WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED
SENATE BILL NO. 2457
(By Mr.)

PASSED March 10th, 1961
In Effect ninety days from Passage

Filed in Office of the Secretary of State of West Virginia MAR 17 1961
JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend and reenact section eight, article two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to a change in the boundary of a city, town or village.

Be it enacted by the Legislature of West Virginia:

That section eight, article two, 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 8. Change of Boundary of City, Town or Village.

2 —Five percent or more of the freeholders residing in any city, town or village desiring to change the corporate limits thereof, may file their petition in writing with the
council thereof, setting forth the change proposed in the
metes and bounds of such corporation, and asking that a
vote be taken upon the proposed change. Such petition
shall be verified and shall be accompanied by an accurate
survey showing the territory embraced within the new
boundaries. The council, upon bond in penalty prescribed
by the council with good and sufficient surety being given
by petitioners, and conditioned to pay the costs of such
election if a majority of the votes cast are against the pro-
posed change in boundary, shall thereupon order a vote
of the qualified voters residing in such city, town or village
to be taken upon the proposed change at a time and place
therein to be named in the order, not less than twenty nor
more than thirty days from the date thereof, and if it be
proposed to include any additional territory within such
corporate limits, the council shall, at the same time order
a vote of all the qualified voters residing in such addi-
tional territory, and of all persons, firms or corporations
owning any part of such territory, whether they reside
therein or not, to be taken upon the question on the same
day, at some convenient place on or near such additional
3 

[Enr. S. B. No. 247]

26 territory: Provided, That the additional territory to be
27 included shall conform to the requirements of section
28 one of this article, and the determination that the addi-
29 tional territory does so conform shall be reviewable by
30 the circuit court on certiorari to the council. The election
31 shall be held, superintended and conducted, and the re-
32 sult thereof ascertained, certified and returned, in the
33 same manner and by the same persons as elections for
34 city, town or village officers. The ballots cast on such
35 question shall have written or printed on them the words:
36 □ For change of Corporate Limits
37 □ Against change of Corporate Limits
38 If a majority of all the votes so cast within such cor-
39 poration be in favor of the proposed change, and no addi-
40 tional territory is proposed to be included therein, the
41 corporate limits of such city, town or village shall there-
42 after be as proposed by such petition. But, if additional
43 territory is proposed to be included in such corporate
44 limits, such change shall not take effect unless a majority
45 of all the votes cast by persons eligible to vote in such
46 additional territory shall also be cast in favor of such
change. Any firm or corporation may vote by its manager,

president, or executive officer duly designated in writing

by such firm or corporation.

When an election is held in any city, town or village

respecting a change in the boundary thereof, another such

election relating to the same territory or any part thereof

shall not be held for a period of one year.

The provisions of this and the following section shall

provide the exclusive procedure for effecting a change in

the boundary of every city, town or village except munici-

palities which have adopted a home rule charter under

the provisions of chapter eight-a of the code: Provided,

however, That any city, town or village, otherwise author-

ized by said chapter eight-a, or by special charter may

utilize the procedures respecting minor boundary adjust-

ments set forth in section twenty-five, article six, of said

chapter eight-a.
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 __multiples 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 __17__ day of __March__, 1961.

Governor

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JOE F. BURDETT
SECRETARY OF STATE