

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1973

—●—

ENROLLED

HOUSE BILL No. 1007

(By Mr. Seibert)

—●—

PASSED April 10 1973

In Effect Ninety days from Passage



C 641

FILED IN THE OFFICE  
OF THE  
CLERK OF THE HOUSE  
OF REPRESENTATIVES  
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 pality. 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.

  
Chairman Senate Committee

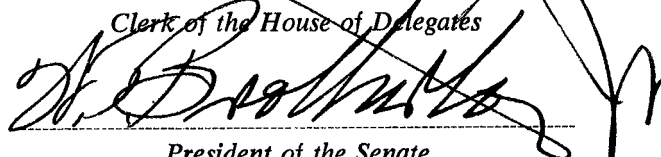
  
Chairman House Committee

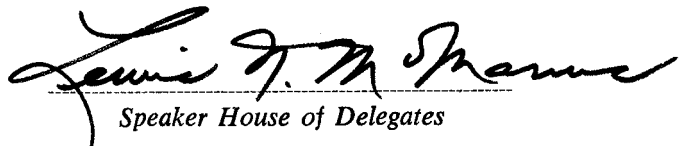
Originated in the House.

Takes effect ninety days 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 16th  
April day of \_\_\_\_\_, 1973.

  
Governor



PRESENTED TO THE  
GOVERNOR

Date 4/16/73

Time 9:11 a.m.