WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED
SENATE BILL NO. 396
(By Mr. Carnegie)

PASSED March 11, 1967
In Effect thirty days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67
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.

§8-2-8. 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 freehold interest in any real
property situate within the 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 cir-
cuit 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 cor-
poration be in favor of the proposed change, and no ad-
ditional territory is proposed to be included therein, the
corporate limits of such city, town or village shall there-
after 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 ma-
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45 majority of all the votes cast by persons eligible to vote
46 in such additional territory shall also be cast in favor of
47 such change. Any firm or corporation may vote by its
48 manager, president, or executive officer duly designated in
49 writing by such firm or corporation.

50 The governing body of a municipality may by ordi-
51 nance provide for the annexation of additional territory
52 without ordering a vote on the question if (1) sixty per
53 cent of the qualified voters residing in such additional
54 territory file with the governing body their petition to
55 be annexed, and (2) sixty per cent of all persons (who
56 are sui juris), firms and corporations owning any freehold
57 interest in any real property situate within such terri-
58 tory, whether they reside or have a place of business
59 therein or not, file with the governing body their peti-
60 tion to be annexed: Provided, That the additional ter-
61 ritory shall conform to the requirements of section
62 one of this article, and the determination that the
63 additional territory does so conform or that the requi-
64 site number of petitioners have filed the required peti-
65 tions shall be reviewable by the circuit court on certiorari
to the council. A qualified voter also owning a freehold interest in any real property situate within such territory may join in either the voters' petition of the territory or the freeholders' petition of such territory, but he shall not sign more than one petition. It shall be the responsibility of the governing body to enumerate and verify the total number of eligible petitioners from the territory. In determining the total number of eligible petitioners, a qualified voter of the territory who also owns a freehold interest in any real property situate within the territory shall be counted as one person only. 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 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, other-
wise 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.

William Tampas
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

H. Lowman Myers
Clerk of the Senate

L. B. Lovelace
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

W. L. Logan White
Speaker House of Delegates

The within approved this the 17 day of March, 1967.

Hullie C. Smith
Governor
PRESENTED TO THE GOVERNOR

Date  3/7/67
Time  2:50pm