WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

SENATE BILL NO. 388

(By Mr. Bussler)

PASSED March 11, 1983
In Effect ninety days from Passage
ENROLLED
Senate Bill No. 588
(By Mr. Boettner)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact section fifty, article twenty-four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to land use under preexisting ordinances; prohibited uses shall not apply outside of urban areas.

Be it enacted by the Legislature of West Virginia:

That section fifty, article twenty-four, 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 24. INTERGOVERNMENTAL RELATIONS—URBAN AND RURAL PLANNING AND ZONING.

§8-24-50. Existing uses safeguarded.

Such zoning ordinance or ordinances shall not prohibit the continuance of the use of any land, building or structure for the purpose for which such land, building or structure is used at the time such ordinance or ordinances take effect, but any alteration or addition to any land or any alteration, addition or replacement of or to any existing building or structure for the purpose of carrying on any use prohibited under the zoning rules and regulations applicable to the district may be prohibited: Provided, That no such prohibition shall apply, outside of urban areas, to alterations or additions to or replacement of buildings or structures by any farm, industry or manufacturer, or to the use of land presently owned by any farm, industry or manufacturer but not used for agricultural, industrial or manufacturing purposes, or to the
use or acquisition of additional land which may be re-
quired for the protection, continuing development or
expansion of any agricultural, industrial or manufacturing
operation or any present or future satellite agricultural,
industrial or manufacturing use. If a nonconforming use
has been abandoned, any future use of such land, build-
ing or structure shall be in conformity with the provisions
of the ordinance regulating the use in the district in
which such land, building or structure may be located:
Provided, however, That abandonment of any particular
agricultural, industrial or manufacturing process, outside
of urban areas, shall not be construed as abandonment of
agricultural, industrial or manufacturing use.

Nothing contained in this article shall be deemed to
authorize an ordinance, rule and regulation which would
prevent, outside of urban areas, the complete use and
alienation of any timber and any and all minerals, in-
cluding coal, oil and gas, by the owner or alienee thereof.
For the purpose of this section, urban area shall include
all lands or lots within the jurisdiction of a municipal
planning commission as defined in this article.
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.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 27

day of March, 1983.

Governor