voters by written petition duly signed by them and filed with the municipal author-
ity within fifteen days after the expiration of such publi-
lishing or posting protest against such ordinance, the or-
dinance shall not become effective until it shall be rati-
fied by a majority of the votes cast by the duly qualified
voters of such municipality at an election duly and regu-
larly 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 publica-
tion of the ordinance when adopted. The powers hereby
given to such municipalities and to the authorities there-
of 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 cor-
poration 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
49 election duly called and held under the constitution and
50 laws of the state to authorize the issuance and sale of
51 general obligation bonds of the municipality for public
52 improvement purposes, in the call for which election it
53 shall be stated that the governing body of the munici-
54 pality proposes to impose fees and charges in specified
55 amounts under this section for the use of one or more of
56 the services above specified, which shall be related to
57 the public improvement proposed to be made with the
58 proceeds of the bonds, no notice, publication or posting of
59 notice, or referendum or election or other condition or
60 prerequisite to the imposition of such rates shall be re-
61 quired or necessary, other than the legal requirements for
62 issuance and sale of such general obligation bonds.
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.

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 17th day of March, 1961.

Governor

Filed in Office of the Secretary of State of West Virginia

Secretary of State