

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 67

(By Mr. Bear)

PASSED March 10, 1951

In Effect Ninety days from Passage



13

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(By MR. BEAN)

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AN ACT to repeal article two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof a new article two, chapter eight, relating to the creation, alteration and dissolution of municipal corporations.

Be it enacted by the Legislature of West Virginia:

That article two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed and that a new article two, chapter eight, be enacted in lieu thereof to read as follows:

**Article 2. Creation, Alteration, Dissolution and Powers of
Municipal Corporations.**

Section 1. *Requirements for Incorporation; Size and Character of Territory Population.*—Any part of any district or districts or county or counties not within any incorporated municipality, urban in character, and containing at least one hundred persons and an average of not less than five hundred inhabitants per square mile, provided such part does not include an amount of territory disproportionate to the number of inhabitants thereof, may be incorporated as a city, town or village of Class I, II, III or IV respectively, as defined in chapter eight-a, article one, section four, of the code of West Virginia, upon the conditions and in the manner herein after prescribed: *Provided*, That the exact extent of the territory or parts thereof to be included or excluded shall be within the reasonable discretion of the county court, taking into consideration the topography thereof; the benefits thereto from incorporation; the amount of uninhabited land required for parks and normal growth and development and the present and probable future uses thereof, so as to prevent hardships and inequities.

Sec. 2. *Petition; Survey and Map.*—A proceeding to in-

2 corporate any such city, town or village may be initiated
3 upon petition addressed to and filed in the County Court
4 of the County in which the territory, or if in more than
5 one county, in which the greater part of the territory
6 to be incorporated lies; according to whether the terri-
7 tory sought to be incorporated will be upon incorporation
8 a Class I, II, III city of a Class IV town or village. Such
9 petition shall be signed by at least thirty per cent of the
10 freeholders within the territory to be incorporated.

11 Such petition shall be verified by at least one of the
12 petitioners and shall be accompanied by a map made by
13 a registered engineer based upon an actual and accurate
14 survey of the territory to be incorporated showing the
15 courses, distances and the area of the territory to be in-
16 corporated.

17 Such survey and map shall be verified and shall be
18 left at the residence or place of business within the ter-
19 ritory to be incorporated of some person residing or do-
20 ing business therein, and shall be subject to examination
21 at all reasonable hours by every person interested in
22 such application for the period of at least ten days prior

23 to the hearing on such petition as provided for in section
24 three of this article.

Sec. 3. *Hearing on Petition; Notice; Dismissal.*—Upon
2 the filing of such petition, the county court shall set the
3 same for hearing not sooner than ten days and not later
4 than thirty days thereafter, and petitioners shall cause
5 notice of the filing of said petition and of the time and
6 place of hearing thereon, to be published in a newspaper
7 of general circulation in the territory sought to be in-
8 corporated, at least once each week for two successive
9 weeks prior to the date of hearing.

10 Upon the day set for hearing, the county court shall
11 hear evidence for and against the proposed incorporation,
12 and if it shall determine that the requirements of section
13 one and two of this article have not been met, it shall
14 forthwith enter an order dismissing said petition.

Sec. 4. *Census; Bond; Duties of Enumerators.*—If the
2 court shall, after hearing, determine that the require-
3 ments of sections one and two of this article have been
4 met, petitioners shall provide bond in penalty prescribed
5 by the Court with good and sufficient surety thereon,

6 conditioned to pay all costs of taking a census; deter-
7 mining the qualification of electors, holding an election
8 and ascertaining the results thereof, in event the electors
9 vote against incorporation, and thereupon the court shall
10 fix a day or days for taking a census of the inhabitants
11 and for determining those who are qualified electors
12 within said territory. For the purpose of taking said
13 census, and determining the qualifications of the elect-
14 ors, said court shall appoint four enumerators for each
15 five hundred inhabitants of said territory based upon
16 the most reliable estimate obtainable. It shall be the
17 duty of the enumerators so appointed to enumerate all
18 the bona fide inhabitants of said territory and to visit
19 each house or dwelling therein, and to obtain the name
20 of each known resident thereof. It shall also be the
21 duty of the enumerators to examine the permanent
22 registration records to determine which of such bona fide
23 inhabitants are qualified electors therein and to compile
24 and file with the county court a list of such qualified
25 electors. Each enumerator shall receive for his services
26 a sum per day, to be fixed by the court not to exceed ten

27 dollars per day, together with his actual and necessary
28 expenses, which sum shall be paid by the county court
29 and reimbursed to it by the city, town or village if and
30 when the city, town or village shall become incorpo-
31 rated, as hereinafter provided, otherwise by the petition-
32 ers. The county court shall provide an opportunity for
33 all qualified persons residing in such territory, who have
34 not been previously registered to vote, to become regis-
35 tered prior to the election hereinafter provided for. Upon
36 the completion of said census and listing of qualified
37 electors, said enumerators shall make report under oath
38 to the county court that said enumeration and listing is
39 correct, true and accurate, and does not contain the
40 name of any person who is not a bona fide resident of
41 the territory, and that the list of qualified electors is
42 true and correct, which report shall be filed with the
43 county court within the following number of days after
44 the appointment of said enumerators; ten days if it is
45 to be a Class IV town or village, or a Class III city;
46 twenty days if it is to be a Class II city; and forty days
47 if it is to be a Class I city.

Sec. 5. *Election; Voting Precincts; Time for; Supplies.*

2 —Upon receiving such report of said enumerators, the
3 county court shall forthwith fix a day, not later than
4 thirty days thereafter, on which all qualified electors
5 residing within the territory shall vote upon the question
6 of incorporation between such hours as may be fixed by
7 order of said court. For the purpose of conducting said
8 election, the county court shall divide the territory into
9 one or more precincts, consisting of not more than five
10 hundred qualified voters in each precinct; shall arrange
11 for and provide at its expense polling places, registration
12 books, challenges and other election supplies as provided
13 for by law in general elections, and shall appoint three
14 commissioners of election and two clerks from the qualified
15 electors of said territory for each precinct so established,
16 dividing the election officials as nearly as possible equally
17 between those favoring incorporation and those opposed
18 to incorporation, and shall give notice of the day and place
19 of election by publication once each week for three suc-
20 cessive weeks, prior to the day of said election in a news-
21 paper of general circulation within such territory.

Sec. 6. *Election; Form of Ballot; Election Officers.*—

2 On the day named in such notice for the taking of the
3 vote, each qualified elector who has resided within the
4 territory sought to be incorporated for sixty days preced-
5 ing the completion of such census shall have the right to
6 cast his vote for or against such incorporation at the
7 precinct in which he resides. Each elector shall deposit a
8 ballot in a ballot box to be provided by the court for that
9 purpose. Each ballot shall have written or printed thereon
10 the words:

11 For Incorporation

12 Against Incorporation

13 Such election shall be held under the supervision of the
14 commissioners and clerks of election appointed by the
15 court as aforesaid and shall be conducted as nearly as may
16 be in accordance with the laws of West Virginia govern-
17 ing general elections. The result of such election shall be
18 certified as in general elections, and the returns shall be
19 canvassed and the result declared by the county court.
20 In the event any commissioner or clerk designated to
21 serve in said election shall fail or refuse to serve, such

22 vacancy may be filled, as provided by the general election
23 laws of West Virginia. A recount may be had, as in gen-
24 eral elections, upon the party or parties desiring such
25 recount providing adequate assurance to the county
26 court that he or they will pay all costs of such recount.
27 Any such election may be contested by any one or more
28 electors or owners of property within the territory in the
29 manner provided by article nine, chapter three, of the
30 code of West Virginia, for contesting county or district
31 elections.

Sec. 7. *Certificate of Incorporation for Class IV Town*
2 *or Village.*—If the proceeding be for the incorporation of
3 a Class IV town or village, and it appears to the court that
4 a majority of the legal votes cast on the question were in
5 favor of such incorporation and the court being satisfied
6 that all of the applicable provisions of this article have
7 been complied with, the court shall by order entered of
8 record, direct the clerk of said court to issue a certificate
9 of incorporation in form or in substance as follows:
10 It appearing to the court that under the provisions of
11 article two, chapter eight of the code of West Virginia at

12 an election duly held on the _____ day of _____,
13 19_____, a majority of the votes cast on the question of in-
14 corporation by qualified voters residing in the following
15 boundary, to-wit: Beginning, etc. (here recite the
16 boundaries) were cast in favor of the incorporation of the
17 town or village of _____, in the County
18 of _____, bounded as herein set forth.
19 And as it appears to the satisfaction of the court that all
20 of the provisions of article two, chapter eight of the code
21 of West Virginia have been complied with by the peti-
22 tioners for said incorporation, said town or village is
23 hereby declared to be a body corporate, duly authorized
24 to exercise all of the corporate powers conferred upon
25 towns or villages by articles three to fifteen, inclusive, of
26 chapter eight of the code of West Virginia, from and
27 after the date of this certificate. (signed) C. H. Clerk
28 County Court. Thereupon the first election of officers shall
29 be held as provided in sections one, two and three, article
30 three of this chapter.
31 If the proceeding be for the incorporation of a Class I,
32 II or III city and it appears to the court that a majority of

33 the legal votes cast on the question of incorporation were
34 in favor of such incorporation and the court being satis-
35 fied that all of the applicable provisions of this article
36 have been complied with, the court shall by order duly
37 entered declare that the following boundary of land
38 (here recite boundaries) is hereby and henceforth incor-
39 porated as the city of _____, but that
40 until a charter shall be framed and adopted as hereinafter
41 provided, such city shall have and exercise no powers of
42 a municipal corporation except the power to frame and
43 adopt a charter as herein provided.

44 On the vote being canvassed on the question of incor-
45 poration, if a majority of the votes cast be against incor-
46 poration, the proceeding shall be dismissed, and no subse-
47 quent proceeding for incorporation of the same territory
48 or any part thereof shall be considered or election thereon
49 had within a period of three years thereafter.

Sec. 8. *Change of Boundary of City, Town or Village.*—

2 Five per cent or more of the freeholders residing in any
3 city, town or village desiring to change the corporate
4 limits thereof, may file their petition in writing with the

5 council thereof, setting forth the change proposed in the
6 metes and bounds of such corporation, and asking that a
7 vote be taken upon the proposed change. Such petition
8 shall be verified and shall be accompanied by an accurate
9 survey showing the territory embraced within the new
10 boundaries. The council, upon bond in penalty prescribed
11 by the council with good and sufficient surety being given
12 by petitioners, and conditioned to pay the costs of such
13 election if a majority of the votes cast are against the
14 proposed change in boundary, shall thereupon order a
15 vote of the qualified voters residing in such city, town
16 or village to be taken upon the proposed change at a time
17 and place therein to be named in the order, not less than
18 twenty nor more than thirty days from the date thereof,
19 and if it be proposed to include any additional territory
20 within such corporate limits, the council shall, at the
21 same time order a vote of all the qualified voters residing
22 on such additional territory, and of all persons, firms or
23 corporations owning any part of such territory, whether
24 they reside therein or not, to be taken upon the question
25 on the same day, at some convenient place on or near

26 such additional territory: *Provided*, That the additional
27 territory to be included shall conform to the require-
28 ments of section one of this article, and the determination
29 that the additional territory does so conform shall be
30 reviewable by the circuit court on certiorari to the coun-
31 cil. The election shall be held, superintended and con-
32 ducted, and the result thereof ascertained, certified and
33 returned, in the same manner and by the same persons
34 as elections for city, town or village officers. The ballots
35 cast on such question shall have written or printed on
36 them the words:

37 For change of Corporate Limits

38 Against change of Corporate Limits

39 If a majority of all the votes so cast within such cor-
40 poration be in favor of the proposed change, and no addi-
41 tional territory is proposed to be included therein, the
42 corporate limits of such city, town or village shall there-
43 after be as proposed by such petition. But, if additional
44 territory is proposed to be included in such corporate
45 limits, such change shall not take effect unless a majority
46 of all the votes cast by persons eligible to vote in such

47 additional territory shall also be cast in favor of such
48 change. Any firm or corporation may vote by its Man-
49 ager, President, or executive officer duly designated in
50 writing by such firm or corporation.

Sec. 9. *Council of City, Town or Village to Certify*
2 *Change of Boundary; Order.*—The council of such city,
3 town or village shall enter the result of such election
4 upon its minutes, and, when the change proposed is
5 adopted, as provided in the preceding section, shall cer-
6 tify the same to the county court of the county; and such
7 court may thereupon enter an order in substance as
8 follows:

9 A certificate of the council of the city, town or village,
10 as the case may be of _____, was this day
11 filed showing that a change has been made, in the manner
12 required by law, in the corporate limits thereof, and that
13 by such change the said corporate limits are as follows:

14 Beginning at (here recite the boundaries, as changed).
15 It is, therefore, ordered that such change in said corporate
16 limits be, and the same is hereby approved and con-
17 firmed, and the clerk of this court is directed to deliver

18 to the said council a certified copy of this order as soon as
19 practicable after the rising of this court. And after the
20 date of such order the corporate limits of such town shall
21 be as set forth therein.

Sec. 10. *Forfeiture of Charters; Dissolution of Municipal Corporation.*—Any city, town or village heretofore incorporated under the provisions of chapter eight of the code of West Virginia, or any Class IV town or village which shall hereafter be incorporated under the provisions of this article, and which has no substantial indebtedness, and which shall fail for one year to exercise its corporate powers and privileges, or which has not twenty legal voters residing therein, or in which there were not twenty legal votes cast at its last election, or the population of which shall be reduced below one hundred percents and so remain for six consecutive months, shall in either event thereby forfeit its charter so granted, and all rights, powers and privileges so conferred upon such town. And the county court of the county where any such city, town or village is located within this state shall have jurisdiction to hear and determine all matters relating to

18 the forfeiture and dissolution of all such charters granted
19 as hereinbefore provided, upon the petition of one or more
20 of its inhabitants, to annul and declare forfeited such
21 charter, and shall dissolve the corporation. Ten days'
22 notice of the filing of such petition with the clerk of
23 the county court of the county wherein such town is
24 located, served upon the mayor and recorder or on the
25 last elected mayor or recorder thereof, shall be sufficient
26 notice upon which the commissioners of such court shall
27 so act, and upon the proper proof of the allegations of
28 such petition, any such charter so granted shall be de-
29 clared forfeited and the corporation dissolved and all
30 debts of such city, town or village shall be ordered paid
31 and the forfeiture shall not become effective until such
32 debts have been paid. Upon such forfeiture all interest of
33 such city, town or village, in corporate funds, if any, in
34 excess of amounts required to pay corporate debts shall
35 be and the same is hereby transferred to and vested in
36 the state of West Virginia to be controlled by the auditor
37 of West Virginia. But if the territory so incorporated, or
38 a major part thereof, either in area or in population,

39 shall, within one year next after such declaration of for-
40 feiture and dissolution by the county court be reincor-
41 porated as a Class IV town, or village, under this chapter,
42 then the auditor of the state of West Virginia shall convey
43 unto such new corporation all of the rights of the state of
44 West Virginia in and to the corporate property, monies,
45 claims, demands and taxes collected or uncollected, of
46 the former corporation so dissolved.

Sec. 11. *Voluntary Discontinuance of Charters of*
2 *Class IV Towns or Villages.*—Upon the petition of twenty-
3 five per cent of the voters of any incorporated Class IV
4 town or village containing not more than two thousand
5 inhabitants, the council thereof shall submit to the voters
6 of such town at the next municipal election, or at a spe-
7 cial election called for that purpose, the question of con-
8 tinuing or discontinuing the charter rights of such town.
9 The ballots used in voting shall have written or printed
10 upon them the words:

11 For continuance of charter

12 For discontinuance of charter

13 If a majority of the votes cast be “for discontinuance

14 of charter", then the charter rights and privileges of such
15 town shall cease with the term of office of the council
16 then in existence; provided, that all debts or other obliga-
17 tions outstanding against such corporation shall be settled
18 in full.

Sec. 12.—*Charter Board for Class I, II and III Cities;*
2 *Qualification of Members; Nominations; Ballots; Dismiss-*
3 *sal.*—At every election on the question of incorporation
4 of a Class I, II, or III city, under this act, each qualified
5 elector entitled to vote shall also be entitled to vote for a
6 charter board consisting of eleven members if a Class I or
7 Class II city, and of seven members if a Class III city.
8 Members shall be elected at large and shall receive no
9 compensation for their services, but shall be reimbursed
10 by the city for their actual necessary expenses. Any per-
11 son who has been a qualified voter of the territory sought
12 to be incorporated for at least two years prior to the date
13 of said election, shall be eligible for membership on said
14 charter board. Nominations for said charter board may be
15 made to the county court by petition bearing the signa-
16 tures written in their own handwriting of not less than

17 two hundred qualified electors of the territory. All nomi-
18 nating petitions shall be filed with the county court at
19 least twenty days prior to the election on the question of
20 incorporation. The ballot shall be prepared by the clerk
21 of the county court. Such ballots for members of the
22 charter board shall be separate from the ballots on the
23 question of incorporation. The position of the names of the
24 candidates upon the ballot for members of the charter
25 board shall be interchanged, as provided in the general
26 election laws of the state. The ballot shall also bear in-
27 structions directing the number of candidates to be voted
28 for. Each voter who is entitled to vote on the question of
29 framing a charter may cast as many votes for members of
30 the charter board as there are members to be elected. He
31 may cumulate all of his votes for one candidate, or divide
32 them among several candidates as he sees fit. Any elector
33 who shall vote "No" on the question of incorporation may
34 nevertheless vote for members of the charter board.

35 On the vote being canvassed on the question of incor-
36 poration, if a majority of the votes cast be against incor-
37 poration, the proceeding shall be dismissed, and no subse-

38 quent proceeding for incorporation of the same territory,
39 or any part thereof, shall be considered or election there-
40 on had within a period of three years thereafter.

Sec. 13. *Charter Board, Class I, II and III Cities; Duties;*

2 *Time for Draft of Charter.*—On the vote being canvassed
3 on the question of incorporation of a Class I, II, or III
4 city, if a majority of the votes cast be in favor of such
5 incorporation, then the votes cast for members of the
6 charter board shall be counted and canvassed, and the
7 candidates in the number to be chosen who received the
8 highest number of votes shall be declared elected. The
9 charter board shall be convened at a suitable place with-
10 in the territory by the member receiving the highest
11 number of votes, not less than five days nor more than
12 ten days after the election. He shall notify the other
13 members of the board in writing of the time and place
14 of the first meeting of the charter board. At such first
15 meeting the board shall perfect its organization by elect-
16 ing a chairman and secretary from its membership and
17 by determining the rules of its proceedings. A journal
18 shall be kept by the clerk upon which shall be entered

19 upon demand by any member, the vote by ayes and nays
20 on any question; a majority of the members elected to
21 said board shall constitute a quorum. It shall provide
22 the manner of nominating and electing candidates for
23 the first elective offices provided in the proposed charter
24 at the election to be held on the question of approval of
25 the charter. It shall fix the date of said election and do
26 and provide all other things necessary for making nomi-
27 nations and holding such election. Any qualified voter
28 or taxpayer of the territory may file with said charter
29 board any written material bearing upon the purposes of
30 the board that he sees fit, and the board shall give such
31 material so filed such consideration as it may deem
32 proper. The charter drafting process may be carried on
33 through committees, but their work shall be advisory
34 only. The charter board shall complete its draft of a
35 charter within ninety days after its first meeting. The
36 charter so drafted shall provide for a form of city gov-
37 ernment in accordance with either plan I, II, III, or IV,
38 as set forth in article three, chapter eight-a of the code
39 of West Virginia.

Sec. 14. *Class I, II or III Charters; Approved by Attorney General.*—The draft of said charter shall, upon completion, be certified by the secretary of said charter board to the attorney general of the state. It shall be his duty to examine the draft to advise whether it is consistent in all respects with the constitution and general laws of this state. The attorney general, if satisfied that the charter proposed is consistent in all respects with the constitution, and general laws of this state, shall so certify to the charter board, within thirty days after receipt of such draft. If the attorney general is not satisfied that the proposed charter is consistent in all respects with the constitution and general laws of this state, he shall certify within thirty days after receipt of such draft to the charter board in what respects the same does not conform to the constitution or general laws of this state.

Sec. 15. *Class I, II, or III Charters; Hearings and Notice.*—When it shall have completed its draft of charter, a charter board shall conduct a public hearing thereon. Notice of the time, place and purpose of the hearing shall be given by publication at least ten days prior to the date

6 set for the hearing in two newspapers of opposite politics
7 of general circulation in the territory to be incorporated.
8 Notice shall also be posted in at least ten public places
9 within said territory at least ten days prior to the date
10 set for the hearing. The notice shall state where copies
11 of the draft of charter may be obtained. The hearing
12 may be continued by the charter board by adjournments
13 over a period not exceeding fourteen days.

Sec. 16. Class I, II or III Charters; Revisions; Time for.

2 —A charter board shall have thirty days after the con-
3 clusion of the hearing required by section fifteen of this
4 article or the receipt of the certificate of the attorney
5 general required by section fourteen of this article,
6 whichever shall occur later, to make any changes it may
7 consider necessary or desirable in its draft of charter.

8 The completed draft of charter shall be signed in
9 triplicate by at least a majority of the members of the
10 board, and two copies shall be filed with the clerk of the
11 county court.

Sec. 17. Class I, II, or III Charters; Election; Voters;

2 *Time.*—The proposed charter shall be submitted to the

3 voters for approval at a special election to be held not
4 less than thirty days nor more than ninety days following
5 filing of the completed charter with the clerk of the
6 county court, at which election the officers provided by
7 said charter shall be voted upon in the manner provided
8 by said charter. Notice of the time, place and purpose
9 of a charter election shall be given by publication once
10 a week for three consecutive weeks in two newspapers
11 of opposite politics of general circulation in said territory.
12 Notice shall be posted at ten or more public places
13 within the territory not less than thirty days prior to the
14 date set for the election. The first of said publications
15 shall be made not less than thirty days prior to the date
16 fixed for the election. Each such notice of election shall
17 state that any qualified voter of said territory may obtain
18 a copy of the proposed charter, from a designated person
19 and place, upon request.

Sec. 18. *Class I, II or III Charters; Effective Date; Certi-*
2 *fication; Judicial Notices; Recordation.*—The charter shall
3 take effect on July 1st next after the date of its adoption,

4 if the interim exceeds sixty days; and otherwise on July
5 1st of the second fiscal year after its adoption.

6 If a proposed charter shall be approved by a majority
7 of the votes cast at election thereon, one of the signed
8 copies on file with the clerk of the county court, with a
9 certified copy of the declaration of result of the election
10 showing the total votes cast for and against approval,
11 shall be certified by the clerk of the county court to the
12 clerk of the House of Delegates of the Legislature, in his
13 capacity as keeper of the rolls. The same shall be pre-
14 served by said clerk as an authentic public record. After
15 the effective date of a charter so filed, all courts shall
16 take judicial notice of its provisions.

17 The clerk of the county court shall certify the signed
18 copy of the charter previously deposited with him, which
19 copy so certified shall be spread upon the records of said
20 court for public examination.

Sec. 19. *Class I, II or III Charters; Rejections; New*
2 *Charter Board.*—If the proposed charter be rejected at
3 such election by a majority of the votes cast therein,
4 the election of officers shall be void except that the

5 elector who shall receive the highest number of votes
6 cast for the office of mayor, if a mayor is to be elected,
7 otherwise the candidate for any municipal office who
8 shall receive the largest number of votes cast at the
9 election, shall, within ten days thereafter, require such
10 charter board to reconvene, for the purpose of revising
11 or amending the original draft of the charter previously
12 prepared by them as to them shall seem proper. Any
13 three hundred qualified electors of said territory may,
14 however, within ten days after the determination of the
15 results of the election at which such charter is rejected,
16 petition the clerk of the county court for election of a
17 new charter board, and the court shall thereupon call
18 a new election for members of the charter board in the
19 same manner as the original election and with nomina-
20 tions made in the same manner as in the first instance
21 as provided in section twelve of this article. The duties
22 of the new charter board shall be the same as those of
23 the former board, and as many successive charter boards
24 may be elected as may be necessary until a charter for
25 such territory is framed and approved by the qualified

26 electors thereof. The proposed charter after such amend-
27 ment or amendments, if any, shall be re-submitted to
28 the Attorney General and the qualified electors of said
29 territory in the same manner and with like notice and
30 proceedings as required in the first instance, and such
31 proceedings shall continue until the qualified electors of
32 said territory have by a majority vote approved a charter.

Sec. 20. *Class I, II or III Charter Boards; Continuing*
2 *Duties.*—The members of the first charter board of a
3 Class I, II, or III city, elected under this article shall, in
4 the event their draft of charter is adopted, hold office
5 for a term of six years following the adoption of their
6 charter. Any vacancy occurring during that period shall
7 be filled temporarily by appointment by majority action
8 of the remaining members. A successor shall be elected
9 at the next regular municipal election in the same man-
10 ner as elective city officers, to hold office for the re-
11 mainder of the term.

12 The board shall make a continuing study of the func-
13 tioning of the city government under a home rule charter
14 adopted during its life and may, by a two-thirds vote of

15 its members and not less than four years after such
16 charter shall have taken effect, require the submission
17 to the voters of the city of the question whether the
18 charter shall be revised. By a like vote and at any
19 time not less than one year after the charter shall have
20 taken effect, the board may require the submission of
21 one or more proposed charter amendments to the voters
22 of the city. In the event revision is voted pursuant to
23 such submission, the board as then constituted shall pro-
24 ceed to prepare a revision of the charter and the process
25 of revision as so initiated shall be the same as that for
26 the framing and adoption of a new charter under this
27 chapter.

Sec. 21. *Expense of Incorporation.*—The first governing
2 body of any city, town or village incorporated under this
3 article shall provide for reimbursement to the county
4 court of all costs of incorporation, including costs of pub-
5 lishing notice, of taking the enumeration of inhabitants,
6 of ascertaining the qualification of electors, of conduct-
7 ing the elections, and ascertaining the results and for
8 reimbursement of the charter board for its actual neces-
9 sary expenses incurred in drafting the charter.

Sec. 22. *Powers of Class I, II or III Cities.*—Any Class
2 I, II or III city incorporated under the provisions of this
3 article shall have all of the powers and duties conferred
4 by law upon a city of the class to which it belongs.

Sec. 23. *Charters Heretofore Granted Valid.*—This en-
2 actment shall not affect the validity of any charter of
3 incorporation heretofore granted to any city, town or
4 village, under special act or general law and all charters
5 heretofore granted to any existing city and the incor-
6 poration of all towns under any former statute are hereby
7 validated.

Sec. 24. *Writ of Error.*—A writ of error shall lie to the
2 circuit court as provided by article three, chapter fifty-
3 eight of the code of West Virginia from any order of a
4 county court determining that the requirements of sec-
5 tions one and two of this article have been met and
6 ordering a census or enumeration to be taken or from
7 any order ordering an election to be held under this
8 chapter, and any contest of an election held under this
9 chapter shall be conducted as provided by article three,
10 chapter nine, of the code of West Virginia, relating to

11 election contests for county or district officers in general
12 elections. Upon petition for a writ of error, all proceed-
13 ings shall be stayed pending final adjudication of the
14 matters involved.

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

Robert C. Byrd

Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect Ninety days from passage.

Thomas M. Meyer
Clerk of the Senate

J. R. Giff
Clerk of the House of Delegates

George H. Rister
President of the Senate

W. E. Ramo
Speaker House of Delegates

The within Approved this the 16th
day of MARCH, 1951.

Okuy L. Patterson
Governor.



MADE IN THE OFFICE OF THE SECRETARY OF STATE
of West Virginia

MAR 16 1951
D. PITT O'BRIEN,
SECRETARY OF STATE