

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 1007

(By Mr. Seibert)



PASSED April 10 1973

In Effect Thirty Days from Passage



C 641

FILED IN THE OFFICE
THOMAS F. BRIDGEMAN III
SECRETARY OF STATE
THIS DATE 5-1-73

1007

ENROLLED

House Bill No. 1007

(By MR. SEIBERT)

[Passed April 10, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article eighteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to municipal corporations; assessments to improve streets, sidewalks and sewers; providing that the rate of interest on assessments shall be eight percent a year.

Be it enacted by the Legislature of West Virginia:

That section four, article eighteen, 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 18. ASSESSMENTS TO IMPROVE STREETS, SIDEWALKS
AND SEWERS; SEWER CONNECTIONS AND BOARD
OF HEALTH.**

**PART II. PROCEDURES RELATED TO IMPROVEMENTS
AND ASSESSMENTS.**

§8-18-4. Ordinance or resolution authorizing improvements; approval of plans, specifications and estimates; provisions for advertisement of bids and payment of cost; default.

1 After hearing held pursuant to notice as provided in section
2 three of this article, the governing body, by ordinance or
3 resolution, may authorize such improvements and the assessing
4 of the total cost or any part thereof on abutting property as
5 herein provided. In the same or subsequent ordinances or

6 resolutions, but before advertising for bids from contractors,
7 the governing body shall cause to be prepared plans, specifi-
8 cations and estimates of the cost of the proposed improve-
9 ments under the supervision of the engineer for the municipi-
10 tality. Such plans, specifications and estimates shall show the
11 proposed grade and sufficient data for any owner of abutting
12 property to calculate approximately what proportionate part
13 of the estimated cost thereof might be assessed against his
14 property, and shall be filed with the recorder and open
15 to the inspection of interested persons before advertise-
16 ment for bids of contractors and before the meeting at
17 which such bids may be accepted or rejected. Before
18 advertising for bids of contractors, such governing body
19 shall consider said plans, specifications and estimates and
20 may amend or modify them, and before advertising for
21 bids shall by ordinance or resolution approve such plans,
22 specifications and estimates as so amended and modified.
23 Such ordinance or resolution shall also provide for ad-
24 vertisement for bids, for the letting of a contract or contracts
25 for the work to the lowest responsible bidder, with right
26 reserved to such governing body to reject any and all bids,
27 and shall provide for supervision of such work by the mayor,
28 city manager, if any, municipal engineer, if any, or other
29 person or committee designated by the governing body. Such
30 ordinance or resolution shall also provide for payment of the
31 cost of the work when completed. The governing body shall
32 provide in such ordinance or resolution for the payment by
33 abutting property owners of the cost of the work in equal in-
34 stallments payable over a period of not less than five years
35 nor more than ten years from the date of assessment, with
36 interest not to exceed eight percent a year from the date
37 of assessment, and in said ordinance or resolution the govern-
38 ing body shall fix the number of installments in which the
39 amounts assessed shall be payable: *Provided*, That each of
40 said assessments or the installments thereof then remaining
41 unpaid shall be payable at any time after assessment without
42 interest after the date such payment is made: *Provided*,
43 *however*, That on failure of the owner of the property assessed
44 to pay any installment as and when due, and if such default
45 continues for sixty days, then at the option of the governing
46 body (if neither assessment certificates nor bonds are issued as

47 hereinafter in this article provided), or the holder of the
48 assessment certificates (if the assessments are evidenced by
49 such certificates), or the holder of any bonds secured by such
50 assessments (if bonds are issued), the entire balance due may
51 be declared immediately due and payable and the munici-
52 pality, or the holder of the certificates, or bonds, as the case
53 may be, may forthwith proceed to enforce the collection
54 thereof: *Provided further*, That if the amounts to be assessed
55 against abutting property be less than two dollars for each
56 abutting front foot of property, then said governing body is
57 authorized to make the same payable in one lump sum or in
58 installments, with interest, over a period of less than five
59 years from the date of assessment.

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

H. Darrell Darby
Chairman Senate Committee

Clarence C. Strickland, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Fulmer
Clerk of the Senate

J. A. Beardsley
Clerk of the House of Delegates

H. B. Roberts
President of the Senate

Lewis J. McNamee
Speaker House of Delegates

The within *approved* this the *16th*
day of *April*, 1973.

Arch A. Moore, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 4/16/73

Time 9:11 a.m.