WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED
SENATE BILL NO. 254

(By Mr. Martin)

PASSED Mar. 9, 1963
In Effect 90 days from Passage

Filed in Office of the Secretary of State of West Virginia 3-16-63
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 the change of boundaries of cities, towns or villages.

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.—Five per cent 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 pro-
posed 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 proposed change in boundary, shall there-
upon 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 resid-
ing in such additional 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 territory: Provided, That the additional terri-
tory to be included shall conform to the requirements of section one of this article, and the determination that the additional territory does so conform shall be reviewable by the circuit court on certiorari to the council. The election shall be held, superintended and conducted, and the result thereof ascertained, certified and returned, in the same manner and by the same persons as elections for city, town or village officers. The ballots cast on such question shall have written or printed on them the words:

☐ For change of Corporate Limits
☐ Against change of Corporate Limits

If a majority of all the votes so cast within such corporation be in favor of the proposed change, and no additional territory is proposed to be included therein, the corporate limits of such city, town or village shall thereafter be as proposed by such petition. But, if additional territory is proposed to be included in such corporate limits, such change shall not take effect unless a majority of all the votes cast by persons eligible to vote in such 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 mu-
cipalities 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 util-
ize the procedures respecting minor boundary adjust-
ments set forth in section twenty-five, article six of said
chapter eight-a: Provided further, That any such minor
boundary adjustment shall not exceed thirty acres.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. Ray Parker
Chairman Senate Committee

Estelle L. Vandall
Chairman House Committee

Originated in the Senate.

Takes effect 90 days after passage.

Howard Haynes
Clerk of the Senate

C A Blankenship
Clerk of the House of Delegates

Howard W. Carrow
President of the Senate

Julius W. Edgell
Speaker House of Delegates

The within approve this the 14th day of March, 1963.

Governor