WEST VIRGINIA CODE: §7-25-5

§7-25-5. Petition for creation or expansion of resort area district; petition requirements.

(a) The owners of at least 61 percent of the real property, determined by acreage, located within the boundaries of the resort area described in the petition, by metes and bounds or otherwise in a manner sufficient to describe the area, may petition a governing body to create or expand a resort area district.

(b) The petition for the creation of a resort area district shall include, where applicable, the following:

(1) The proposed name and proposed boundaries of such district and a list of the names and addresses of all owners of real property within the proposed district;

(2) A description of proposed projects and services to be provided within the district;

(3) A map showing the proposed resort area to be included in the resort area district;

(4) A list of estimated project and service costs;

(5) A feasibility or consultant study concerning the formation of the proposed district and the funds to be generated by the implementation of a resort service fee and indicating that the proposed resort service fee will provide sufficient revenue for proposed services and projects;

(6) The proposed rate or rates, not to exceed five percent of the purchase price, of the resort service fee and the proposed classes of goods and services to which each rate shall apply;

(7) The proposed effective date of the resort service fee;

(8) A certification from the Tax Commissioner of the amount of consumers sales and service taxes collected from businesses located in the proposed district during the most recent 12 calendar month period for which such data is available that precedes the calendar quarter during which the petition will be submitted to the governing body;

(9) A development schedule; and

(10) A statement of the benefits that can be expected from the creation of the district.

(c) Within 60 days of the submission of a petition for the creation of a resort area district, the governing body shall by order determine the completeness of the petition. If the governing body determines that the petition is complete, it shall set a date for the public meeting required under §7-25-6 of this code and shall cause the petition to be filed with the

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clerk of the governing body and be made available for inspection by interested persons before the meeting. If the governing body determines that such petition is not complete, the petition shall be returned to the petitioners with a statement of additional information required for such petition to be complete.

(d) The owners of at least 61 percent of the real property, determined by acreage, located within the boundaries of an area with at least one common boundary with the resort area, as described in the petition, by metes and bounds or otherwise in a manner sufficient to describe the area, may petition the resort area board to expand a resort area district.

(e) The petition for the expansion of a resort area district shall include, where applicable, the following:

(1) A list of the names and addresses of all owners of real property within the proposed expansion of the resort area district;

(2) A map showing the proposed resort area to be included in the resort area district;

(3) A statement of the benefits that can be expected from the expansion of the district; and

(4) Verification that the owners of at least 61 percent of the real property owners in the proposed expansion area approve becoming part of the existing district.

(f) The resort area board will receive the petition and determine if the petition is complete and verified. When the petition is complete and verified, the resort area board shall adopt a resolution calling for a vote of the qualified voters of the resort area district to be taken upon the proposed expansion on a date and at a time and place to be stated in the resolution. Concurrently, the resort area board shall call for a vote of all the qualified voters of the proposed expansion area to be taken on the same date, time, and place.

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