

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

HOUSE BILL No. 814

(By Mr. Nelson and Mr. Casoy)



PASSED March 13, 1965

In Effect from Passage

814



FILED IN THE OFFICE OF
JOE F. DUBBETT
SECRETARY OF STATE
THIS DATE 3-19-65

ENROLLED

House Bill No. 814

(By MR. NELSON and MR. CASEY)

[Passed March 13, 1965; 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 and the adoption of comprehensive or technical codes by reference.

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:

Article 3. Home Rule Charter; 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 accordance 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 time
14 and place of the proposed final vote on adoption, and
15 the place or places within the city where such ordinance
16 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 un-
19 til all interested parties have been given an opportunity
20 to attend a meeting of the council and be heard with
21 respect to such ordinance.

22 (4) An ordinance shall not be materially amended at
23 the same meeting at which finally passed.

24 The governing body of any municipality may adopt
25 building codes, housing codes, plumbing codes, sanitary
26 codes, electrical codes, fire prevention codes, or any other
27 technical codes dealing with general public health, safety
28 or welfare, or a combination of the same, by ordinance,
29 in the manner here^m prescribed. Before any such code
30 shall be adopted, it shall be either printed or typewritten
31 and shall be presented in pamphlet form to the governing
32 body of the municipality at a regular meeting, and copies
33 shall be made available for public inspection. The ordi-
34 nance adopting such code shall not set out said code in
35 full, but shall merely identify the same. The vote on
36 passage of said ordinance shall be the same as on any
37 other ordinance. After its adoption, such code or codes
38 shall be certified to by the chief executive officer and shall
39 be filed as a permanent record in the office of the clerk,
40 who shall not be required to transcribe and record the
41 same in the ordinance book as other ordinances. It shall
42 not be necessary that such ordinance adopting such code
43 or the code itself be published in full, but before final pas-
44 sage of such ordinance, notice of the proposed adoption of

E. K. Blumhauer
2/28

45 such code shall be given by publication as herein provided
46 for other ordinances, which notice shall state where,
47 within the city, the code or codes will be available for
48 public inspection.

49 A home rule charter may prescribe a procedure for the
50 enactment of ordinances in greater detail than prescribed
51 by this section, but the provisions of this section shall
52 be required. A governing body may enact an ordinance
53 under suspension of the rules prescribed by this section
54 only in the case of a pressing public emergency making a
55 procedure in accordance with the section dangerous to the
56 public health, safety, or morals, and by affirmative vote
57 of two thirds of the members elected to the governing
58 body. The nature of the emergency shall be set out in
59 full in the ordinance.

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

O. Ray Parker

Chairman Senate Committee

James W. Loop

Chairman House Committee

Originated in the House.

Takes effect from passage.

J. Howard Meyer

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Howard Hanson

President of the Senate

H. Sabau Erbitt

Speaker House of Delegates

The within approved this the 19
day of March, 1965.

Stuart C. Smith

Governor

