

HB 4034

FILED

2010 MAR 31 PM 4: 53

WEST VIRGINIA  
OFFICE OF THE CLERK OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2010



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4034**

(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)  
[By Request of the Executive]



Passed March 12, 2010

In Effect Ninety Days From Passage

# ENROLLED

COMMITTEE SUBSTITUTE

FOR

## H. B. 4034

(BY MR. SPEAKER, MR. THOMPSON, AND DELEGATE ARMSTEAD)  
[BY REQUEST OF THE EXECUTIVE]

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[Passed March 12, 2010; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-16c, relating to authorizing any municipality to enact by ordinance a vacant building registration program; authorizing the assessment and collection of registration fees; authorizing exemptions of certain vacant properties; authorizing establishing a lien and assessment of civil penalties; authorizing an ordinance on notice to out of state owners; requiring certain procedures for administration and enforcement and appeal; and providing for a special account and specifying uses of monies received from fees assessed.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §8-12-16c, to read as follows:

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WEST VIRGINIA  
SECRETARY OF STATE

**ARTICLE 12. GENERAL AND SPECIFIC POWERS,  
DUTIES AND ALLIED RELATIONS  
OF MUNICIPALITIES, GOVERNING  
BODIES AND MUNICIPAL OFFICERS  
AND EMPLOYEES; SUITS AGAINST  
MUNICIPALITIES.**

**§8-12-16c. Registration of vacant buildings; registration fees;  
procedures for administration and enforcement.**

1 (a) The governing body of a municipality shall have  
2 plenary power and authority to establish by ordinance a  
3 vacant building registration program. For purposes of this  
4 section, the term “vacant building” means a building or other  
5 structure that is unoccupied, or unsecured and occupied by  
6 one or more unauthorized persons for an amount of time as  
7 determined by the ordinance: *Provided*, That a new building  
8 under construction or a building that by definition is  
9 exempted by ordinance of the municipality, is not deemed a  
10 vacant building: *Provided, however*, that the governing body  
11 of a municipality, shall on a case by case basis, upon request  
12 by the property owner, exempt a vacant building from  
13 registration upon a finding for good cause shown that the  
14 person will be unable to occupy the building for a  
15 determinant period of time.

16 (b) An owner of real property subject to registration may  
17 be charged a fee or fees as provided by ordinance. The  
18 ordinance shall provide administrative procedures for the  
19 administration and enforcement of registration and payment  
20 and collection of registration fees.

21 (c) The ordinance may require that when the owner of the  
22 vacant building resides outside of the state that the owner  
23 provide the name and address of a person who resides within  
24 the state who is authorized to accept service of process and

25 notices of fees due under this section on behalf of the owner  
26 and who is designated as a responsible, local party or agent  
27 for the purposes of notification in the event of an emergency  
28 affecting the public health, safety or welfare.

29 (d) The ordinance may authorize the municipality to  
30 institute a civil action against the property owner and/or file  
31 a lien on real property; for unpaid and delinquent vacant  
32 building registration fees. Before any lien is filed, the  
33 municipality shall give notice to the property owner or  
34 owner's agent, by certified mail, return receipt requested, that  
35 the municipality will file the lien unless the delinquent fees  
36 are paid by a date stated in the notice, which must be no less  
37 than thirty days from the date the notice is received by the  
38 owner or the owner's agent, which shall be the date of  
39 delivery shown on the signed certified mail return receipt  
40 card. The ordinance may provide for alternative means of  
41 service when service cannot be obtained by certified mail.

42 (e) The ordinance shall permit a property owner to  
43 challenge any determination made pursuant to the ordinance.  
44 The administrative procedures adopted pursuant to the  
45 ordinance shall include the right to appeal to the circuit court  
46 of the county in which the property is located.

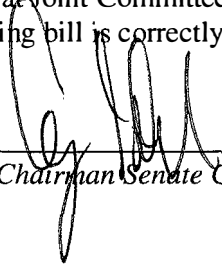
47 (f) The governing body of a municipality shall deposit the  
48 fee into a separate account, which shall be used to:

49 (1) Improve public safety efforts, especially for police  
50 and fire personnel, who most often contend with the  
51 dangerous situations manifested in vacant properties;

52 (2) Monitor and administer this section; and

53 (3) Repair, close or demolish a vacant structure as  
54 authorized by section sixteen, article twelve, chapter eight.

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

  
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Chairman Senate Committee

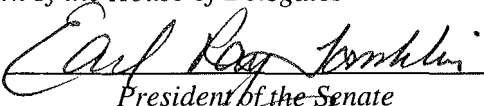
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage.

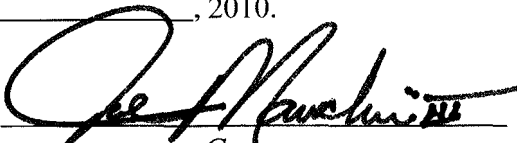
  
\_\_\_\_\_  
Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 3/8<sup>th</sup>  
day of March, 2010.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 30 2010

Time 10:30am