WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

SENATE BILL NO. 421
(By Mr. Peter and Mr. Leonard)

PASSED April 19, 1973

In Effect Ninety days from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5-1-73
ENROLLED

Senate Bill No. 421
(By Mr. Oates and Mrs. Leonard)

[Passed April 10, 1973; in effect ninety days from passage.]

AN ACT to amend chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding there­to a new article, designated article twenty-six-a, relating to munici­pal and county historic landmarks commissions; setting forth certain legislative determinations; authorizing any municipality or county to establish a municipal historic landmarks com­mission or county historic landmarks commission; relating to the appointment of members thereto; relating to provisions to be included in the ordinance or order establishing any such commission; authorizing the employment of employees, assistants, technical personnel and consultants; authorizing any municipality or county to appropriate funds to any such commission; setting forth the powers and duties of any such com­mission; relating to agreements and restrictions concerning landmarks; relating to assistance of other agencies; and pro­viding that every such commission shall cooperate and co­ordinate its activities with the West Virginia department of archives and history and the West Virginia antiquities com­mission.

Be it enacted by the Legislature of West Virginia:

That chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-six-a, to read as follows:
ARTICLE 26A. MUNICIPAL AND COUNTY HISTORIC LANDMARKS COMMISSIONS.

§8-26A-1. Legislative determinations.

It is hereby declared as a matter of legislative determination:

1. That the state of West Virginia is richly endowed with numerous historic buildings, structures and sites which have a close and immediate relationship to the values upon which this state and the nation were founded;
2. That such historic buildings, structures and sites can best be identified, studied, preserved and protected for the benefit of residents of this state and this nation by authorizing and empowering action for this purpose at the local level;
3. That the preservation and protection of such historic buildings, structures and sites aid the development of education in this state;
4. That there is little hope of preserving and protecting such historic buildings, structures and sites unless recognition is provided for the owners thereof in order that the same should be preserved and protected; and
5. That the Legislature hereby finds that it is in the best interest of the education and general welfare of the people of this state and nation to identify, study, preserve and protect historic buildings, structures and sites in this state and this article shall be broadly construed in order to accomplish the purposes herein set forth.

§8-26A-2. Municipality or county may establish historic landmarks commission; appointments; detailed provisions to be provided by ordinance or order; appropriation of funds.

Any municipality by ordinance and any county by order of the county court entered of record may, if it so desires, establish a municipal historic landmarks commission or county historic landmarks commission, hereinafter in this article referred to as the commission, to consist of five members, appointed by the mayor or county court, as the case may be. In any such ordinance or order, the governing body shall include provisions specifying (1) the terms of the members of such commission; (2) a method of filling vacancies; (3)
whether the members of the commission are to be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties; (4) the officers of the commission to be elected from the membership thereof; (5) requirements as to meetings of the commission; (6) requirements as to a quorum of the commission; (7) requirements as to voting by members of the commission; and (8) such other matters as may be deemed necessary or desirable for the proper functioning of the commission.

Any such commission may also be authorized and empowered by any such ordinance or order to employ, within the limits of funds available therefor, such employees, assistants, technical personnel and consultants as are necessary to discharge the duties and responsibilities of the commission.

Any municipality or county establishing any such commission shall have plenary power and authority to appropriate funds to such commission for expenditure by the commission for the purposes of this article.


Any such commission shall have plenary power and authority, within the jurisdictional limits of the municipality or county, as the case may be, and within the limits of available funds, to:

1. Make a survey of, and designate as historic landmarks, buildings, structures and sites which constitute the principal historical and architectural sites which are of local, regional, statewide or national significance. No building, structure or site shall be deemed to be an historic one unless it has been prominently identified with, or best represents, some major aspect of the cultural, political, economic, military or social history of the locality, region, state or nation, or has had a major relationship with the life of an historic personage or event representing some major aspect of, or ideals related to, the history of the locality, region, state or nation. In the case of buildings or structures which are to be so designated, they shall embody the principal or unique features of an architectural type or demonstrate the style of a period of our history or method of construction, or serve as an illustration of the work of a master builder, designer or architect whose
21 genius influenced the period in which he worked or has
22 significance in current times;
23 (2) Prepare a register of buildings, structures and sites
24 which meet the requirements of subdivision (1) of this section,
25 publish lists of such properties and, with the consent of the
26 property owners, inspect such properties from time to time
27 and publish a register thereof from time to time setting forth
28 appropriate information concerning the registered buildings,
29 structures and sites;
30 (3) With the consent of the property owners, certify and
31 mark with appropriately designed markers, buildings, structures
32 and sites which it has registered;
33 (4) Establish standards for the care and management of
34 certified landmarks and withdraw such certification for failure
35 to maintain the standards so prescribed;
36 (5) Acquire by purchase, gift or lease and administer
37 registered landmarks and casements and interests therein,
38 both real and personal;
39 (6) Lease or sell property so acquired under terms and
40 conditions designed to insure the proper preservation of the
41 landmark in question;
42 (7) Establish historic districts for registered landmarks,
43 utilizing the same guidelines set forth in subdivision (1)
44 above, and designate the area thereof by appropriate markers;
45 (8) Identify historical districts for registered landmarks and
46 aid and encourage the municipality or county in which the
47 district or landmark is located to adopt rules and regulations
48 for the preservation of historical or architectural values;
49 (9) Prepare and place historical markers on or along the
50 highway or street closest to the location which is intended to
51 be identified by such marker;
52 (10) Seek the advice and assistance of individuals, groups
53 and departments and agencies of government who or which
54 are conducting historical preservation programs and coordinate
55 the same insofar as possible;
56 (11) Seek and accept gifts, bequests, endowments and
57 funds from any and all sources for the accomplishment of the
58 functions of the commission;
59 (12) Adopt rules and regulations concerning the operation
60 of the commission, the functions and responsibilities of its of-
61 ficers, employees, assistants and other personnel and such
other matters as may be necessary to carry out the purposes of
this article; and
(13) Adopt such other rules and regulations as may be
deemed necessary to effectuate the purposes of this article,
but no such rules and regulations shall be inconsistent with the
provisions of this article or with any plan of the planning
commission of such municipality or county.

§8-26A-4. Restrictions on use of property designated an historic
landmark.

Whenever any such commission, with the consent of the
property owner, certifies property as being a registered land-
mark, it may seek and obtain from such property owner an
agreement as to such restrictions upon the use of the pro-
certy as the commission finds are reasonable and are calcu-
lated to perpetuate and preserve the features which led it to
designate such property as an historical landmark. All such
agreements between such commission and the property owner
shall be in writing, and when duly signed and acknowledged,
shall be recorded in the office of the clerk of the county court
of the county wherein such landmark is located and when so
recorded shall be notification to the assessor of such county
of the restrictions therein set forth.

§8-26A-5. Notice to county assessor of designation of historic dis-
trict.

When any such commission establishes an historic district,
it shall notify the county assessor of the county in which such
district or any part thereof is located of the fact of such es-
establishment and the boundaries of the district, together with
the restrictions which are applicable to the properties located
in such district which have been mutually agreed upon by such
commission and the owners of property within such district.
The agreement shall be recorded in the same manner as the
recording of agreements between the commission and owners
of designated landmarks entered into pursuant to the provi-
sions of section four of this article. The county assessor shall
take such factors into consideration in assessing the proper-
ties therein.
§8-26A-6. Assistance of state agencies; coordination.

Upon the request of any such commission, all agencies of the state shall assist such commission in the discharge of its duties and functions. Every such commission shall cooperate and coordinate its activities with the West Virginia department of archives and history, the West Virginia historical society and the West Virginia antiquities commission, with the view of developing a unified program for the identification, study, preservation and protection of all historic buildings, structures and sites in this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

Clerk of the Senate

President of the Senate

Speaker House of Delegates

The within approved this the 16th day of April, 1973.

Governor
PRESENTED TO THE GOVERNOR

Date 4/16/23

Time 9:11 a.m.