WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

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ENROLLED

HOUSE BILL No. 839

(By Mr. Burke and Mrs. Giver)

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PASSED February 24, 1975

In Effect ninety days from Passage
ENROLLED

H. B. 839

(By MR. BURKE and MRS. GIVEN)

[Passed February 24, 1975; in effect ninety days from passage.]

AN ACT to amend article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-u, relating to empowering counties and municipalities to treat streams to prevent floods by rechanneling, dredging, removing obstructions, straightening stream channels and carrying out erosion and sedimentation control measures and programs; to acquire property required for such purpose; to levy and accept money and services available for such purpose; and to cooperate with each other to carry out stream treatment; and defining the term "stream" for purposes of the section.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-u, to read as follows:

ARTICLE 1. COUNTY COURTS GENERALLY.

§7-1-3u. Authority of counties and municipalities to treat streams to prevent floods.

1 To protect people and property from floods, counties and municipalities are hereby empowered to rechannel and dredge streams; remove accumulated debris, snags, sand bars, rocks and any other kinds of obstructions from streams; straighten
stream channels; and carry out erosion and sedimentation control measures and programs.

For stream treatment to prevent floods as provided in this section, counties and municipalities are hereby further empowered to levy, within all constitutional and statutory limitations; acquire property by purchase, exercise of the right of eminent domain, lease, gift or grant; accept any and all benefits, moneys, services and assistance which may be available from the federal and state government or any private source; issue and sell bonds within the constitutional and statutory limitations prescribed by law for the issuance and sale of bonds by counties and municipalities for public purposes generally. Any such levy shall be equal and uniform throughout the county or municipality.

The power and authority granted in this section, may be exercised by any county or municipality in cooperation with each other or separately as provided in section three-i of this article. Any county or municipality which exercises any power or authority set forth in this section shall comply with all applicable provisions of federal and state laws and rules and regulations lawfully promulgated thereunder.

The term "stream" as used in this section means any watercourse, whether natural or man-made, distinguishable by banks and a bed, regardless of their size, through which water flows continually or intermittently, regardless of its volume.
The Joint Committee on Enrolled Bills hereby certifies that the
foresaid bill is correctly enrolled.

James L. Davis

Chairman Senate Committee

Clerence C. P. Chandler

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Tullon Jr.

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

W. T. Brattle Jr.

President of the Senate

Lemir W. M. Ramsey

Speaker House of Delegates

The within ___________________________ this the _____________
day of ________________________________, 1975.

Aubert Thayer

Governor
PRESENTED TO THE GOVERNOR

Date 2/27/75
Time 3:35 p.m.