

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

HOUSE BILL No. 818

(By Mr. Payne)



PASSED March 13, 1965

In Effect ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-19-65

818 #

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House Bill No. 818
(By MR. PAYNE)

[Passed March 13, 1965; 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:

**Article 2. Creation, Alteration, Dissolution and Powers of
Municipal Corporations.**

Section 8. Change of Boundary of City, Town or Village.—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
13 pay the costs of such election if a majority of the votes
14 cast are against the proposed change in boundary, shall
15 thereupon order a vote of the qualified voters residing
16 in such city, town or village to be taken upon the pro-
17 posed change at a time and place therein to be named in
18 the order, not less than twenty nor more than thirty
19 days from the date thereof, and if it be proposed to in-
20 clude any additional territory within such corporate
21 limits, the council shall, at the same time, order a vote
22 of all the qualified voters residing in such additional ter-
23 ritory, and of all persons, firms or corporations owning

24 any part of such territory, whether they reside therein
25 or not, to be taken upon the question on the same day,
26 at some convenient place on or near such additional ter-
27 ritory: *Provided*, That the additional territory to be in-
28 cluded shall conform to the requirements of section one
29 of this article, and the determination that the additional
30 territory does so conform shall be reviewable by the
31 circuit court on certiorari to the council. The election
32 shall be held, superintended and conducted, and the
33 result thereof ascertained, certified and returned, in the
34 same manner and by the same persons as elections for
35 city, town or village officers. The ballots cast on such
36 question shall have written or printed on them the
37 words:

38 For change of corporate limits

39 Against change of corporate limits

40 If a majority of all the votes so cast within such cor-
41 poration be in favor of the proposed change, and no
42 additional territory is proposed to be included therein,
43 the corporate limits of such city, town or village shall
44 thereafter be as proposed by such petition. But, if addi-

45 tional territory is proposed to be included in such cor-
46 porate limits, such change shall not take effect unless
47 a majority of all the votes cast by persons eligible to
48 vote in such additional territory shall also be cast in
49 favor of such change. Any firm or corporation may vote
50 by its manager, president, or executive officer duly
51 designated in writing by such firm or corporation.

52 The council may by ordinance provide for the annexa-
53 tion of additional territory without ordering a vote on the
54 question, if sixty per cent of the qualified voters residing
55 in such additional territory and of all persons, firms or
56 corporations owning any part of such territory whether
57 they reside therein or not, file with council their petition
58 to be annexed.

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

63 The provisions of this and the following section shall
64 provide the exclusive procedure for effecting a change
65 in the boundary of every city, town or village except

66 municipalities which have adopted a home rule charter
67 under the provisions of chapter eight-a of the code: *Pro-*
68 *vided, however,* That any city, town or village, otherwise
69 authorized by said chapter eight-a or by special charter
70 may utilize the procedures respecting minor boundary
71 adjustments set forth in section twenty-five, article six
72 of said chapter eight-a.

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

O. Ray Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Thomas Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Harold Gibson
President of the Senate

H. Robert White
Speaker House of Delegates

The within *approved* this the *19*
day of *March*, 1965.

Hubert C. Smith
Governor

