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. GORDON
SECRETARY OF STATE
THIS DATE 3-15-65
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 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 proposed 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 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 territory 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 addi-
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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
municipalities 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 authorized by said chapter eight-a or by special charter may utilize the procedures respecting minor boundary adjustments 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 House.

Takes effect ninety days 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 19

day of March, 1965.

Governor