WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 1057

(By Mr. Smith and Mr. Richardson)

PASSED March 11, 1972

In Effect 90 days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-29-72
ENROLLED

House Bill No. 1057
(By Mrs. Smirl and Mr. Richardson)

[Passed March 11, 1972; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the power and authority of any municipality to contract for the prevention and extinguishment of fires within three miles of its corporate limits; and relating to the annual payments to be made by property owners for such contract fire service.

Be it enacted by the Legislature of West Virginia:

That section three, article fifteen, 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 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.


1 (a) Any municipality shall have plenary power and authority to contract to render services in the prevention and extinguishment of fires upon property located within three miles of its corporate limits: Provided, That no contract entered into under the authority of this section shall operate to impose any greater or different
obligation or liability upon the municipality than that
with respect to property within its corporate limits:
Provided, however, That nothing contained in this sec-
tion shall be construed as requiring any municipality
to contract to render such services.

Any contract entered into under the authority of this
section, after the effective date of this article, on and after
such effective date shall require the property owner to
pay as consideration for said services an annual payment,
determined as provided in the remainder of this subsec-
tion. If the municipality does not impose a fire service fee
on the users of such service within the municipality as
authorized in section thirteen, article thirteen of this
chapter, the annual payment shall be equivalent to eighty
percent of the annual tax levied for current municipal
purposes upon property within said municipality of like
assessed valuation to the property under contract. If the
municipality does impose a fire service fee on the users of
such service within the municipality, as authorized in sec-
tion thirteen, article thirteen of this chapter, the annual
payment shall be equivalent to the amount of fire service
fee which would be imposed if the property under con-
tract were located within the municipality plus at least
fifty percent of the annual tax levied for current municipal
purposes upon property within said municipality of like
assessed valuation to the property under contract. No
contract entered into under the authority of this sec-
tion, and nothing herein contained, shall be construed
as requiring or permitting any municipality to install
or maintain any special additional apparatus or equip-
ment beyond that necessary for the protection of prop-
erty within its corporate limits.

(b) The annual payments due under any such con-
tract shall be payable on or before the first day of Octo-
ber of each calendar year in which such contract shall
remain in effect, or upon such day as may be hereafter
provided as the due date of the first installment of ad
valorem taxes. If any annual payment shall be in de-
default for a period of more than thirty days it shall bear
interest at the same rate as that provided for delinquent
property taxes, and shall be a lien upon the property
under contract, provided a notice of such lien is recorded in the proper deed of trust book in the office of the clerk of the county court of the county in which such property or the major portion thereof is located. Such lien shall be void at the expiration of two years after such defaulted annual payment shall have become due, unless within such two-year period a civil action seeking equitable relief to enforce the same shall have been instituted by said municipality. The municipality may by civil action collect any annual payment and the interest thereon at any time within five years after such payment shall have become due; and upon default in any annual payment, the municipality may cancel the contract involved.

(c) Any contract made under the authority of this section shall inure to the benefit of and be binding upon the successors in title of the person making the same; and such person, upon conveying the property subject to such contract, shall no longer be liable under such contract, except as to annual payments due prior to said conveyance and remaining unpaid.

(d) Any property owner may cancel any such contract with respect to the property of such owner upon giving a thirty-day written notice to the municipality, if such owner is not in default with respect to any annual payment due thereunder, except that if such notice be given subsequent to July first of any calendar year, the next succeeding annual payment shall be made by said property owner as soon as the amount thereof is ascertainable. Upon cancellation as aforesaid, the municipality shall deliver to the property owner a recordable release discharging such owner and such property from any further lien or obligation with respect to said annual payments. The annual payments due under any such contract shall be made to such officials as the municipality, in such contract, shall designate to receive them, who shall likewise have authority to receive notice of cancellation, and execute upon behalf of such municipality the release for which provision is hereinafter made.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 27th day of March, 1972.

[Signature]
Governor
Mar 23 9 26 AM '72
OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

3/17/72
1:00 p.m.