WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 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:
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.

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

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

(c) The ordinance may require that when the owner of the vacant building resides outside of the state that the owner provide the name and address of a person who resides within the state who is authorized to accept service of process and
notices of fees due under this section on behalf of the owner
and who is designated as a responsible, local party or agent
for the purposes of notification in the event of an emergency
affecting the public health, safety or welfare.

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

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

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

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

(2) Monitor and administer this section; and

(3) Repair, close or demolish a vacant structure as
authorized by section sixteen, article twelve, chapter eight.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 31st day of March, 2010.

Governor
PRESENTED TO THE GOVERNOR

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Time 10:30 AM