WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 11021

(By Mr. Haldenby and)
Mr. Jones, of Monongalia

PASSED March 13, 1971

In Effect same as Passage

FILED IN THE OFFICE
JOHN D. BROWN, W
SECRETARY OF STATE
THIS DATE 4-2-71
AN ACT to amend and reenact section seven, article sixteen; section five, article nineteen; and section four, article twenty, all of chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the ordinances of municipalities with respect to municipal public works, waterworks systems and combined waterworks and sewerage systems; providing that an abstract of any such ordinance and not the ordinance itself must be published; relating to the notice to be published with any abstract; and relating to filing of certified copy of ordinance for review by interested persons.

Be it enacted by the Legislature of West Virginia:

That section seven, article sixteen; section five, article
nineteen; and section four, article twenty, all of chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 16. MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING.

§8-16-7. Ordinance for construction, etc., of works.

1 Before any municipality or municipalities shall, under the provisions of this article, construct, reconstruct, establish, acquire, improve, renovate, extend, enlarge, increase, equip or repair (including replacements) any municipal public works, the governing body, or the governing body of each participating municipality, shall enact an ordinance or ordinances, which shall (a) set forth a brief and general description of the works, including a reference to the preliminary report or plans and specifications which shall theretofore have been prepared; (b) set forth the estimated cost thereof; (c) order the construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, increase, equipment or repair (including replacements) of such works; (d) direct that municipal revenue bonds be issued pursuant to
this article, in such amount as may be found necessary
to pay the cost of the works; and (e) contain such other
provisions as may be necessary or proper in the premises.
When two or more municipalities take joint action under
the provisions of this article, a certified copy of each
such ordinance shall be filed in the office of the clerk of
the county court of the county or counties in which
the municipalities are located and in the office of the
state tax commissioner, and when any such municipality
is located in more than one county, the filing for that
municipality shall be in the office of the clerk of the
county court in which the major portion of the territory
of such municipality is located. Before any such ordinance
shall become effective, an abstract of the ordinance,
determined by the governing body or each governing
body, as the case may be, to contain sufficient informa-
tion as to give notice of the contents of such ordinance,
together with the following described notice, shall be
published as a Class II legal advertisement in compliance
with the provisions of article three, chapter fifty-nine
of this code, and the publication area for such publica-
tion shall be such municipality or each such municipality, as the case may be. The notice to be published with said abstract of the ordinance shall specify a date, time and place for a public hearing, the date being not less than ten days after the first publication of said abstract and notice at which time and place all parties and interests may appear before the governing body of the municipality or each such municipality and may be heard as to whether or not said ordinance shall be put into effect, and said notice shall also identify the office in which a certified copy of such ordinance shall be on file for review by interested persons during the office hours of such office. At such hearing all objections and suggestions shall be heard and the governing body or each such governing body shall take such action as it or they shall deem proper in the premises: Provided, That if at any such hearing written protest is filed by thirty percent or more of the freeholders of the municipality for which the hearing is held, then the governing body of said municipality shall not take further action
unless four fifths of the members of said governing body assent thereto: *Provided, however,* That in case written protest is filed by thirty percent or more of the freeholders as herein provided, any such governing body shall have authority to appoint a committee to consist of one proponent, one opponent, and the third to be selected by these two, to determine whether or not thirty percent of the freeholders have in fact protested and said committee shall report its findings to any such governing body.

**ARTICLE 19. MUNICIPAL WATERWORKS SYSTEMS.**

§8-19-5. *Publication of abstract of ordinance and notice; hearing.*

1 After the ordinance for any project under this article has been adopted, an abstract of the ordinance, determined by the governing body to contain sufficient information as to give notice of the contents of such ordinance, together with the following described notice, shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area
9 for such publication shall be such municipality. The
10 notice to be published with said abstract of the ordi-
11 nance shall state that said ordinance has been adopted,
12 that the municipality contemplates the issuance of the
13 bonds described in the ordinance, that any person interest-
14 ed may appear before the governing body, upon a certain
15 date which shall not be less than ten days subsequent to
16 the date of the last publication of such abstract and
17 notice, and present protests, and that a certified copy
18 of the ordinance is on file with the governing body
19 for review by interested parties during the office hours
20 of the governing body. At such hearing all protests
21 and suggestions shall be heard and the governing body
22 shall take such action as it shall deem proper in the
23 premises: Provided, That if at such hearing written
24 protest is filed by thirty percent or more of the free-
25 holders of the municipality, then the governing body
26 of said municipality shall not take further action unless
27 four fifths of the qualified members of said governing
28 body assent thereto.
ARTICLE 20. COMBINED WATERWORKS AND SEWERAGE SYSTEMS.

§8-20-4. Publication of abstract of ordinance and notice; hearing.

1 After the ordinance for any project under the provisions of this article has been adopted, an abstract of the ordinance, determined by the governing body to contain sufficient information as to give notice of the contents of such ordinance, together with the following described notice, shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be such municipality. The notice to be published with said abstract of the ordinance shall state that said ordinance has been adopted, that the municipality contemplates the issuance of the bonds described in the ordinance, that any person interested may appear before the governing body, upon a certain date which shall not be less than ten days subsequent to the date of the last publication of such abstract and notice, and present protests, and that a certified copy of the ordinance is on
file with the governing body for review by interested parties during the office hours of the governing body. At such hearing all protests and suggestions shall be heard and the governing body shall take such action as it shall deem proper in the premises; Provided, That if at such hearing written protest is filed by thirty percent or more of the freeholders of the municipality, then the governing body of said municipality shall not take further action unless four fifths of the qualified members of said governing body assent thereto.
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 ______

day of ________, 1971.

Governor
PRESENTED TO THE GOVERNOR

Date  3/22/71
Time  12 noon

RECEIVED

Apr 2 11 55 PM '71

OFFICE OF THE SECRETARY OF STATE
STATE OF WEST VIRGINIA