

SB 444  
VETO

**WEST VIRGINIA LEGISLATURE**  
REGULAR SESSION, 1998

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

98 MAR 19 PM 3:40

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**ENROLLED**

*COMMITTEE SUBSTITUTE FOR*  
SENATE BILL NO. 444

(By Senator Snyder, et al)

PASSED MARCH 13, 1998  
In Effect NINETY DAYS FROM Passage

RECEIVED  
98 MAR 19 PM 3:41  
OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

## ENROLLED

COMMITTEE SUBSTITUTE  
FOR

### Senate Bill No. 444

(SENATORS SNYDER, MINEAR, KESSLER, LOVE, BUCKALEW,  
SCHOONOVER AND MACNAUGHTAN, *original sponsors*)

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[Passed March 13, 1998; in effect ninety days from passage.]

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AN ACT to amend and reenact section twenty-two, article eighteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to municipal authority; and authority to compel sewer connections outside corporate limits.

*Be it enacted by the Legislature of West Virginia:*

That section twenty-two, 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; ENFORCEMENT OF DUTY TO PAY FOR SERVICE.**

**PART XII. CONNECTION TO SEWERS;  
BOARD OF HEALTH; ENFORCEMENT OF DUTY  
TO PAY FOR SERVICE.**

**§8-18-22. Connection to sewers; board of health; penalty.**

1 The owner or owners of any lot or parcel of land abut-  
2 ting on any street, alley, public way or easement on which  
3 a municipal sewer is now located or may hereafter be  
4 constructed and laid (whether constructed and laid under  
5 the provisions of this article or any other provisions of  
6 law) upon which lot or parcel of land any business or  
7 residence building is now located or may hereafter be  
8 erected, not connected with a public sewer, may be  
9 required and compelled by the municipality or by the  
10 board of health to connect any such building with such  
11 sewer: *Provided*, That a municipality may not require any  
12 such landowner to connect to the municipal sewer system  
13 where the landowner has, within five years before the  
14 construction of the system, installed a functional septic or  
15 other waste disposal system meeting the approval of the  
16 board of health. Notice so to connect shall be given by the  
17 municipality or by the board of health to the owner and to  
18 the lessee or occupant of such building. Each day's failure  
19 to comply with such notice and connect with such sewer  
20 by such owner or owners, after thirty days from the  
21 receipt of such notice, shall be a misdemeanor and a  
22 separate and new offense under this section, and each such  
23 offense shall be punishable by a fine of not less than five  
24 nor more than twenty-five dollars. Jurisdiction to hear,  
25 try, determine and sentence for any violation of this  
26 section is hereby vested in the police or municipal court  
27 thereof, or, where no police court exists, in the mayor  
28 thereof.

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

*Randy Schooner*  
.....  
Chairman Senate Committee.

*Nik Fontasie*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Russell Adams*  
.....  
Clerk of the Senate

*Gregory W. Bush*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*John*  
.....  
Speaker House of Delegates

The within *disapproved* this the *19th*  
*March*  
day of ....., 1998.

*Earl Ray Tomblin*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/10/98

Time 2:15 pm