WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

HOUSE BILL No. 84

(By Mr. Booth and Goff)

PASSED March 3, 1959

In Effect 90 days from Passage

Filed in Office of the Secretary of State
of West Virginia MAR 10 1959
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 84
(By Mr. Booth (of Cabell) and Mr. Casey)

[Passed March 3, 1959; in effect ninety days from passage.]

AN ACT to amend and reenact section one-a, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the authority of municipalities to contract for prevention and extinguishment of fires within three miles of corporate limits.

Be it enacted by the Legislature of West Virginia:

That section one-a, article six, 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-a. Municipalities Authorized to Contract for
2 Prevention and Extinguishment of Fires within Three
3 Miles of Corporate Limits.—A municipal corporation, now
4 or hereafter incorporated under general law or by special
5 enactment or charter, shall have authority to contract
6 for, and to render services in prevention and extinguish-
ment of fires upon property situated within three miles
from its corporate limits: Provided, That no contract
under the authority hereof shall operate to impose any
greater or different obligation or liability upon such
municipality than that with respect of property within
its corporate limits: Provided further, That nothing herein
shall be construed as requiring such municipality to con-
tract for such services, but if such municipality shall
elect to make such contract with any property owner,
the same shall not be cancelled or annulled without the
consent of such property owner, or his successor, so long
as the latter shall not be in default: And provided fur-
ther, That if such municipality elect to contract with
respect of any property, it shall, if requested, contract on
the basis and terms with respect of other property sit-
uated at approximately the same distance from fire plugs,
or other fixed fire apparatus of said municipality. Any
contract under the authority hereof shall require the
property owner to pay as consideration for said services
an annual payment equivalent to eighty per cent of the
annual tax levied for current municipal purposes upon
property within said municipality of like assessed valuation under contract. No contract under the authority hereof, and nothing herein contained, shall be construed as requiring or permitting any municipality to install or maintain any special or additional apparatus or equipment beyond that necessary for protection of property within its corporate limits. The annual payments provided for shall be payable on or before the first day of November of each calendar year in which any contract hereunder shall remain in effect, or upon such day as may be hereafter provided as the due date of the first installment of property taxes. If any annual payment shall be in default for a period of more than thirty days it shall bear interest at the same rate as that provided for delinquent property taxes, and shall be a lien upon the property subject to contract, provided a notice of such lien be recorded in the proper deed of trust book in the office of the clerk of the county court in which such property is situate. Such lien shall be void at the expiration of one year after such defaulted annual payment shall have become due, unless within such year a suit in
equity to enforce the same shall have been instituted by
said municipality. The municipality may, by action of
law, collect any annual payment and its interest, at any
time within five years after it shall have become due;
and upon default in any annual payment, the munici-
pality may cancel such contract.

Any contract made under the authority hereof shall
inure to the benefit of, and bind the successors in title
of the person making the same; and such person, upon
conveying the property subject to such contract, shall
no longer be liable under such contract, except as to
annual payments due prior to said conveyance and un-
paid.

Any property owner may cancel any contract with re-
spect of his property upon giving a thirty-day notice to
the municipality, if he is not in default with respect of
any annual payment: Provided, That if such notice be
given subsequent to July first of any calendar year, the
next succeeding annual payment shall be made by said
property owner as soon as the amount thereof is ascer-
tainable. Upon cancellation, as aforesaid, the municipality
shall deliver to the property owner a recordable release discharging him and his property from any further lien or obligation with respect of said annual payments. Annual payments shall be made to such officials as the municipality, in any contract made under the authority hereof, shall designate to receive them, who shall likewise have authority to receive notice of cancellation, and execute upon behalf of such municipality the release hereinbefore provided.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

F. J. Deem

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Clerk of the Senate

J. Morris Higgs

Clerk of the House of Delegates

President of the Senate

W. R. Poole

Speaker, House of Delegates

The within approved this the 10th day of March, 1959.

Governor