WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED

HOUSE BILL No. 1731

(By Mr. Dal. Albright and Del. Feinberg)

Received
Mar 13 11 44 AM '84
OFFICE OF THE GOVERNOR

Passed March 9, 1984

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 continuing the preexisting use of land for certain purposes when prohibited under zoning rules and regulations; removing the distinction between farm, industrial or manufacturing land inside or outside urban areas with regard to making improvements to the land for continuance of a preexisting use and with regard to when abandonment of a preexisting use occurs.

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. 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 structure
3 for the purpose for which such land, building or structure
4 is used at the time such ordinance or ordinances take effect,
5 but any alteration or addition to any land or any altera-
6 tion, addition or replacement of or to any existing building
7 or structure for the purpose of carrying on any use prohibited
8 under the zoning rules and regulations applicable to the district
9 may be prohibited: Provided, That no such prohibition shall
apply 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 addi-
tional land which may be required for the protection, con-
tinuing development or expansion of any agricultural, in-
dustrial 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, building 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 agri-
cultural, industrial or manufacturing process, shall not be
construed as abandonment of agricultural, industrial or manu-
factoring 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, including 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.

James L. Davis  
Chairman Senate Committee

Donald Anello  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Judd C. Hicks  
Clerk of the Senate

Donald F. Haag  
Clerk of the House of Delegates

Walter H. Milford  
President of the Senate

James M. DeWalt  
Speaker House of Delegates

The within is approved this the 30th day of March, 1984.

John D. Beyer  
Governor