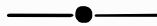


WEST VIRGINIA LEGISLATURE

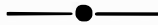
REGULAR SESSION, 1961



236  
**ENROLLED**

HOUSE BILL No.. *236*...

(By Mr. *Creek* *and* Miss *Isapic*)



PASSED *March 9* 1961

In Effect *from* Passage

Filed in Office of the Secretary of State  
of West Virginia

**MAR 17 1961**

**JOE F. BURDETT**  
**SECRETARY OF STATE**

**ENROLLED**  
**House Bill No. 236**

(By MR. CREEK and MISS TSAPIS)

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[Passed March 9, 1961; in effect from passage.]

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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

2 governing authority of every municipal corporation that

3 furnishes any essential or special municipal service, in-

4 cluding police and fire protection, parking facilities on the

5 streets or otherwise, recreational facilities, street cleaning,

6 street lighting, sewerage and sewage disposal, and the

7 collection and disposal of garbage, ashes or other waste  
8 materials, may by ordinance provide for the continuance,  
9 maintenance, installation or improvement of such service,  
10 may make reasonable regulations with respect thereto,  
11 may impose upon the users of such service reasonable  
12 rates, fees and charges to be collected in the same man-  
13 ner as municipal taxes are collected or in some other  
14 manner specified in the ordinance, and may provide pen-  
15 alties for any violation of such ordinance. The municipal  
16 corporation shall not, however, have a lien on any prop-  
17 erty as security for payments due under such ordinance:  
18 *Provided, however,* That any ordinance enacted under  
19 the provisions of this section shall be published at least  
20 once a week for two successive weeks in two newspapers  
21 published in such municipality, or if there be only one  
22 newspaper published therein then in that newspaper, or  
23 if there be no such newspaper published then by posting  
24 copies of such ordinance for a like period in at least ten  
25 conspicuous places in such municipality, and in the event  
26 thirty percent of the registered voters by written petition  
27 duly signed by them and filed with the municipal author-

28 ity within fifteen days after the expiration of such pub-  
29 lishing or posting protest against such ordinance, the or-  
30 dinance 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 publica-  
39 tion of the ordinance when adopted. The powers hereby  
40 given to such municipalities and to the authorities there-  
41 of are in addition to and supplemental of the powers  
42 named in the respective charters thereof: *Provided, That*  
43 in the event fees and charges herein provided for, shall  
44 be imposed by the governing body of any municipal cor-  
45 poration 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  
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.

Harold Davis, Jr.  
Chairman Senate Committee

Mrs. M. H. Withrow  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Meyer  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard W. Carson  
President of the Senate

Julius W. Singleton, Jr.  
Speaker House of Delegates

The within approved this the 17<sup>th</sup>  
day of March, 1961.

W. W. Barr  
Governor

Filed in Office of the Secretary of ~~State~~  
of West Virginia MAR 17 1961

JOE F. BURDETT  
SECRETARY OF STATE