

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

ENROLLED

SENATE BILL NO. 309

(By Mr. Ballard)

PASSED March 2 1955

In Effect from Passage

Filed in the Office of the Secretary of State
of West Virginia
MAR 9 1955
D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED
Senate Bill No. 309
(By MR. BALLARD)

[Passed March 2, 1955; in effect from passage.]

AN ACT to amend and reenact section one, article sixteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the establishment and operation of flood control project by counties and municipalities.

Be it enacted by the Legislature of West Virginia:

That section one, article sixteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. *Establishment and Operation of Flood Control Project by Counties and Municipalities.* — Any county, city, or town in this state may establish, construct, maintain, and operate for such county, city, or

5 town, a flood control project, including the removal of
6 accumulated snags and other debris, and clearing and
7 straightening the channel of navigable streams and tri-
8 butaries thereof, and such county, city, or town may ac-
9 cept all benefits, moneys, services, and assistance from
10 the federal government in connection with any agree-
11 ment as authorized by federal statutes and laws relating
12 to flood control, and such county, city, or town, under
13 such agreements as required by Section 701c, Title 33,
14 United States Code Annotated, or other federal statutes,
15 shall be authorized to give assurances satisfactory to the
16 secretary of the army or other proper federal authority
17 that such county, city, or town will provide: (a) Without
18 cost to the United States all lands, easements and rights
19 of way necessary for the construction of the project; (b)
20 hold and save the United States free from damages due
21 to the construction works; (c) maintain and operate all
22 the works after completion in accordance with the regu-
23 lations prescribed by the secretary of the army. Any
24 such county, city, or town is further empowered to levy,
25 within the constitutional and statutory limitations, for

26 the maintenance or operation of flood control project, and
27 to purchase land situate therein for the same, and is
28 empowered to institute condemnation proceedings for
29 the acquiring of any such land required under the flood
30 control project, and may authorize the issuance and sale
31 of bonds within constitutional and statutory limitation,
32 as is provided under the general provisions of law for
33 the issuance and sale of bonds by counties and municipi-
34 palities for public purposes generally, and any county,
35 city, or town, shall have authority to adopt zoning ordi-
36 nances restricting the use of the lands and construction
37 of buildings and structures within the flood control area
38 and one hundred feet on each side thereof and to enforce
39 such ordinances by fine or imprisonment, or both, or by
40 injunction proceedings, in the circuit court of the county
41 in which the offense occurred. Real or personal property
42 or moneys may also be acquired for such purpose by
43 gifts by such county, city or town. The authority granted
44 by this section may be exercised by any county, city or
45 town in this state in cooperation with each other or
46 separately where such flood control project is located
47 regardless of the sponsoring agency of such project.

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

Takes effect *from* passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within *approved* this the *8* day of *March*, 1955.

[Signature]
Governor.

Filed in the Office of the Secretary of State

of West Virginia

MAR 9 1955

D. PITT O'BRIEN
SECRETARY OF STATE