

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961

ENROLLED

SENATE BILL NO. 111

(By Mr. Riley)

PASSED February 20th 1961

In Effect ninety days from Passage

Filed in Office of the Secretary of State
of West Virginia March 1, 1961

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
Senate Bill No. 111
(By MR. RILEY)

[Passed February 20, 1961; effective ninety days from passage.]

AN ACT to amend and reenact sections one and three, article four-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to municipal public works and control thereof.

Be it enacted by the Legislature of West Virginia:

That sections one and three, article four-a, 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 1. *Definitions.*—(a) The term “municipality”,
2 as used in this article, shall be construed to mean any city
3 or incorporated town in the state of West Virginia; (b)
4 the term “municipal authorities”, as used in this article,

5 shall be construed to mean the mayor and council, or sim-
6 ilar governing body, board or commission of any city or
7 incorporated town; (c) the term "municipal public
8 works", as used in this article, shall be construed to mean
9 and include cemeteries, incinerator plants, land fill or
10 other garbage disposal systems, hospitals, piers, docks,
11 terminals, airports, drainage systems, flood control sys-
12 tems, the construction, reconstruction and alteration of
13 intracity bridges, including approaches, causeways, via-
14 ducts, underpasses and connecting roadways, public mar-
15 kets, automobile parking facilities (including parking lots,
16 buildings, ramps, curb-line parking, meters and other fa-
17 cilities deemed necessary or incidental to the regulation,
18 control and parking of automobiles), stadiums, gymnasi-
19 ums, sports arenas, public recreation centers, public rec-
20 reation parks, swimming pools, roller skating rinks, ice
21 skating rinks, tennis courts, golf courses, polo grounds,
22 public buildings, including libraries and museums, com-
23 mon jails, grading and/or paving, and/or repaving streets,
24 avenues and alleys; where such works or projects will be
25 made self-supporting, and the construction and/or ac-

26 quisation cost thereof, together with interest thereon, will
27 be returned within a reasonable period, not exceeding
28 thirty years, by means of tolls, fees, rents, special assess-
29 ments or charges other than taxation, and shall mean and
30 include such system, building, plant or project in its en-
31 tirety, and all integral parts thereof, including all neces-
32 sary appurtenances and equipment in connection with
33 any one or more of the above: *Provided*, That when such
34 municipal public works consist of grading and/or paving
35 and/or repaving streets, avenues, and alleys and the cost
36 of which is to be paid by special assessment against the
37 abutting property, represented by paving certificates
38 which constitute a lien upon such property and said pav-
39 ing certificates are pledged by any municipality to retire
40 revenue bonds issued and sold to pay the cost of such
41 construction, the payor of such paving certificate shall
42 have the right to pay the same at any time before ma-
43 turity, together with interest thereon to date of payment,
44 and upon the payment of such paving certificate the treas-
45 urer of such municipality shall deliver to the payor a re-
46 lease for such lien, and the funds received therefrom shall

47 by said treasurer be deposited in a special fund to be ex-
48 pended only in the payment of such revenue bonds.

Sec. 3. *Construction, etc., to Be Under Control of Mu-*
2 *nicipal Authorities or Appointed Board.*—The construc-
3 tion, acquisition, improvement, extension, equipment,
4 custody, operation and maintenance of any such works,
5 and the collection of revenues therefrom for the service
6 rendered thereby, shall be under the supervision and con-
7 trol of the municipal authorities, or of a committee or
8 commission of all or a portion of the council or similar
9 governing body of such municipality, or of a board, com-
10 mission or committee appointed by such municipal au-
11 thorities as may be determined by general orders. The
12 term “board” when hereafter used in this article, shall be
13 construed to mean the municipal authorities, or such
14 board, commission or committee, as the case may be.

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

Thomas Davis, Jr.
Chairman Senate Committee

Mrs. H. H. Withrow
Chairman House Committee

Originated in the Senate.

Takes effect *ninety days from* passage.

Thomas H. Meyer
Clerk of the Senate

C. 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 *first*
day of *March*, 1961.

W. W. Baum
Governor

