

0
1/2/95

FILED

2002 APR -3 P 8:35

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2002

ENROLLED

SENATE BILL NO. 171

(By Senator Snyder)

PASSED March 9, 2002

In Effect ninety days from Passage

FILED

2002 APR -3 P 8:35

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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.

1 (a) The governing body of a municipality or the county
2 commission may submit a proposed zoning ordinance to
3 the qualified voters residing within the jurisdiction of that
4 governing body for approval or rejection at any regular
5 primary election, general election or special election.
6 Notice of the election shall be provided and the ballots
7 shall be printed as set forth in subsection (c) of this
8 section. The zoning ordinance shall be adopted if it is
9 approved by a majority of the legal votes cast thereon in
10 that jurisdiction. When a zoning ordinance has been
11 rejected, the governing body of the municipality or county
12 commission may not submit that zoning ordinance to the
13 voters again until the next primary or general election.

14 (b) If, within sixty days following adoption of the zoning
15 ordinance by the governing body of the municipality or by
16 the county commission in which the zoning ordinance was
17 not submitted to the voters, a petition is filed with the
18 recorder or the clerk of the county commission praying for
19 submission of such zoning ordinance for approval or
20 rejection to the qualified voters residing in the area within
21 the jurisdiction of the municipal or county planning
22 commission, the ordinance shall not take effect until the
23 same is approved by a majority of the legal votes cast
24 thereon at any regular primary or general election or
25 special election called for that purpose. The petition may
26 be in any number of counterparts but must be signed in
27 their own handwriting by a number of qualified voters
28 residing in the area affected by the proposed zoning equal,
29 notwithstanding the provisions of subdivision (10), subsec-
30 tion (b), section two, article one of this chapter, to not less
31 than fifteen percent of the total legal votes cast in the
32 affected area for all candidates for governor at the last
33 preceding general election at which a governor was
34 elected. Only qualified voters residing in the area affected
35 by the proposed ordinance shall be eligible to vote with
36 respect thereto.

37 (c) Upon the ballots, or ballot labels where voting
38 machines are used, there shall be written or printed the
39 following:

40 For Zoning

41 Against Zoning

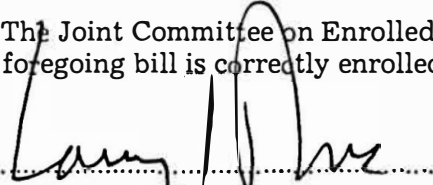
42 (d) If a majority of the legal votes cast upon the question
43 be for zoning, the provisions of said zoning ordinance
44 shall, upon the date the results of an election are declared,
45 be effective. If a majority of the legal votes cast upon the
46 question be against zoning, the zoning ordinance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

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

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

63 (g) Any election at which the question of zoning is voted
64 upon is held at the voting precincts established for holding
65 primary or general elections. All of the provisions of the
66 general election laws of this state concerning primary,
67 general or special elections, when not in conflict with the
68 provisions of this article, shall apply to voting and elec-
69 tions hereunder, insofar as practicable.

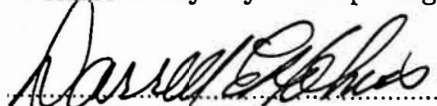
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

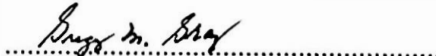

.....
Chairman Senate Committee

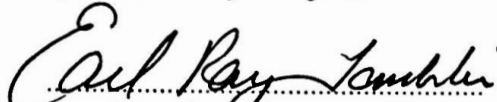

.....
Chairman House Committee

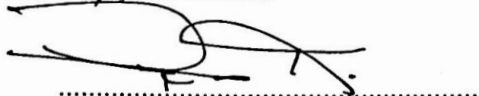
Originated in the Senate.

In effect ninety days from passage.

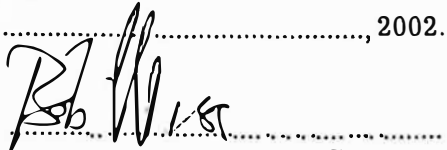

.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within is approved this the 2nd
Day of April, 2002.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/02

Time 3:05pm