

SB 692

FILED

2005 APR 21 P 4: 29

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
*Regular Session, 2005*

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**ENROLLED**

SENATE BILL NO. 692

(By Senator Hunter )

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PASSED April 6, 2005

In Effect from Passage

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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**Senate Bill No. 692**

(BY SENATOR HUNTER)

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[Passed April 6, 2005; in effect from passage.]

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AN ACT to amend and reenact §8-5-7 of the Code of West Virginia, 1931, as amended, relating to removing an unconstitutional provision providing that a mayor, a recorder and councilmen were required for the year preceding their election to have been assessed with and paid real or personal property taxes to the municipality; and related exceptions.

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

That §8-5-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. ELECTION, APPOINTMENTS, QUALIFICATION AND COMPENSATION OF OFFICERS; GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES; ELECTIONS AND PETITIONS GENERALLY; CONFLICT OF INTEREST.**

**§8-5-7. Certain officers; wards or election districts; residency and other requirements.**

- 1 (a) Unless otherwise provided in the charter of a municipi-
- 2 pality, there shall be elected a mayor, a recorder and

3 councilmen, who together shall form the governing body  
4 of the municipality.

5 (b) When a municipality has not been divided into wards  
6 or election districts, there shall be at least five councilmen,  
7 but when the municipality has been divided into wards or  
8 election districts, the governing body may, by ordinance,  
9 determine the number of councilmen to be elected from  
10 each ward or election district. When it is deemed neces-  
11 sary, the governing body may, by ordinance, increase the  
12 number of wards or election districts and change the  
13 boundaries thereof, such wards or election districts to be  
14 made as nearly equal as may be, in population, and when  
15 the municipality shall be divided into wards or election  
16 districts, or there shall be an increase in the number of  
17 wards or election districts as aforesaid, the governing body  
18 may increase the number of councilmen and direct an  
19 election to be held at the next regular municipal election  
20 in such ward or wards or election district or districts so  
21 that each ward or election district may have its full  
22 number of councilmen residing therein and may have  
23 equal representation on the governing body. When a  
24 municipality has been divided into wards or election  
25 districts, the governing body may, by ordinance, also  
26 provide for the election of councilmen at large in addition  
27 to the councilmen to be elected from each ward or election  
28 district. The provisions of this subsection shall be applica-  
29 ble to any municipality except to the extent otherwise  
30 provided in the charter of such municipality.

31 (c) Unless otherwise provided by charter provision or  
32 ordinance, the mayor, recorder and councilmen must be  
33 residents of the municipality and must be qualified voters  
34 entitled to vote for members of its governing body. A city  
35 manager in a manager form of government need only be a  
36 resident of the city at the time of his or her appointment.

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

*Clancy White*  
.....  
Chairman Senate Committee

*D. Richard Berry*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Darrell Glavin*  
.....  
Clerk of the Senate

*Suzanne Boy*  
.....  
Clerk of the House of Delegates

*Carl Roy Tomblin*  
.....  
President of the Senate

*Robert J. Sisy*  
.....  
Speaker House of Delegates

The within *is approved* this the *21<sup>st</sup>*  
Day of *April*, 2005.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

APR 15 2005

Time 12:20pm