

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Enrolled**

### **Senate Bill 872**

By Senators Barrett, Woodrum, Hamilton, Jeffries,  
Maroney, Phillips, Queen, Smith, Stuart, Swope, and  
Weld

[Passed March 9, 2024; in effect from passage]

1 AN ACT to amend and reenact §7-17-12 of the Code of West Virginia, 1931, as amended, relating  
2 to county fire service fees; expanding authority of county commission after receipt of  
3 resolution from county fire board; and providing for amendment of fire fee by ballot  
4 referendum upon county commission determination that amendment of fee is necessary.

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

**ARTICLE 17. COUNTY FIRE BOARDS.**

**§7-17-12. County fire service fees; petition; election; dedication; and amendment.**

1 (a) Every county commission which provides fire protection services has plenary power  
2 and authority to provide by ordinance for the continuance or improvement of such service, to make  
3 regulations with respect thereto, and to impose by ordinance, upon the users of such services,  
4 reasonable fire service rates, fees, and charges to be collected in the manner specified in the  
5 ordinance.

6 (b) Any fees imposed under this article are dedicated to the county fire board for the  
7 purposes provided in this article.

8 (c) A county commission can impose by ordinance, upon the users of such service, a  
9 reasonable fire service fee, by one of two methods:

10 (1) Ten percent of the qualified voters shall present a petition duly signed by them in their  
11 own handwriting, and filed with the clerk of the county commission, directing that the county  
12 commission impose such a fee. The county commission shall not have a lien on any property as  
13 security for payments due under the ordinance. Any ordinance enacted under the provisions of  
14 this section shall be published as a Class II legal advertisement in compliance with the provisions  
15 of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county in  
16 which the county fire board is located. In the event 30 percent of the qualified voters of the county  
17 by petition duly signed by them in their own handwriting and filed with the clerk of the county  
18 commission within 45 days after the expiration of such publication protest against such ordinance  
19 as enacted or amended, the ordinance may not become effective until it is ratified by a majority of

20 the legal votes cast thereon by the qualified voters of such county at any primary or general  
21 election as the county commission directs. Voting thereon may not take place until after notice of  
22 the submission has been given by publication as above provided for the publication of the  
23 ordinance after it is adopted. The powers and authority hereby granted to county commissions are  
24 in addition to and supplemental to the powers and authority otherwise granted to them by other  
25 provisions of this code; or

26 (2) If the county fire board determines an amendment in the fee imposed in subsection (a)  
27 of this article is necessary, it may, by resolution, request the county commission for such a change.  
28 Upon receipt of the resolution from the county fire board, the county commission may take such  
29 action on the resolution as, in the sole exercise of its discretion, the commission determines is  
30 appropriate, including, but not limited to, rejection thereof. If the county commission agrees that an  
31 amendment of the fee is necessary, it shall, by ballot referendum, amend the ordinance imposing a  
32 fire fee and adopt the changes in the fee it has determined is necessary.

33 (A) This referendum, to determine whether it is the will of the voters of a county that an  
34 amendment to the fire fee is necessary, may be held at any regular primary or general election, or,  
35 in conjunction with any other countywide election. Any election at which the question of amending  
36 the fire fee is voted upon shall be held at the voting precincts established for holding primary or  
37 general elections. All of the provisions of the election laws, when not in conflict with the provisions  
38 of this article, shall apply to voting and elections hereunder, insofar as practicable. The county  
39 commission shall, not less than 90 days before the election, order that the issue be placed on the  
40 ballot and referendum held at the next primary or general election to determine whether it is the will  
41 of the voters of the county that a fire fee be amended: *Provided*, That prior to issuing the order, the  
42 county commission shall publish the ordinance which must contain the anticipated allocation of  
43 any fees or charges and which would be enacted should the referendum succeed as a Class II  
44 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the  
45 publication area for such publication shall be the county in which the county fire board is located.

46 (B) The ballot, or the ballot labels where voting machines are used, shall have printed  
47 thereon substantially the following:

48 "Shall the county commission be permitted to amend the fire fee in \_\_\_\_\_ County,  
49 West Virginia?

50  For the fee amendment.

51  Against the fee amendment.

52 (Place a cross mark in the square opposite your choice.)"

53 (C) If a majority of legal votes cast upon the question be for the fire fee amendment, the  
54 county commission shall, after the certification of the results of the referendum, thereafter adopt  
55 an ordinance, within 60 days of certification, establishing the fire fee amendment in the county:  
56 *Provided*, That such program shall be implemented and operational no later than 12 months  
57 following certification. If a majority of the legal votes cast upon the question be against the fire fee  
58 amendment, then the policy shall not take effect, but the question may again be submitted to a  
59 referendum at any subsequent election in the manner herein provided.

60 (d) In the event that a majority of the votes cast upon a question submitted pursuant to this  
61 section at any primary election be against the question, the question may again be submitted to  
62 the voters at the next succeeding general election.