

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



## ENROLLED

*Committee Substitute for*  
HOUSE BILL No. 262

(By ~~Mr.~~ *The Committee on the Judiciary*)



PASSED March 7, 1963

In Effect from Passage



Filed in Office of the Secretary of State  
of West Virginia 3-15-63

JOE F. BURDETT  
SECRETARY OF STATE

#263

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**For**  
**House Bill No. 263**  
(Originating in the Committee on the Judiciary.)

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[Passed March 7, 1963; in effect from passage.]

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AN ACT to amend article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-j; and to amend and reenact section ten, article three, chapter eight-a of said code, both relating to publication of notice of proposed ordinances.

*Be it enacted by the Legislature of West Virginia:*

That article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-j; and that section ten, article three, chapter eight-a of said code be amended and reenacted, all to read as follows:

**CHAPTER 8. MUNICIPAL CORPORATIONS**

**Article 4. Powers, Duties and Allied Relations of Municipal Corporations, Councils or Officers.**

**Section 10-j. Publication of Notice of Proposed Ordinance Adopting Comprehensive Code.**—Notwithstanding any provision of its existing charter to the contrary, if the governing body of the city shall propose to codify, reenact or enact a comprehensive code of ordinances for the city, it shall not be necessary to publish such code of ordinances in a newspaper or newspapers prior to the adoption thereof. At least five days before the meeting at which said code of ordinances is to be finally adopted, however, the governing body shall cause notice of the proposed adoption to be published in at least one newspaper of general circulation in said city, stating therein the general title or titles of the code of ordinances, the time and place of the proposed final adoption, and the place or places where, within the city, the entire proposed code of ordinances will be available for public inspection. A reasonable number of copies of the proposed

18 code of ordinances shall be kept at such place and be  
19 made available for public inspection.

## **CHAPTER 8-A. MUNICIPAL HOME RULE**

### **Article 3. Home Rule Charters; Ordinances.**

**Section 10. Ordinance Procedure.**—The governing  
2 body shall enact an ordinance in the cases specified in  
3 section nine of this article in according with the follow-  
4 ing 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) At least five days before the meeting at which  
9 such ordinance is finally adopted the governing body  
10 shall cause notice of the proposed adoption of said ordi-  
11 nance to be published in at least one newspaper of gen-  
12 eral circulation in said city for at least one publication,  
13 stating the subject matter of such ordinance and the  
14 time and place of the proposed final vote on adoption,  
15 and as well the place or places within the city where  
16 such ordinance may be inspected by the public.

17 (3) An ordinance shall not be finally passed until

18 after three days from the date of the publication and  
19 until all interested parties have been given an oppor-  
20 tunity to attend a meeting of the council and be heard  
21 with respect to such ordinance.

22 A home rule charter may prescribe a procedure for the  
23 enactment of ordinances in greater detail than prescribed  
24 by this section, but the provisions of this section shall be  
25 required. A governing body may enact an ordinance un-  
26 der suspension of the rules prescribed by this section  
27 only in the case of a pressing public emergency making  
28 a procedure in accordance with the section dangerous  
29 to the public health, safety, or morals, and by the affirma-  
30 tive vote of two thirds of the members elected to the  
31 governing body. The nature of the emergency shall be  
32 set out in full in the ordinance.

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

P. Ray Parker  
Chairman Senate Committee

Ethel L. Crandall  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Thomas Meyer  
Clerk of the Senate

Ch 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 14<sup>th</sup>  
day of March, 1963.

W. W. Baur  
Governor