

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 396

(By Mr. Carrigan)

PASSED March 11, 1967

In Effect Ninety days from Passage

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

396

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Senate Bill No. 396
(By MR. CARRIGAN)

[Passed March 11, 1967; 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.**

§8-2-8. Change of boundary of city, town or village.

Five per cent or more of the freeholders residing in any
2 city, town or village desiring to change the corporate

3 limits thereof, may file their petition in writing with the
4 council thereof, setting forth the change proposed in the
5 metes and bounds of such corporation, and asking that
6 a vote be taken upon the proposed change. Such petition
7 shall be verified and shall be accompanied by an accurate
8 survey showing the territory embraced within the new
9 boundaries. The council, upon bond in penalty prescribed
10 by the council with good and sufficient surety being given
11 by petitioners, and conditioned to pay the costs of such
12 election if a majority of the votes cast are against the
13 proposed change in boundary, shall thereupon order a
14 vote of the qualified voters residing in such city, town
15 or village to be taken upon the proposed change at a time
16 and place therein to be named in the order, not less than
17 twenty nor more than thirty days from the date thereof,
18 and if it be proposed to include any additional territory
19 within such corporate limits, the council shall, at the same
20 time, order a vote of all the qualified voters residing in
21 such additional territory, and of all persons, firms or
22 corporations owning any freehold interest in any real
23 property situate within the territory, whether they reside

24 therein or not, to be taken upon the question on the same
25 day, at some convenient place on or near such additional
26 territory: *Provided*, That the additional territory to be
27 included shall conform to the requirements of section one
28 of this article, and the determination that the additional
29 territory does so conform shall be reviewable by the cir-
30 cuit court on certiorari to the council. The election shall
31 be held, superintended and conducted, and the result
32 thereof ascertained, certified and returned, in the same
33 manner and by the same persons as elections for city, town
34 or village officers. The ballots cast on such question shall
35 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 cor-
39 poration be in favor of the proposed change, and no ad-
40 ditional territory is proposed to be included therein, the
41 corporate limits of such city, town or village shall there-
42 after be as proposed by such petition. But, if additional
43 territory is proposed to be included in such corporate
44 limits, such change shall not take effect unless a ma-

45 jority 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

66 to the council. A qualified voter also owning a freehold
67 interest in any real property situate within such terri-
68 tory may join in either the voters' petition of the
69 territory or the freeholders' petition of such territory,
70 but he shall not sign more than one petition. It shall be
71 the responsibility of the governing body to enumerate
72 and verify the total number of eligible petitioners from
73 the territory. In determining the total number of eli-
74 gible petitioners, a qualified voter of the territory who
75 also owns a freehold interest in any real property situate
76 within the territory shall be counted as one person only.
77 When an election is held in any city, town or village
78 respecting a change in the boundary thereof, another
79 such election relating to the same territory or any part
80 thereof shall not be held for a period of one year.

81 The provisions of this and the following section shall
82 provide the exclusive procedure for effecting a change
83 in the boundary of every city, town or village except
84 municipalities which have adopted a home rule charter
85 under the provisions of chapter eight-a of the code:
86 *Provided, however,* That any city, town or village, other-

87 wise authorized by said chapter eight-a or by special
88 charter may utilize the procedures respecting minor
89 boundary adjustments set forth in section twenty-five,
90 article six of said chapter eight-a.

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

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

William Thomas
Clerk of the Senate

C. B. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

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

Harold C. Smith
Governor

PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 2:50pm