

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 182**

By Senator Helton

[Introduced January 14, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §8-6-5 of the Code of West Virginia, 1931, as amended, relating to  
2 annexation by minor boundary adjustment.

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

**ARTICLE 6. ANNEXATION.**

**§8-6-5. Annexation by minor boundary adjustment.**

1 (a) If a municipality desires to increase its corporate limits by making a minor boundary  
2 adjustment, the governing body of the municipality may apply to the county commission of the  
3 county wherein the municipality or the major portion of the territory thereof, including the territory to  
4 be annexed, is located for permission to effect annexation by minor boundary adjustment. The  
5 municipality shall pay the costs of all proceedings before the commission: *Provided*, That:

6 (1) A minor boundary adjustment may not exceed 105 percent of the existing total  
7 municipal boundary; and

8 (2) A minor boundary adjustment may not exceed 120 percent of the current area of the  
9 municipality. and

10 ~~(3) A minor boundary adjustment made in this manner is limited to one boundary  
11 annexation within a two-year period, regardless of subdivisions (1) and (2) of this subsection.~~

12 (b) In addition to any other annexation configuration, a municipality may incorporate by  
13 minor boundary adjustment: (i) Territory that consists of a street or highway as defined in §17C-1-  
14 35 of this code and one or more freeholders; or (ii) territory that consists of a street or highway as  
15 defined in §17C-1-35 of this code which does not include a freeholder, but which is necessary for  
16 the provision of emergency services in the territory being annexed.

17 (c) A county commission may develop a form application for annexation for minor  
18 boundary adjustment. An application for annexation by minor boundary adjustment shall include,  
19 but not be limited to:

20 (1) The number of businesses located in and persons residing in the additional territory;  
21 (2) An affidavit of each business located in, each person residing in, and each freeholder of

22 the additional territory stating that he, she, or it has consented to be included in the annexation, in  
23 such form as the county commission deems sufficient. If the municipality cannot obtain an affidavit  
24 from a business, resident, or freeholder within 90 days after sending the affidavit form and a letter  
25 explaining the purpose of the affidavit via certified mail, return receipt requested, to the best  
26 available address for the business, resident, or freeholder, such business, resident, or freeholder  
27 shall be considered to have consented to the annexation;

28 (3) An accurate map showing the metes and bounds of the additional territory;

29 (4) A statement setting forth the municipality's plan for providing the additional territory with  
30 all applicable public services such as police and fire protection, solid waste collection, public water  
31 and sewer services, and street maintenance services, including to what extent the public services  
32 are or will be provided by a private solid waste collection service or a public service district;

33 (5) A statement of the impact of the annexation on any private solid waste collection  
34 service or public service district currently doing business in the territory proposed for annexation in  
35 the event the municipality should choose not to utilize the current service providers;

36 (6) A statement of the impact of the annexation on fire protection and fire insurance rates in  
37 the territory proposed for annexation;

38 (7) A statement of how the proposed annexation will affect the municipality's finances and  
39 services; and

40 (8) A statement that the proposed annexation meets the requirements of this section.

41 (d) Upon receipt of a complete application for annexation by minor boundary adjustment,  
42 the county commission shall determine whether the application meets the threshold requirements  
43 for consideration as a minor boundary adjustment including whether the annexation could be  
44 efficiently and cost effectively accomplished under §8-6-2 or §8-6-4 of this code. If the county  
45 commission determines that the annexation could be cost effectively and efficiently accomplished  
46 under §8-6-2 or §8-6-4 of this code, that the application lacks sufficient evidence that all affected  
47 parties of the additional territory consent to the annexation, or that the application otherwise fails to

48 meet the threshold requirements for consideration as a minor boundary adjustment, it shall enter  
49 an order denying the application, which order shall include the reasons upon which it is based.

50 (e) If the application meets the threshold requirements, the county commission shall order  
51 publication of a notice of the proposed annexation to the corporate limits and of the date and time  
52 set by the commission for a hearing on the proposal. Publication shall be as in the case of an order  
53 calling for an election, as set forth in §8-6-2 of this code. A like notice shall be prominently posted  
54 at not less than five public places within the area proposed to be annexed.

55 (f) In making its final decision on an application for annexation by minor boundary  
56 adjustment, the county commission shall, at a minimum, consider the following factors:

57 (1) Whether the territory proposed for annexation is contiguous to the corporate limits of  
58 the municipality. For purposes of this section, "contiguous" means that at the time the application  
59 for annexation is submitted, the territory proposed for annexation either abuts directly on the  
60 municipal boundary or is separated from the municipal boundary by an unincorporated street or  
61 highway, or street or highway right-of-way, a creek or river, or the right-of-way of a railroad or other  
62 public service corporation, or lands owned by the state or the federal government;

63 (2) Whether the proposed annexation is limited solely to a Division of Highways right-of-  
64 way or whether the Division of Highways holds title to the property in fee;

65 (3) Whether affected parties of the territory to be annexed oppose or support the proposed  
66 annexation. For purposes of this section, "affected parties" means freeholders, firms,  
67 corporations, and qualified voters in the territory proposed for annexation and in the municipality,  
68 and a freeholder whose property abuts a street or highway, as defined in §17C-1-35 of this code,  
69 when: (i) The street or highway is being annexed to provide emergency services; or (ii) the  
70 annexation includes one or more freeholders at the end of the street or highway proposed for  
71 annexation;

72 (4) Whether the proposed annexation consists of a street or highway as defined in §17C-1-  
73 35 of this code and one or more freeholders;

74 (5) Whether the proposed annexation consists of a street or highway as defined in §17C-1-  
75 35 of this code which does not include a freeholder, but which is necessary for the provision of  
76 emergency services in the territory being annexed;

77 (6) Whether another municipality has made application to annex the same or substantially  
78 the same territory; and

79 (7) Whether the proposed annexation is in the best interest of the county as a whole.

80 (g) If the county commission denies the application for annexation by minor boundary  
81 adjustment, the commission may allow the municipality to modify the proposed annexation to  
82 meet the commissions objections. The commission must order another public hearing if significant  
83 modifications are proposed.

84 (h) The final order of the commission shall include the reasons for the grant or denial of the  
85 application.

86 (i) The municipality applying for annexation or any affected party may appeal the  
87 commission's final order to the circuit court of the county in which the municipality or the major  
88 portion thereof, including the area proposed to be annexed, is located. The county commission  
89 may participate in any appeal taken from its order in the same manner and to the same extent as a  
90 party to the appeal. The order may be reviewed by the circuit court as an order of a county  
91 commission ordering an election may be reviewed under §8-5-16 of this code.

92 (j) If the final order of the county commission is a denial of the application for annexation,  
93 the municipality may appeal as set forth in this section, but the municipality may not present the  
94 commission with another application for annexation relating to the same proposed change or any  
95 part thereof for a period of two years after issuance of the final order of the commission, unless  
96 such application is directed by the circuit court as the result of an appeal.

NOTE: The purpose of this bill relates to annexation by minor boundary adjustment.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.