

247

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961

ENROLLED

SENATE BILL NO. 247

(By Mr. Lewis)

PASSED March 10th, 1961

In Effect thirty days from Passage

Filed in Office of the Secretary of State
of West Virginia MAR 17 1961
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

Senate Bill No. 247

(By MR. DAVIS)

[Passed March 10, 1961; in effect ninety days from passage.]

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
3 city, town or village desiring to change the corporate
4 limits thereof, may file their petition in writing with the

5 council thereof, setting forth the change proposed in the
6 metes and bounds of such corporation, and asking that a
7 vote be taken upon the proposed change. Such petition
8 shall be verified and shall be accompanied by an accurate
9 survey showing the territory embraced within the new
10 boundaries. The council, upon bond in penalty prescribed
11 by the council with good and sufficient surety being given
12 by petitioners, and conditioned to pay the costs of such
13 election if a majority of the votes cast are against the pro-
14 posed change in boundary, shall thereupon order a vote
15 of the qualified voters residing in such city, town or village
16 to be taken upon the proposed change at a time and place
17 therein to be named in the order, not less than twenty nor
18 more than thirty days from the date thereof, and if it be
19 proposed to include any additional territory within such
20 corporate limits, the council shall, at the same time order
21 a vote of all the qualified voters residing in such addi-
22 tional territory, and of all persons, firms or corporations
23 owning any part of such territory, whether they reside
24 therein or not, to be taken upon the question on the same
25 day, at some convenient place on or near such additional

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

47 change. Any firm or corporation may vote by its manager,
48 president, or executive officer duly designated in writing
49 by such firm or corporation.

50 When an election is held in any city, town or village
51 respecting a change in the boundary thereof, another such
52 election relating to the same territory or any part thereof
53 shall not be held for a period of one year.

54 The provisions of this and the following section shall
55 provide the exclusive procedure for effecting a change in
56 the boundary of every city, town or village except munici-
57 palities which have adopted a home rule charter under
58 the provisions of chapter eight-a of the code: *Provided,*
59 *however,* That any city, town or village, otherwise author-
60 ized by said chapter eight-a, or by special charter may
61 utilize the procedures respecting minor boundary adjust-
62 ments set forth in section twenty-five, article six, of said
63 chapter eight-a.

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

James Davis, Jr.
Chairman Senate Committee

Mrs. H. H. Huthrow
Chairman House Committee

Originated in the Senate.

Takes effect *ninety days from* passage.

Thomas Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Harvard W. Carson
President of the Senate

Julius W. Singleton Sr.
Speaker House of Delegates

The within *approved* this the *17th*
day of *March*, 1961.

W. W. Bann
Governor



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of West Virginia **MAR 17 1961**
JOE F. BURDETT
SECRETARY OF STATE