

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 1102

(By Mr. Halbraither AND)  
MR. JONES, of Monongalia



PASSED MARCH 13 1971

In Effect FROM Passage



FILED IN THE OFFICE  
JOHN D. ROYBARK, IV  
SECRETARY OF STATE  
THIS DATE 4-2-71

1102

**ENROLLED**  
**House Bill No. 1102**  
(By MR. HALBRITTER and MR. JONES, of Monongalia)

[Passed March 13, 1971; in effect from passage.]

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  
2 provisions of this article, construct, reconstruct, establish,  
3 acquire, improve, renovate, extend, enlarge, increase, equip  
4 or repair (including replacements) any municipal public  
5 works, the governing body, or the governing body of  
6 each participating municipality, shall enact an ordinance  
7 or ordinances, which shall (a) set forth a brief and gen-  
8 eral description of the works, including a reference to the  
9 preliminary report or plans and specifications which shall  
10 theretofore have been prepared; (b) set forth the esti-  
11 mated cost thereof; (c) order the construction, recon-  
12 struction, establishment, acquisition, improvement, re-  
13 novation, extension, enlargement, increase, equipment  
14 or repair (including replacements) of such works; (d)  
15 direct that municipal revenue bonds be issued pursuant to

16 this article, in such amount as may be found necessary  
17 to pay the cost of the works; and (e) contain such other  
18 provisions as may be necessary or proper in the premises.  
19 When two or more municipalities take joint action under  
20 the provisions of this article, a certified copy of each  
21 such ordinance shall be filed in the office of the clerk of  
22 the county court of the county or counties in which  
23 the municipalities are located and in the office of the  
24 state tax commissioner, and when any such municipality  
25 is located in more than one county, the filing for that  
26 municipality shall be in the office of the clerk of the  
27 county court in which the major portion of the territory  
28 of such municipality is located. Before any such ordinance  
29 shall become effective, an abstract of the ordinance,  
30 determined by the governing body or each governing  
31 body, as the case may be, to contain sufficient informa-  
32 tion as to give notice of the contents of such ordinance,  
33 together with the following described notice, shall be  
34 published as a Class II legal advertisement in compliance  
35 with the provisions of article three, chapter fifty-nine  
36 of this code, and the publication area for such publica-

37 tion shall be such municipality or each such municipality,  
38 as the case may be. The notice to be published with  
39 said abstract of the ordinance shall specify a date, time  
40 and place for a public hearing, the date being not less  
41 than ten days after the first publication of said abstract  
42 and notice at which time and place all parties and in-  
43 terests may appear before the governing body of the  
44 municipality or each such municipality and may be heard  
45 as to whether or not said ordinance shall be put into  
46 effect, and said notice shall also identify the office in  
47 which a certified copy of such ordinance shall be on  
48 file for review by interested persons during the office  
49 hours of such office. At such hearing all objections and  
50 suggestions shall be heard and the governing body or  
51 each such governing body shall take such action as it  
52 or they shall deem proper in the premises: *Provided,*  
53 That if at any such hearing written protest is filed by  
54 thirty percent or more of the freeholders of the munic-  
55 ipality for which the hearing is held, then the governing  
56 body of said municipality shall not take further action

57 unless four fifths of the members of said governing body  
58 assent thereto: *Provided, however,* That in case writ-  
59 ten protest is filed by thirty percent or more of the free-  
60 holders as herein provided, any such governing body  
61 shall have authority to appoint a committee to consist  
62 of one proponent, one opponent, and the third to be  
63 selected by these two, to determine whether or not thirty  
64 percent of the freeholders have in fact protested and said  
65 committee shall report its findings to any such govern-  
66 ing 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  
2 has been adopted, an abstract of the ordinance, deter-  
3 mined by the governing body to contain sufficient in-  
4 formation as to give notice of the contents of such  
5 ordinance, together with the following described notice,  
6 shall be published as a Class II legal advertisement in  
7 compliance with the provisions of article three, chap-  
8 ter 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 pro-  
2 visions of this article has been adopted, an abstract  
3 of the ordinance, determined by the governing body  
4 to contain sufficient information as to give notice of  
5 the contents of such ordinance, together with the follow-  
6 ing described notice, shall be published as a Class II  
7 legal advertisement in compliance with the provisions  
8 of article three, chapter fifty-nine of this code, and the  
9 publication area for such publication shall be such  
10 municipality. The notice to be published with said  
11 abstract of the ordinance shall state that said ordinance  
12 has been adopted, that the municipality contemplates  
13 the issuance of the bonds described in the ordinance,  
14 that any person interested may appear before the govern-  
15 ing body, upon a certain date which shall not be less  
16 than ten days subsequent to the date of the last pub-  
17 lication of such such abstract and notice, and present pro-  
18 tests, and that a certified copy of the ordinance is on



19 file with the governing body for review by interested  
20 parties during the office hours of the governing body.  
21 At such hearing all protests and suggestions shall be  
22 heard and the governing body shall take such action  
23 as it shall deem proper in the premises; *Provided*, That  
24 if at such hearing written protest is filed by thirty  
25 percent or more of the freeholders of the municipality,  
26 then the governing body of said municipality shall not  
27 take further action unless four fifths of the qualified  
28 members of said governing body assent thereto.

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

Russell L. Ball  
Chairman Senate Committee

Phyllis J. Rutledge  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Myers  
Clerk of the Senate

A. Blankenship  
Clerk of the House of Delegates

E. Hans McEwen  
President of the Senate

Lewis D. McManus  
Speaker House of Delegates

The within approved this the 1<sup>st</sup>  
day of April, 1971.

Arch A. Stange, Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/22/71

Time 12 noon

RECEIVED

APR 2 11 56 PM '71

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA