ENROLLED

SENATE BILL NO. 309

(BY Mr. Ballard)

PASSED....March 2..1955

In Effect.....Passage

Filed in the Office of the Secretary of State

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
town, a flood control project, including the removal of accumulated snags and other debris, and clearing and straightening the channel of navigable streams and tributaries thereof, and such county, city, or town may accept all benefits, moneys, services, and assistance from the federal government in connection with any agreement as authorized by federal statutes and laws relating to flood control, and such county, city, or town, under such agreements as required by Section 701c, Title 33, United States Code Annotated, or other federal statutes, shall be authorized to give assurances satisfactory to the secretary of the army or other proper federal authority that such county, city, or town will provide: (a) Without cost to the United States all lands, easements and rights of way necessary for the construction of the project; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with the regulations prescribed by the secretary of the army. Any such county, city, or town is further empowered to levy, within the constitutional and statutory limitations, for
the maintenance or operation of flood control project, and
to purchase land situate therein for the same, and is
empowered to institute condemnation proceedings for
the acquiring of any such land required under the flood
control project, and may authorize the issuance and sale
of bonds within constitutional and statutory limitation,
as is provided under the general provisions of law for
the issuance and sale of bonds by counties and munici-
palities for public purposes generally, and any county,
city, or town, shall have authority to adopt zoning ordi-
nances restricting the use of the lands and construction
of buildings and structures within the flood control area
and one hundred feet on each side thereof and to enforce
such ordinances by fine or imprisonment, or both, or by
injunction proceedings, in the circuit court of the county
in which the offense occurred. Real or personal property
or moneys may also be acquired for such purpose by
gifts by such county, city or town. The authority granted
by this section may be exercised by any county, city or
town in this state in cooperation with each other or
separately where such flood control project is located
regardless of the sponsoring agency of such project.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor.

Filed in the Office of the Secretary of State of West Virginia.

D. Pitt O'Brien
Secretary of State