

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



ENROLLED

HOUSE BILL No. 84

(By Mr. BOOTH, OF CABELL & MR. CAVEY)



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

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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-

7 ment of fires upon property situated within three miles
8 from its corporate limits: *Provided*, That no contract
9 under the authority hereof shall operate to impose any
10 greater or different obligation or liability upon such
11 municipality than that with respect of property within
12 its corporate limits: *Provided further*, That nothing herein
13 shall be construed as requiring such municipality to con-
14 tract for such services, but if such municipality shall
15 elect to make such contract with any property owner,
16 the same shall not be cancelled or annulled without the
17 consent of such property owner, or his successor, so long
18 as the latter shall not be in default: *And provided fur-*
19 *ther*, That if such municipality elect to contract with
20 respect of any property, it shall, if requested, contract on
21 the basis and terms with respect of other property sit-
22 uated at approximately the same distance from fire plugs,
23 or other fixed fire apparatus of said municipality. Any
24 contract under the authority hereof shall require the
25 property owner to pay as consideration for said services
26 an annual payment equivalent to eighty per cent of ~~the~~
27 annual tax levied for current municipal purposes upon

28 property within said municipality of like assessed valua-
29 tion under contract. No contract under the authority
30 hereof, and nothing herein contained, shall be construed
31 as requiring or permitting any municipality to install
32 or maintain any special or additional apparatus or equip-
33 ment beyond that necessary for protection of property
34 within its corporate limits. The annual payments pro-
35 vided for shall be payable on or before the first day of
36 November of each calendar year in which any contract
37 hereunder shall remain in effect, or upon such day as
38 may be hereafter provided as the due date of the first
39 installment of property taxes. If any annual payment
40 shall be in default for a period of more than thirty days
41 it shall bear interest at the same rate as that provided for
42 delinquent property taxes, and shall be a lien upon the
43 property subject to contract, provided a notice of such
44 lien be recorded in the proper deed of trust book in the
45 office of the clerk of the county court in which such
46 property is situate. Such lien shall be void at the expira-
47 tion of one year after such defaulted annual payment
48 shall have become due, unless within such year a suit in

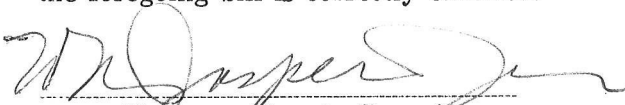
49 equity to enforce the same shall have been instituted by
50 said municipality. The municipality may, by action of
51 law, collect any annual payment and its interest, at any
52 time within five years after it shall have become due;
53 and upon default in any annual payment, the munici-
54 pality may cancel such contract.

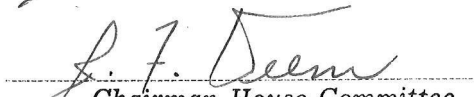
55 Any contract made under the authority hereof shall
56 inure to the benefit of, and bind the successors in title
57 of the person making the same; and such person, upon
58 conveying the property subject to such contract, shall
59 no longer be liable under such contract, except as to
60 annual payments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

62 Any property owner may cancel any contract with re-
63 spect of his property upon giving a thirty-day notice to
64 the municipality, if he is not in default with respect of
65 any annual payment: *Provided*, That if such notice be
66 given subsequent to July first of any calendar year, the
67 next succeeding annual payment shall be made by said
68 property owner as soon as the amount thereof is ascer-
69 tainable. Upon cancellation, as aforesaid, the municipality

70 shall deliver to the property owner a recordable release
71 discharging him and his property from any further lien
72 or obligation with respect of said annual payments. An-
73 nual payments shall be made to such officials as the mu-
74 nicipality, in any contract made under the authority here-
75 of, shall designate to receive them, who shall likewise
76 have authority to receive notice of cancellation, and
77 execute upon behalf of such municipality the release
78 hereinbefore provided.

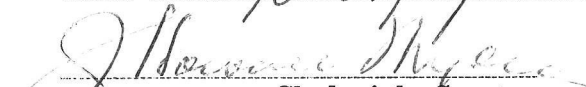
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee



Chairman House Committee


Originated in the House of Delegates

Takes effect 90 days from passage.


Clerk of the Senate

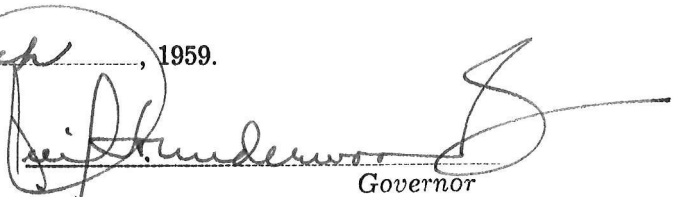

Clerk of the House of Delegates


President of the Senate


Speaker, House of Delegates

The within approved this the 10th

day of March, 1959.


Governor