

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**ENROLLED**

**Senate Bill 639**

BY SENATOR NELSON

[Passed February 28, 2022; in effect 90 from passage]



1 AN ACT to amend and reenact §8-11-4 of the Code of West Virginia, 1931, as amended, relating  
2 to municipal corporations; providing for powers and duties with respect to ordinances and  
3 ordinance procedures; and providing a 45-day waiting period before a water and/or sewer  
4 rate increase may go into effect for any local rate-regulated municipality.

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

**ARTICLE 11. POWERS AND DUTIES WITH RESPECT TO ORDINANCES AND  
ORDINANCE PROCEDURES.**

**§8-11-4. Ordinance procedures.**

1 (a) Notwithstanding any charter provision to the contrary, which was in effect on the  
2 effective date of this section, it may not be necessary, except where otherwise provided in this  
3 code, for the governing body of any municipality to publish in a newspaper any proposed  
4 ordinance prior to the adoption thereof or any enacted ordinance subsequent to the adoption  
5 thereof, and any and all ordinances of every municipality shall be adopted in accordance with the  
6 following requirements, except where different or additional requirements are specified in other  
7 provisions of this code, in which event such other different or additional requirements shall be  
8 applicable:

9 (1) A proposed ordinance shall be read by title at not less than two meetings of the  
10 governing body with at least one week intervening between each meeting, unless a member of  
11 the governing body demands that the ordinance be read in full at one or both meetings. If such  
12 demand is made, the ordinance shall be read in full as demanded.

13 (2) At least five days before the meeting at which a proposed ordinance, the principal  
14 object of which is the raising of revenue for the municipality, is to be finally adopted, the governing  
15 body shall cause notice of the proposed adoption of the proposed ordinance to be published as  
16 a Class I-0 legal advertisement in compliance with §59-3-1 *et seq.* of this code, and the publication  
17 area for the publication shall be the municipality. The notice shall state the subject matter and

18 general title or titles of the proposed ordinance, the date, time, and place of the proposed final  
19 vote on adoption, and the place or places within the municipality where the proposed ordinance  
20 may be inspected by the public. A reasonable number of copies of the proposed ordinance shall  
21 be kept at such place or places and be made available for public inspection. The notice shall also  
22 advise that interested parties may appear at the meeting and be heard with respect to the  
23 proposed ordinance.

24 (3) A proposed ordinance may not be materially amended at the same meeting at which  
25 finally adopted. A proposed ordinance to increase water and/or sewer service rates shall contain  
26 language that: (i) The rate increase may not be effective until 45 days following the passage of  
27 the ordinance; and (ii) the rate increase shall take effect for service rendered on or after the  
28 effective date.

29 (b) Notwithstanding any charter provision to the contrary, which was in effect on the  
30 effective date of this section, the governing body of any municipality may adopt, by ordinance,  
31 building codes, housing codes, plumbing codes, sanitary codes, electrical codes, fire prevention  
32 codes, or any other technical codes dealing with general public health, safety or welfare, or a  
33 combination of the same, or a comprehensive code of ordinances, in the manner prescribed in  
34 this subsection. Before any such ordinance shall be adopted, the code shall be either printed or  
35 typewritten and shall be presented in pamphlet form to the governing body of the municipality at  
36 a regular meeting, and copies of the code shall be made available for public inspection. The  
37 ordinance adopting the code may not set out the code in full, but shall merely identify the code.  
38 The vote on adoption of the ordinance shall be the same as on any other ordinance. After adoption  
39 of the ordinance, the code or codes shall be certified by the mayor and shall be filed as a  
40 permanent record in the office of the recorder, who may not be required to transcribe and record  
41 the code in the ordinance book as other ordinances are transcribed and recorded. Consistent with  
42 the provisions of subsection (a) of this section, it is not necessary that any such ordinance, either  
43 as proposed or after adoption, be published in any newspaper, and it is not necessary that the

44 code itself be so published, but before final adoption of any such proposed ordinance, notice of  
45 the proposed adoption of the ordinance and code shall be given by publication as herein provided  
46 for ordinances the principal object of which is the raising of revenue for the municipality, which  
47 notice shall also state where, within the municipality, the code or codes will be available for public  
48 inspection.

49 (c) By a charter framed and adopted, revision of a charter as a whole, or a charter  
50 amendment or amendments, as the case may be, subsequent to the effective date of this section,  
51 a city may require any or all ordinances to be published in a newspaper prior to the adoption  
52 thereof, may expressly adopt the provisions of this section, may specify other additional  
53 requirements for the enactment of ordinances, or may prescribe a procedure for the enactment  
54 of ordinances in greater detail than prescribed in this section, but a city may not, except in an  
55 emergency as specified in subsection (d) of this section or except as otherwise provided in this  
56 code, lessen or reduce the requirements of this section.

57 (d) The governing body of a municipality may enact an ordinance without complying with  
58 the rules prescribed in this section only: (1) In the case of a pressing public emergency making  
59 procedure in accordance with the provisions of this section dangerous to the public health, safety,  
60 or morals, and by affirmative vote of two thirds of the members elected to the governing body; or  
61 (2) when otherwise provided in this code. The nature of any such emergency shall be set out in  
62 full in the ordinance.



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

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2022.

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*Governor*