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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

Committee Substitute for
SENATE BILL NO. 356

(By Senator Plymale)



PASSED March 11, 2000
In Effect ninety days from Passage

1210 SB 356

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WEST VIRGINIA LEGISLATURE

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 356

(SENATOR PLYMALE, *original sponsor*)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to modifying municipalities' authority to make minor boundary adjustments, and creating an exception thereto.

Be it enacted by the Legislature of West Virginia:

That section five, article six, 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 6. ANNEXATION.

PART IV. ANNEXATION BY MINOR
BOUNDARY ADJUSTMENT.

§8-6-5. Annexation by minor boundary adjustment.

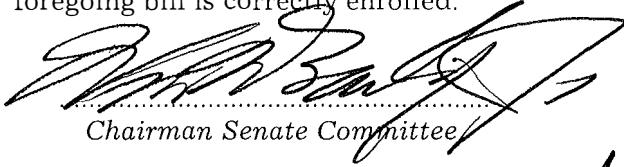
1 In the event a municipality desires to increase its
2 corporate limits by making a minor boundary adjustment,
3 the governing body of such municipality may apply to the
4 county commission of the county wherein the municipality
5 or the major portion of the territory thereof, including the
6 territory to be annexed, is located for permission to effect
7 such annexation by minor boundary adjustment. A minor
8 boundary adjustment shall not permit a municipality to
9 incorporate territory that consists solely of a public
10 highway unless a freeholder is included: *Provided*, That a
11 public highway may be annexed by minor boundary
12 adjustment for the purpose of providing utilities. Such
13 application shall disclose the number of persons residing
14 in the territory to be annexed to the corporate limits by the
15 proposed change and shall have attached thereto an
16 accurate map showing the metes and bounds of such
17 additional territory.

18 If satisfied that the proposed annexation is only a minor
19 boundary adjustment, the county commission shall order
20 publication of a notice of the proposed annexation to the
21 corporate limits and of the date and time set by the
22 commission for a hearing on such proposal. Publication
23 shall be as in the case of an order calling for an election, as
24 set forth in section two of this article. A like notice shall
25 be prominently posted at not less than five public places
26 within the area proposed to be annexed.

27 If the freeholders of the area proposed to be annexed
28 who are present or are represented at the hearing are not
29 substantially opposed to the proposed boundary change,
30 the commission may enter an order changing the corporate

31 limits of the municipality as requested, which order may
32 be reviewed by the circuit court as an order of a county
33 commission ordering an election may be reviewed under
34 section sixteen, article five of this chapter. After the date
35 of such order, the corporate limits of the municipality shall
36 be as set forth therein, unless judicial review is sought
37 under the provisions of said section sixteen. If the pro-
38 posed change is substantially opposed at the hearing by
39 any such freeholder, the commission shall dismiss the
40 application. Dismissal of any such application shall not
41 preclude proceedings in accordance with the provisions of
42 sections two and three or section four of this article. The
43 municipality shall pay the costs of all proceedings under
44 this section.

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.

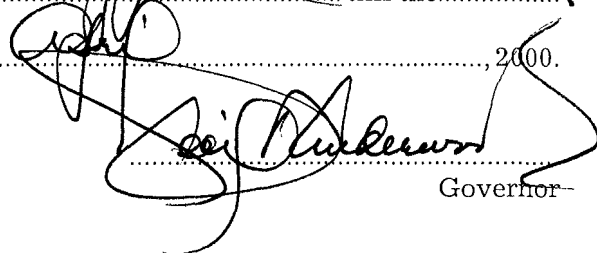
In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within..... *disapproved* this the *5th*
Day of..... *Jan* 2000.

.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/02

Time 3:10 pm