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No: 588

APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

Date 3-27-83

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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# ENROLLED

SENATE BILL NO. 388

(By Mr. Boettner)

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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.**

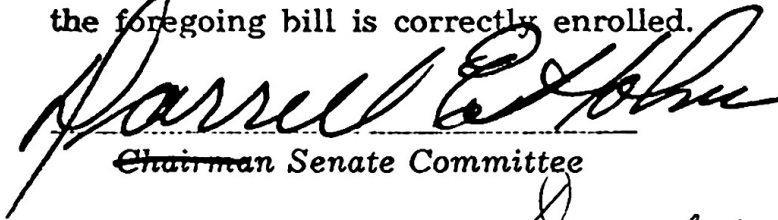
**§8-24-50. Existing uses safeguarded.**

1   Such zoning ordinance or ordinances shall not prohibit  
2   the continuance of the use of any land, building or struc-  
3   ture for the purpose for which such land, building or  
4   structure is used at the time such ordinance or ordinances  
5   take effect, but any alteration or addition to any land or  
6   any alteration, addition or replacement of or to any exist-  
7   ing building or structure for the purpose of carrying on  
8   any use prohibited under the zoning rules and regulations  
9   applicable to the district may be prohibited: *Provided,*  
10   That no such prohibition shall apply, outside of urban  
11   areas, to alterations or additions to or replacement of  
12   buildings or structures by any farm, industry or manu-  
13   facturer, or to the use of land presently owned by any  
14   farm, industry or manufacturer but not used for agri-  
15   cultural, industrial or manufacturing purposes, or to the

16 use or acquisition of additional land which may be re-  
17 quired for the protection, continuing development or  
18 expansion of any agricultural, industrial or manufacturing  
19 operation or any present or future satellite agricultural,  
20 industrial or manufacturing use. If a nonconforming use  
21 has been abandoned, any future use of such land, build-  
22 ing or structure shall be in conformity with the provisions  
23 of the ordinance regulating the use in the district in  
24 which such land, building or structure may be located:  
25 *Provided, however,* That abandonment of any particular  
26 agricultural, industrial or manufacturing process, outside  
27 of urban areas, shall not be construed as abandonment of  
28 agricultural, industrial or manufacturing use.

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

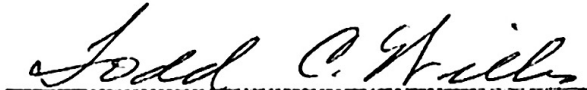
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee


  
Chairman House Committee

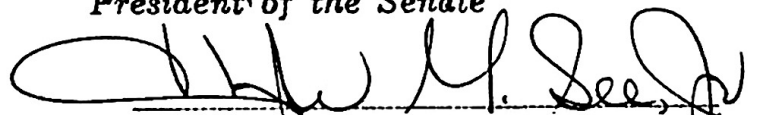
Originated in the Senate.

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 is approved this the 27  
day of March, 1983.

  
Governor

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