

**ARTICLE 123**  
**Ordinances and Resolutions**

**123.01 Cases requiring enactment of ordinance.**

**123.02 Ordinance procedures.**

**CROSS REFERENCES**

To make powers effective - see W. Va. Code 8-11-1

Delegating discretion - see W. Va. Code 8-11-2

Action required to be by ordinance - see W. Va. Code 8-11-3,8-5-12

Procedures - see W. Va. Code 8-11-4

Penalty limitations - see W. Va. Code 8-12-5(57); 8-11--1

**123.01 CASES REQUIRING ENACTMENT OF ORDINANCE.**

(a) In the following enumerated cases, the action of Council shall, except where otherwise provided in the West Virginia Code, be by ordinance:

- (1) Levying taxes or providing for the collection of fees of any kind;
- (2) Requiring a license to do business;
- (3) Relating to offenses and penalties;
- (4) Authorizing the issuance of bonds or other forms of indebtedness;
- (5) Providing for public improvement;
- (6) Providing for the purchase of private property by the City or for the sale of property belonging to the City;
- (7) Laying out or vacating a public street, avenue, road, alley or way;
- (8) Relating to planning and zoning;
- (9) Granting franchises to public utilities;
- (10) Providing for a contractual or other agreement with another jurisdiction.

(b) The action of Council shall also be by ordinance in any other case in which an ordinance is required by the provisions of the West Virginia Code.

(1978 Code Sec. 2-12)

**123.02 ORDINANCE PROCEDURES.**

(a) It shall not be necessary, except where otherwise provided in the West Virginia Code, for Council to publish in a newspaper any proposed ordinance prior to the adoption thereof or any enacted ordinance subsequent to the adoption thereof, and any and all ordinances of the City shall be adopted in accordance with the following requirements, except where different or additional requirements are specified in other provisions of the West Virginia Code, in which event such other different or additional requirements shall be applicable:

- (1) A proposed ordinance shall be read by title at not less than two meetings of Council with at least one week intervening between each meeting, unless a member of Council demands that the ordinance be read in full at one or both meetings. If such demand is made, the ordinance shall be read in full as demanded.
- (2) At least five days before the meeting at which a proposed ordinance, the principal object of which is the raising of revenue for the City, is to be finally adopted, Council shall cause notice of the proposed adoption of such proposed ordinance to be published as a Class **1-0** legal advertisement in compliance with the provisions of West Virginia Code 59-3-1 et seq., and the publication area for such publication shall be the City. The notice shall state the subject matter and general title or titles of such proposed ordinance, the date, time and place of the proposed final vote on adoption, and the place or places within the City where such proposed ordinance may be inspected by the public. A reasonable number of copies of the proposed ordinance shall be kept at such place or places and be made available for public inspection. Such notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (3) A proposed ordinance shall not be materially amended at the same meeting at which finally adopted.

(b) Council may adopt, by ordinance, building codes, housing codes, plumbing codes, sanitary codes, electrical codes, fire prevention codes, or any other technical codes dealing with general public health, safety or welfare, or a combination of the same, or a comprehensive code of ordinances, in the manner prescribed in this subsection (b). Before any such ordinance shall be adopted, the code shall be either printed or typewritten and shall be presented in pamphlet form to Council at a regular meeting, and copies of such code shall be made available for public inspection. The ordinance adopting such code shall not set out the code in full, but shall merely identify the same. The vote on adoption of such ordinance shall be the same as on any other ordinance. After adoption of the ordinance, such code or codes shall be certified by the Mayor and shall be filed as a permanent record in the office of the Recorder, who shall not be required to transcribe and record the same in the ordinance book as other ordinances are transcribed and recorded. Consistent with the provisions of subsection (a) hereof, it shall not be necessary that any such ordinance, either as proposed or after adoption, be published in any newspaper, and it shall not be necessary that the code itself be so published, but before final adoption of any such proposed ordinance notice of the proposed adoption of such ordinance and code shall be given by publication as herein provided for ordinances the principal object of which is the raising of revenue for the City, which notice shall also state where, within the City, the code or codes will be available for public inspection.

- (c) Council may enact an ordinance without complying with the rules prescribed in this section only:
- (1) In the case of a pressing public emergency making procedure in accordance with the provisions of this section dangerous to the public health, safety or morals, and by affirmative vote of two thirds of the members elected to Council; or
  - (2) When otherwise provided in the West Virginia Code. The nature of any such emergency shall be set out in full in the ordinance.  
(1978 Code Sec. 2-14)