

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5657

FISCAL
NOTE

By Delegate Rowe

[Introduced February 13, 2024; Referred to the
Committee on Political Subdivisions then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §7-2-9; and to amend and reenact §8-1-3 of said code, all relating to allowing
 3 county commissions to designate certain distinct residential communities as villages;
 4 allowing the Division of Highways to affix signs that designate these communities as
 5 villages; and ensuring that current tax code is not affected by any classification of a
 6 community as a village for symbolic or tourism purposes.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

**ARTICLE 2. COUNTY AND DISTRICT BOUNDARIES; CHANGE OF COUNTY SEAT
AND NAMES OF UNINCORPORATED TOWNS AND OF DISTRICTS.**

§7-2-9. Classification of villages by vote of county commission.

1 (a) Upon a vote by a county commission, communities may designate themselves as a
 2 "village" for symbolic or tourism purposes.

3 (b) This classification of a village by a county commission shall be for those distinct
 4 residential communities that are traditionally identified by a single name as a separate community
 5 or town without being incorporated and remain a part of the county.

6 (c) The Division of Highways, upon request by the county commission, may erect signs
 7 indicating the boundaries of such villages on roadways and bridges.

8 (d) Such a designation of a community as a "village" shall have no bearing on the
 9 classification of municipal corporations as otherwise set forth in §8-1-3 of this code for tax
 10 purposes.

CHAPTER 8. MUNICIPAL CORPORATIONS.

**ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS; GENERAL PROVISIONS;
CONSTRUCTION.**

PART III. GENERAL PROVISIONS.

§8-1-3. Classification of municipal corporations.

1 Pursuant to the mandate of the "Municipal Home Rule Amendment" to the Constitution of
2 this state, all municipal corporations are hereby classified by population into four classes, as
3 follows:

4 (1) Every municipal corporation with a population in excess of fifty thousand shall be a
5 Class I city;

6 (2) Every municipal corporation with a population in excess of ten thousand but not in
7 excess of fifty thousand shall be a Class II city;

8 (3) Every municipal corporation with a population in excess of two thousand but not in
9 excess of ten thousand shall be a Class III city; and

10 (4) Every municipal corporation with a population of two thousand or less shall be a Class
11 IV town or village, notwithstanding any villages created pursuant to §7-2-9 of this code.

12 Transition from one to another class shall occur automatically when the requisite
13 population qualification has been met, effective as of the effective date of the census, as specified
14 in section four of this article.

15 The Legislature hereby declares its interpretation of the said "Municipal Home Rule
16 Amendment" to be that a single classification by population of municipal corporations in this state
17 is required which shall exclude any other classification of municipal corporations by population for
18 any purpose. It is, therefore, the intention of the Legislature that the classification established in
19 this section shall give effect to the Constitutional mandate and shall be the only classification by
20 population applying to municipal corporations in this state. It is the further intention of the
21 Legislature that subsequent legislation affecting municipal corporations in this state shall treat
22 municipal corporations differently upon the basis of population, only in accordance with the
23 general classification established in this section.

NOTE: The purpose of this bill is to allow county commissions to designate certain distinct

residential communities as villages. The bill does not interfere with the existing classification of villages for tax purposes.

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