

SB 0465

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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

Committee Substitute for
SENATE BILL NO. 465

(By Senator YODER, ET AL)



PASSED MARCH 11, 1995
In Effect 90 DAYS FROM Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 465

(SENATORS YODER, ROSS AND HELMICK, *original sponsors*)

[Passed March 11, 1995; in effect ninety days from passage.]

An ACT to amend and reenact section sixty, article twenty-four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing an alternative notice requirement for petitioners appealing decisions of the board of zoning appeals.

Be it enacted by the Legislature of West Virginia:

That section sixty, article twenty-four, 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 24. PLANNING AND ZONING.

§8-24-60. Notice to adverse parties.

- 1 (a) Upon filing a petition for a writ of certiorari with
- 2 the clerk of the circuit court of the county in which the

3 premises affected are located, the petitioner shall cause
4 a notice to be issued and served by the sheriff of the
5 county upon the adverse party or parties, if any, as
6 shown by the record of the appeal in the office of the
7 board of zoning appeals and upon the chairman or
8 secretary of the board of zoning appeals.

9 The adverse party or parties shall be any property
10 owner whom or which the record of the board of zoning
11 appeals shows to have appeared at the hearing before the
12 board in opposition to the petitioner. If the record shows
13 a written remonstrance or other document opposing the
14 request of petitioner containing the names of more than
15 three property owners, the petitioner shall be required to
16 cause notice to be issued and served upon the three
17 property owners whose names first appear upon the
18 remonstrance or document. Notice to the other parties
19 named in the remonstrance or document shall not be
20 required.

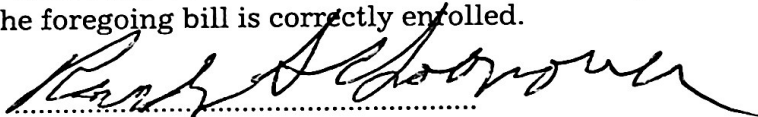
21 The notice shall state that a petition for a writ of
22 certiorari has been filed in the circuit court of the county
23 asking for a review of the decision or order of the board
24 of zoning appeals, shall designate the premises affected
25 and shall specify the date of the decision or order
26 complained of.

27 Service of the notice by the sheriff on the chairman or
28 secretary of the board of zoning appeals shall constitute
29 notice to the board and to the municipality or county and
30 to any official or board thereof charged with the enforce-
31 ment of the zoning ordinance and no further summons or
32 notice with reference to the filing of such petition shall
33 be necessary.

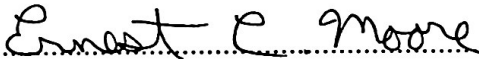
34 (b) As an alternative to the requirements for notice
35 prescribed in subsection (a) of this section, notice shall
36 be sufficient upon a showing that the chairman or
37 secretary of the board of zoning appeals and all adjacent
38 landowners to the subject property have received per-
39 sonal service of process of the notice containing informa-

40 tion as required by said subsection. As to all other
41 interested parties, notice shall be sufficient if, by Class
42 III-0 legal advertisement, notice containing information
43 as required by said subsection is published in the county
44 or counties wherein the subject property is located.

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



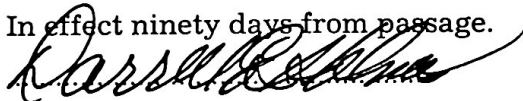
Chairman Senate Committee



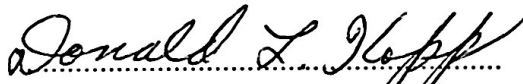
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.



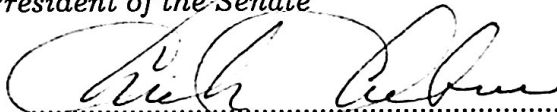
Clerk of the Senate



Clerk of the House of Delegates

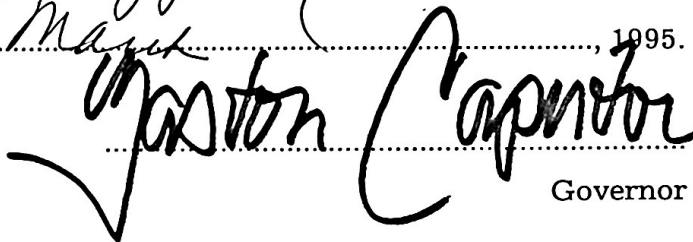


President of the Senate



Speaker House of Delegates

The within is approved this the 24th
day of March, 1995.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/95

Time 3:57 pm