

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1956

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ENROLLED

HOUSE BILL No. 2

(By Mr. Speaker, Mr. Flannery)

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PASSED August 9, 1956

In Effect from Passage



Filed In the Office of the Secretary of State  
of West Virginia AUG 17 1956

D. PITT O'BRIEN  
SECRETARY OF STATE

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**House Bill No. 2**

(By MR. SPEAKER, MR. FLANNERY)

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AN ACT to amend the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new chapter, numbered and designated thirty-seven-a, consisting of sections one through six, article one, enacting zoning restrictions governing the use of electrical equipment and the emanation of electrical impulses therefrom within a ten-mile radius of any radio astronomy facility in the state of West Virginia.

WHEREAS, The National Science Foundation has selected, subject to zoning and other arrangements, Green Bank, Pocahontas county, West Virginia, as the site for the installation and operation of a major radio astronomy facility in the state of West Virginia; and

WHEREAS, To avoid interference caused by emanations of electrical impulses from electrical equipment functioning in the area surrounding the proposed site, it is necessary that such area be zoned to avoid interfering electrical emanations; and

WHEREAS, It is in the public interest to encourage the economic improvement and development of all areas in this state and to promote educational and scientific research within this state; and

WHEREAS, The establishment of said radio astronomy facility in an undeveloped area in this state will encourage and contribute to the economic improvement and development of such area and will promote educational and scientific research within this state; and

WHEREAS, The establishment and operation of said radio astronomy facility within the state of West Virginia will lend great prestige to this state and stimulate tourist trade to said area; and

WHEREAS, The establishment and operation of said radio astronomy facility within the state of West Virginia is contingent upon the area within ten miles of the site thereof being substantially free of emanations from unshielded electrical

equipment of such field strength as to interfere with the efficient and proper functioning of said radio astronomy facility; and

WHEREAS, The restrictions necessary to insure freedom from such emanations in such area are reasonable and proper and the benefits to be derived therefrom are substantial; therefore  
*Be it enacted by the Legislature of West Virginia:*

That the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new chapter, numbered and designated thirty-seven-a, consisting of sections one through six, article one, to read as follows:

#### CHAPTER 37-A. ZONING

##### **Article 1. Radio Astronomy Zoning Act.**

Section 1. *Short Title.*—This article shall be known as  
2 the “Radio Astronomy Zoning Act.”

Sec. 2. *Restrictions Within Two Miles of Facility.*—It  
2 shall be illegal to operate or cause to be operated any  
3 electrical equipment within a two-mile radius of the re-  
4 ception equipment of any radio astronomy facility if such  
5 operation causes interference with reception by said radio  
6 astronomy facility of radio waves emanating from any  
7 nonterrestrial source.

Sec. 3. *Restrictions Within Ten Miles of Facility.*—It

2 shall be unlawful to operate or cause to be operated any  
3 electrical equipment within a radius of ten miles of the  
4 reception equipment of any radio astronomy facility, if  
5 the instantaneous peak field strength of the emanation  
6 from such electrical equipment is in excess of:

7 Ten microvolts per meter measured at a distance of  
8 ten feet from such electrical equipment, if such electrical  
9 equipment is located less than three miles from said re-  
10 ception equipment; ten microvolts per meter measured  
11 at a distance of fifteen feet from such electrical equip-  
12 ment, if such electrical equipment is located less than four  
13 miles from said reception equipment; ten microvolts per  
14 meter measured at a distance of twenty feet from such  
15 electrical equipment, if such electrical equipment is  
16 located less than five miles from said reception equip-  
17 ment; five microvolts per meter measured at a distance  
18 of fifty feet from such electrical equipment, if such elec-  
19 trical equipment is located less than six miles from said  
20 reception equipment; six microvolts per meter measured  
21 at a distance of fifty feet from such electrical equipment,

22 if such electrical equipment is located less than seven  
23 miles from said reception equipment; seven microvolts  
24 per meter measured at a distance of fifty feet from such  
25 electrical equipment, if such electrical equipment is  
26 located less than eight miles from said reception equip-  
27 ment; eight microvolts per meter measured at a distance  
28 of fifty feet from such electrical equipment, if such elec-  
29 trical equipment is located less than nine miles from such  
30 reception equipment; nine microvolts per meter measured  
31 at a distance of fifty feet from such electrical equipment,  
32 if such electrical equipment is located less than ten miles  
33 from said reception equipment: *Provided, however,* That  
34 notwithstanding the provisions of this section, it shall not  
35 be unlawful to operate or cause to be operated any elec-  
36 trical equipment so constructed or shielded as not to cause  
37 interference with the reception by such radio astronomy  
38 facility of radio waves emanating from a nonterrestrial  
39 source.

Sec. 4. *Exemption for Existing Equipment.*—Nothing in  
2 this article shall be construed to render unlawful the  
3 continued operation of electrical equipment within a ten-

4 mile radius of a radio astronomy site if such equipment  
5 existed within such distance of such site previous to the  
6 commencement of operation of such radio astronomy  
7 facility; or if such equipment is intended as a replace-  
8 ment for such existing equipment.

Sec. 5. *Penal Provisions.*—Any person knowingly oper-  
2 ating or causing to be operated electrical equipment in  
3 violation of the provisions of this article shall be subject  
4 to a fine of fifty dollars plus an additional fine of fifty  
5 dollars for each day such electrical equipment is know-  
6 ingly operated after receipt by such person of written  
7 notice from the prosecuting attorney of the county in  
8 which the radio astronomy facility is situated that such  
9 operation is in violation of the provisions of this article.

Sec. 6. *Injunctive Relief.*—The operation of any electri-  
2 cal equipment in violation of this article shall be enjoined  
3 by the circuit court of the county in which such electrical  
4 equipment is located upon petition filed by the prosecut-  
5 ing attorney of such county or by the attorney general  
6 of this state irrespective of any other legal remedy  
7 available.

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

*Frank L. Campbell*  
Chairman Senate Committee

*W. T. Brotherton, Jr.*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *from* passage.

*Thomas H. Keyser*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Ralph J. Bean*  
President of the Senate

*W. E. Jeanneret*  
Speaker House of Delegates

The within *approved* this the *17*  
day of *August*, 1956.

*William C. Marland*  
Governor.



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