WEST VIRGINIA LEGISLATURE
Regular Session, 2002

ENROLLED

SENATE BILL NO. 171

(By Senator Snyder)

PASSED March 9, 2002

In Effect ninety days from Passage
AN ACT to amend and reenact section forty-eight, article twenty-four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing a county commission or the governing body of a municipality to place a proposed zoning ordinance before the voters for approval or rejection.

Be it enacted by the Legislature of West Virginia:

That section forty-eight, 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.

PART XII. Same – Election on Zoning Ordinance.

§8-24-48. Election on zoning ordinance; form of ballots or ballot labels; procedure.
(a) The governing body of a municipality or the county commission may submit a proposed zoning ordinance to the qualified voters residing within the jurisdiction of that governing body for approval or rejection at any regular primary election, general election or special election. Notice of the election shall be provided and the ballots shall be printed as set forth in subsection (c) of this section. The zoning ordinance shall be adopted if it is approved by a majority of the legal votes cast thereon in that jurisdiction. When a zoning ordinance has been rejected, the governing body of the municipality or county commission may not submit that zoning ordinance to the voters again until the next primary or general election.

(b) If, within sixty days following adoption of the zoning ordinance by the governing body of the municipality or by the county commission in which the zoning ordinance was not submitted to the voters, a petition is filed with the recorder or the clerk of the county commission praying for submission of such zoning ordinance for approval or rejection to the qualified voters residing in the area within the jurisdiction of the municipal or county planning commission, the ordinance shall not take effect until the same is approved by a majority of the legal votes cast thereon at any regular primary or general election or special election called for that purpose. The petition may be in any number of counterparts but must be signed in their own handwriting by a number of qualified voters residing in the area affected by the proposed zoning equal, notwithstanding the provisions of subdivision (10), subsection (b), section two, article one of this chapter, to not less than fifteen percent of the total legal votes cast in the affected area for all candidates for governor at the last preceding general election at which a governor was elected. Only qualified voters residing in the area affected by the proposed ordinance shall be eligible to vote with respect thereto.
(c) Upon the ballots, or ballot labels where voting machines are used, there shall be written or printed the following:

☐ For Zoning

☐ Against Zoning

(d) If a majority of the legal votes cast upon the question be for zoning, the provisions of said zoning ordinance shall, upon the date the results of an election are declared, be effective. If a majority of the legal votes cast upon the question be against zoning, the zoning ordinance shall not take effect but the question may again be submitted to a vote at any regular primary or general election in the manner herein provided.

(e) Subject to the provisions of subsection (d) of this section, voting upon the question of zoning may be conducted at any regular primary or general election or special election as the governing body of the municipality or the county commission in its order submitting the same to a vote may designate.

(f) Notice of all elections at which the question of zoning is to be voted upon shall be given by publication of the order calling for a vote on the question as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for the publication shall be the area in which voting on the question of zoning is to be conducted.

(g) Any election at which the question of zoning is voted upon is held at the voting precincts established for holding primary or general elections. All of the provisions of the general election laws of this state concerning primary, general or special elections, when not in conflict with the provisions of this article, shall apply to voting and elections hereunder, insofar as practicable.
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 day of , 2002.

Governor
PRESENTED TO THE
GOVERNOR
Date, 3/19/02.
Time, 3:05.