

**H. B. 4312**

(By Delegates Manchin, Lawrence, Cann, Doyle,  
Longstreth, Morgan, Stephens and Varner)

[Introduced January 26, 2012; referred to the  
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend and reenact §8-11-3, of the Code of West Virginia,  
1931 as amended, relating to municipalities; enactment of  
ordinances; and removing the requirement that a municipality  
must pass an ordinance to adopt a contract with another  
jurisdiction.

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

That §8-11-3, of the Code of West Virginia, 1931 as amended,  
be amended and reenacted to read as follows:

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

**§8-11-3. Cases requiring enactment of ordinance.**

In the following enumerated cases, the action of a governing  
body shall, except where otherwise provided in this code, be by  
ordinance:

(1) Levying taxes or providing for the collection of fees of

- 1 any kind;
- 2       (2) Requiring a license to do business;
- 3       (3) Relating to offenses and penalties;
- 4       (4) Authorizing the issuance of bonds or other forms of
- 5 indebtedness;
- 6       (5) Providing for a public improvement;
- 7       (6) Providing for the purchase of private property by the
- 8 municipality or for the sale of property belonging to the
- 9 municipality;
- 10       (7) Laying out or vacating a public street, avenue, road,
- 11 alley or way;
- 12       (8) Relating to planning and zoning;
- 13       (9) Granting franchises to public utilities; and
- 14       ~~(10) Providing for a contractual or other agreement with~~
- 15 ~~another jurisdiction; and~~
- 16       ~~(11)~~(10) Relating to such other matters as the charter may
- 17 require.

18       The action of a governing body shall also be by ordinance in

19 any other case in which an ordinance is required by the provisions

20 of this code.

NOTE: The purpose of the bill is remove the requirement that a municipality must pass an ordinance to adopt a contract with another jurisdiction.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.