

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 639

BY SENATOR NELSON

[Introduced February 15, 2022; referred
to the Committee on Government Organization]

1 A BILL 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 ~~charter provision~~ was in
2 effect on the effective date of this section, it ~~shall~~ may not be necessary, except where otherwise
3 provided in this code, for the governing body of any municipality to publish in a newspaper any
4 proposed ordinance prior to the adoption thereof or any enacted ordinance subsequent to the
5 adoption thereof, and any and all ordinances of every municipality shall be adopted in accordance
6 with the following requirements, except where different or additional requirements are specified
7 in other provisions of this code, in which event such other different or additional requirements
8 shall be 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 ~~said~~ the proposed ordinance to be published
16 as a Class I-0 legal advertisement in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this
17 code, and the publication area for ~~such~~ the publication shall be the municipality. The notice shall

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

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

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

44 be published in any newspaper, and it ~~shall~~ is not ~~be~~ necessary that the code itself be so
45 published, but before final adoption of any such proposed ordinance, notice of the proposed
46 adoption of ~~such~~ the ordinance and code shall be given by publication as herein provided for
47 ordinances the principal object of which is the raising of revenue for the municipality, which notice
48 shall also state where, within the municipality, the code or codes will be available for public
49 inspection.

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

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