WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED
COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 34

(By Senators Brackenridge, et al.)

PASSED MARCH 12, 1988
In Effect 90 days from Passage
AN ACT to amend and reenact sections two and twelve, article seventeen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to county fire boards; definitions of qualified voters; time limits on completion of petitions; and election for county fire service fees.

Be it enacted by the Legislature of West Virginia:

That sections two and twelve, article seventeen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 17. COUNTY FIRE BOARDS.

§7-17-2. Definitions.

1 As used in this article unless the context clearly indicates otherwise:

3 (1) "User" means any person to whom fire service is made available under the provisions of this article.

5 (2) "County commission" means the county commission or tribunal in lieu thereof of every county within the state of
West Virginia as provided in section nine, article nine of the constitution of the state of West Virginia.

(3) “County fire association” means an association created in §7-17-3.

(4) “County fire board” means that board created in §7-17-6.

(5) “Fire service” means an organization that provides fire prevention and fire protection to a community, the members of such an organization or the fire fighting profession as a whole.

(6) “Qualified voters” means registered voters who reside in the affected fire service district and are users or prospective users of the fire prevention and fire protection services provided by the fire service under the provisions of this article.

§7-17-12. County fire service fees; petition; election; dedication; and increase.

Every county commission which provides fire protection services has plenary power and authority to provide by ordinance for the continuance or improvement of such service, to make regulations with respect thereto and to impose by ordinance, upon the users of such services, reasonable fire service rates, fees and charges to be collected in the manner specified in the ordinance. However, before a county commission can impose by ordinance, upon the users of such service, a reasonable fire service fee, ten percent of the qualified voters shall present a petition duly signed by them in their own handwriting, and filed with the clerk of the county commission directing that the county commission impose such a fee. The county commission shall not have a lien on any property as security for payments due under the ordinance. Any ordinance enacted under the provisions of this section shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county in which the county fire board is located. In the event thirty percent of the qualified voters of the county by petition duly signed by them in their own handwriting and filed with the clerk of the county commission within forty-five days after the expiration of such publication protest against such ordinance as enacted
or amended, the ordinance may not become effective until it
is ratified by a majority of the legal votes cast thereon by the
qualified voters of such county at any primary, general or
special election as the county commission directs. Voting
thereon may not take place until after notice of the
submission has been given by publication as above
provided for the publication of the ordinance after it is
adopted. The powers and authority hereby granted to
county commissions are in addition to and supplemental to
the powers and authority otherwise granted to them by
other provisions of this code.
Any fees imposed under this article are dedicated to the
county fire board for the purposes provided in this article.
In the event the county fire board determines an increase
in any such fee imposed by this section is necessary, it shall
by resolution request the county commission for such an
increase. Procedures set forth in this section for the initial
levy of such a fee shall be followed by the county
commission in the event an increase is sought.
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 ..................this the ........................

day of ......................, 1988.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/26/88
Time 11:29 a.m.

Returned 3/23/88
per request of
Senate Clerk, Add
Millis, due to
computer error.

Second Receipt
PRESENTED TO THE
GOVERNOR
Date 3/23/88
Time 2:48 p.m.