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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975



ENROLLED
Committee Substitute
For
SENATE BILL NO. 110

(By Mr. Hamilton, Mr. Kusic and Mr. Neeley,
original sponsors)



PASSED March 8, 1975

In Effect from Passage



110

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 110

(By MR. HAMILTON, MR. KUSIC and MR. NEELEY,
original sponsors)

[Passed March 8, 1975; in effect 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 a new section, designated section three-u, authorizing and empowering county commissions to adopt building codes and take other necessary action in order to comply with the National Flood Insurance Act of 1968, as amended; and relating to enforcement.

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. GENERALLY.

§7-1-3u. Floodplain and mudslide area management; legislative findings; power and authority; enforcement; provisions cumulative.

1 (a) The Legislature hereby finds and declares that it
2 is imperative that municipalities and counties in this
3 state be fully authorized and empowered to take all
4 action necessary to comply with the requirements of the
5 National Flood Insurance Act of 1968 (Public Law 91-
6 152), as amended by the Congress of the United States
7 through the fifteenth day of February, one thousand nine
8 hundred seventy-five; that municipalities presently are

9 vested with all statutory power and authority necessary
10 in this regard; and that the purpose of this section is to
11 authorize and empower the several counties of this state
12 to comply with such requirements.

13 (b) As used in this section:

14 (1) "Act" means the National Flood Insurance Act of
15 1968 (Public Law 91-152), as amended by the Congress
16 of the United States through the fifteenth day of Febru-
17 ary, one thousand nine hundred seventy-five; and

18 (2) "Specified area or areas" means the area or areas
19 specified under such act as a floodplain or mudslide area
20 or areas within which control over construction and im-
21 provements must be exercised in order to comply with
22 such act.

23 (c) To the extent and only to the extent necessary to
24 comply with the eligibility requirements of and otherwise
25 fully and in all respects to comply with the requirements
26 of such act, the county commission of each county is
27 hereby authorized and empowered to (i) adopt, adminis-
28 ter and enforce building codes for a specified area or
29 areas within such county, which building codes may
30 establish different requirements for different specified
31 areas; (ii) require and issue building permits for all
32 proposed construction or other improvements in such
33 county: *Provided*, That nothing contained in this sub-
34 division (ii) shall authorize a county commission to
35 refuse to issue a building permit for any proposed con-
36 struction or other improvement outside of a specified area
37 or areas within such county; (iii) conduct inspections
38 of construction and other improvements in a specified
39 area or areas within such county and (iv) other-
40 wise take such action and impose such requirements
41 regarding land use and control measures in a specified
42 area or areas within such county as shall be necessary
43 under such act: *Provided*, That no such building code
44 adopted by a county commission shall apply within nor
45 any authority hereinabove granted exercised by a county
46 commission within the corporate limits of any municipi-
47 tality which has taken appropriate action to comply with
48 such act, unless and until such municipality so provides

49 by ordinance. Any such building code adopted by a coun-
50 ty commission and any other requirements imposed by
51 a county commission under the provisions of this subsec-
52 tion (c) may be enforced by injunctive action in the
53 circuit court of the county.

54 (d) The power and authority conferred upon county
55 commissions in this section is supplemental to and not in
56 derogation of any power and authority heretofore or
57 hereafter conferred by law upon county commissions.

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

James L. Davis
Chairman Senate Committee

Clarence L. Chestnut Jr
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

J. Sullivan Jr
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. B. Smith
President of the Senate

Lewis T. M. Thomas
Speaker House of Delegates

The within approved this the 25th
day of March, 1975.

Arthur A. Shaffer
Governor

PRESENTED TO THE
GOVERNOR

ate 3/20/75
ne 4:30 p.m.