WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED

HOUSE BILL No. 259

(By Mr. Rhodes)

PASSED March 4, 1939

In Effect from Passage
AN ACT to authorize a municipal corporation to contract for and to render services in the prevention and extinguishing of fires upon property situated within three miles from its corporate limits.

Be it enacted by the Legislature of West Virginia:

Section 1. That a municipal corporation, now or hereafter incorporated under general law or by special enactment or charter, shall have authority to contract for, and to render services in prevention and extinguishment of fires upon property situated within three miles from its corporate limits:

Provided, That no contract under the authority hereof shall operate to impose any greater or different obligation or liability upon such municipality than that with respect of property within its corporate limits; Provided further, That
10  nothing herein shall be construed as requiring such munici-
11  pality to contract for such services, but if such municipality
12  shall elect to make such contract with any property owner,
13  the same shall not be cancelled or annulled without the con-
14  sent of such property owner, or his successor, so long as the
15  latter shall not be in default: And provided further, That
16  if such municipality elect to contract with respect of any
17  property, it shall, if requested, contract on the basis and
18  terms with respect of other property situated at approxi-
19  mately the same distance from fire plugs, or other fixed fire
20  apparatus of said municipality. Any contract under the
21  authority hereof shall require the property owner to pay
22  as consideration for said services an annual payment equiva-
23  lent to fifteen per cent of the annual tax levied for current
24  municipal purposes upon property within said munici-
25  pality of like assessed valuation to the property under con-
26  tract. No contract under the authority hereof, and nothing
27  herein contained, shall be construed as requiring or permit-
28  ting any municipality to install or maintain any special or
29  additional apparatus or equipment beyond that necessary
30  for protection of property within its corporate limits. The
annual payments provided for shall be payable on or before
the first day of November of each calendar year in which
any contract hereunder shall remain in effect, or upon such
day as may be hereafter provided as the due date of the first
installment of property taxes. If any annual payment shall
be in default for a period of more than thirty days it shall
bear interest at the same rate as that provided for delinquent
property taxes, and shall be a lien upon the property subject
to contract, provided a notice of such lien be recorded in the
proper deed of trust book in the office of the clerk of the
county court in which such property is situate. Such lien
shall be void at the expiration of one year after such defaulted
annual payment shall have become due, unless within such
year a suit in equity to enforce the same shall have been insti-
tuted by said municipality. The municipality may, by action
of law, collect any annual payment and its interest, at any
time within five years after it shall have become due and upon
default in any annual payment, the municipality may cancel
such contract.

Any contract made under the authority hereof shall inure
to the benefit of, and bind the successors in title of the
person making the same, and such person, upon conveying the property subject to such contract, shall no longer be liable under such contract, except as to annual payments due prior to said conveyance and unpaid.

Any property owner may cancel any contract with respect of his property upon giving a thirty-day notice to the municipality, if he is not in default with respect of any annual payment: Provided, That if such notice be given subsequent to July first of any calendar year, the next succeeding annual payment shall be made by said property owner as soon as the amount thereof is ascertainable. Upon cancellation, as aforesaid, the municipality shall deliver to the property owner, a recordable release discharging him and his property from and further lien or obligation with respect of said annual payments. Annual payments shall be made to such officials as the municipality, in any contract made under the authority hereof, shall designate to receive them, who shall likewise have authority to receive notice of cancellation, and execute upon behalf of such municipality the release hereinbefore provided.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 17th day of March, 1939

Governor

Secretary of State