WEST VIRGINIA CODE CHAPTER 8A ARTICLE 13

WV Legislature

§8A-13-1. Definition.

For purposes of this article, "request" means an application for a permit, license, variance, or any other type of prior approval from a governing body or planning commission of a municipality or county for an action related to the development or improvement of property.

WV Legislature

§8A-13-2. Deadline.

(a) If an applicant submits a request to a governing body or planning commission of a municipality or county, then the governing body or planning commission of the municipality or county must approve or deny the applicant's request within 60 days. The following applies if:

(1) The governing body or planning commission fails to approve or deny the applicant's request within 60 days, then the request is approved.

(2) The time limit in this section begins upon the governing body or planning commission's receipt of a request from an applicant.

(3) The governing body or planning commission approves the request, then the governing body or planning commission may not impose on the applicant additional requirements related to the request.

(4) The governing body or planning commission denies the request, then the governing body or planning commission must provide the applicant a statement in writing of the reasons for the denial.

(5) A governing body or planning commission denies a request for being incomplete, then the governing body or planning commission must provide the applicant a statement in writing of the reasons the request is incomplete. The request is incomplete if the request fails to contain all information required by law or by a previously adopted rule, ordinance, or policy.

WV Legislature

§8A-13-3. Extension.

The time limit in §8A-13-2 of this code may be extended. The following applies:

The time limit in §8A-13-2 of this code is extended if a request requires prior approval of a state or federal agency. The time limit is extended to 60 days after the required prior approval is granted. The extension may not exceed 60 days, unless approved by the applicant.

An applicant may request an extension in writing.

WV Legislature

§8A-13-4. Applicability.

The time limit in §8A-13-2 of this code does not apply to state agencies.

WV Legislature