

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 253**

BY SENATORS TRUMP AND WOELFEL

[Introduced January 13, 2016;

Referred to the Committee on Government  
Organization.]



1 A BILL to amend the Code of West Virginia, 1931, as amended by adding thereto a new section,  
2 designated §8A-7-14, relating to exempting drug treatment facilities and drug recovery  
3 facilities from provisions of any county or municipal zoning ordinance.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §8A-7-14, to read as follows:

**ARTICLE 7. ZONING ORDINANCE.**

**§8A-7-14. Drug treatment and recovery facilities exempted from the provisions of county  
and municipal zoning ordinances.**

1 (a) Findings. — The Legislature finds that there is an urgent need for drug treatment and  
2 drug recovery programs and facilities in the State of West Virginia. The Legislature finds that the  
3 crisis is of such urgency that political subdivisions of the State of West Virginia should be  
4 encouraged to participate in crafting and implementing solutions to the drug problem now  
5 ravaging citizens of this state. The Legislature is aware of efforts undertaken already by some of  
6 the political subdivisions of this state to address the drug problem in West Virginia.

7 (b) Purpose. — The purpose of this enactment is to facilitate and expedite the creation  
8 and operation by the State of West Virginia, and by its political subdivisions, of drug treatment  
9 and drug recovery programs and facilities in this state, by removing legal barriers and obstacles  
10 to their creation and operation.

11 (c) Zoning Exemption. — Upon the effective date of this enactment, any drug treatment  
12 facility or drug recovery facility that is owned or operated by the State of West Virginia, or owned  
13 or operated by any of the political subdivisions of this state, shall be completely exempt from the  
14 provisions of any county or municipal zoning ordinance adopted in or for the jurisdiction in which  
15 the facility is located, or to be located.

16 (d) Preemption of Existing Zoning Ordinances. — To the extent that any county or  
17 municipal zoning ordinance in effect at the time of the enactment of this section is inconsistent

- 18 with the provisions of this section, the ordinance is hereby preempted, and such ordinance is  
19 deemed to include the zoning exemption set forth herein.

NOTE: The purpose of this bill is to exempt drug treatment facilities and drug recovery facilities from the provisions of any county or municipal zoning ordinance.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.