

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 259

(By Mr. Rhodes)



PASSED March 4, 1939

In Effect from Passage

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
2 incorporated under general law or by special enactment or
3 charter, shall have authority to contract for, and to render
4 services in prevention and extinguishment of fires upon
5 property situated within three miles from its corporate limits:
6 *Provided*, That no contract under the authority hereof shall
7 operate to impose any greater or different obligation or
8 liability upon such municipality than that with respect of
9 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 munic-
25 ipality 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

31 annual payments provided for shall be payable on or before
32 the first day of November of each calendar year in which
33 any contract hereunder shall remain in effect, or upon such
34 day as may be hereafter provided as the due date of the first
35 installment of property taxes. If any annual payment shall
36 be in default for a period of more than thirty days it shall
37 bear interest at the same rate as that provided for delinquent
38 property taxes, and shall be a lien upon the property subject
39 to contract, provided a notice of such lien be recorded in the
40 proper deed of trust book in the office of the clerk of the
41 county court in which such property is situate. Such lien
42 shall be void at the expiration of one year after such defaulted
43 annual payment shall have become due, unless within such
44 year a suit in equity to enforce the same shall have been insti-
45 tuted by said municipality. The municipality may, by action
46 of law, collect any annual payment and its interest, at any
47 time within five years after it shall have become due and upon
48 default in any annual payment, the municipality may cancel
49 such contract.

50 Any contract made under the authority hereof shall inure
51 to the benefit of, and bind the successors in title of the

52 person making the same, and such person, upon conveying
53 the property subject to such contract, shall no longer be
54 liable under such contract, except as to annual payments
55 due prior to said conveyance and unpaid.

56 Any property owner may cancel any contract with respect
57 of his property upon giving a thirty-day notice to the munici-
58 pality, if he is not in default with respect of any annual
59 payment: *Provided*, That if such notice be given subsequent
60 to july first of any calendar year, the next succeeding annual
61 payment shall be made by said property owner as soon as
62 the amount thereof is ascertainable. Upon cancellation, as
63 aforesaid, the municipality shall deliver to the property owner,
64 a recordable release discharging him and his property from
65 and further lien or obligation with respect of said annual
66 payments. Annual payments shall be made to such officials
67 as the municipality, in any contract made under the authority
68 hereof, shall designate to receive them, who shall likewise
69 have authority to receive notice of cancellation, and execute
70 upon behalf of such municipality the release hereinbefore
71 provided.

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

Ed. Wiseman
Chairman Senate Committee

Dep. G. Walter
Chairman House Committee

Originated in the

House of Delegates

Takes effect

from

passage.

Shadrach
Clerk of the Senate

Geo. S. Hance
Clerk of the House of Delegates

Wm. H. Hance
President of the Senate

James Kay Thomas
Speaker House of Delegates

I certify that the foregoing act,
having been presented to the Governor for this the.....
his approval, and not having been returned
by him to the House of the Legislature in 1939,
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 17th day of March, 1939, Governor.



1939

Am. S. O'Brien
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SECRETARY OF STATE