

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963

ENROLLED

SENATE BILL NO. 254

(By Mr. Martin)

PASSED Mar 9 1963

In Effect 90 days Passage

Filed in Office of the Secretary of State
of West Virginia 3-16-63

JOE F. BURDETT
SECRETARY OF STATE

#254

ENROLLED

Senate Bill No. 254

(By MR. MARTIN)

[Passed March 9, 1963; 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 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 Vil-

2 **lage.**—Five per cent or more of the freeholders residing
3 in any city, town or village desiring to change the cor-
4 porate limits thereof, may file their petition in writing
5 with the council thereof, setting forth the change pro-

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

27 tory to be included shall conform to the requirements of
28 section one of this article, and the determination that the
29 additional territory does so conform shall be reviewable
30 by the circuit court on certiorari to the council. The elec-
31 tion shall be held, superintended and conducted, and the
32 result 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 corpora-
39 tion be in favor of the proposed change, and no additional
40 territory is proposed to be included therein, the corporate
41 limits of such city, town or village shall thereafter be as
42 proposed by such petition. But, if additional territory is
43 proposed to be included in such corporate limits, such
44 change shall not take effect unless a majority of all the
45 votes cast by persons eligible to vote in such additional
46 territory shall also be cast in favor of such change. Any
47 firm or corporation may vote by its manager, president, or

48 executive officer duly designated in writing by such firm
49 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 mu-
57 nicipalities 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 util-
61 ize the procedures respecting minor boundary adjust-
62 ments set forth in section twenty-five, article six of said
63 chapter eight-a: *Provided further*, That any such minor
64 boundary adjustment shall not exceed thirty acres.

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

O. Ray Parker
Chairman Senate Committee

Ethel L. Randall
Chairman House Committee

Originated in the Senate.

Takes effect 90 days passage.

Howard Meyer
Clerk of the Senate

C. G. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

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

W. M. Baum
Governor