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OFFICE WEST VIRGINIA
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WEST VIRGINIA LEGISLATURE

Regular Session, 2001



ENROLLED

Committee Substitute for

SENATE BILL NO. 200

(By Senator Snyder, et al)



PASSED April 19, 2001

In Effect July 1, 2001 **Passage**

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 200

(SENATORS SNYDER, BURNETTE, OLIVERIO, ROSS, DEEM AND
MCKENZIE, *original sponsors*)

[Passed April 13, 2001; to take effect July 1, 2001.]

AN ACT to amend and reenact section one, article two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the creation of a new municipality; establishing the requirements for creation of a new municipality; prohibiting creation of a new municipality from an incorporated area; establishing population density requirements; prohibiting incorporation of an area that is disproportionate to the number of inhabitants; requiring proponents of new municipality to provide the county commission with certain information, including a detailed map of the area, plans for providing municipal services and impact of incorporation on fire protection and insurance rates; prohibiting incorporation of new municipality if it would be in close proximity to an existing municipal-

ity and the existing municipality is capable of more effectively or efficiently providing services to the area; prohibiting incorporation of a new municipality if it is not in the best interest of the county as a whole; and providing that it is within the discretion of the county commission, based on certain criteria, to determine the area to be included or excluded in the new municipality.

Be it enacted by the Legislature of West Virginia:

That section one, article two, 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 2. CREATION OF MUNICIPALITIES.

PART I. GENERAL.

§8-2-1. Requirements for incorporation; size and character of territory; population.

1 (a) Any part of a county or counties may be incorporated
2 as a city, depending upon the population, either as a Class
3 I, Class II or Class III city, or as a Class IV town or village,
4 as classified in section three, article one of this chapter if
5 the area proposed for incorporation meets the following
6 conditions:

7 (1) The area is not currently within any municipality
8 urban in character;

9 (2) For areas that are more than one square mile there
10 must be an average of not less than five hundred inhabit-
11 ants or freeholders per square mile;

12 (3) For areas less than one square mile there must be at
13 least one hundred inhabitants or freeholders;

14 (4) The total area to be incorporated must not include an
15 amount of territory disproportionate to its number of
16 inhabitants; and

17 (5) The proponents of incorporation shall provide to the
18 county commission a proposal which shall include:

19 (A) A map or maps of the area to be incorporated
20 showing the following information:

21 (i) The present boundaries of nearby municipalities and
22 the proposed boundaries of the area to be incorporated;
23 and

24 (ii) The proposed extensions of water mains and sewer
25 outfalls to serve the incorporated area, if such utilities are
26 to be operated by the municipality. The water and sewer
27 map must bear the seal of a registered professional engi-
28 neer or a licensed surveyor.

29 (B) A statement that the area to be incorporated meets
30 the applicable requirements of this article.

31 (C) A statement setting forth the plans of the proposed
32 municipality for providing to the area to be incorporated
33 each major municipal service and whether the service will
34 be provided by the municipality or by contract with a
35 public or private entity. The plan shall:

36 (i) Provide for police protection, fire protection, solid
37 waste collection, public water and sewer services and
38 street maintenance services to the area to be incorporated
39 on the date of incorporation;

40 (ii) A statement of the impact of the incorporation on
41 any rural fire department providing service in the area to
42 be incorporated and a statement of the impact of the
43 incorporation on fire protection and fire insurance rates in
44 the area to be incorporated; and

45 (iii) A statement showing how the proposed incorpora-
46 tion will affect the proposed municipalities finances and
47 services.

48 (b) The creation of any new municipality is prohibited if:

49 (1) The area to be incorporated is within close proximity
50 to an existing municipality and the existing municipality
51 is capable of more effectively and efficiently providing
52 services to the area; or

53 (2) The creation of a new municipality is not in the best
54 interest of the county as a whole.

55 (c) It is within the reasonable discretion of the county
56 commission to determine the exact area or portions thereof
57 to be included or excluded in the new municipality,
58 considering the following:

59 (1) The topography of the area;

60 (2) The benefits of incorporation;

61 (3) The amount of uninhabited land required for parks
62 and recreational use; and

63 (4) Normal growth and development and the present and
64 possible future uses so as to prevent hardships and inequi-
65 ties.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2001.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *27th*
Day of *April* , 2001.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

4/25/01

Time

5:15 pm