

**STUDY OF LOCAL GOVERNMENT
INTERIM REPORT
OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL**

**REPORTED TO
THE GOVERNOR
AND
GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 17

**COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1977**

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Chairman of the Commission on City-County Relationships

ACKNOWLEDGMENTS

Members of the Council and the Committee Studying Local Government acknowledge the most valued assistance rendered to them in the conduct of the study by personnel of the Virginia Association of Counties, and the Virginia Municipal League. Members of the Council and the Committee also wish to acknowledge the aid given to them by many departments of the Commonwealth of Virginia, especially personnel of the Department of Education, Department of Health, Department of Taxation, and the Office of the Auditor of Public Accounts.

**INTERIM REPORT
OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
ON
STUDY OF LOCAL GOVERNMENT
UNDER HOUSE JOINT RESOLUTION NO. 135¹**

Richmond, Virginia

January, 1977

TO: Honorable Mills E. Godwin, Jr., Governor of Virginia
and
The General Assembly

“It has long been understood by practioners of disciplines other than the law that simplicity marks the master. Simplicity walks hand in hand with high seriousness, not as a child better left behind, but as the very herald of large intention and great accomplishment.”²

American Bar Association Journal

The Committee, appointed by the Virginia Advisory Legislative Council (VALC) to conduct this study, has striven to achieve simplicity through standardization. It recommends that statutes pertaining to local government, to the extent permitted or feasible, be made available for use by counties, cities and towns alike. It further recommends that present forms of optional county government be repealed and be replaced by two forms that are available to both counties and cities. Such dual use of optional forms of government by counties and cities would implement provisions found in the Constitution adopted in 1971 which provide for optional forms of government for cities as well as counties. The Committee stated in its interim report last year, “An analysis of the various forms of optional county government reveals that their major provisions revolve around the establishment of, and powers and duties of, the county administrative officer, the office of treasurer, the office of commissioner of revenue and the school board.” The Committee’s proposed forms of optional government require only the continual employment of a chief administrative officer. Under one form the governing body appoints officers and employees in the administrative service of the locality upon the

recommendations of its chief administrative officer, except as the governing body may authorize the head of a department to appoint subordinates therein. This provision or a similar one presently is found in most town charters. Under the other form of optional government the chief administrative officer appoints officers and employees in the administrative service of the locality except as he may authorize the head of a department responsible to him to appoint subordinates therein. This provision, or one similar, is found presently in the charters of most cities. Some of the present forms of optional governments for counties also provide for the same or similar treatment of the appointive powers as those in the Committee's two proposed forms. The elimination of the elected Constitutional offices of treasurer and commissioner of revenue are provided for by referendum as is the elimination of the school trustee electoral board. The Committee is aware that present law provides for a referendum on the question of elimination of school trustee electoral boards.

The Committee believes through use of the above-mentioned referendums and changes in statutory law that it proposes local government can be shaped into a configuration most suitable to its electorate.

The Committee, chaired by the Honorable Lewis A. McMurrin, Jr., has been in existence nearly three years and during this period it has issued two prior interim reports.³ The legislation, or repeal of legislation, proposed in these reports has been enacted. The changes that are proposed now in Title 15.1 of the Code of Virginia are confined to one-half of the first twenty-one chapters of that title so as not to conflict with work of the Commission on City-County Relationships. Minor changes are recommended to related sections found in other titles. The Committee's recommendations when adopted will result in the repeal of approximately 550 statutes and the enactment of 94 new statutes. Because the Committee has combined and relocated numerous sections its work product is voluminous. Therefore, the Committee believes that publication of the material in its present form will give members of the General Assembly and the public an opportunity to review its work so that meaningful public hearings may be held in the spring and summer of 1977.

House Joint Resolution No. 135 contained five charges to the VALC. The charges and the Committee's comment to each are as follows:

(1) The need for amending or revising the general laws of the Commonwealth relating to the powers, duties and limitations of counties, cities and towns;

The Committee recommends that counties and cities be treated, to the extent permissible, as co-equal political subdivisions. Towns being a part of the county in which they are located must continue to be subservient to the county in some respects. The proposed statutes are available for use equally by counties, cities and towns. Such treatment is in accord with the Constitution which contains one article (Article VII) pertaining to local governments instead of two, one for counties and another for municipalities, and it deletes many previous distinctions that existed between counties and

municipalities.

(2) The need for amending or repealing sections in the Code of Virginia which refer to counties, cities and towns by population brackets;

The Virginia Code Commission has during the life of this study eliminated many population brackets from the Code and this Committee has eliminated others. However, since in most instances the use of population brackets results in legislation being classified as general legislation which requires a lesser vote for passage in the General Assembly than would legislation using names in place of brackets (special legislation) the Committee is of the opinion no further action is warranted because of the political realities involved. Further corrective steps in this area would require an amendment to the Constitution.

(3) The need for developing classes of counties and classes of cities so that general laws relating to counties and cities can be more specific and effective;

The Committee recommends not establishing classes of counties and cities and proposes that statutes be written in permissive terms so that counties and municipalities can utilize the provisions as their governing bodies choose. Members of the Committee are of the opinion that all local governments furnish the same basic services to their citizens, the services varying only in their quality and quantity, therefore, statutes granting powers should apply equally to such governments.

(4) The need for changes in the present form and content of municipal charters, including the need for standardization of such charters;

The Committee has found in recent years that the Senate Committee on Local Government and the House of Delegates Committee on Counties, Cities and Towns have performed a most commendable service for the General Assembly in their review and restructuring, where necessary, of charters. The General Assembly committees have been diligent in eliminating charter provisions that merely restate or contradict statutory law. The result has been a more uniform charter especially in those instances where new charters have been requested. Charters provide a vehicle for experimentation. For instance, § 15.1-503.3 of the Code of Virginia permits any county, city or town to preserve historical sites. This statute has its origin in the charter of one city. The recommendations contain the form of a charter to be used when a town is incorporated by judicial order. It is hoped that as a town grows into city status with such a charter it will not request a more detailed one upon becoming a city. The Committee recommends no further legislation in this area.

(5) The need to develop legislative rules and procedures for providing and amending municipal charters.

As stated above, members of the study are of the opinion the

present rules and procedures are working and there exists no need for new legislation in this area. The Committee has recommended the repeal of certain statutes to clarify the procedure for granting or amending charters.

The Council requests its Committee's proposed recommendations be given wide distribution and solicits written comments from recipients. The Council further respectfully requests that the study be continued an additional year for the purpose of holding public hearings.

Respectfully submitted,

Edward E. Lane, Chairman

Lawrence Douglas Wilder, Vice Chairman

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FOOTNOTES

1. 1976 House Joint Resolution No. 135 (attached).

1976 House Joint Resolution No. 4.

2. Reprinted by permission. American Bar Association Journal
May, 1976, "In Praise of Simplicity" by Professor Irving
Younger.

3. House Document No. 29 of 1975.

House Document No. 34 of 1976.

HOUSE JOINT RESOLUTION NO. 135

Directing the Virginia Advisory Legislative Council to conduct a study of the laws relating to the regulation of counties, cities and towns; and to make certain recommendations relating thereto.

Agreed to by the House of Delegates, March 1, 1974

Agreed to by the Senate, March 9, 1974

WHEREAS, the Constitution of Virginia of nineteen hundred two, which was in effect in this Commonwealth until July one, nineteen hundred seventy-one, prohibited the enactment of special legislation to grant powers to counties, cities and towns, except by the enactment of municipal charters and amendments thereto or by the enactment of types of general laws which are so limited in application that for all practical purposes they are special laws, i.e. laws enumerating specific localities by very narrow population brackets and certain types of optional forms of government; and

WHEREAS, as a result of this prohibition and similar prohibitions in previous Constitutions of Virginia, it has become a common practice over the years to enumerate in municipal charters all of the powers, duties and limitations imposed upon specific cities and towns, not only those that are special, but also those that are granted by general laws of the Commonwealth and that are inherent to municipal corporations; and

WHEREAS, almost all such charters have become large, voluminous instruments that are not well documented, but are scattered among more than a hundred volumes of the Acts of Assembly; and

WHEREAS, the detailed enumeration of powers in this manner often unintentionally limits, rather than extends the authority granted to municipal corporations by general law or inherent power; and

WHEREAS, the necessity for constantly amending and revising these more than a hundred lengthy charters consumes more than a reasonable and acceptable amount of legislative time at each session of the General Assembly; and

WHEREAS, there are at present many sections scattered throughout the entire Code of Virginia which refer to certain counties, cities and towns by population brackets and it is a most difficult task to find out which counties, cities and towns each of these sections apply to since it would be necessary to search all of the various census figures from the time each section was enacted to find out which particular localities were within such population bracket when the section was enacted and which localities grew into or grew out of such bracket since that time; and

WHEREAS, it seems proper that all counties in the Commonwealth should have the powers, duties and limitations similar to those of other counties in the Commonwealth, that all cities in the Commonwealth should have powers, duties and limitations similar to those of other cities of the Commonwealth, and that all towns in the Commonwealth should have powers, duties and limitations similar to those of other towns of the Commonwealth, except where population distribution, geographic location, economic status, industrialization, or some other significant factor peculiar to a particular city or town requires it to be granted special consideration; and

WHEREAS, Section 2 of Article VII of the present Constitution of Virginia permits the General Assembly to "provide by special act for the organization, government, and powers of any county, city town or regional government...", so that a need for lengthy municipal charters or special types of "general law" as referred to above no longer exists and cities and towns should derive all of their powers, duties and limitations from general laws except where cogent special factors exist which can now be dealt with by special legislation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is hereby directed to conduct a study of all laws of the Commonwealth relating to the regulation of counties, cities and towns and to make recommendations regarding:

- (1) the need for amending or revising the general laws of the Commonwealth relating to the powers, duties and limitations of counties, cities and towns;
- (2) the need for amending or repealing sections in the Code of Virginia which refer to counties, cities and towns by population brackets;
- (3) the need for developing classes of counties and classes of cities so that general laws relating to counties and cities can be more specific and effective;
- (4) the need for changes in the present form and content of municipal charters, including the need for standardization of such charters; and
- (5) the need to develop legislative rules and procedures for providing and amending municipal charters.

The Council shall complete its study on these matters and submit its report to the Governor and the General Assembly no later than November one, nineteen hundred seventy-five.

NOTE

The following material has not been checked completely for errors. The Committee's recommendations should be read in conjunction with applicable chapters of the Code of Virginia and the following table of reference to understand their intent.

TABLE OF REFERENCE

There is set forth below over one-half of the first twenty-one chapters presently found in Title 15.1 of the Code of Virginia and a few other related statutes found in other titles. You will note after the margin the word or phrase amended, no change, added, repealed or transferred. If the word "amended" is used the section will have been changed but not moved. If the word "added" is used there will be shown beside it in parenthesis the present Code section from which the new section was derived. If the word "transferred" is used it means that such present Code section is recommended for repeal and enactment is in another location in Title 15.1, either in toto or in an amended form. All present sections having the word "transferred" after them will be found present chapters of Title 15.1 or in a proposed new chapter for Title 15.1.

TITLE 2.1

Chapter 13 (no change)

except

§ 2.1-167 amended

TITLE 15.1

Chapter 1

Article 1

§ 15.1-1	amended
§ 15.1-2	amended
§ 15.1-3	repealed
§ 15.1-4	repealed
§ 15.1-5	repealed
§ 15.1-5.1	repealed
§ 15.1-5.2	repealed
§ 15.1-5.3	repealed
§ 15.1-5.4	repealed
§ 15.1-5.5	added (new)
§ 15.1-5.6	added (new)
§ 15.1-5.7	added (new)
§ 15.1-5.8	transferred (§ 15.1-832.1:26)
§ 15.1-5.9	added (new)

Article 2

§ 15.1-6	amended (§ 15.1-792)
§ 15.1-6.1	added (new)
§ 15.1-7	transferred (§ 15.1-130.2)
§ 15.1-7.1	transferred (§ 15.1-130.37)
§ 15.1-8	transferred (§ 15.1-832.1:26)
§ 15.1-9	repealed
§ 15.1-9.1	repealed
§ 15.1-9.1:1	repealed
§ 15.1-9.1:2	repealed
§ 15.1-9.2	repealed
§ 15.1-10	transferred (§ 15.1-832.1:28)

15.1-10.1	transferred (§§ 15.1-832.1:28)
15.1-11	transferred (§§ 15.1-832.2:1)
15.1-11.1	transferred (§§ 15.1-832.3:25)
15.1-11.2	transferred (§§ 15.1-832.4:1)
15.1-11.3	transferred (§§ 15.1-832.3:63)
15.1-12	repealed
15.1-13	repealed
15.1-13.1	transferred (§§ 15.1-832.1:27)
15.1-13.2	transferred (§§ 15.1-160.01)
15.1-14	transferred (§§ 15.1-832.3:38)
15.1-15	repealed
15.1-16	transferred (§§§ 15.1-832.1:59; 15.1-832.11:58)
15.1-16.1	transferred (§§ 15.1-832.7:52)
15.1-16.2	transferred (§§ 15.1-832.3:41)
15.1-17	transferred (§§ 15.1-832.1:31)
15.1-18	transferred (§§ 15.1-832.1:59)
15.1-18.1	transferred (§§ 15.1-832.5:6)
15.1-18.1:1	transferred (§§ 15.1-832.5:4)
15.1-18.2	transferred (§§ 15.1-832.9:4)
15.1-19	transferred (§§ 15.1-791.43)
15.1-19.1	transferred (§§ 15.1-832.1:20)
15.1-19.2	transferred (§§ 15.1-832.1:10)
15.1-19.3	transferred (§§ 15.1-791.18)
15.1-20	transferred (§§ 15.1-832.1:32)
15.1-20.1	transferred (§§ 15.1-832.1:32)
15.1-20.2	transferred (§§ 15.1-832.1:32)
15.1-21	transferred (§§ 15.1-832.1:35)
15.1-22	transferred (§§ 15.1-832.5:1)
15.1-23	transferred (§§ 15.1-832.5:2)
15.1-23.1	transferred (§§ 15.1-832.5:3)
15.1-23.2	transferred (§§ 15.1-832.3:53)
15.1-23.3	transferred (§§ 15.1-832.3:54)
15.-24	transferred (§§ 15.1-832.3:1)
15.1-25	transferred (§§ 15.1-832.3:1)
15.1-26	transferred (§§ 15.1-832.3:1)
15.1-26.1	transferred (§§ 15.1-832.7:51)
15.1-27	repealed
15.1-27.1	transferred (§§ 15.1-832.3:27)
15.1-28	transferred (§§ 15.1-832.3:26)
15.1-28.1	transferred (§§ 15.1-832.2:2)
15.1-29	transferred (§§ 15.1-832.4:2)
15.1-29.1	transferred (§§ 15.1-832.2:14)
15.1-29.1:1	transferred (§§ 15.1-832.3:24)
15.1-29.2	repealed
15.1-29.3	transferred (§§ 15.1-832.3:11)
15.1-29.4	transferred (§§ 15.1-832.3:55)
15.1-29.5	transferred (§§ 15.1-832.3:56)
15.1-29.6	transferred (§§ 15.1-832.3:60)
15.1-29.7	transferred (§§ 15.1-832.3:60.1)
15.1-30	amended
15.1-31	transferred (§§ 15.1-832.4:4)
15.1-32	transferred (§§ 15.1-832.1:17)
15.1-33	repealed
15.1-34	amended
15.1-35	repealed
15.1-36	repealed

15.1-36.1	transferred (§ 15.1-832.3:59)
15.1-37	transferred (§ 15.1-832.2:5)
15.1-37.1	transferred (§ 15.1-832.2:6)
15.1-37.1:1	transferred (§ 15.1-832.2:6.1)
15.1-37.1:2	transferred (§ 15.1-832.2:6.2)
15.1-37.1:3	transferred (§ 15.1-832.2:6.3)
15.1-37.1:4	transferred (§ 15.1-832.2:6.4)
15.1-37.1:5	transferred (§ 15.1-832.2:6.5)
15.1-37.1:6	transferred (§ 15.1-832.2:6.6)
15.1-37.1:7	transferred (§ 15.1-832.2:6.7)
15.1-37.2	transferred (§ 15.1-832.1:30)
15.1-37.3	transferred (§ 15.1-130.25)
15.1-37.3:1	transferred (§ 15.1-832.3:57)
15.1-37.3:2	transferred (§ 15.1-832.3:58)
15.1-37.3:3	transferred (§ 15.1-832.3:62)

Chapter 1.1

15.1-37.4	amended
15.1-37.5	amended
15.1-37.5:1	amended
15.1-37.6	amended
15.1-37.7	amended
15.1-37.8	amended
15.1-37.9	transferred (§ 24.1-17.1)
15.1-37.9:1	added (new)
15.1-37.10	added (new)

Chapter 2

Article 1

15.1-38	transferred (§ 15.1-130.50)
15.1-39	transferred (§ 15.1-130.51)
15.1-40	transferred (§ 15.1-130.52)
15.1-40.1	transferred (§ 15.1-791.6)
15.1-40.2	transferred (§ 15.1-130.46)
15.1-41	transferred (§ 15.1-130.53)
15.1-42	transferred (§ 15.1-130.54)
15.1-42.1	transferred (§ 15.1-791.56)
15.1-43	transferred (§ 15.1-791.75)
15.1-43.1	repealed
15.1-44	repealed
15.1-44.1	transferred (§ 15.1-791.76)
15.1-44.2	transferred (§ 15.1-791.76:1.1)
15.1-45	transferred (§ 15.1-791.76:1)
15.1-46	transferred (§ 15.1-832.1:20)
15.1-47	transferred (§ 15.1-791.46:1)
15.1-48	transferred (§ 15.1-791.45; § 15.1-791.55; § 15.1-791.74; § 15.1-791.78)
15.1-49	transferred (§ 15.1-791.46)
15.1-50	transferred (§ 15.1-130.55; § 15.1-791.15)
15.1-51	transferred (§ 15.1-130.56; § 15.1-791.16)

§ 15.1-52	transferred (§ 15.1-130.57; § 15.1-791.17)
<u>Article 2</u>	
§ 15.1-53	transferred (§ 15.1-130.41)
§ 15.1-54	transferred (§ 15.1-130.42)
§ 15.1-55	transferred (§ 15.1-130.43)
§ 15.1-56	transferred (§ 15.1-130.44)
§ 15.1-57	transferred (§ 15.1-130.45)
§ 15.1-58	transferred (§ 15.1-130.46)
§ 15.1-59	transferred (§ 15.1-130.47)
§ 15.1-60	repealed
§ 15.1-61	transferred (§ 15.1-130.49)
§ 15.1-62	repealed
<u>Article 3</u>	
§ 15.1-63	repealed (1975)
§ 15.1-64	repealed (1975)
§ 15.1-65	repealed (1975)
§ 15.1-66	repealed (1975)
<u>Article 3.1</u>	
§ 15.1-66.1	transferred (§ 15.1-791.51:1)
§ 15.1-66.2	transferred (§ 15.1-791.51:2)
§ 15.1-66.3	transferred (§ 15.1-791.72:2)
<u>Article 4</u>	
§ 15.1-73.4	transferred (§ 15.1-696)
<u>Article 5</u>	
§ 15.1-74	transferred (§ 15.1-791.57)
§ 15.1-75	transferred (§ 15.1-791.58)
§ 15.1-75.1	transferred (§ 15.1-791.59:1)
§ 15.1-76	transferred (§ 15.1-791.59)
§ 15.1-77	transferred (§ 15.1-791.60)
§ 15.1-78	transferred (§ 15.1-791.61)
§ 15.1-79	transferred (§ 15.1-791.62)
§ 15.1-80	transferred (§ 15.1-791.63)
§ 15.1-81	transferred (§ 15.1-791.64)
§ 15.1-82	transferred (§ 15.1-791.65)
§ 15.1-83	transferred (§ 15.1-791.66)
§ 15.1-84	transferred (§ 15.1-791.67)
§ 15.1-84.1	transferred (§ 15.1-791.52:1)
§ 15.1-85	transferred (§ 15.1-791.68)
§ 15.1-86	transferred (§ 15.1-791.69)
§ 15.1-87	transferred (§ 15.1-791.70)
§ 15.1-88	transferred (§ 15.1-791.71)
§ 15.1-89	repealed (1973)
§ 15.1-89.1	transferred (§ 15.1-791.72:1)
§ 15.1-90	repealed
§ 15.1-90.1	transferred (§ 15.1-791.72)
<u>Article 6</u>	
§ 15.1-91	repealed (1972)

§ 15.1-92	repealed (1972)
§ 15.1-93	repealed (1972)
§ 15.1-94	repealed (1972)
§ 15.1-95	repealed (1972)
§ 15.1-96	repealed (1972)
§ 15.1-97	repealed (1972)
§ 15.1-98	repealed (1972)
§ 15.1-99	repealed (1972)
§ 15.1-100	repealed (1972)
§ 15.1-101	repealed (1972)
§ 15.1-101	repealed (1972)
§ 15.1-102	repealed (1972)

Article 7

§ 15.1-103	repealed
§ 15.1-104	repealed
§ 15.1-105	transferred (§ 15.1-791.92)
§ 15.1-106	transferred (§ 15.1-791.93)
§ 15.1-107	transferred (§ 15.1-791.94)
§ 15.1-108	transferred (§ 15.1-791.95)
§ 15.1-109	transferred (§ 15.1-791.96)
§ 15.1-110	transferred (§ 15.1-791.97)
§ 15.1-111	repealed (1970)
§ 15.1-112	transferred (§ 15.1-791.98)
§ 15.1-113	repealed
§ 15.1-114	repealed
§ 15.1-115	repealed
§ 15.1-116	repealed
§ 15.1-117	repealed
§ 15.1-118	repealed
§ 15.1-119	repealed
§ 15.1-120	repealed
§ 15.1-121	repealed
§ 15.1-122	repealed
§ 15.1-123	repealed
§ 15.1-124	repealed
§ 15.1-125	repealed
§ 15.1-126	repealed
§ 15.1-127	repealed
§ 15.1-128	repealed
§ 15.1-129	repealed
§ 15.1-130	transferred (§ 15.1-832.1:15)

Chapter 2.1 (added)

Article 1

§ 15.1-130.1	added (new)
§ 15.1-130.2	added (§ 15.1-7)
§ 15.1-130.3	added (new)
§ 15.1-130.4	added (new)
§ 15.1-130.5	added (§ 15.1-506)
§ 15.1-130.6	added (§ 15.1-508)

Article 2

§ 15.1-130.7	reserved
§ 15.1-130.8	added (§ 15.1-542)

§ 15.1-130.9	added (§ 15.1-536)
§ 15.1-130.10	added (§ 15.1-537)
§ 15.1-130.11	added (§ 15.1-538)
§ 15.1-130.12	added (§ 15.1-540)

Article 3

§ 15.1-130.13	added (§ 15.1-528)
§ 15.1-130.14	added (new)
§ 15.1-130.15	added (new)

Article 4

§ 15.1-130.16	added (new)
§ 15.1-130.17	added (new)
§ 15.1-130.18	added (§ 15.1-504; § 15.1-812)
§ 15.1-130.19	added (§ 15.1-819)
§ 15.1-130.20	added (§ 15.1-504)
§ 15.1-130.20:1	added (new)
§ 15.1-130.21	added (§ 15.1-505; § 15.1-901)
§ 15.1-130.22	added (§ 15.1-902)
§ 15.1-130.23	added (§ 15.1-903)
§ 15.1-130.24	added (§ 15.1-905)
§ 15.1-130.25	added (§ 15.1-37.3)
§ 15.1-130.26	added (new)
§ 15.1-130.27	reserved
§ 15.1-130.28	reserved
§ 15.1-130.29	reserved
§ 15.1-130.30	reserved

Chapter 2.2 (added)

Article 1

§ 15.1-130.31	added (§ 15.1-593)
§ 15.1-130.32	added (§ 15.1-594)
§ 15.1-130.33	added (new)
§ 15.1-130.34	added (§ 15.1-735)
§ 15.1-130.35	added (§ 15.1-714)
§ 15.1-130.36	added (§ 15.1-658)
§ 15.1-130.37	added (§ 15.1-7.1)
§ 15.1-130.38	added (§ 15.1-849)
§ 15.1-130.39	added (§ 15.1-134)
§ 15.1-130.40	added (§ 15.1-118)

Article 2

§ 15.1-130.41	added (§ 15.1-53)
§ 15.1-130.42	added (§ 15.1-54)
§ 15.1-130.43	added (§ 15.1-55)
§ 15.1-130.44	added (§ 15.1-56)
§ 15.1-130.45	added (§ 15.1-57)
§ 15.1-130.46	added (§ 15.1-58)
§ 15.1-130.47	added (§ 15.1-59)
§ 15.1-130.48	reserved
§ 15.1-130.49	added (§ 15.1-61)
§ 15.1-130.49:1	added (new)
§ 15.1-130.49:2	added (new)

§ 15.1-130.49:3	added (new)
§ 15.1-130.49:4	added (new)
§ 15.1-130.49:5	added (new)

Article 3

§ 15.1-130.50	added (§ 15.1-38)
§ 15.1-130.51	added (§ 15.1-39)
§ 15.1-130.52	added (§ 15.1-40)
§ 15.1-130.53	added (§ 15.1-41)
§ 15.1-130.54	added (§ 15.1-42)
§ 15.1-130.55	added (§ 15.1-50)
§ 15.1-130.56	added (§ 15.1-51)
§ 15.1-130.57	added (§ 15.1-52)
§ 15.1-130.58	added (new)
§ 15.1-130.59	added (new)
§ 15.1-130.60	added (new)

Chapter 3

Article 1

§ 15.1-131.1	repealed
§ 15.1-134	transferred (§ 15.1-130.39)

Article 2

§ 15.1-142	amended
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Article 3

§ 15.1-156	repealed
§ 15.1-157	repealed
§ 15.1-158	repealed
§ 15.1-158.1	repealed
§ 15.1-159	repealed
§ 15.1-159.1	repealed

(including all Acts of the General Assembly set forth in such sections)

Chapter 4

§ 15.1-160.01	added (§ 15.1-13.2)
§ 15.1-160	amended
§ 15.1-161.1	added (new)
§ 15.1-161.2	added (new)
§ 15.1-161.3	added (new)
§ 15.1-162	repealed
§ 15.1-163	repealed
§ 15.1-163.1	repealed
§ 15.1-164	repealed
§ 15.1-165	repealed
§ 15.1-166	amended
§ 15.1-167	amended
§ 15.1-168	repealed
§ 15.1-169	repealed
§ 15.1-169.1	added (new)
§ 15.1-169.2	added (new)
§ 15.1-169.3	added (new)

Chapters 5 through 7 (no change)

Chapter 8 (no change)

except

§ 15.1-257	transferred (§ 15.1-791.25)
§ 15.1-258	transferred (§ 15.1-791.26)
§ 15.1-259	transferred (§ 15.1-791.27)
§ 15.1-260	transferred (§ 15.1-791.28)
§ 15.1-262	amended
§ 15.1-263	transferred (§ 15.1-791.29)
§ 15.1-267	transferred (§ 15.1-791.30)
§ 15.1-278	transferred (§ 15.1-832.3:8)

Chapter 9 (no change)

Chapter 10 (no change)

Chapter 11 (no change)

Chapter 12

Article 1

§ 15.1-504	transferred (§ 15.1-130.18; § 15.1-130.20)
§ 15.1-505	transferred (§ 15.1-130.21)
§ 15.1-506	transferred (§ 15.1-130.5)
§ 15.1-506.1	transferred (§ 15.1-832.1:20)
§ 15.1-506.2	transferred (§ 15.1-832.1:20)
§ 15.1-507	transferred (§ 15.1-832.1:9; § 15.1-832.1:10)
§ 15.1-508	transferred (§ 15.1-130.6)
§ 15.1-509	repealed
§ 15.1-510	transferred (§ 15.1-832.1:1)
§ 15.1-510.1	repealed
§ 15.1-510.2	repealed
§ 15.1-510.3	repealed
§ 15.1-510.4	repealed
§ 15.1-510.5	transferred (§ 15.1-832.3:32)
§ 15.1-510.5:1	transferred (§ 15.1-832.3:40)
§ 15.1-510.6	repealed
§ 15.1-510.7	repealed
§ 15.1-511	repealed
§ 15.1-511.1	transferred (§ 15.1-832.3:7)
§ 15.1-512	repealed
§ 15.1-513	transferred (§ 15.1-832.7:53)
§ 15.1-514	transferred (§ 15.1-832.3:42)
§ 15.1-514.1	transferred (§ 15.1-832.4:3)
§ 15.1-515	repealed
§ 15.1-515.1	repealed
§ 15.1-516	transferred (§ 15.1-832.5:5)
§ 15.1-517	transferred (§ 15.1-832.2:13)
§ 15.1-517.1	transferred (§ 15.1-832.3:23)
§ 15.1-518	transferred (§ 15.1-832.3:20)
§ 15.1-518.1	transferred (§ 15.1-832.3:21)

§ 15.1-519	transferred (§ 15.1-832.3:22)
§ 15.1-520	transferred (§ 15.1-832.2:9)
§ 15.1-521	transferred (§ 15.1-832.2:15)
§ 15.1-522	repealed
§ 15.1-523	transferred (§ 15.1-832.3:18)
§ 15.1-524	transferred (§ 15.1-832.3:19)
§ 15.1-525	repealed
§ 15.1-526	transferred (§ 15.1-832.3:18)
§ 15.1-526.1	transferred (§ 15.1-832.3:15)
§ 15.1-526.2	transferred (§ 15.1-832.3:61)

Article 2

§ 15.1-527	repealed
§ 15.1-527.1	repealed
§ 15.1-528	transferred (§ 15.1-130.13)
§ 15.1-528.1	repealed
§ 15.1-529	transferred (§ 15.1-832.1:19)
§ 15.1-530	transferred (§ 15.1-832.7:1)
§ 15.1-531	transferred (§ 15.1-791.101)
§ 15.1-532	transferred (§ 15.1-791.102)
§ 15.1-533	repealed
§ 15.1-534	repealed
§ 15.1-535	repealed
§ 15.1-536	transferred (§ 15.1-130.9)
§ 15.1-537	transferred (§ 15.1-130.10)
§ 15.1-538	transferred (§ 15.1-130.11)
§ 15.1-539	transferred (§ 15.1-130.7)
§ 15.1-540	transferred (§ 15.1-130.12)
§ 15.1-541	transferred (§ 15.1-832.7:2)
§ 15.1-542	transferred (§ 15.1-130.8)
§ 15.1-543	transferred (§ 15.1-791.101)
§ 15.1-544	transferred (§ 15.1-832.1:2)
§ 15.1-545	transferred (§ 15.1-832.7:13)
§ 15.1-545.1	transferred (§ 15.1-832.7:14)
§ 15.1-546	transferred (§ 15.1-832.7:15)
§ 15.1-546.1	repealed
§ 15.1-547	transferred (§ 15.1-832.7:3)
§ 15.1-548	transferred (§ 15.1-832.1:24)
§ 15.1-549	transferred (§ 15.1-832.7:4)
§ 15.1-550	transferred (§ 15.1-832.7:5)
§ 15.1-551	transferred (§ 15.1-832.7:6)
§ 15.1-552	transferred (§ 15.1-832.7:7)
§ 15.1-553	transferred (§ 15.1-832.7:8)
§ 15.1-554	transferred (§ 15.1-832.7:9)
§ 15.1-555	transferred (§ 15.1-832.7:10)
§ 15.1-556	repealed
§ 15.1-557	transferred (§ 15.1-832.7:11)
§ 15.1-558	transferred (§ 15.1-832.7:12)

Article 3

§ 15.1-559	transferred (§ 15.1-791.31)
§ 15.1-560	transferred (§ 15.1-791.32)
§ 15.1-561	transferred (§ 15.1-791.33)
§ 15.1-561.1	repealed
§ 15.1-562	transferred (§ 15.1-791.34)
§ 15.1-563	transferred (§ 15.1-791.35)

§ 15.1-564	repealed
§ 15.1-565	repealed
§ 15.1-566	repealed
§ 15.1-567	repealed
§ 15.1-568	repealed
§ 15.1-569	repealed
§ 15.1-570	repealed

Article 4

§ 15.1-571	transferred (§ 15.1-832.7:16)
§ 15.1-571.1	transferred (§ 15.1-832.7:17)

Chapter 13 (repealed)

Chapter 13.1 (added)

Article 1

§ 15.1-668.1	added (new)
§ 15.1-668.2	added (new)
§ 15.1-668.3	added (new)

Article 2

§ 15.1-668.4	added (new)
§ 15.1-668.5	added (new)

Article 3

§ 15.1-668.6	added (new)
§ 15.1-668.7	added (new)
§ 15.1-668.8	reserved
§ 15.1-668.9	reserved
§ 15.1-668.10	reserved

Article 4

§ 15.1-668.11	added (new)
§ 15.1-668.12	added (new)
§ 15.1-668.13	reserved
§ 15.1-668.14	reserved
§ 15.1-668.15	reserved
§ 15.1-668.16	reserved
§ 15.1-668.17	reserved

Article 5

§ 15.1-668.18	added (new)
§ 15.1-668.19	added (new)
§ 15.1-668.20	added (new)
§ 15.1-668.21	reserved
§ 15.1-668.22	reserved
§ 15.1-668.23	reserved
§ 15.1-668.24	reserved

Chapter 14 (repealed)

Chapter 15 (repealed)

Chapter 15.1 (added)

Article 1

§ 15.1-791.1	added (new)
§ 15.1-791.2	added (new)
§ 15.1-791.3	added (new)
Article 2	
§ 15.1-791.4	added (new)
Article 3	
§ 15.1-791.5	added (new)

Chapter 15.2 (added)

Article 1

§ 15.1-791.6	added (§ 15.1-40.1)
§ 15.1-791.7	added (§ 15.1-40.2)
§ 15.1-791.8	added (§ 15.1-38)
§ 15.1-791.9	added (§ 15.1-39)
§ 15.1-791.10	added (§ 15.1-40)
§ 15.1-791.11	added (§ 15.1-41)
§ 15.1-791.12	added (§ 15.1-42)
§ 15.1-791.13	reserved
§ 15.1-791.14	reserved
§ 15.1-791.15	added (§ 15.1-50)
§ 15.1-791.16	added (§ 15.1-51)
§ 15.1-791.17	added (§ 15.1-52)
§ 15.1-791.18	added (§ 15.1-19.3)
§§ 15.1-791.19 through 15.1-791.24	reserved

Article 2

§ 15.1-791.25	added (§ 15.1-257)
§ 15.1-791.26	added (§ 15.1-258)
§ 15.1-791.27	added (§ 15.1-259)
§ 15.1-791.28	added (§ 15.1-260)
§ 15.1-791.29	added (§ 15.1-263)
§ 15.1-791.30	added (§ 15.1-267)
§ 15.1-791.31	added (§ 15.1-559)
§ 15.1-791.32	added (§ 15.1-560)
§ 15.1-791.33	added (§ 15.1-561)
§ 15.1-791.34	added (§ 15.1-562)
§ 15.1-791.35	added (§ 15.1-563)
§ 15.1-791.36	reserved
§ 15.1-791.37	reserved
§ 15.1-791.38	reserved
§ 15.1-791.39	reserved
§ 15.1-791.40	reserved
§ 15.1-791.41	reserved
§ 15.1-791.42	reserved

Article 3

§ 15.1-791.43	added (§ 15.1-19)
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Chapter 15.3 (added)

Article 1

§ 15.1-791.44	added (new)
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§ 15.1-791.45	added (§ 15.1-48)
§ 15.1-791.46	added (§ 15.1-49)
§ 15.1-791.46:1	added (§ 15.1-47)

Article 2

§ 15.1-791.47	added (new)
§ 15.1-791.48	added (new)
§ 15.1-791.49	reserved
§ 15.1-791.50	added (§ 15.1-821)
§ 15.1-791.51	added (§ 15.1-821)
§ 15.1-791.51:1	added (§ 15.1-66.1)
§ 15.1-791.51:2	added (§ 15.1-66.2)

Article 3

§ 15.1-791.52	added (new)
§ 15.1-791.52:1	added (§ 15.1-84.1)
§ 15.1-791.53	reserved
§ 15.1-791.54	added (§ 15.1-131.5)
§ 15.1-791.55	added (§ 15.1-48)
§ 15.1-791.56	added (§ 15.1-42.1)
§ 15.1-791.57	added (§ 15.1-74)
§ 15.1-791.58	added (§ 15.1-75)
§ 15.1-791.59	added (§ 15.1-76)
§ 15.1-791.60	added (§ 15.1-77)
§ 15.1-791.61	added (§ 15.1-78)
§ 15.1-791.62	added (§ 15.1-79)
§ 15.1-791.63	added (§ 15.1-80)
§ 15.1-791.64	added (§ 15.1-81)
§ 15.1-791.65	added (§ 15.1-82)
§ 15.1-791.66	added (§ 15.1-83)
§ 15.1-791.67	added (§ 15.1-84)
§ 15.1-791.68	added (§ 15.1-85)
§ 15.1-791.69	added (§ 15.1-86)
§ 15.1-791.70	added (§ 15.1-87)
§ 15.1-791.71	added (§ 15.1-88)
§ 15.1-791.72	added (§ 15.1-90.1)
§ 15.1-791.72:1	added (§ 15.1-89.1)
§ 15.1-791.72:2	added (§ 15.1-66.3)

Article 4

§ 15.1-791.73	added (new)
§ 15.1-791.74	added (§ 15.1-48)
§ 15.1-791.75	added (§ 15.1-43)
§ 15.1-791.76	added (§ 15.1-44.1)
§ 15.1-791.76:1	added (§ 15.1-45)
§ 15.1-791.76:2	added (§ 15.1-44.2)
§ 15.1-791.76:3	added (new)

Article 5

§ 15.1-791.77	added (new)
§ 15.1-791.78	added (§ 15.1-48)
§ 15.1-791.78:1	added (new)

Chapter 15.4 (added)

Article 1

§ 15.1-791.78 added (new)
§ 15.1-791.79 added (new)

Article 2

§ 15.1-791.80 added (new)
§ 15.1-791.81 added (new)

Article 3

§ 15.1-791.82 added (new)
§ 15.1-791.83 added (new)

Chapter 15.5 (added)

Article 1

§ 15.1-791.84:01 added (new)
§ 15.1-791.84:02 added (new)
§ 15.1-791.84:03 added (new)
§ 15.1-791.84:04 added (new)

Article 2

§ 15.1-791.84 added (new)
§ 15.1-791.85 added (new)
§ 15.1-791.86 added (new)

Article 3

§ 15.1-791.87 added (new)

Article 4

§ 15.1-791.88 added (new)

Article 5

§ 15.1-791.89 added (new)
§ 15.1-791.90 added (new)

Article 6

§ 15.1-791.91 added (new)
§ 15.1-791.92 added (§ 15.1-105)
§ 15.1-791.93 added (§ 15.1-106)
§ 15.1-791.94 added (§ 15.1-107)
§ 15.1-791.95 added (§ 15.1-108)
§ 15.1-791.96 added (§ 15.1-109)
§ 15.1-791.97 added (§ 15.1-110)
§ 15.1-791.98 added (§ 15.1-112)

Article 7

§ 15.1-791.99 added (new)

Article 8

§ 15.1-791.100 added (new)
§ 15.1-791.101 added (§ 15.1-531;
§ 15.1-543)
§ 15.1-791.102 added (§ 15.1-532)

Article 9

§ 15.1-791.103 added (new)

Article 10

§ 15.1-791.104

added (§ 15.1-9.1:1)

Article 11

§ 15.1-791.105

added (new)

§ 15.1-791.106

added (new)

Chapter 16

Article 1

§ 15.1-792
§ 15.1-793
§ 15.1-794
§ 15.1-795
§ 15.1-796
§ 15.1-797
§ 15.1-798
§ 15.1-799
§ 15.1-800
§ 15.1-801
§ 15.1-802

transferred (§ 15.1-6)
repealed
repealed
repealed
repealed
repealed
repealed
repealed
repealed
repealed
transferred (§ 15.1-832.1:18)
repealed

Article 2

§ 15.1-803
§ 15.1-804
§ 15.1-805
§ 15.1-806
§ 15.1-807
§ 15.1-808
§ 15.1-809
§ 15.1-809.1
§ 15.1-809.2
§ 15.1-810
§ 15.1-811
§ 15.1-812
§ 15.1-813
§ 15.1-814
§ 15.1-815
§ 15.1-816
§ 15.1-817
§ 15.1-818
§ 15.1-819
§ 15.1-820
§ 15.1-821
§ 15.1-822
§ 15.1-823
§ 15.1-824
§ 15.1-825

repealed
repealed
repealed
repealed
repealed
repealed
repealed
repealed
repealed
transferred (§ 15.1-832.1:36)
repealed
repealed
repealed
repealed
repealed
repealed
repealed
repealed
repealed
transferred (§ 15.1-130.19)
transferred (§ 15.1-791.44)
transferred (§ 15.1-791.50;
§ 15.1-791.51)
repealed
repealed
repealed
repealed

Article 3

§ 15.1-826
§ 15.1-827
§ 15.1-827.1
§ 15.1-828
§ 15.1-829

repealed
repealed
repealed
repealed
repealed

§ 15.1-830	repealed
§ 15.1-831	repealed
§ 15.1-832	repealed

Chapter 16.1 (added)

Article 1

§ 15.1-832.1:1	added (§ 15.1-510)
§ 15.1-832.1:2	added (§ 15.1-544; § 15.1-841)
§ 15.1-832.1:3	reserved
§ 15.1-832.1:4	added (§ 15.1-842)
§ 15.1-832.1:5	added (§ 15.1-843)
§ 15.1-832.1:6	added (§ 15.1-844)
§ 15.1-832.1:7	added (new)
§ 15.1-832.1:8	reserved
§ 15.1-832.1:9	added (§ 15.1-507)
§ 15.1-832.1:10	added (§ 15.1-507; § 15.1-19.2)
§ 15.1-832.1:11	reserved
§ 15.1-832.1:12	reserved
§ 15.1-832.1:13	added (§ 15.1-882)
§ 15.1-832.1:14	reserved
§ 15.1-832.1:15	added (§ 15.1-847; § 15.1-846; § 15.1-130)
§ 15.1-832.1:16	added (§ 15.1-848)
§ 15.1-832.1:17	added (§ 15.1-32)
§ 15.1-832.1:18	added (§ 15.1-801)
§ 15.1-832.1:19	added (§ 15.1-529)
§ 15.1-832.1:20	added (§ 15-19.1; 15.1-46; § 15.1-506.1; § 15.1-506.2)
§ 15.1-832.1:21	reserved
§ 15.1-832.1:22	reserved
§ 15.1-832.1:23	reserved
§ 15.1-832.1:24	added (§ 15.1-548)
§ 15.1-832.1:25	reserved
§ 15.1-832.1:26	added (§ 15.1-8)
§ 15.1-832.1:27	added (§ 15.1-13.1)
§ 15.1-832.1:28	added (§ 15.1-10; § 15.1-10.1)
§ 15.1-832.1:29	reserved
§ 15.1-832.1:30	added (§ 15.1-37.2)
§ 15.1-832.1:31	added (§ 15.1-17)
§ 15.1-832.1:32	added (§ 15.1-20; § 15.1-20.1; § 15.1-20.2)
§ 15.1-832.1:33	reserved
§ 15.1-832.1:34	reserved
§ 15.1-832.1:35	added (§ 15.1-21)
§ 15.1-832.1:36	added (§ 15.1-809.2)

Article 2

§ 15.1-832.2:1	added (§ 15.1-11)
§ 15.1-832.2:2	added (§ 15.1-28.1; § 15.1-857; § 15.1-879)
§ 15.1-832.2:3	reserved
§ 15.1-832.2:4	reserved
§ 15.1-832.2:4.1	added (§ 15.1-854)

15.1-832.2:4.2	added (15.1-875)
15.1-832.2:5	added (15.1-37)
15.1-832.2:6	added (15.1-37.1)
15.1-832.2:6.1	added (15.1-37.1:1)
15.1-832.2:6.2	added (15.1-37.1:2)
15.1-832.2:6.3	added (15.1-37.1:3)
15.1-832.2:6.4	added (15.1-37.1:4)
15.1-832.2:6.5	added (15.1-37.1:5)
15.1-832.2:6.6	added (15.1-37.1:6)
15.1-832.2:6.7	added (15.1-37.1:7)
15.1-832.2:7	reserved
15.1-832.2:8	reserved
15.1-832.2:9	added (§ 15.1-520; § 15.1-856)
15.1-832.2:10	reserved
15.1-832.2:11	added (§ 15.1-855)
15.1-832.2:12	added (§ 15.1-876)
15.1-832.2:13	added (§ 15.1-517)
15.1-832.2:14	added (15.1-29.1)
15.1-832.2:15	added (15.1-521)
15.1-832.2:16	added (15.1-881; § 15.1-859)
15.1-832.2:17	reserved
15.1-832.2:18	reserved
15.1-832.2:19	reserved
15.1-832.2:20	added (§ 15.1-883; § 15.1-860)
15.1-832.2:21	reserved
15.1-832.2:22	reserved
15.1-832.2:23	added (§ 15.1-858)

Article 3

§ 15.1-832.3:1	added (§ 15.1-24; § 15.1-25; § 15.1-26; § 15.1-862)
§ 15.1-832.3:2	reserved
15.1-832.3:3	reserved
15.1-832.3:4	reserved
15.1-832.3:5	reserved
15.1-832.3:6	reserved
15.1-832.3:7	added (§ 15.1-511.1)
15.1-832.3:8	added (§ 15.1-874; § 15.1-871; § 15.1-526; § 15.1-278; § 15.1-880; § 15.1-886)
15.1-832.3:9	reserved
15.1-832.3:10	reserved
15.1-832.3:11	added (§ 15.1-29.3)
15.1-832.3:12	reserved
15.1-832.3:13	reserved
15.1-832.3:14	added (§ 15.1-885)
15.1-832.3:15	added (15.1-526.1)
15.1-832.3:16	added (15.1-877)
15.1-832.3:17	added (15.1-878)
15.1-832.3:18	added (15.1-523)
15.1-832.3:19	added (15.1-524)
15.1-832.3:20	added (15.1-518)
15.1-832.3:21	added (15.1-518.1)
15.1-832.3:22	added (15.1-519)
15.1-832.3:23	added (15.1-517.1)
15.1-832.3:24	added (15.1-870)

15.1-832.3:25	added (§ 15.1-11.1)
15.1-832.3:26	added (§ 15.1-28)
15.1-832.3:27	added (§ 15.1-27.1)
15.1-832.3:28	added (§ 15.1-884)
15.1-832.3:29	added (§ 15.1-867.1)
15.1-832.3:30	added (§ 15.1-872)
15.1-832.3:31	reserved
15.1-832.3:32	added (§ 15.1-510.5; § 15.1-869)
15.1-832.3:33	reserved
15.1-832.3:34	reserved
15.1-832.3:35	reserved
15.1-832.3:36	reserved
15.1-832.3:37	reserved
15.1-832.3:38	added (§ 15.1-14)
15.1-832.3:39	reserved
15.1-832.3:40	added (§ 15.1-510.5:1)
15.1-832.3:41	added (§ 15.1-16.2)
15.1-832.3:42	added (§ 15.1-514)
15.1-832.3:43	reserved
15.1-832.3:44	reserved
15.1-832.3:45	added (§ 15.1-866)
15.1-832.3:46	added (§ 15.1-867)
15.1-832.3:47	reserved
15.1-832.3:48	reserved
15.1-832.3:49	reserved
15.1-832.3:50	reserved
15.1-832.3:51	added (§ 15.1-906)
15.1-832.3:52	added (§ 15.1-907)
15.1-832.3:53	added (§ 15.1-23.2)
15.1-832.3:54	added (§ 15.1-23.3)
15.1-832.3:55	added (§ 15.1-29.4)
15.1-832.3:56	added (§ 15.1-29.5)
15.1-832.3:57	added (§ 15.1-37.3:1)
15.1-832.3:58	added (§ 15.1-37.3:2)
15.1-832.3:59	added (§ 15.1-36.1)
15.1-832.3:60	added (§ 15.1-29.6)
15.1-832.3:61	added (§ 15.1-526.2)
15.1-832.3:62	added (§ 15.1-37.3:3)
15.1-832.3:63	added (§ 15.1-11.3)

Article 4

§ 15.1-832.4:1	added (§ 15.1-11.2)
§ 15.1-832.4:2	added (§ 15.1-29)
§ 15.1-832.4:3	added (§ 15.1-514.1)
§ 15.1-832.4:4	added (§ 15.1-31)

Article 5

§ 15.1-832.5:1	added (§ 15.1-22)
§ 15.1-832.5:2	added (§ 15.1-23)
§ 15.1-832.5:3	added (§ 15.1-23.1)
§ 15.1-832.5:4	added (§ 15.1-18.1:1)
§ 15.1-832.5:5	added (§ 15.1-516)
§ 15.1-832.5:6	added (§ 15.1-18.1)

Chapter 16.2 (added)

Article 1

§ 15.1-832.7:1	added (§ 15.1-530)
§ 15.1-832.7:2	added (§ 15.1-541)
§ 15.1-832.7:3	added (§ 15.1-547)
§ 15.1-832.7:4	added (§ 15.1-549)
§ 15.1-832.7:5	added (§ 15.1-550)
§ 15.1-832.7:6	added (§ 15.1-551)
§ 15.1-832.7:7	added (§ 15.1-552)
§ 15.1-832.7:8	added (§ 15.1-553)
§ 15.1-832.7:9	added (§ 15.1-554)
§ 15.1-832.7:10	added (§ 15.1-555)
§ 15.1-832.7:11	added (§ 15.1-557)
§ 15.1-832.7:12	added (§ 15.1-558)
§ 15.1-832.7:13	added (§ 15.1-545)
§ 15.1-832.7:14	added (§ 15.1-545.1)
§ 15.1-832.7:15	added (§ 15.1-546)
§ 15.1-832.7:16	added (§ 15.1-571)
§ 15.1-832.7:17	added (§ 15.1-571.1)
§§ 15.1-832.7:18 through 15.1-832.7:25	reserved

Article 2

§§ 15.1-832.7:26
through 15.1-832.7:50 reserved

Article 3

§ 15.1-832.7:51	added (§ 15.1-26.1)
§ 15.1-832.7:52	added (§ 15.1-16.1)
§ 15.1-832.7:53	added (§ 15.1-513)
§§ 15.1-832.7:54 through 15.1-832.7:75	reserved

Article 4

§§ 15.1-832.7:76
through 15.1-832.7:89 reserved

Article 5

§§ 15.1-832.7:90
through 15.1-832.7:100 reserved

Chapter 16.3 (added)

Article 1

§ 15.1-832.9:1	added (§ 15.1-850)
§ 15.1-832.9:2	added (§ 15.1-851)
§ 15.1-832.9:3	reserved
§ 15.1-832.9:4	added (§ 15.1-18.2)
§§ 15.1-832.9:5 through 15.1-832.9:25	reserved

Article 2

§§ 15.1-832.9:26
through 15.1-832.9:50 reserved

Article 3

§ 15.1-832.9:51 added (§ 15.1-889)

§ 15.1-832.9:52 added (§ 15.1-889.1)
§ 15.1-832.9:53 added (§ 15.1-890)
§ 15.1-832.9:54 added (§ 15.1-891)
§ 15.1-832.9:55 added (§ 15.1-892)
§ 15.1-832.9:56 added (§ 15.1-893)
§ 15.1-832.9:57 added (§ 15.1-894)
§ 15.1-832.9:58 added (§ 15.1-895)
§ 15.1-832.9:59 added (§ 15.1-16)
§ 15.1-832.9:60 added (§ 15.1-896)
§§ 15.1-832.9:61
through 15.1-832.9:75 reserved

Article 4

§§ 15.1-832.9:76
through 15.1-832.9:89 reserved

Article 5

§§ 15.1-832.9:90
through 15.1-832.9:100 reserved

Chapter 16.4 (added)

Article 1

§ 15.1-832.11:1 added (§ 15.1-850)
§ 15.1-832.11:2 added (§ 15.1-851)
§§ 15.1-832.11:3
through 15.1-832.11:25 reserved

Article 2

§§ 15.1-832.11:26
through 15.1-832.11:50 reserved

Article 3

§ 15.1-832.11:51 added (§ 15.1-889)
§ 15.1-832.11:52 added (§ 15.1-890)
§ 15.1-832.11:53 added (§ 15.1-891)
§ 15.1-832.11:54 added (§ 15.1-892)
§ 15.1-832.11:55 added (§ 15.1-893)
§ 15.1-832.11:56 added (§ 15.1-894)
§ 15.1-832.11:57 added (§ 15.1-895)
§ 15.1-832.11:58 added (§ 15.1-16)
§ 15.1-832.11:59 added (§ 15.1-18)
§ 15.1-832.11:60 added (§ 15.1-896)
§§ 15.1-832.11:61
through 15.1-832.11:75 reserved

Article 4

§§ 15.1-832.11:76
through 15.1-832.11:89 reserved

Article 5

§§ 15.1-832.11:90
through 15.1-832.11:100 reserved

Chapter 17

§ 15.1-833 amended

§ 15.1-834	amended
§ 15.1-835	amended
§ 15.1-836	no change
§ 15.1-836.1	added (§ 15.1-908)

Chapter 18

Article 1

§ 15.1-837	repealed
15.1-838	repealed
15.1-839	repealed
15.1-840	repealed

Article 2

§ 15.1-841	transferred (§ 15.1-832.1:2)
§ 15.1-842	transferred (§ 15.1-832.1:4)
§ 15.1-843	transferred (§ 15.1-832.1:5)
§ 15.1-844	transferred (§ 15.1-832.1:6)
§ 15.1-845	repealed
§ 15.1-846	transferred (§ 15.1-832.1:15)
§ 15.1-847	transferred (§ 15.1-832.1:15)
§ 15.1-848	transferred (§ 15.1-832.1:16)
§ 15.1-849	transferred (§ 15.1-130.38)

Article 3

§ 15.1-850	transferred (§ 15.1-832.9:1; § 15.1-832.11:1)
§ 15.1-851	transferred (§ 15.1-832.9:2; § 15.1-832.11:2)

Article 4

§ 15.1-852	repealed
§ 15.1-853	repealed
§ 15.1-854	transferred (§ 15.1-832.2:4.1)
§ 15.1-855	transferred (§ 15.1-832.2:11)
§ 15.1-856	transferred (§ 15.1-832.2:9)
§ 15.1-857	transferred (§ 15.1-832.2:2)
§ 15.1-858	transferred (§ 15.1-832.2:23)
§ 15.1-859	transferred (§ 15.1-832.2:16)
§ 15.1-860	transferred (§ 15.1-832.2:20)
§ 15.1-861	repealed
§ 15.1-862	transferred (§ 15.1-832.3:1)
§ 15.1-863	repealed
§ 15.1-864	repealed
§ 15.1-865	repealed
§ 15.1-866	transferred (§ 15.1-832.3:45)
§ 15.1-867	transferred (§ 15.1-832.3:46)
§ 15.1-867.1	transferred (§ 15.1-832.3:29)
§ 15.1-868	repealed
§ 15.1-869	transferred (§ 15.1-832.3:32)
§ 15.1-870	transferred (§ 15.1-832.3:24)
§ 15.1-871	transferred (§ 15.1-832.3:8)
§ 15.1-872	transferred (§ 15.1-832.3:30)

Article 5

15.1-873	repealed
15.1-874	transferred (§ 15.1-832.3:8)
15.1-875	transferred (§ 15.1-832.2:4.2)
15.1-876	transferred (§ 15.1-832.2:12)
15.1-877	transferred (§ 15.1-832.3:16)
15.1-878	transferred (§ 15.1-832.3:17)
15.1-879	transferred (§ 15.1-832.2:2)
15.1-880	transferred (§ 15.1-832.3:8)
15.1-881	transferred (§ 15.1-832.2:16)
15.1-882	transferred (§ 15.1-832.1:13)
15.1-883	transferred (§ 15.1-832.2:20)
15.1-884	transferred (§ 15.1-832.3:28)
15.1-885	transferred (§ 15.1-832.3:14)
15.1-886	transferred (§ 15.1-832.3:8)
15.1-887	repealed

Article 6

§ 15.1-888	repealed
§ 15.1-889	transferred (§ 15.1-832.9:51; § 15.1-832.11:51)
§ 15.1-889.1	transferred (§ 15.1-832.9:52)
§ 15.1-890	transferred (§ 15.1-832.9:53; § 15.1-832.11:52)
§ 15.1-891	transferred (§ 15.1-832.9:54; § 15.1-832.11:53)
§ 15.1-892	transferred (§ 15.1-832.9:55; § 15.1-832.11:54)
§ 15.1-893	transferred (§ 15.1-832.9:56; § 15.1-832.11:55)
§ 15.1-894	transferred (§ 15.1-832.9:57; § 15.1-832.11:56)
§ 15.1-895	transferred (§ 15.1-832.9:58; § 15.1-832.11:57)
§ 15.1-896	transferred (§ 15.1-832.9:60; § 15.1-832.11:60)

Article 7

§ 15.1-897	repealed
§ 15.1-898	repealed
§ 15.1-899	repealed
§ 15.1-900	repealed

Article 8

§ 15.1-901	transferred (§ 15.1-130.21)
§ 15.1-902	transferred (§ 15.1-130.22)
§ 15.1-903	transferred (§ 15.1-130.23)
§ 15.1-904	repealed
§ 15.1-905	transferred (§ 15.1-130.24)
§ 15.1-906	transferred (§ 15.1-832.3:51)
§ 15.1-907	transferred (§ 15.1-832.3:52)

Article 9

§ 15.1-908	transferred (§ 15.1-836.1)
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Article 10

§ 15.1-909	(reserved in Code)
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§ 15.1-910	repealed
§ 15.1-911	repealed
§ 15.1-912	repealed
§ 15.1-913	repealed
§ 15.1-914	repealed
§ 15.1-915	repealed

Chapter 19 (repealed)

Chapter 20 (repealed)

Chapter 20.1 (no change)

Chapter 21

§ 15.1-966	amended
§ 15.1-967	amended
§ 15.1-967.1	added (new)
§ 15.1-968	repealed
§ 15.1-969	amended
§ 15.1-970	amended
§ 15.1-971	amended
§ 15.1-972	repealed
§ 15.1-973	repealed
§ 15.1-974	repealed
§ 15.1-975	repealed
§ 15.1-976	no change
§ 15.1-977	no change

Title 22

Chapters 1 through 3.1 (no change)

Chapter 4 (no change)

except

§ 22-40	repealed
§ 22-41	repealed

Chapter 5 (repealed)

Chapter 5.1 (added)

§ 22-44.1	added (new)
§ 22-44.2	added (new)
§ 22-44.3	added (§ 22-62)
§ 22-44.4	added (§ 22-64)
§ 22-44.5	added (§ 22-65)
§ 22-44.6	added (§ 22-66)
§ 22-44.7	added (§ 22-79.2)
§ 22-44.8	added (§ 22-79.1)
§ 22-44.9	added (§ 22-79.3)
§ 22-44.10	added (§ 22-79.4)
§ 22-44.11	added (§ 22-79.5)
§ 22-44.12	added (§ 22-79.6)

Chapter 6 (no change)

except

Article 1

§ 22-45	repealed
§ 22-45.1	added (new)
§ 22-48	repealed
§ 22-48.2	repealed

Article 2

§ 22-59	amended
§ 22-60	repealed
§ 22-61	repealed
§ 22-61.1	added (new)
§ 22-62	transferred (§ 22-44.3)
§ 22-63	amended
§ 22-64	transferred (§ 22-44.4)
§ 22-65	transferred (§ 22-44.5)
§ 22-66	transferred (§ 22-44.6)
§ 22-67.2	repealed
§ 22-67.3	added (new)
§ 22-68	amended
§ 22-69	repealed
§ 22-70	repealed
§ 22-70.1	added (new)
§ 22-72	amended
§ 22-72.1	transferred (§ 22-72)
§ 22-73	repealed
§ 22-74	repealed
§ 22-75	repealed
§ 22-76	repealed
§ 22-77	repealed
§ 22-78	repealed
§ 22-78.1	added (new)
§ 22-79	repealed

Article 2.1

§ 22-79.1	transferred (§ 22-44.8)
§ 22-79.2	transferred (§ 22-44.7)
§ 22-79.3	transferred (§ 22-44.9)
§ 22-79.4	transferred (§ 22-44.10)
§ 22-79.5	transferred (§ 22-44.11)
§ 22-79.6	transferred (§ 22-44.12)

Article 3

§ 22-80	repealed
§ 22-81	repealed
§ 22-82	repealed
§ 22-83.1	repealed
§ 22-83.2	repealed

Article 4

§ 22-89	repealed
§ 22-89.2	repealed
§ 22-90	repealed
§ 22-91	repealed
§ 22-92	repealed
§ 22-93	repealed
§ 22-94	repealed

§ 22-95	repealed
§ 22-96	amended
§ 22-97	repealed
§ 22-97.1	repealed
§ 22-98	repealed
§ 22-99	repealed
§ 22-99.1	added (new)
§ 22-99.2	added (new)
§ 22-100	repealed

Article 5

§ 22-100.1	repealed
§ 22-100.3	repealed
§ 22-100.4	repealed
§ 22-100.5	repealed
§ 22-100.6	repealed
§ 22-100.7	repealed
§ 22-100.8	repealed
§ 22-100.9	repealed
§ 22-100.10	repealed
§ 22-100.11	repealed
§ 22-100.13	repealed

Title 24.1 (no change)

except

§ 24.1-17.1	transferred (§ 15.1-37.9)
§ 24.1-88	amended
§ 24.1-94	added (new)
§ 24.1-94.1	added (new)
§ 24.1-94.2	added (new)
§ 24.1-165	amended
§ 24.1-165.1	added (new)

Title 58

Chapter 17 (no changes)

except

§ 58-839	amended
§ 58-844	amended

Title 2.1

Chapter 13

§ 2.1-167. Auditor to perform services for counties, cities and certain towns.—The Auditor of Public Accounts, ~~when requested by the governing body of any county, or the council of any city or town of the Commonwealth,~~ shall make and establish a *uniform* system of bookkeeping and accounting for the treasurers ~~or other chief financial officers,~~ clerks of the courts and school ~~boards~~ *divisions* of ~~such~~ all counties and cities, and ~~when so requested he shall, or whether requested or not,~~ *all towns having a population of twenty-five hundred or over and all towns constituting a separate school division regardless of population* and he may at any time, examine the books and accounts of such officers, and report to the supervisors, or other governing body, or councils, the findings of his investigation, if it relates to the affairs of such county or city or town.

~~The Auditor shall likewise upon request of the governing body of any county, which request shall be evidenced by a resolution adopted by such governing body, make and establish a centralized system of bookkeeping and accounting for such county which systems shall comprehend and include the fiscal transactions of all officers and departments of the county including the county school board and the local board of public welfare or social services. The governing body of any county whether operating under a special form of county government or under the general form of county government is hereby authorized to provide for the adoption, installation and maintenance of such centralized system of bookkeeping and accounting, and the cost of the service provided for in this paragraph shall be paid by the county for which said service is rendered.~~

Chapter 1

General

Article 1

Transition Provisions

§ 15.1-1. Charter and other powers not affected by title.— Except when otherwise expressly provided, the provisions of this title shall in nowise repeal, amend, impair or affect any other power, right or privilege conferred on cities and towns by charter ~~or any other provisions of general law~~ .

§ 15.1-2. Certain laws and ordinances not affected by 15-10.— (a) The repeal of Title 15 effective as of July first, nineteen hundred and sixty-four shall not affect the powers of any county, city or town with respect to any ordinance, resolution or by-law adopted and not repealed or rescinded prior to such date.

(b) ~~The repeal of § 15 1C by this title shall not affect the exercise, by ordinance or otherwise, of any power conferred by that section upon any county which on June thirtieth, nineteen hundred and sixty four was vested with such power and on or before such date exercised the same; and every power so conferred, vested and exercised is hereby continued in such cases.~~

(c) For the purposes of this section, all laws and ordinances heretofore adopted by any county authorized to adopt the same under former § 15-10 are hereby ratified, validated and confirmed, notwithstanding noncompliance with any technical requirement of such section.

(d) ~~The following amendment to the act continued in effect by this subsection is made part of this Code by this reference:~~

~~Chapter 704 of the Acts of 1968.~~

§ 15.1-5.5. *Reference to former sections.—Whenever any of the conditions, requirements, or contents of any section, article or chapter of this title are transferred in the same or in modified form to a new section, article or chapter by this act, and whenever any such former section, article or chapter is given a new number in this title, all references to any such former section, article or chapter shall be construed to apply to the new section, article or chapter containing such conditions, requirements, provisions or contents or portions thereof to the extent applicable.*

The word, “transferred” as used in this section and §§ 15.1-5.6 and 15.1-5.7 means the repeal of a section and the enactment of another section in its stead as provided for above.

§ 15.1-5.6. *Validity of actions under former sections.—All ordinances, resolutions and other official acts taken by a governing body of a county, city or town based on a power granted by a section transferred by this act are hereby ratified, validated, and confirmed*

and continued in force and effect without further action by any governing body and any reference in such ordinances, resolutions and official acts to a section repealed by this act shall be construed to mean the transferred section.

§ 15.1-5.7. *Drafting of certain bills proposed for introduction in the General Assembly.—All other bills introduced and passed in the same session of the General Assembly that enacts this act, amending any sections of Title 15.1 that have been transferred to another location in Title 15.1 by this act shall be deemed to amend such transferred section.*

§ 15.1-5.8. *Effect of repeal of certain sections and enactment new section on prior acts, offenses, etc.—The repeal of sections as provided for in this act shall not affect any act or offense done or committed, or any penalty incurred, or any right established, accrued or accruing on or before the effective date of this act, or any proceeding, prosecution, suit or action pending on that day based on such repealed sections. Except as herein otherwise provided, neither the repeal of sections as provided for in this act nor the enactment of new sections as provided for in this act shall apply to offenses committed prior to the effective date of this act, and prosecution for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purpose of this act, an offense was committed prior to the act's effective date, if any of the essential elements of the offense occurred prior thereto.*

§ 15.1-5.9. *Certain notices, recognizances and processes validated.—Any notice given, recognizance taken, or process or writ issued before the effective date of this act, shall be valid although given, taken or to be returned to a day after such date, in like manner as if this act had been effective before the same was given, taken or issued.*

§ 15.1-5.10. *Certain laws and ordinances not affected by repeal of § 15.1-522.—All laws and ordinances heretofore adopted by any county authorized to adopt the same under former § 15.1-522 are hereby ratified, validated and confirmed, notwithstanding noncompliance with any technical requirement of such section.*

Article 2.

General Provisions.

§ 15.1-6. *Definitions.—As used in this title unless such construction would be inconsistent with the manifest intent or repugnant to the context of the statute:*

(1) The term “board of supervisors” shall mean the ~~board of supervisors or other~~ governing body, ~~as the case may be,~~ of a county.

(2) The ~~term~~ word “supervisor” shall mean a member of the board of supervisors ~~or other governing body,~~ as the case may be, of a county.

(3) The ~~term~~ word “council” shall mean the ~~council or other~~ governing body, ~~as the case may be,~~ of a city or town.

(4) The word or term “councilman” or “member of the council” shall ~~include~~ *mean* members of ~~any other~~ the governing body of a city or town

(5) The terms "governing body" or "governing bodies" shall mean board of supervisors and council of a city and council of a town, singularly, plurally and/or collectively as the context may require.

(6) The word "county" shall mean any territory designated as such within the State that is a political subdivision of same.

(7) "City" shall mean any municipal corporation so designated existing on July one, nineteen hundred seventy-one, and all other incorporated communities having within defined boundaries the population required by the General Assembly, or more, to become a city and shall have been chartered as such by the General Assembly or have been declared to be such in the manner provided by law.

(8) "Town" shall mean any municipal corporation so designated existing on July one, nineteen hundred seventy-one, and all other incorporated communities having within defined boundaries the population required by the General Assembly, or more, to become a town and shall have been chartered as such by the General Assembly or have been declared to be such in the manner provided by law.

(9) The word or terms "municipality", "incorporated communities", "municipal corporation" and words or terms of similar import; singular or plural, shall be construed to relate only to cities and towns.

(10) The word "locality" or "localities" shall be construed to mean a county, city and/or town singularly, plurally and/or collectively as the context may require.

(11) The term "political subdivisions" shall mean counties, cities, towns, regional governments, sanitary districts, authorities, and all other political entities created by the General Assembly.

§ 15.1-6.1. Interchange of certain word and terms.—Whenever in this title the word "ward" or the terms, "magisterial district" or "election district" are used, whether singular or plural, such word and terms may be used interchangeability one for the other as the context may require.

§ 15.1-30. Tables of counties, ~~districts~~ and cities to be published with acts.—The Keeper of the Rolls shall publish, with the Acts of the General Assembly, the names of the several counties ; - ~~magisterial districts~~, and cities of the State, and the population of each such county and city.

§ 15.1-34. Name "Mount Vernon" reserved.—The name "Mount Vernon" is reserved for the home and tomb of the late General George Washington in Fairfax County . The General Assembly No court shall ~~not~~ grant to any county, city or town of the Commonwealth the right to use the name "Mount Vernon."

Chapter 1.1

Elections for Governing Bodies of Counties, Cities and Towns

§ 15.1-37.4. Election of governing bodies of counties, cities and towns. The governing body of every county, city, and town shall be elected by the qualified voters of such county, city, and town. ~~If~~ The members ~~;~~ ~~or any of the members~~, of the governing body of a county, city, or town ~~are shall be elected by~~ ~~from election districts or in counties wards~~, cities and towns, or at large, or a combination of election districts and at large representation, as may be determined by the governing body. If elected from districts, each such district ~~or ward~~ shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district ~~or ward~~. *Notwithstanding any contrary provision of law, general or special, commencing with elections following the reapportionment in nineteen hundred and eighty-one* the governing body ~~of any county~~ shall be composed of not less than ~~three~~ five nor more than eleven members as determined by the governing body ~~but shall always be an uneven number~~. ~~Nothing in this section shall preclude the apportionment of more than one member of the governing body of any county, city, or town to a single district or ward.~~

§ 15.1-37.5. Reapportionment of boundaries of districts ~~or wards~~.—In a county, city, or town electing members of its governing body from districts ~~or wards~~, the governing body may reapportion the representation in the governing body by altering the boundaries of districts ~~or wards~~, including, if the governing body deems it appropriate, increasing or diminishing the number of such districts ~~or wards~~, provided that such representation is based, as nearly as is practicable, on population.

In a county, city, or town electing members of its governing body from districts ~~or wards~~, the governing body in nineteen hundred seventy-one and every ten years thereafter shall reapportion the representation in the governing body by altering the boundaries of the districts ~~or wards~~, including, if the governing body deems it appropriate, increasing or diminishing the number of such districts ~~or wards~~, in order to give, as nearly as is practicable, representation on the basis of population. For the purposes of reapportioning representation in nineteen hundred seventy-one and every ten years thereafter, the governing body of a county, city, or town shall use population figures of the most recent decennial United States census for such county, city, or town. Such reapportionment shall be commenced by July one ~~;~~ ~~nineteen hundred seventy one~~, *completed by September one* and shall be effective ~~December thirty one~~, ~~nineteen hundred seventy one~~ *January one of the year following the year in which the reapportionment takes place.*

§ 15.1-37.6. Governing body authorized to expend funds for reapportionment.— ~~Effective in nineteen hundred seventy one~~, The governing body of a county, city, or town may, and it is hereby authorized to, expend such funds, and employ such persons and/or

agencies, as it may deem necessary to carry out the responsibilities relating to reapportionment ~~provided by this chapter~~

§ 15.1-37.7. Recording resolution of reapportionment.—A copy of the ordinance or resolution reapportioning representation in the governing body of a county, city, or town, including a description of the boundaries and a map showing the boundaries of the districts ~~or wards~~, shall be recorded in the official minutes of such governing body, and a certified copy of the ordinance or resolution, including a description of the boundaries and a map showing the boundaries of the districts ~~or wards~~, shall be sent to the ~~Division of State - Planning and Community Affairs~~ State Board of Elections.

§ 15.1-37.8. Mandamus shall lie for failure to reapportion districts ~~or wards~~.—Whenever the governing body of any county, city or town, shall fail to perform the duty of reapportioning the representation among the districts ~~or wards~~ of such county, city, or town, or fail to change the boundaries of districts ~~or wards~~, as prescribed hereinabove, mandamus shall lie in favor of any citizen of such county, city, or town, to compel the performance of such duty.

Whenever the governing body of any county, city or town changes the boundaries, or increases or diminishes the number of districts ~~or wards~~, or reapportions the representation in the governing body as prescribed hereinabove, such action shall not be subject to judicial review, unless it be alleged that the representation is not proportional to the population of the district ~~or ward~~. If such allegation be made in a bill of complaint filed in a court having equity jurisdiction within such governmental unit, such court shall determine whether such action of the governing body complies with the constitutional requirements for redistricting and reapportionment. Appeals from such court shall be as in any other suit.

§ 15.1-37.9:1. *When new members of governing body elected, etc.—Following reapportionment of the locality, or part thereof, if the number of members of the governing body be increased or decreased, such change shall become effective with the next regular general election and, in addition, when those persons so elected qualify and take office as provided for by general law. Until such time the governing body in office shall continue.*

§ 15.1-37.10. *Elections of governing bodies.—The time, place and method of electing members of the governing body of any county, city or town in this State shall be as provided in Title 24.1 of this Code.*

Chapter 2.1
Governing Bodies
Article 1
Powers Generally

§ 15.1-130.1. Extent of powers granted to local governments.—Local governments in this State shall have and exercise only those powers expressly granted to them by the Constitution, general law and their charter, if applicable; and those necessarily or fairly implied in or incident to the powers expressly granted; and those essential to the accomplishment of the declared objects and purposes of express grants of powers.

§ 15.1-130.2. Powers granted counties, cities and towns vested in their governing bodies.—Unless otherwise clearly indicated by the content in which the provisions relating thereto are set forth, all powers granted to counties, cities and towns shall be vested in their respective governing bodies.

§ 15.1-130.3. Declared to be body politic of State; seal.—Every county, city and town of this State is hereby declared to be a body politic of the State, whether corporate or not, and as such their governing bodies may sue and be sued in relation to all matters connected with their duties as such and may have a seal and alter the same at their pleasure.

§ 15.1-130.4. Governing body to be continuing body.—Every governing body shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of any or all members of the governing body.

§ 15.1-130.5. Official name for actions.—The governing body of every county shall use the name, “..... County,” and the governing body of every city or town shall use the name, “(city or town) of” in all actions brought by them and such name shall be used in all actions brought against them.

§ 15.1-130.6. How counties, cities or towns may sue or be sued.—Every county, city or town may sue or be sued in its own name, as provided above, for forfeitures, fines or penalties given by law or upon contracts made with them. Such suits shall be filed in the circuit court serving such county, city or town and the process instituting such suits shall be served on the Commonwealth’s attorney for the county, (or for any town within the county), or for the city; provided, however, if the county, city or town has created the office of county, city or town attorney then the process shall be served on such attorney.

Article 2
Meetings of Governing Bodies

§ 15.1-130.7. Reserved.

§ 15.1-130.8. At what meetings the governing body may act.—Unless otherwise specially provided, a governing body may exercise any of the powers conferred upon it at

any lawful meeting, regular, special or adjourned.

15.1-130.9. Regular meetings.—The governing body shall assemble at the courthouse, or at such other public place in the county or municipality as the governing body may prescribe, in regular session at least once each month upon such day or days as may be prescribed by order of the governing body. A majority of the governing body shall constitute a quorum. A majority of such a quorum may lawfully conduct the affairs of the locality.

The days, times and places of regular meetings to be held during the ensuing twelve months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting. Provided, however, that if the governing body subsequently shall prescribe any public place other than the courthouse or the initial public meeting place, or any time other than that initially established, as a meeting place or time, the governing body shall pass a resolution as to such future meeting place or time and shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and publish same in a newspaper having a general circulation in the county, city or town, as the case may be, in accordance with §§ 15.1-130.20 and 15.1-130.20:1, mutatis mutandis. Provided further that should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

Notwithstanding any other provision of law, a majority of the members of the governing body present at the prescribed time and place to attend any meeting held or to have been held pursuant to the provisions of this section shall constitute a quorum for the purpose of adjourning such meeting to another meeting place or from day to day or from time to time, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed.

§ 15.1-130.10. Special meetings; quorum.—The governing body may also hold such special meetings, as it may deem necessary, and it may adjourn from time to time as it may deem necessary. At any meeting a majority of the governing body shall constitute a quorum.

§ 15.1-130.11. Same; how called.—A special meeting of the governing body shall be held when called by the chairman or the mayor or requested by two or more of the members thereof. Such call or request shall be in writing, addressed to the clerk, and shall specify the time and place of meeting and the matters to be considered at the meeting. Upon receipt of such call or request, the clerk shall immediately notify each member of the governing body and the Commonwealth's attorney or the attorney for the county, city or town, as the case may be, in addition to such other persons as may be authorized by the governing body to receive notice, in writing, to attend such meeting at the time and place mentioned in the call or request. Such notice shall specify the matters to be considered at the meeting; no matter not specified in the notice shall be considered at such meetings, unless all the members of the governing body are present and agree to such additional matter being added to agenda of the meeting.

§ 15.1-130.12. How questions determined.—All questions submitted to the governing body for decision shall be determined by a majority of the members voting on any such question unless another method of determination be required by the Constitution of Virginia or by general law; but in any case in which there shall be a tie vote upon any question when all the members are not present, the question shall be passed by till the next meeting or a time fixed by the governing body when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote on any question after complying with the hereinabove procedure, the question shall be deemed to

have been defeated. A tie vote at any meeting at which all members are present shall be deemed to defeat the question. Final votes on any ordinance or resolution shall be in accordance with the procedure provided for in Section 7 of Article VII of the Constitution.

Article 3

Presiding Officers and Vacancies in Certain Offices

§ 15.1-130.13. *Electing a chairman and vice-chairman; mayor and vice-mayor.*—Every governing body shall, at its first meeting after taking office, elect one of its number as presiding officer. Such officer shall be called “chairman” if a member of a board of supervisors and “mayor” if a member of a city or town council. Such member shall preside at the first meeting and all other meetings during the term for which so elected, if present. The governing body also may elect a vice-chairman or vice-mayor, as the case may be, who shall, if so elected, preside at meetings in the absence of the chairman or mayor and may discharge any other duty of the chairman or mayor during his absence or disability. Chairmen and vice-chairmen, mayors and vice-mayors, may be so elected to serve for terms corresponding with their terms as supervisors and councilmen or may be elected annually or for two years as determined by the governing body. Whenever any board or council, at the time of such election, shall fail to designate the specific term of office for which a chairman or vice-chairman, a mayor or vice-mayor, is elected, it shall be presumed that such officers were so elected for a term of one year or until their successors shall have been elected. Chairmen and vice-chairmen, mayors and vice-mayors may succeed themselves in office. In the case of the absence from any meeting of the chairman, and vice-chairman, mayor and vice-mayor, the members present shall choose one of their number as temporary presiding officer.

15.1-130.14. *Powers of chairman and mayor.*—In addition to being presiding officer, the chairman or mayor, as the case may be, shall be the head of the local government for all ceremonial purposes. He shall have a vote but no veto.

If a chief administrative officer is not appointed for the county, city or town, nor another person or persons appointed by the governing body to see that the administrative affairs of the locality are carried out, the chairman or mayor, as the case may be, shall exercise all the powers and duties of a chief administrative officer on a full or part-time basis as the board or council may direct and may be paid a salary, in addition to his compensation as a member of the board of supervisors and chairman or councilman and mayor, in an amount authorized by the board or council.

§ 15.1-130.15. *Vacancies in office of supervisors, councilmen, chairman and vice-chairman, mayor and vice-mayor.*—Notwithstanding any general or special provision of law to the contrary, whenever a vacancy shall occur in the board of supervisors or council of a city or town such vacancy shall be filled by appointment by the remaining members of the board of supervisors or council of a city or town, as the case may be, if the unexpired term of office remaining to be served be one year or less.

If the unexpired term remaining to be served is longer than one year then the board of supervisors or council of a city or town, as the case may be, shall forthwith certify the fact of such vacancy to the circuit court serving the county, city or town and the court shall order an election to be held to fill the vacancy. Any order calling a special election shall be entered and the election held within a reasonable period of time subsequent to the receipt of the request for such special election if such request is found to be in proper order. No such special election shall be held unless it shall have been ordered at least sixty days prior to the date for which it is called. No such special election shall be held within

the sixty days prior or subsequent to a general or primary election. Until such person be elected and take office the governing body shall appoint a person to temporarily fill such vacancy.

In either event, the person appointed or elected to fill the vacancy shall possess the same legal qualifications for the office as did the person whose position he is filling.

If a majority of the remaining members of the governing body cannot agree, or do not act, within thirty days from the date of such vacancy then the judges of the applicable circuit court shall make the appointment in accordance with the provisions of § 24.1-76 of the Code.

Vacancies in the office of chairman, vice-chairman, mayor and vice-mayor shall immediately be filled by the remaining members of the appropriate governing body from their number.

Article 4

Resolutions, Proclamations and Ordinances

§ 15.1-130.16. Official actions by governing bodies.—All actions by governing bodies shall be in the form of resolutions, proclamations or ordinances.

§ 15.1-130.17. Form of ordinances.—Every ordinance except an annual appropriation ordinance or an ordinance codifying ordinances shall be confined to a single subject which shall be clearly expressed in its title. All ordinances which repeal or amend existing ordinances shall identify by title the section or subsection to be repealed or amended.

The enacting clause of all ordinances shall be:

“The Board of Supervisors of County or Council of the city or town of, (as the case may be) hereby ordains.”

§ 15.1-130.18. Rules as to the consideration of ordinances at special meetings.—No vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present a majority of the governing body and the motion to reconsider or rescind is proposed by a member of the governing body that was on the prevailing side of the vote when such matter was first considered or adopted.

§ 15.1-130.19. Certain official acts to be in form of ordinances.—In addition to such acts of the governing body which are required by the Constitution and other general laws of the Commonwealth to be in the form of an ordinance: (1) all acts of a governing body levying or increasing taxes; (2) authorizing the borrowing of money; (3) authorizing the sale of public property; (4) creating, altering or abolishing any department, bureau, division, office, agency or employment; (5) making an appropriation; (6) fixing the compensation of officers or employees of the governing body; or (7) imposing a penalty shall be in the form of an ordinance.

§ 15.1-130.20. Adoption of ordinances.—Ordinances shall be adopted by a governing body only in the manner prescribed by this section.

No ordinance levying or increasing taxes; authorizing the borrowing of money; authorizing the sale of public property; creating, altering or abolishing any department, bureau, division, office, agency or employment; making an appropriation; fixing the

compensation of officers or employees of the governing body; or imposing a penalty shall be passed until after descriptive notice of an intention to propose the same for passage shall have been published in accordance with § 15.1-130.20:1 of the Code in some newspaper having a general circulation in the county, city or town. The publication shall include a statement that a copy of the full text of the ordinance is on file in the clerk's office of the county, city or town. After the enactment of any such ordinance by the governing body, such ordinance shall become effective upon adoption or upon a date fixed by the governing body.

When in the opinion of the governing body an emergency exists the provisions of this title pertaining to the adoption of ordinances shall be waived and ordinances may be adopted without notice of intention but no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the provisions of this title.

Other ordinances may be proposed and passed without publication at any lawful meeting of the governing body to become effective upon passage or upon a date fixed by the governing body.

All ordinances heretofore enacted by a governing body shall be deemed to have been validly enacted, unless some provision of the Constitution of Virginia or the United States has been violated in such enactment. All provisions of city and town charters in conflict with the provisions of this section shall be null and void.

§ 15.1-130.20:1. Publication of ordinance; notice.—Any provision of law, general or special, requiring publication of an ordinance in a newspaper prior to its adoption shall be deemed complied with, notwithstanding any contrary provision in such law, if there be published twice in some newspaper having a general circulation in the county, city or town, as the case may be, the following information:

A. A legend stating the governing body shall consider adoption of the following ordinance at a meeting to be held (giving the date, time and place).

B. Text of the proposed ordinance, or in the discretion of the governing body, a summary of the ordinance with the information where the text of such ordinance may be viewed by the public in a public place in the locality.

Such publications shall be no less than six days and not more than nine days apart. No official action to enact such ordinance shall be taken until ten days have elapsed after the first publication.

§ 15.1-130.21. Penalties for violation of ordinances.—The governing body of any county, city or town may prescribe fines and other punishment for violations of ordinances, which shall be enforced by proceedings before a judge of the district court for such county, city or town in the manner and with the same right of appeal as if such violations were misdemeanors. Such fines, however, shall in no case exceed one thousand dollars and if imprisonment in jail be prescribed in any case such imprisonment shall not exceed twelve months unless otherwise provided by general law; provided, however, that such penalties shall not exceed those penalties prescribed by general law for like offenses.

§ 15.1-130.22. Bonds of persons convicted.—Upon conviction for the violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security in the penalty of not more than two thousand dollars, conditioned not to violate the ordinance for the breach of which he has been convicted for the period of not more than one year.

§ 15.1-130.23. Appeals; nonpayment of fine.—From any fine or imprisonment

imposed an appeal shall lie as in cases of misdemeanor. Whenever any fine shall be imposed but not paid, the court trying the case shall proceed in accordance with Article 4.1 of Chapter 14 (§ 19.1-347.1 et seq.) of Title 19.1.

§ 15.1-130.24. Injunctive relief against continuing violation of ordinance.—A county or municipal corporation, in addition to the penalty imposed for the violation of any ordinance, may enjoin the continuing violation thereof by proceedings for an injunction brought in any court in the county or municipal corporation having jurisdiction to grant injunctive relief.

§ 15.1-130.25. Codification and recodification of ordinances.—Any county, city or town may codify or recodify any or all of its ordinances, in permanently bound or loose-leaf form. Such ordinances may be changed, altered or amended by the governing body of the county, city or town, and ordinances or portions thereof may be deleted and new material may be added by the governing body. Such changes, alterations, amendments or deletions and such new material shall become effective on the effective date of the codification or recodification.

Ordinances relating to zoning and the subdivision of land may be included in any codification or recodification of ordinances; provided, that no change, alteration, amendment deletion or addition of a substantive nature shall be made and no new material of a substantive nature shall be added to such ordinances unless, prior to the date of adoption of such codification or recodification, notice of such proposed changes, alterations, amendments, deletions or additions shall be published as required by the Code of Virginia and public hearings held thereon as provided by the Code of Virginia for adoption and amendment of zoning and subdivision ordinances. Renumbering or rearranging of sections, articles or other divisions of any such ordinance shall not be deemed to be a change, alteration or amendment of a substantive nature.

Any such codification or recodification may be adopted by reference by a single ordinance, without further publication of such codification or recodification or any portions thereof. The ordinance adopting such codification or recodification shall comply with all laws of the Commonwealth requiring posting or publication of ordinances or notice of intent to adopt ordinances. At least one copy of such codification or recodification or a complete set of printer's proofs of the text thereof shall be made available for public inspection in the office of the clerk of the county, city or town for at least two weeks prior to the meeting of the governing body at which such codification or recodification is proposed to be adopted.

No ordinance levying or increasing taxes and imposing or increasing a penalty shall be enacted as new material in any such codification or recodification or amended in substance therein unless the procedure set forth in § 15.1-130.20 of the Code of Virginia has first been compiled with.

Supplements for such codifications or recodifications may be prepared from time to time at the direction of the governing body of the county, city or town, either as units or on a replacement page basis; provided, that where replacement pages are prepared, a distinguishing mark or notation shall be placed on each replacement page to distinguish it from original pages and pages of other supplements. No further adoption procedure shall be required for supplements or replacement pages in which no substantive change is made in ordinances previously and validly adopted by the governing body of the county, city or town. If changes, alterations, amendments, deletions or additions of a substantive nature are made in any such supplement, then such supplement shall be adopted by the governing body in the same manner provided by general law.

At least three copies of any codification or recodification adopted hereunder and at

least three copies of every supplement thereto shall be kept in the office of the clerk of the county, city or town and shall there be available for public inspection during normal business hours.

Any codification or recodification adopted hereunder shall be admitted in evidence in all courts without further proof.

§ 15.1-130.26. Application of chapter in certain events.—Notwithstanding any contrary provisions of a city or town charter, the provisions of this chapter shall apply to all local governments in this Commonwealth. Provided, however, the provisions of this chapter shall not apply in those cases where their application would act to abbreviate the term of an elected officer until the termination of such officer's term.

§§ 15.1-130.27 through 15.1-130.30. Reserved.

Chapter 2.2

Personnel

Article 1

General Provisions for Non-Elected Officers and Employees

§ 15.1-130.31. Organization of local government.—Every governing body shall, as soon as the members thereof are elected and take office, provide for the performance of all the governmental functions of the locality and to that end shall provide for and set up all departments of government that shall be necessary, not inconsistent with the provisions of general law or special act, and shall employ, or see that there are employed, the officers and other employees needed to carry out the required and necessary functions of government.

§ 15.1-130.32. Designation of officers to perform certain duties.—Whenever it is not designated by general law or special act what officer or employee of the locality shall exercise any power or perform any duty conferred upon or required of the locality, or any officer thereof, then any such power shall be exercised or duty performed by that officer or employee of the locality so designated by ordinance or resolution of the governing body.

§ 15.1-130.33. Supervising more than one department.—Every governing body may designate the same officer or employee to supervise one or more departments or functions of its government unless otherwise provided by general law or special act.

§ 15.1-130.34. Tenure of officers and employees; suspension or removal.—A. All appointments of officers and hiring of other employees by local governments shall be without definite term, unless for temporary services not to exceed one year or except as otherwise provided by general law or special act.

B. Any officer or employee of a local government employed pursuant to subsection A. may be suspended or removed from office or employment in accordance with the provisions of §§ 24.1-79.1 through 24.1-79.10 of Title 24.1 of this Code, or if such sections of Title 24.1 be not applicable then in accordance with procedure established by special act or by the governing body.

C. In case of the absence or disability of any such officer or employee, the board of supervisors or councilmen, as the case may be, or other appointing power may designate some responsible person to temporarily perform the duties of the office.

§ 15.1-130.35. Schedule of compensation for officers and employees.—Every governing body shall, except as otherwise provided by general law, establish a schedule of compensation for officers and employees which shall, so far as practical, provide uniform compensation for like service and longevity.

§ 15.1-130.36. Establishing times and conditions of employment, personnel management, etc.—A. Every local government shall, except as otherwise provided by general law, establish and prescribe for all its officers and employees the following provisions applicable to such officers and employees:

1. Normal work days and hours of employment therein;

2. *Holidays;*
3. *Days of vacation allowed;*
4. *Days of sick leave allowed;*
5. *Residency within or without the locality as a condition of employment;*
6. *Other provisions concerning the hours and conditions of employment;*
7. *Plans of personnel management and control.*

B. Every local government shall have power to establish, alter, amend or repeal at will any provision adopted under subsection A. hereof.

§ 15.1-130.37. Establishment of grievance procedure for employees.—Notwithstanding any other provision of law to the contrary, the governing body of every county, city and town which has more than fifteen employees shall establish by June thirty, nineteen hundred seventy-four, a grievance procedure for its employees to afford an immediate and fair method for the resolution of disputes which may arise between such public employer and its employees and a personnel system including a classification plan for service and uniform pay plan for all employees excluding the employees and deputies of constitutional officers and division superintendents of schools; provided, however, employees of local welfare departments and local welfare boards may be included in such a grievance procedure at the discretion of the governing body of the county, city or town but shall be excluded from such a personnel system.

Every such grievance procedure shall conform to like procedures established by the Governor pursuant to § 2.1-114 and shall be submitted to the director of personnel appointed pursuant to § 2.1-113 for approval. Failure to comply with any provision of this section shall cause the grievance procedures adopted by the Commonwealth to be applicable in accordance with such rules as the Director of Personnel may prescribe and shall cause the noncomplying locality to promptly apprise its employees of the applicability of the grievance procedure adopted by the Commonwealth and shall cause such locality to disseminate copies of such grievance procedure to those employees covered by the procedure. The term "grievance" as used herein shall not be interpreted to mean negotiations of wages, salaries or fringe benefits.

§ 15.1-130.38. Retirement systems.—Every local government may establish a system for the retirement of its injured, or superannuated officers and employees; the members of the local police and fire departments; the public school teachers and other employees of the local school board; and the judges, clerks, deputy clerks, bailiffs and other employees of the judicial system; or any of them; and may establish a fund or funds for the payment of retirement allowances by making appropriations out of the county or municipal treasury, as the case may be, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers, employees, members of police and fire departments, teachers, judges, clerks, deputy clerks and bailiffs, or by any combination of such methods, or by any other method not prohibited by law; provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles for the payment of such retirement allowances therefrom. The benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever nor shall any assignment of such benefits be enforceable in any court.

§ 15.1-130.39. Allowances to injured officials and employees and their dependents.—The governing body of any county, city or town is authorized in its discretion to make

allowances by appropriation of funds, payable in monthly or semimonthly installments, for the relief of any of its officials, employees, policemen, firemen, sheriffs or deputy sheriffs, town sergeants and town deputy sergeants, or their dependents, who suffer injury or death as defined in Title 65.1, whether such injury was suffered or death occurs before or after June twenty-ninth, nineteen hundred forty-eight. The allowance shall not exceed the salary or wage being paid such official, employee, policeman, fireman, sheriff or deputy sheriff, town sergeants and town deputy sergeants, at the time of such injury or death, and the payment of the allowance shall not extend beyond the period of disability resulting from such injury. In case death results from the injury, the allowance may be made for the dependents as defined in Title 65.1. In counties, cities and towns which have established retirement or pension systems for injured, retired or superannuated officials, employees, members of police or fire departments, sheriffs, deputy sheriffs, town sergeants and deputy sergeants, or for the dependents of those killed in line of duty, the agencies provided for the administration of such systems shall determine the existence of such injury or cause of death before any appropriation to pay such allowance is made and shall determine the extent of and period of disability resulting from such injury and the cause in case of death. All sums paid to any such official, employee, policeman, fireman, sheriff or deputy sheriff, town sergeants and deputy sergeants, as compensation under Title 65.1 and all sums paid to the dependents of such official, employee, policeman, fireman, sheriff or deputy sheriff, town sergeant and deputy sergeant, if he is killed, and all sums paid under any retirement or pension system shall be deducted from the allowance made under this section in such installments as the agency determines. If the agency determines that any official, employee, policeman, fireman, sheriff or deputy sheriff, town sergeant and deputy sergeant, who suffered injury in the line of duty is engaged or is able to engage in a gainful occupation, then the allowance shall be reduced by the agency to an amount which, together with the amount earnable by him, equals the allowance. Should the earning capacity of the official, employee, policeman, fireman, sheriff or deputy sheriff, town sergeant and deputy sergeant, be later changed, such allowance may be further modified, up or down, provided the new allowance shall not exceed the amount of the allowance originally made nor an amount which, when added to the amount earnable by him, exceeds such allowance.

The death of, or any condition or impairment of health of, any member of a county, city or town police department, or of a sheriff or deputy sheriff, City Sergeant or Deputy City Sergeant of the city of Richmond, caused by hypertension or heart disease resulting in total or partial disability shall be presumed to have been suffered in the line of duty unless the contrary be shown by competent evidence; provided that prior to making any claim based upon such presumption for retirement, sickness or other benefits on account of such death or total or partial disability, such member, sheriff, or deputy sheriff, City Sergeant or Deputy City Sergeant of the city of Richmond, shall have been found free from hypertension or heart disease, as the case may be, by a physical examination which shall include such appropriate laboratory and other diagnostic studies as such governing body shall prescribe and which shall have been conducted by physicians whose qualification shall have been prescribed by such governing body; and provided, further, in the case of a claim for disability, that any such member, sheriff, or deputy sheriff, City Sergeant or Deputy City Sergeant of the city of Richmond shall, if requested by such governing body or its authorized representative, submit himself to physical examination by any physician designated by such governing body, such examination to include such tests or studies as may reasonably be prescribed by the physician so designated or, in the case of a claim for death benefits, any person entitled to make a claim for such benefits, claiming that his death was suffered in the line of duty, shall submit the body of the deceased to a postmortem examination to be performed by the medical examiner for the county, city or town appointed under § 32-31.16. Such member, sheriff, or deputy sheriff, City Sergeant or Deputy City Sergeant of the city of Richmond, or claimant shall have the right to have present at such examination, at his own expense, any qualified physician he may designate.

§ 15.1-130.40. *Oath and bond.*—Before entering upon the duties of his office the person appointed or employed by the governing body, or its delegated representative, shall take the oath of office required by general law or the governing body, if any, and shall give the bond before the clerk of the circuit court serving such governing body, if required, with surety to be approved by such clerk in an amount to be fixed by the governing body, the premium for which bond shall be paid by the governing body out of its general fund. The oath of office to be that prescribed by § 49-1 of this Code.

Article 2

Joint Officers and other Employees

§ 15.1-130.41. *Joint officers; constitutional and non-constitutional, and employees may be elected, appointed or employed.*—Any two or more adjoining or adjacent localities may, as hereinafter provided; jointly elect, appoint and employ, in the manner provided by law, any one or more of its officers or employees.

§ 15.1-130.42. *Powers and duties.*—Every officer and employee so elected, appointed or employed by two or more localities shall in each of such localities exercise all the powers conferred and perform all the duties imposed upon such officer or employee by law.

§ 15.1-130.43. *Compensation.*—Each officer or employee so elected, appointed or employed, by two or more localities, shall receive such compensation as is provided for by general law, or if none be so provided then such as may be allowed by the joint governing bodies. If the compensation of such officer or employee be not provided by general law, each of the joint governing bodies shall pay such portion of his salary as the joint governing bodies may provide by agreement; in the absence of any such agreement, each governing body shall pay that portion of the salary of the officer or employee which the assessed valuation of the tangible property, real and personal, assessed for local taxation in each such locality is of the total assessed valuation of such property in all of the localities.

§ 15.1-130.44. *Authority necessary for election of joint constitutional officers.*—No locality shall be permitted to elect jointly with any other locality constitutional officers, whether one or more of them, until authority to do so has been conferred as provided in the following sections.

§ 15.1-130.45. *Similar petitions by the electorate; order for election.*—Upon similar petitions meeting the requirements of § 24.1-165.1 signed by the electorate of each unit of government and filed with the circuit court in one or more of such units of government asking that a referendum be held on the question of jointly electing constitutional officers with one or more designated adjoining or adjacent localities, the court shall by order entered of record in accordance with § 24.1-165 require the regular election officials of such units of government on the day fixed in the order, to open a poll and take the sense of the qualified voters of the localities on the question submitted as herein provided.

§ 15.1-130.46. *Conduct of election.*—The regular election officers of the localities, at the time designated in the order authorizing the vote, shall open the polls at the various voting places in the localities and conduct the election in such manner as is provided by law for other elections, in so far as the same is applicable. The election shall be by secret ballot and the ballots shall be prepared by the electoral boards and distributed to the various election precincts as in other elections. The ballots used shall be printed to read as follows:

“Shall (insert name of governmental entities) elect jointly the following officers required by § 4 of Article VII of the Constitution of Virginia?”

A (insert title of constitutional officer)

Yes

No

Voting shall be in accordance with the provisions of Title 24.1.

If any other constitutional officer is to be voted on, the title of each such officer shall be printed on the ballot in like manner as above set forth.

§ 15.1-130.47. Result and effect of election.—The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral boards to the circuit court. If it shall appear by the report of the electoral boards that a majority of the qualified voters of each locality voting are in favor of electing, any of the constitutional officers jointly, the circuit court shall enter of record such fact designating the officer or officers that may be so elected and the names of governmental entities involved .

§ 15.1-130.48. Reserved.

§ 15.1-130.49. Duty of joint constitutional officers after election pursuant to resolutions or petition.—If in any election held pursuant to the resolutions or petition provided for in the preceding sections it shall appear that a majority of the qualified voters of each such locality voting are in favor of electing any one or more of such constitutional officers jointly, the constitutional officers presently in office shall continue to perform the duties of their office until the expiration of their term of office or until their successor be elected, qualify and take office, whichever may be later. At the next regular November election for county constitutional officers there shall be elected from such localities voting as one entity a single constitutional officer to succeed the constitutional officers whose positions have been merged in the referendum provided for in § 15.1-130.45 of the Code.

Provided however no such jointly elected constitutional officer shall exercise the powers and duties of his office in a unit of government for which he was elected to represent until the expiration of the term of office of the incumbent in such unit of government. Such jointly elected constitutional officer’s initial term of office may be abbreviated in one or more of such units of government as may be required due to the expiration of the terms of office of his predecessors.

§ 15.1-130.49:1. Location of office; maintenance of records.—When one constitutional officer has been elected to represent two or more localities the appropriate governing bodies shall agree upon the location of the office of such officer prior to his qualification. Such office shall be located in a office building generally accessible to the public. Such constitutional officer shall continue to maintain separate books and records for each of the governmental entities from which he is elected.

§ 15.1-130.49:2. Abolishing joint constitutional office.—Any one of the units of local government jointly electing a constitutional officer may withdraw from such joint representation. Such withdrawal to become effective only after a referendum has been held in the locality seeking to withdraw and has been approved by a majority of the electorate voting in same. The provisions of §§ 15.1-130.45 through 15.1-130.47 shall apply to such referendum, mutatis mutandis. In which event the question in § 15.1-130.46 shall read as follows:

“Shall (insert name of governmental entity) elect separately the following officers required by § 4 of Article VII of the Constitution of Virginia?”

A (insert title of constitutional officer)

Yes

No

If such withdrawal be approved it shall not become effective until the expiration of the term of the present incumbent. If there be only two units of government jointly electing such constitutional officer thereafter both shall separately elect his successors. If there be more than two units of government jointly electing such constitutional officer his joint election shall continue as to the remaining units of government. The initial term of office of the constitutional officer elected for such withdrawing unit of government may be abbreviated as may be required to comply with the provisions of Title 24.1 pertaining to time of elections for constitutional officers in such units of government.

§ 15.1-130.49:3. Qualification and bonds of joint constitutional officers; etc.—Joint constitutional officers shall qualify and give bond, if bond be required, in any circuit court, if there be more than one serving the units of government which he represents.

Such joint constitutional officer shall, if there be more than one circuit court serving the units of government he represents, sue and be sued in the circuit court serving the particular unit of government in which the controversy arose.

§ 15.1-130.49:4. Joint appointment or employment of other officers or employees.—The governing bodies of two or more adjoining or adjacent localities may jointly appoint or employ officers and employees other than constitutional officers without prior approval of the voters in a referendum.

Each of such governing bodies shall by ordinance or resolution signify its consent to such joint appointment or employment. All terms and conditions of such joint appointment or employment may be by written contract between or among the participating governing bodies.

§ 15.1-130.49:5. Validation of current joint offices.—Any joint office in existence on January one, nineteen hundred seventy-seven, whose existence is authorized or was authorized by any provision of law, general or special, is hereby validated and shall continue until changed in the manner provided by law.

Article 3

Abolishing Constitutional offices of Treasurer and Commissioner of Revenue

§ 15.1-130.49:6. Referendum on abolishing Constitutional offices of Treasurer and Commissioner of Revenue.—Upon a petition filed with the circuit court of any county or city meeting the requirements of § 24.1-165.1 asking that a referendum be held on the question of abolishing the Constitutional offices of Treasurer and Commissioner of Revenue and replacing such elected officers by a Director of Finance, the court shall, by order entered of record in accordance with § 24.1-165, require the regular election officials on the day fixed in such order, to open the polls and take the sense of the qualified voters of the county or city, as the case may be, on the question submitted as herein provided. The clerk of the circuit court of the county or city shall cause a notice of such referendum

to be published in some newspaper published or having a general circulation in the county or city, once a week for three successive weeks prior to such referendum, and post a copy of such notice during the same time at the front door of the courthouse of the county or city.

The regular election officials of the county or city at the time designated in the order shall open the polls at the various voting places in the county or city and conduct the referendum in such manner as is provided by law for other elections, insofar as the same is applicable. The voting shall be by secret ballot, and the ballots shall be prepared by the electoral board and distributed to the various election precincts as in other elections. The ballots used shall be printed as follows:

“Shall the Constitutional offices of Treasurer and Commissioner of Revenue be abolished and the functions of such offices be assumed by an appointed Director of Finance?”

§ 15.1-130.49:7. *Abolition of offices of Treasurer and Commissioner of Revenue.—Following the referendum held as herein provided, the elected offices of Treasurer and Commissioner of Revenue shall be abolished if the majority of votes cast shall be for the proposition; if the majority of the votes cast shall be against the proposition, then the offices of Treasurer and Commissioner of Revenue shall be retained.*

If a majority of the votes cast shall be for the proposition, persons holding such offices shall continue to hold such offices and perform their respective duties until the expiration of the term of office for which they were elected.

§ 15.1-130.49:8. *Limitation on time of holding subsequent referendum.—Following any referendum held as herein provided, no referendum shall be held on the same question for at least four years from the date of holding such referendum, regardless of the results of such election.*

Article 4

Qualifications; Eligibility, etc. of local elected officers

§ 15.1-130.50. *When and how certain elected officers qualify.—Every county, city, town and district officer, elected by the people unless otherwise provided by law, shall, on or before the day on which his term of office begins, qualify by taking the oath prescribed by § 49-1 and give the bond, if any, required by law, before the circuit court of the county or the city, having jurisdiction in the county, city, town or district for which he is elected, or before the clerk of the circuit court of the applicable county or city in his office.*

§ 15.1-130.51. *Record of qualification.—When the officer qualifies and gives the bond, the bond and certificate shall be returned to the clerk of the circuit court, and the fact of qualification and the certificate shall be entered by him in the order book of the court on the law side thereof and such bond, and also any bond given before the court, shall be recorded by the clerk. When the officer qualifies and gives bond before the clerk in his office, the clerk shall enter the fact of such qualification in the order book of the court, on the law side thereof, and record the bond. But the clerk of the Circuit Court of the city of Richmond, Division II, may qualify and give bond before such court.*

§ 15.1-130.52. *Failure to qualify vacates office.—If any such officer fails to qualify and give bond, as required by the preceding section, on or before the day on which his term begins, his office shall be deemed vacant.*

§ 15.1-130.53. *Bonds of certain elected officers.*—Every supervisor or councilman shall, at the time he qualifies, give such bond as is required by § 49-12. The penalty of the bond of each officer shall be determined by the court or clerk before whom he qualifies, within the limits prescribed in § 15.1-130.54 . The board of supervisors of any county or the council of any city or town in this State shall pay the costs of the premium of the surety on such bond when the surety is a surety or guaranty company. Notwithstanding the foregoing provisions of this section, no bond shall be required of a member of the governing body of a county, city or town in which such members do not handle funds if the judge of the circuit court of the county or city, or if there be more than one, the senior judge, so provides by order entered of record.

§ 15.1-130.54. *Penalties of bonds.*—The bond of the supervisor or councilman shall not be less than one thousand dollars nor more than two thousand five hundred dollars.

§ 15.1-130.55. *Certain officers not to hold more than one office.*—No person holding the office of supervisor or councilman shall hold any other office, elective or appointive, at the same time, except that of a notary public, commissioner in chancery, commissioner of accounts, local registrars of deaths and births, member of any commission or board appointive by the Governor or as director of emergency services pursuant to provisions of § 44-146.19, or as a member of a planning district commission pursuant to provisions of § 15.1-1403, or as a member of a transportation district commission pursuant to provisions of § 15.1-1348. Provided however this section shall not prohibit the chairman of a board of supervisors or the mayor of a city or town from performing the duties of a chief administrative officer in his locality if another person is not appointed to perform such duties.

If any person shall be elected or appointed to two or more offices except as herein provided, his qualification in one of them shall be a bar to his right to qualify in any of the offices enumerated, and if any person while holding any of such offices shall be appointed or elected to any other office, his qualification in such office shall thereby vacate any of the above offices he then holds, except as provided above.

§ 15.1-130.56. *Where certain officers shall reside.*—Except as otherwise provided by general law every officer shall, at the time of his election or appointment to an elective office, have resided in the locality for which he is elected or appointed thirty days next preceding his election or appointment and shall remain a resident of such locality during his term of office.

§ 15.1-130.57. *Removal vacates office.*—If any officer is required to be a resident, at the time of his election or appointment to an elective office, of the county, city, town or district for which he is elected or appointed remove from the county, city, town or district following his election or appointment his office shall be deemed vacant.

Provided however no such officer shall be deemed to have removed from the county, city, town or district from which he was elected or appointed to an elective office when the portion of such county, city, town or district in which he resides is joined as a part of another county, city, town or district by reason of any legal act or action. Such officer shall continue to serve the original governmental entity for which he was elected or appointed to an elective office until the expiration of his term of office.

§ 15.1-130.58. *Setting compensation of governing bodies.*—Notwithstanding any provision of law, general or special, to the contrary, every governing body shall have the exclusive right to establish the compensation to be paid its members and may provide that additional compensation be paid its presiding officer for performing the duties of a presiding officer; provided, however, that no increase in compensation shall take effect until after an election of members to the governing body has subsequently occurred and

those persons elected have qualified and taken office.

This section shall not prohibit a member of the governing body from being paid immediately such compensation as the governing body may determine for his being the chief administrative officer of the locality, if he in fact performs such duties, provided he shall not vote in any such determination of compensation.

§ 15.1-130.59. Pension plans.—Members of the governing bodies may participate in any pension or retirement plan that has been or may be established for the benefit of officers and employees of the county, city or town government they represent.

§ 15.1-130.60. Holding other offices.—Notwithstanding any contrary provision of special law, no member of a governing body shall be elected or appointed to any other office in his locality or otherwise be employed by such locality during his term of office or within one year from the expiration of his term except as may be permitted by general law.

Chapter 3

§ 15.1-142. Extending police power of counties, cities and towns over lands lying beyond the boundaries thereof.—The governing body of any county, city or town ~~having a population of not less than eighty five thousand nor more than one hundred thousand inhabitants, and~~ owning and operating a ~~municipal~~ an airport, public hospital, ~~or~~ sanitarium, ~~—or nursing home~~ public water supply or watershed or public park or recreational area ~~sewage disposal plant or system, public landing, dock, wharf or canal, public school, a public utility, public buildings and other public property~~ located beyond the ~~corporate~~ limits of such county, city or town shall have and may exercise full police power over the same, and over persons using the same, and may, by ordinance, prescribe rules and regulations for the operation *and use* of the same and for the conduct of all persons using the same and may, further, provide penalties for the violation of such rules and regulations *contained in an ordinance*, such penalties, however, not to exceed those provided by general law for misdemeanors.

§ 15.1-142:1. Powers of police and certain other officers as to property owned by a county, city or town beyond its territorial limits; jurisdiction of courts.—The policemen and any other officer having powers of arrest in any county, city or town which maintains or operates in whole or in part any property enumerated in § 15.1-142 may lawfully go or may be sent to the property so owned beyond the limits of such county, city or town for the purpose of protecting such property, keeping order therein or otherwise enforcing the laws of the Commonwealth and ordinances of such county, city or town owning such property as such laws and ordinances may relate to the operation and use thereof. Such policemen or other officer shall have power to make arrest for violation of any law or ordinance relating to the operation and use of such property. The district court in the city or town where the offense occurs shall have jurisdiction of all cases arising thereunder within the city or town and the district court of the county wherein the offense occurs shall have jurisdiction of all cases arising thereunder within the county.

It shall be the duty of the Commonwealth Attorney for the county, city or town wherein the offense occurs to prosecute all violators of the ordinances of the county, city or town that pertain to the operation and use of any such property enumerated in this section.

Chapter 4

Fiscal Controls

§ 15.1-160.01. Uniform fiscal year and fiscal year accounting procedures for all counties, cities, certain towns and their school divisions.—(1) The fiscal year of every county and city and every town having a population of twenty-five hundred or over of the Commonwealth, and every city and town school board division, shall begin on the first day of July and end on the thirtieth day of June. ~~Every city, and every city and town school board, whose accounting period is now different from that which is prescribed by this section shall have until July first, nineteen hundred and sixty eight in which to adjust its accounting period to conform to this section. The town school boards included in this section are the school boards of towns constituting separate school districts.~~

(2) ~~Every city~~ All such local governments, and every city and town school board division, shall, as soon as practicable, but not later than ~~July first, nineteen hundred and sixty six,~~ adopt and put into effect uniform fiscal year accounting procedures satisfactory to the Auditor of Public Accounts, ~~so that he may include municipal financial data in his annual publication on the comparative cost of local government as required by § 15.1-166 of the Code of Virginia which requirements shall be uniform for all like jurisdictions as determined by the Auditor of Public Accounts.~~

§ 15.1-160. Time for preparation and approval of budget; contents.—All officers and heads of departments, offices, divisions, boards, commissions, *authorities* and agencies of every county, city and town local government shall, on or before the first day of April of each year, prepare and submit to the governing body, or a person designated by the governing body, an estimate of the amount of money, in the form of a line by line budget showing estimated receipts and disbursements, deemed to be needed during the ensuing fiscal year for his department, office, division, board, commission, authority or agency; provided, that in any locality where the fiscal year begins on some date other than the first day of July, the estimate shall be submitted at least three months prior to the beginning of the fiscal year. If such person department, office, division, board, commission, authority or agency does not submit an estimate in accordance with this section, the clerk chief administrative officer of the governing body or other designated person or persons shall prepare and submit an estimate for that department, office, division, board, commission, authority or agency. The governing body shall have prepared and shall approve a balanced budget for informative and fiscal planning purposes only, containing a complete itemized and classified plan of all contemplated expenditures and all estimated revenues and borrowings for the locality or any subdivision thereof for the ensuing fiscal year, which shall begin for each county on the first day of July of each year or such other date as may be provided by law for the beginning of the fiscal year. The governing body shall approve such a balanced budget no later than the date for the beginning of the fiscal year and shall fix a tax rate for

the budget year at that time in an amount sufficient to balance the budget and the adoption of such budget shall constitute an appropriation to the various operating units of the total sums specified therein.

All actions authorized by this section to be taken by the governing body shall be in the form of an ordinance.

§ 15.1-161. What budget to show.—Opposite each item of the contemplated expenditures the budget shall show in separate parallel columns the aggregate amount appropriated during the preceding fiscal year, the amount expended during that year, the aggregate amount appropriated and expected to be appropriated during the current fiscal year, and the increases or decreases in the contemplated expenditures for the ensuing year as compared with the aggregate amount appropriated or expected to be appropriated for the current year. This budget shall be accompanied by:

(1) A statement of the ~~contemplated~~ *estimated* revenues and disbursements, liabilities, reserves and surplus or deficit of the county, city or town for the current fiscal year as of the date of the preparation of the budget.

(2) An itemized and complete financial balance sheet for the locality at the close of the last preceding fiscal year.

§ 15.1-161.1. Allotment of appropriations.—No expenditure shall be made from any appropriation except on the basis of approved allotments. It shall be the duty of each department head, or similar official to submit to the governing body, or other official designated by it, for approval a month by month allocation of its approved appropriation for the fiscal year. When approved no expenditures larger than those contained within the approved allocations shall be made until changed as provided for in this chapter.

The governing body, or officer designated by it, may adjust the allotment or allocation of any department within the limits of such department's appropriation.

Within the last quarter of any fiscal year the governing body may by resolution transfer from one department of local government to another any unencumbered balance, or portion thereof, of the appropriation for the current fiscal year.

§ 15.1-161.2. Supplemental appropriations.—Supplemental appropriations may be made by the local governing body by an appropriation ordinance.

§ 15.1-161.3. Appropriations to lapse.—Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse.

§ 15.1-166. Treasurers, etc., to close books of account and file annual statements with Auditor.—The treasurers or other chief financial officers of the ~~several counties—local governments and auditors or comptrollers or other accounting officers of the several cities of the Commonwealth~~ shall close their books of account on June thirty and shall not later than thirty days after the end of the fiscal year of the county or city, file with the Auditor of Public Accounts, on forms prescribed by him and furnished by him, a detailed statement showing the amount of receipts, and disbursements, and fund balances of the county or city, as the case may be, local government for the preceding fiscal year of the county or city. For failure of the treasurer of the county

~~or auditor or comptroller or other accounting officer of the city to comply with the provisions of this section he shall be liable to a fine of fifty dollars to be recovered at the request of the Auditor of Public Accounts on motion of the Attorney General before the Circuit Court of the city of Richmond.~~

In the event such annual statements are not timely filed with the Auditor of Public Accounts he may perform such work as is necessary to comply with the provisions of this section or hire certified public accountants to do such work and in either event the expense of such work shall be charged to and paid by the governing body of such local government.

The Auditor of Public Accounts shall prepare and cause to be published annually by September one following the close of such fiscal year a statement showing in detail the comparative cost of local government ~~s as among the counties and cities of the State~~ and the per capita costs thereof ~~for the preceding fiscal year~~. Such statement shall set forth in detail the several items of receipts and disbursements accompanied by such analytical tables, explanations and comparisons as may lead to a clear understanding of the same ~~and to make the information contained therein readily accessible to the readers.~~

And the Auditor of Public Accounts shall cause a copy of such statement to be mailed by September fifteen of each year to the members of the ~~board of supervisors of each county, to the clerks of the circuit and corporation courts and to the mayor and to the members of the governing body of each city and to each newspaper published in the State, General Assembly and to the members and clerks of the local governing bodies~~ and until the supply is exhausted to every citizen who may request a copy.

~~The expense of printing such statement shall be paid out of the printing fund.~~

§ 15.1-167. Annual audit of local government records, etc., by Auditor of Public Accounts; shortages.—The Auditor of Public Accounts, ~~either in person or through an assistant~~, shall annually audit all accounts and records of every ~~county local government, except counties local governments~~ whose boards of supervisors governing bodies have their accounts audited annually by ~~a~~ an independent licensed certified public accountant ~~or employ an auditor that reports only to the governing body, then in that event, such accountant's or auditor's report may be used,~~ according to uniform specifications furnished by ~~such~~ the Auditor of Public Accounts, as of June thirtieth of each year ~~insofar as they relate to local funds~~, and shall make a detailed written report thereof to the ~~board of supervisors local governing body and the Auditor of Public Accounts~~ within thirty days after each audit. Such audits shall be completed by April thirty of the succeeding fiscal year and be in a form acceptable to the Auditor of Public Accounts. The report shall be preserved by the clerk of the ~~board of supervisors local governing body~~, and shall be open to public inspection at all times by any qualified voter ~~of the county~~. For all services rendered annually by the Auditor of Public Accounts ~~or his assistants~~ to the ~~several counties local government~~ the ~~counties local governments~~ shall reimburse the State for the actual cost to the State of such service; provided, however, that no part of the cost and

expense of such audit shall be paid by any ~~county~~ local government whose ~~board of supervisors~~ governing body has its accounts audited annually by ~~a~~ an independent certified public accountant or its own auditor who meets the above-stated requirement according to uniform specifications furnished by the Auditor of Public Accounts and furnishes the Auditor with a copy of such audit

Any shortage existing in the accounts of ~~any officer~~ the local government, as ascertained by the audit, shall be made public within thirty days after such shortage is discovered, and a brief statement thereof shall be sent by the Auditor of Public Accounts to the ~~court-~~having jurisdiction thereof clerk of the local governing body, and shall be filed in the clerk's office of ~~such~~ the local circuit court.

§ 15.1-169.1. *Limitation of provisions of chapter.*—The provisions of this chapter shall apply to all counties, cities and all towns having a population of twenty-five hundred or over and to all towns constituting a separate school division regardless of their population.

§ 15.1-169.2. *Definitions.*—As used in this chapter the following words shall have the meaning given:

A. "Appropriation" means the action taken by a governing body that officially commits a sum of money for a particular purpose. An appropriation by a governing body does not authorize money being spent or being obligated to be spent.

B. "Allotment" or "allocation" means the release of money by the governing body to be spent or to be obligated to be spent from moneys previously appropriated by the governing body.

C. "Unencumbered balance of unencumbered funds" means that portion of an allotment or allocation of funds that remains in the possession of the recipient for which the recipient has not legally obligated himself to pay to a third party.

D. "Balanced budget" means a written statement on which the estimated revenues plus borrowed money, if need be, is equaled by the disbursement of funds and surplus.

E. "Local government" means the government of a county, city and town, collectively or singularly, as the context may require.

§ 15.1-169.3. *Provisions to control.*—Notwithstanding any provisions of law to the contrary, general or special, the provisions of this chapter shall control in the event of a conflict.

Chapter 8

§ 15.1-262. Purchase, sale or exchange of property; how sale or exchange made.—The governing body of the county shall have power to sell, at public or private sale, or exchange and convey the corporate property of the county; to purchase any such real estate as may be necessary for the erection of all necessary county buildings ; ~~to provide a suitable farm as a place of general reception for the poor of the county,~~ and to make such orders as they deem expedient concerning such corporate property as now exists or as may hereafter be acquired; provided, that no sale or exchange of such property shall be made without ~~the approval and ratification of prior advertising of an ordinance authorizing such sale and or exchange by an order of the circuit court of the county or by the judge thereof in vacation, entered of record as required by § 15.1-130.20,~~ however, ~~this approval and ratification compliance with the requirements of § 15.1-130.20~~ shall not be required for the conveyance, with or without consideration, of easements for highways, streets, alleys, curbs, sidewalks, storm drainage, sanitary sewers, electricity, gas, water and other public utilities, by the governing body of any county, county board or local authority; provided, however, no ~~such order of court shall be required~~ ~~advertising of an ordinance~~ for the sale or exchange of school property ~~when shall be published until the unanimous~~ approval of the school board ~~and the local governing body~~ is obtained for such sale or exchange.

But this section shall not be construed to deprive ~~the~~ a circuit court judge of the right to control the use of the portion of the courthouse of the county used by the court during the term of his court therein.

Chapter 13.1

Forms of Local Governments

Article 1

General Provisions

§ 15.1-668.1. Counties and cities to use one of stated forms of government.—Upon the effective date of this act all counties and cities in the Commonwealth of Virginia shall be governed under one of the forms of government provided for in this chapter.

§ 15.1-668.2. Assignment of counties and cities to authorized forms of government.—
A. Upon the effective date of this act those counties that have not adopted a previously authorized optional form of county government or have adopted the county board form of optional government (formerly §§ 15.1-697 through 15.1-721 of the Code), shall be assigned to the standard form of government as provided for in Article 2 of this chapter. In addition the counties having adopted the county board form shall be deemed to have elected in a referendum to have members of their school board appointed by their respective governing bodies.

Upon the effective date of this act those counties having adopted the county executive form of optional government (formerly §§ 15.1-588 through 15.1-621 of the Code), or the urban county executive form of optional government (formerly §§ 15.1-728 through 15.1-740 of the Code) shall be assigned to the executive form of optional government as provided for in Article 3 of this chapter. Such counties shall be deemed to have elected in a referendum to have members of their school board appointed by their respective governing bodies and further to have elected in a referendum to abolish the Constitutional offices of treasurer and commissioner of revenue, replacing such offices with a department of finance, headed by a director, having the powers and duties set forth in this title.

Upon the effective date of this act those counties having the county manager form of optional government (formerly §§ 15.1-622 through 15.1-660 of the Code) or the county manager plan of optional government (formerly §§ 15.1-674 through 15.1-688 of the Code) shall be assigned to the manager form of optional government as provided for in Article 4 of this chapter. Such counties also shall be deemed to have elected in a referendum to have members of their school board appointed by their respective governing bodies and further to have elected in a referendum to abolish the Constitutional offices of treasurer and commissioner of revenue, replacing such offices with a department of finance, headed by a director, having the powers and duties set forth in this title.

B. Upon the effective date of this act all cities in the Commonwealth of Virginia shall be assigned to the manager form of government as provided for in Article 4 of this chapter notwithstanding any contrary provision of special law.

§ 15.1-668.3. Designation of optional forms of government.—The forms of government provided for in Articles 3 and 4 of this chapter shall collectively be known as optional forms of local government. Any provision of an optional form of government set forth in this chapter shall prevail and supercede any special law.

Article 2

Standard Form

§ 15.1-668.4. *Designation of form.*—The form of county and city organization and government provided for in the Constitution of Virginia and in this article shall be that used by all counties and cities in this Commonwealth and shall be known and designated as the standard form, unless another form of organization and government set forth in this chapter be adopted or is herein assigned.

§ 15.1-668.5. *Conduct of government.*—Counties and cities under the standard form of government shall conduct their affairs through their governing bodies with the officers provided for in the Constitution of Virginia and the departments, boards, and commissions established by general law or by their governing bodies pursuant to general law.

Article 3

Executive Form

§ 15.1-668.6. *Designation of form and features of such form.*—The form of organization and government provided for in this article shall be known and designated as the executive form. In such government there shall be employed a chief administrative officer.

§ 15.1-668.7. *Appointment of a chief administrative officer; title of office.*—Every county or city adopting the executive form of government shall employ a chief administrative officer and he shall be designated, county or city executive, as the case may be. Such officer shall have the powers and duties set forth in § 15.1-791.5 of this Code.

Provided, however, the governing body shall appoint, upon the recommendations of such executive, all officers and employees in the administrative service of the locality except as a governing body may authorize the head of a department or office to appoint subordinates in such department or office.

§§ 15.1-668.8 through 15.1-668.10. Reserved.

Article 4

Manager Form

§ 15.1-668.11. *Designation of form and features of such form.*—The form of organization and government provided for in this article shall be known and designated as the manager form. In such government there shall be employed a chief administrative officer.

§ 15.1-668.12. *Appointment of a chief administrative officer; title of officer.*—Every county or city adopting the manager form of government shall employ a chief administrative officer and he shall be designated, county or city manager, as the case may be. Such officer shall have the powers and duties set forth in § 15.1-791.5 of this Code.

Provided, however, the chief administrative officer shall appoint all officers and employees in the administrative service of the locality except as he may authorize the head of a department or office responsible to him to appoint subordinates in such department or

office.

§§ 15.1-668.13 through 15.1-668.17. Reserved.

Article 5

Change of Form of County or City Organization and Government

§ 15.1-668.18. *Petition and order for election; notice.*—Upon a petition filed with the circuit court of the county or city, as the case may be, meeting the requirements of § 24.1-165.1, asking that a referendum be held on the question of adopting one of the forms of organization and government herein provided for in this chapter, the court shall, by order entered of record, in accordance with § 24.1-165, require the regular election officials on the day fixed in such order to open a poll and take the sense of the qualified voters of the county or city on the question submitted as herein provided. The clerk of the circuit court of the county or city shall cause a notice of such election to be published in some newspaper published in or having a general circulation in the county or city once a week for three consecutive weeks and shall post a copy of such notice at the door of the courthouse of the county or city, as the case may be.

§ 15.1-668.19. *Conducting election; form of ballots.*—The regular election officers of such county or city at the time designated in the order authorizing the vote shall open the polls at the various voting places in the county or city and conduct the election in such manner as is provided by law for other elections, insofar as the same is applicable. The election shall be by secret ballot and the ballots shall be prepared by the electoral board and distributed to the various election precincts as in other elections. The ballots used shall be printed to read as follows:

Shall the (insert name of desired form of government) be adopted?

/ / Yes

/ / No

Voting shall be in accordance with the provisions of § 24.1-165.

The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the circuit court. If it shall appear by the report of the electoral board that a majority of the qualified voters of the county or city voting are in favor of changing the existing form of government, the circuit court shall enter of record such fact, and the additional fact as to the form of organization and government adopted and the effective date of such order, which shall not exceed six months.

§ 15.1-668.20. *Limitation as to frequency of elections.*—If any election has been or is held in any county or city to determine whether such county or city shall adopt another form of organization and government as provided for in this article no further election of the nature referred to in this section shall be held in the county or city within four years following the date of such election.

§§ 15.1-668.21 through 15.1-668.24. Reserved.

Chapter 15.1

Organization of Local Governments

Article 1

Authorized Officers, Departments, Boards and Commissions

§ 15.1-791.1. Chief administrative officer.—Every county, city and town in this State is authorized to appoint a chief administrative officer, who shall be designated county, city or town administrator or manager or executive, as the case may be; such appointment to be evidenced by a resolution of the appointing governing body or as provided by general law or special act.

§ 15.1-791.2. Officers and departments of counties and cities.—A. Every county and city in this State shall have the following officers, boards and departments, unless otherwise provided for by general law or special act.

- (1) clerk of the circuit court*
- (2) Commonwealth attorney*
- (3) sheriff*
- (4) treasurer*
- (5) commissioner of revenue*
- (6) school board and division superintendent*
- (7) health department*
- (8) public welfare department*

B. In addition to the officers, boards and departments set forth in subsection A above every county and city may appoint or establish the following officers or departments;

- (9) department of finance, to include a division of assessments*
- (10) department of public safety*
- (11) department of public works*
- (12) department of public utilities*
- (13) department of parks, recreation and training services*
- (14) department of purchasing*
- (15) department of personnel*
- (16) clerk*

(17) planning commission

(18) department of law

(19) auditor

§ 15.1-791.3. Officers and departments of towns.—Every town in this State shall appoint a clerk and a fiscal officer to serve as a director of finance. In addition every town is authorized to appoint and/or to establish the following officers, departments, boards and commissions:

(1) department of finance, to include a division of assessments

(2) school board, if applicable

(3) department of health

(4) department of social services

(5) department of public safety

(6) department of public works

(7) department of public utilities

(8) department of parks, recreation and training services

(9) department of purchasing

(10) department of personnel

(11) planning commission, if applicable

(12) department of law

(13) auditor

Such town officers, departments, boards and commissions shall have and may exercise the same powers and duties as the county officers, departments, boards and commissions exercise in the county in which such town is located, except as otherwise provided by law.

Article 2

Officers of Local Government

§ 15.1-791.4. Officers Required and Authority to Employ Officers.—Every county and city shall have the elected officers required by the Constitution of Virginia, unless changed by general law or special act pursuant thereto, and every county, city and town may employ such other officers as are provided for in this title.

Article 3

Chief Administrative Officer

§ 15.1-791.5. Chief administrative Officer.—Every chief administrative officer shall be the administrative head of the local government by which he is employed. He shall be responsible to the governing body for the proper management of all the affairs of the locality which the governing body has authority to control.

He shall (unless it be otherwise provided by ordinance or resolution of the governing body):

- (1) See that all ordinances, resolutions, directions and orders of the governing body which are required to be enforced are faithfully executed and also see that all laws of the State required to be enforced through the governing body or officers subject to the control of the governing body are faithfully executed.*
- (2) Make reports to the governing body from time to time as required or deemed advisable upon the affairs of the locality under his control and supervision.*
- (3) Receive reports from, and give directions to, all heads of departments, boards and commissions of the locality under his control and supervision.*
- (4) Make recommendations to the governing body concerning any officer, department, board and commission of the locality under his control and supervision.*
- (5) Examine regularly the books and papers of every office, department, board and commission of the locality under his control and supervision and report to the governing body the condition in which he finds them.*
- (6) Submit to the governing body a proposed annual budget, in accordance with general law, with his recommendations.*
- (7) Execute the budget as finally adopted by the governing body.*
- (8) Keep the governing body fully advised on the locality's financial conditions and its future financial needs.*
- (9) Appoint all officers and employees in the administrative service of the locality, except as he may authorize the head of a department or office responsible to him to appoint subordinates in such department or office. All appointments shall be on the basis of ability, training and experience of the appointees which fit them for the work which they are to perform.*
- (10) Perform such other duties as may be prescribed by the governing body.*

Chapter 15.2

Local Constitutional Officers, Courthouses and Supplies

Article 1

Local Constitutional Officers Generally

§ 15.1-791.6. *Counties and cities required to elect certain officers; duties and compensation of officers; certain counties and cities excepted.—There shall be elected by the qualified voters of each county and city a treasurer, a sheriff, an attorney for the Commonwealth, a clerk, who shall be clerk of the court in the office of which deeds are recorded, and a commissioner of revenue. The duties and compensation of such officers shall be prescribed by general law or special act. Any county or city not required to have or to elect such officers prior to July one, nineteen hundred seventy-one shall not be so required by this section, nor shall the provisions of this section apply to those counties and cities which have heretofore adopted, or may hereafter adopt, a form of government, as provided by law, which does not require such counties or cities to have or elect one or more of such officers.*

§ 15.1-791.7. *Sharing of such officers by two or more units of government.—Two or more units of government may share the officers required by the preceding section as provided in Article 2 of Chapter 2.2 of this title.*

§ 15.1-791.8. *When and how officers qualify.—Every local constitutional officer elected by the people shall, on or before the day which his term of office begins, qualify by taking the oath prescribed by § 49-1 and give bond, if any, required by law, before the circuit court of the county or city, having jurisdiction in the county or city for which he is elected or appointed or before the clerk of the circuit court of such county or city in his office.*

§ 15.1-791.9. *Record of qualifications.—When the officer qualifies and gives the bond the judge shall certify the fact and the bond and certificate shall be returned to the clerk of the circuit court, and the certificate shall be entered by him in the order book of the court on the law side thereof and such bond shall be recorded by the clerk. When the officer qualifies and gives bond before the clerk in his office, the clerk shall enter the fact of such qualification in the order book of the court on the law side thereof, and record the bond. But the clerk of the Circuit Court of the City of Richmond, Division II, may qualify and give bond before such court.*

§ 15.1-791.10. *Failure to qualify vacates office.—If any such officer fails to qualify and give bond, on or before the day on which his term begins, his office shall be deemed vacant.*

§ 15.1-791.11. *Bonds of officers.—Every treasurer, sheriff, clerk of a circuit court and commissioner of the revenue, shall, at the time he qualifies, give such bond as is required by § 49-12. The penalty of the bond of each officer shall be determined by the court or clerk before whom he qualifies, within the limits prescribed in § 15.1-791.12. The board of supervisors of any county or the council of any city in this State may pay the costs of the premium of the surety on such bond when the surety is a surety or guaranty company.*

§ 15.1-791.12. *Penalties of bonds.—The penalty of the bond of a sheriff of a county, when he gives personal security, shall not be less than ten thousand nor more than sixty*

thousand dollars, but if the sheriff shall elect to give as surety on his bond a guaranty or surety company, the penalty of such bond shall not be less than five thousand nor more than thirty thousand dollars. The bond of the clerk of the circuit court shall not be less than three thousand dollars and the bond of such clerk shall bind him and his sureties, not only for the faithful discharge of his duties as clerk of the court, but also for the faithful discharge of such other duties as may be imposed upon him by law in like manner and with the same effect as if it were expressed in the conditions of his bond. The bond of the commissioner of the revenue shall not be less than one thousand nor more than three thousand dollars.

§§ 15.1-791.13 and 15.1-791.14. Reserved.

§ 15.1-791.15. *Certain officers not to hold more than one office.*—No person holding the office of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, or commissioner of the revenue shall hold any other office, elective or appointive, at the same time, except:

(1) That of a city or town attorney, notary public, commissioner in chancery, commissioner of accounts, local registrars of deaths and births, assessor of real estate or member of a commission or board appointive by the Governor.

(2) That a commissioner of the revenue of a county may also be commissioner of the revenue of a town located in the county, and a county treasurer of a county may also be treasurer of a town located in the county.

(3) That the clerk of the circuit court can serve as the chief administrative officer of a county.

If any person shall be elected or appointed to two or more offices except as herein provided, his qualification in one of them shall be a bar to his right to qualify in any of the offices enumerated, and if any person while holding any of such offices shall be appointed or elected to any other office, his qualification in such office shall thereby vacate any of the above offices he then holds, except as provided above.

§ 15.1-791.16. *Where officers shall reside.*—Every local constitutional officer shall, at the time of his election or appointment, have resided in the county or city for which he is elected or appointed thirty days next preceding his election or appointment, and residence in any incorporated town within the county shall be regarded as residence in the county. Every county officer shall, at the time of his election or appointment, have resided thirty days next preceding his election or appointment, either in the county for which he is elected or appointed, or in the city wherein the courthouse of the county is or in a city wholly within the boundaries of such county, except that, if no practicing lawyer, who has resided in the county or in such city for the period aforesaid, offer for election or appointment, it shall be lawful to elect or appoint as attorney for the Commonwealth for such county a nonresident, or one who has not resided in the county, or in such city, for the period above mentioned.

§ 15.1-791.17. *Removal vacates office.*—If any officer, required by the preceding section to be a resident at the time of his election or appointment of the county or city, for which he is elected or appointed, or of the city wherein the courthouse of such county is or in a city wholly within the boundaries of such county, remove therefrom, except from the county to such city or from such city to the county, or in case a nonresident who has been elected Commonwealth's attorney remove from the county or county seat of the county in which he resided when elected, except to the county in which he is elected, his office shall be deemed vacant.

§ 15.1-791.18. Vacations and sick leave for certain officers and employees.—(1) “Employee” means an employee or deputy of the attorney for the Commonwealth, the county or city treasurer, the county or city commissioner of the revenue, the clerk of the circuit court, and a sheriff of a county or city in each case whose salary is partly paid from State funds or whose salary is paid from fees, the excess of which is shared jointly by the State and the county or city in which the person is employed; it shall also include the employee of a district court whose salary is paid by the State.

(2) Each county and city in which such an employee is employed shall provide for each such employee after one year of service at least two weeks vacation with pay and at least seven days sick leave with pay. Such county or city may provide that such vacation or sick leave may be accumulated or shall terminate within a given period of time. The cost of providing such benefits shall be borne in the same manner and on the same basis as the cost of the office are shared or as the excess fees therefrom may be shared.

§§ 15.1-791.19 through 15.1-791.24. Reserved.

Article 2

Courthouses

§ 15.1-791.25. County or city governing body to provide courthouse, clerk’s office, jail and suitable facilities for Commonwealth’s attorney; acquisition of land.—The governing body of every county and city shall provide a courthouse with suitable space and facilities to accommodate the various courts of record and officials thereof serving the county or city, and, within or without such courthouse, a clerk’s office the record room of which shall be fireproof, a jail, and, upon request therefor, suitable space and facilities for the attorney for the Commonwealth to discharge the duties of his office. The costs thereof and of the land on which they may be, and of keeping the same in good order, shall be chargeable to the county or city. The fee simple of the lands shall be in the county or city, and the governing body of the county or city may purchase so much land, as, with what it has, may be necessary for the purposes enumerated or for any other proper purpose of the county or city; provided, however, that any portion of said lands is owned by the county and located within a city or town, and not actually occupied by the courthouse, clerk’s office, or jail, may be sold or exchanged and conveyed to such city or town to be used for street or other public purposes. Any such sale or exchange by the governing body of a county shall be made in accordance with the provisions of § 15.1-262.

§ 15.1-791.26. Providing offices for various officers, judges, etc.—The governing body of each county and city shall, if there be offices in the courthouse of the respective counties and cities available for such purpose, provided offices for the treasurer, attorney for the Commonwealth, sheriff, commissioner of the revenue, commissioner of accounts and division superintendent of schools for such county or city. Any such governing body may, if there be offices in their respective courthouses available for such purposes, provided offices for the judge of any court sitting in the county or city, and any judge of the Supreme Court who may reside in the county or city, and if such offices are not available in the courthouse, they may be provided by the governing body, if they deem it proper, elsewhere than in the courthouse of the county or city.

§ 15.1-791.27. Renting rooms in courthouse.—Any vacant rooms in the courthouse, after furnishing offices to such officers as mentioned in the preceding section, may be rented by the governing body for a term of not exceeding one year to other persons for office purposes, and any public room or hall in the building may be hired for compensation for the purpose of giving public entertainments.

§ 15.1-791.28. *Leasing or other use of other buildings.*—When the governing body of any county or city, pursuant to § 15.1-791.25 shall have purchased or may hereafter purchase any land, a part of which has valuable buildings thereon, whether when so purchased or since constructed, and that portion of land so occupied by such buildings, or the buildings thereon is, in the discretion of such governing body, not required for the purposes mentioned in § 15.1-791.26, such governing body, if deemed proper by it, may either lease such building or buildings for private or other purposes, remodel and use the same for a market house or for other public purposes, or both.

§ 15.1-791.29. *Certain conveyances of courthouse grounds validated.*—Any other provision of law to the contrary, notwithstanding, any conveyance made prior to January first, nineteen hundred and fifty-four, by a county, of a portion of the county courthouse grounds, to a town to be used for public purposes, shall be in all respects valid.

§ 15.1-791.30. *Circuit courts to order courthouses to be repaired.*—When it shall appear to the circuit court of any county or of any city, from the report of persons appointed to examine the courthouse, or otherwise, that the courthouse of such county or city is insecure or out of repair, or otherwise insufficient, such court shall award a rule, in the name and on behalf of the Commonwealth against the supervisors of the county, or the members of the council of the city, as the case may be, to show cause why a peremptory mandamus should not issue, commanding them to cause the courthouse of such county or city to be made secure, or put in good repair, or rendered otherwise sufficient, as the case may be, and to proceed as in other cases of mandamus, to cause the necessary work to be done.

If in the progress of such proceedings any of the defendants die, or go out of office, their successors may be made parties by the service of a notice in writing to appear and defend the proceedings; and the cause shall thereafter proceed against them as defendants. The vacation of his office otherwise than by death shall not relieve any of the parties from a liability already incurred, whether the penalty has already been imposed or not.

§ 15.1-791.31. *Petition for removal of courthouse; writ of election.*—Whenever a number of qualified voters of a county equal to ten per centum of the number of votes cast in the county in the preceding presidential election shall petition the judge of the circuit court of such county, or whenever the governing body of any county by resolution duly adopted request the circuit court of such county, for a special election in such county on the question of the removal of the courthouse to one or more places specified in the petition or resolution and for the erection of the necessary buildings and improvements at the new location. Such court shall, within ten days after the receipt of the petition or resolution, issue a writ of election directed to the sheriff of the county whose duty it shall be forthwith to post a notice of the election at each voting precinct in the county. He shall also give notice to the officers charged with the duty of conducting other elections in the county.

§ 15.1-791.32. *How election held and conducted.*—Such election shall be held and conducted as other special elections are held and conducted.

§ 15.1-791.33. *Certification of result to supervisors; procuring land and buildings.*—If it shall appear from the abstracts and returns that a majority of the votes cast at such election, or a plurality should there be more than two places voted for, are for the removal of the courthouse to one of the places specified in the petition or resolution, the result shall be certified to the board of supervisors of the county. If the vote shall be for removal the board of supervisors shall at once proceed to acquire the necessary land at the new location, if the same has not been donated, and to erect the necessary buildings and improvements.

§ 15.1-791.34. Removal of court.—And as soon as the same shall be completed, the board of supervisors shall certify the fact to the judge of the circuit court of the county, who shall, after sixty days' notice, to be published in a newspaper in the county if any, and if none, then in a newspaper published in an adjoining or neighboring county or city which has the largest circulation in the county, and to be posted up by the sheriff at all of the public places, order his court to be held in the new location.

§ 15.1-791.35. No other election held for ten years.—After an election has been held in any county upon the question of the removal of its courthouse no other such election shall be held within ten years.

§§ 15.1-791.36 to 15.1-791.42. Reserved.

Article 3

Supplies and Equipment

§ 15.1-791.43. Supplies and equipment to be furnished to certain officers.—The governing body of each county and city shall, at the expense of the county or city, provide suitable books and stationery in addition to supplies furnished by the State, for the use of the commissioner of the revenue, the treasurer, the clerk of the circuit court and the clerks of all city courts of record, together with appropriate cases and other furniture, for the safe and convenient keeping of all the books, documents and papers, in the custody of each of such officers and also official seals for each of such officers, when the same are required by law; and also such other office equipment and appliances, including typewriters and adding machines, as in their judgment may be reasonably necessary for the proper conduct of such offices.

Chapter 15.3

Local Constitutional Officers

Article 1

Circuit Court Clerk

§ 15.1-791.44. Clerks of circuit courts.—In every county and in each city which has a court in whose office deeds are admitted to record, there shall be elected for a term of eight years, by the qualified voters, a clerk of such court. He shall be clerk of the circuit court and clerk of the governing body, unless the governing body shall designate some other person for this latter purpose. He shall exercise all the powers conferred and perform all the duties imposed upon such officers by general law and shall be subject to the obligations and penalties imposed by general law. He shall also perform such other duties, not inconsistent with his office, as may be imposed upon him by the governing body.

§ 15.1-791.45. Appointment of deputies; their powers; how removed.—The clerk of any circuit court may at the time he qualifies as provided in § 15.1-791.8 or thereafter appoint one or more deputies, who may discharge any of the official duties of their principal during his continuance in office, unless it be some duty the performance of which by a deputy is expressly forbidden by law. The officer making any such appointment shall certify the same to the court in the clerk's office of which the oath of the principal of such deputy is filed and a record thereof shall be entered in the order book of such court. Any such deputy at the time his principal qualifies as provided in § 15.1-791.8 or thereafter, and before entering upon the duties of his office, shall take and prescribe the oath now provided for county and city officers. The oath shall be filed with the clerk of the court in whose office the oath of his principal is filed and such clerk shall properly label and file all such oaths in his office for preservation. Any such deputy may also be removed as provided in Title 24.1.

§ 15.1-791.46. Appointment of deputy when clerk of court of record unable to perform duties.—Whenever it is found by the judge of a court of record that a clerk of court is, by reason of mental or physical disability, temporarily unable to perform his duties, the judge of the court may, by order entered of record, designate some other person as deputy clerk to perform the duties of such clerk. The person so designated may be the clerk or deputy clerk of another county or city or any other qualified person and in the event that he be from another county or city, the provisions of §§ 15.1-791.15 and 15.1-791.16 shall not apply.

The person so designated shall thereby become a deputy of the regular clerk and shall be vested with all the authority of a regular clerk and may perform all acts which are required by law to be performed by such clerk with the same effect as if performed by the clerk for whom he serves as deputy, and shall before entering upon his duties take the oath now prescribed for county and city officers, and furnish bond in the same amount as is required of the clerk.

The person so designated shall serve at the pleasure of the court during the disability of the clerk and within the limits of the unexpired term of the clerk.

No compensation out of the State or local treasury shall be paid such person designated under this section for his services while acting in such capacity but any expense incurred shall be paid by the county or city in which such service is performed

upon the order of the judge of said court.

§ 15.1-791.46:1. Clerks to transmit to comptroller copies of bonds of certain officers.—The clerk of the court wherein or in whose clerk's office any official bond, except the bond of a city treasurer taken by his city, of any county or city treasurer, sheriff, clerk or commissioner of the revenue is required to be filed and recorded shall, within ten days after it is filed, transmit to the Comptroller a certified copy thereof and of the order of the court made on taking the bond. If any clerk fail to perform this duty, he shall be fined not less than fifty nor more than one hundred dollars and be fined the like sum for every ten consecutive days that he fails to make such return.

Article 2

Commonwealth Attorney

§ 15.1-791.47. Attorney for the Commonwealth.—In every county and in each city there shall be elected, by the qualified voters, an attorney for the Commonwealth unless otherwise provided by general law or special act. The attorney for the Commonwealth shall exercise all the powers conferred and perform all the duties imposed upon such officer by general law and shall advise the governing body in all matters affecting the locality, unless the governing body designate some other attorney to advise the locality, and shall perform such duties, not inconsistent with his office, as the governing body shall request. He shall be elected as provided by general law.

§ 15.1-791.48. Duties of Commonwealth Attorney.—The attorney for the Commonwealth shall, in civil matters advise the governing body and all boards, departments agencies, officials and employees of the locality, draft or prepare ordinances, defend or bring actions in which the locality or any of its boards, departments, agencies, officials or employees, thereof, shall be a party, and in any other manner advise or represent the locality, its boards, departments, agencies, officials and employees.

§ 15.1-791.49. Reserved.

§ 15.1-791.50. Assistant Commonwealth's attorneys.—Assistant attorneys for the Commonwealth may be appointed by the attorney for the Commonwealth after having first received approval of the governing body and of the Compensation Board for a term of office coterminous with his own, who shall receive such compensation as shall be fixed in the manner provided by law. All assistant attorneys for the Commonwealth shall perform such duties as are prescribed by their respective attorney for the Commonwealth.

15.1-791.51. Private law practice by Commonwealth's attorneys and their assistants in certain cities.—In cities having a population of more than ninety thousand, Commonwealth's attorneys and all assistant attorneys for the Commonwealth shall devote full time to their duties, and shall not engage in the private practice of law, except in such cases as they may have been employed as counsel on July one, nineteen hundred seventy-five. The office of assistant attorney for the Commonwealth heretofore created and provided for in the charters of such cities is hereby abolished.

§ 15.1-791.51:1. Commonwealth's attorney to provide legal counsel to other constitutional officers in certain cases.—The attorney for the Commonwealth of any county or city is hereby authorized and directed, in the event that any other constitutional officer or any deputy or assistant thereof is made defendant in any civil action arising out of the performance of his official duties, to provide legal counsel to such officer or deputy or assistant in such action, upon the request of such officer or deputy or assistant.

§ 15.1-791.51:2. *Assignment of counsel to defend Commonwealth's attorney in certain cases.—In the event any attorney for the Commonwealth is made defendant in any such action, the circuit court of the county or of the city shall, if requested by such attorney for the Commonwealth, assign counsel for his defense in such action. The cost of such counsel shall be paid as provided in § 14.1-184 of the Code of Virginia.*

Article 3

Sheriff

§ 15.1-791.52. *Sheriff.—In every county and in each city there shall be elected, by the qualified voters, a sheriff unless otherwise provided by general law or special act. The sheriff shall exercise all the powers conferred and perform all the duties imposed upon sheriffs by general law. He shall be the chief law enforcement officer in the locality from which he is elected, assist in the judicial process as provided by general law and shall be charged with the custody, feeding and care of all prisoners confined in the county or city jail. He shall perform such other duties, not inconsistent with his office, as may be imposed upon him by the governing body. The sheriff shall be elected as provided by general law.*

§ 15.1-791.52:1. *Destruction of receipts.—Every sheriff shall maintain in his office all official receipt books showing receipt of any funds in his custody or that of the court, all cancelled checks showing payments from any such funds, and all statements of bank accounts in which funds of the sheriff's office are deposited. Such books, checks and statements shall be maintained until they are audited by the Auditor of Public Accounts, and for a further period of five years, in the case of receipt books.*

§ 15.1-791.53. *Reserved.*

§ 15.1-791.54. *Call upon law-enforcement officers of adjoining counties or cities or towns therein for assistance.—In case of an emergency declared by the sheriff of a county or city, such officer may call upon the chief law enforcement officers of adjoining counties, including all towns therein, and cities for assistance from them and their deputies or other police officers, without the necessity for deputizing such deputies or officers. Such deputies or officers shall have full police powers in the adjoining county or city as are conferred upon them by law during the period of such emergency.*

§ 15.1-791.55. *Appointment of deputies; their powers; how removed.—The sheriff of any county or city may at the time he qualifies, as provided in § 15.1-791.8, appoint one or more deputies, who may discharge any of the official duties of their principal during his continuance in office, unless it be some duty the performance of which by a deputy is expressly forbidden by law. The sheriff of any county or city making an appointment of a deputy under the provisions of this section may review the record of such deputy as furnished by the Federal Bureau of Investigation prior to certification to the appropriate court as provided hereunder. The officer making any such appointment shall certify the same to the court in the clerk's office of which the oath of the principal of such deputy is filed and a record thereof shall be entered in the order book of such court. Any such deputy at the time his principal qualifies as provided in § 15.1-791.8 or thereafter, and before entering upon the duties of his office, shall take and prescribe the oath now provided for county officers. The oath shall be filed with the clerk of the court in whose office the oath of his principal is filed and such clerk shall properly label and file all such oaths in his office for preservation. Any such deputy may be removed from office by his principal.*

§ 15.1-791.56. *Bonds of sheriffs.*—The sheriff of any county or city is authorized to procure as surety on his bond any guaranty or surety company licensed to do business in the State, which bond may be in such amount and on such terms as will guarantee the performance of any deputy or employee that the sheriff may employ, without such deputy or employee entering into an individual bond for the faithful performance of his duties as such deputy or employee.

§ 15.1-791.57. *When deputy may act in place of sheriff.*—When for any cause it is improper for the sheriff of any county or city to serve any process or notice or to summon a jury, such process may be directed to any deputy of such sheriff and such process or notice may be served and such jury summoned by any such deputy.

§ 15.1-791.58. *Deputies of deceased sheriffs.*—If any sheriff die during his term of office, his personal representative shall have the same right to remove any deputy from office and to appoint another, that the sheriff himself, if alive, would have had; but unless so removed the deputies of such sheriff, in office at the time of his death, shall continue in office until the qualification of any new sheriff, and execute the office in the name of the deceased, in like manner as if the sheriff had continued alive until such qualification. And any default or misfeasance in office of any such deputy shall be as much a breach of the condition of the bond of the sheriff, and of the bond of such deputy, as if the sheriff had continued alive and in the exercise of his office.

§ 15.1-791.59. *Compensating dependents of sheriff or deputy killed in performance of duty.*—The governing body of any locality in this State may, in its discretion, appropriate out of its general funds such funds as it may deem proper for the purpose of compensating the dependents of any sheriff or deputy sheriff of such locality who has been, or may hereafter be killed while engaged in the performance of his official duties.

§ 15.1-791.59:1. *Compensating certain law-enforcement officers disabled in performance of duty.* On or before July one, nineteen hundred seventy-seven, all counties and cities shall provide for the relief of any sheriff or deputy sheriff, or city sergeant or deputy city sergeant of the city of Richmond, who is disabled, totally or partially, by injury or illness as the direct or proximate result of the performance of his duty, including the presumption under § 51-122. Such total disability retirement benefits shall be not less than those provided under the in-line-of-duty disability retirement provisions of § 51-111.57 (d) of the Virginia Supplemental Retirement Act.

§ 15.1-791.60. *Appointment of criers and persons to serve process or summon jury; their bonds.*—When there is no person acting in a county or city as sheriff or deputy sheriff thereof, the circuit court of the county or city may appoint a crier for such court, who shall also be crier of any other court in the city served by such sheriff, and such crier shall perform all the duties pertaining to the office of sheriff therein, except such as relate to the collection of militia fines and officers' fees. And though persons be acting as sheriff or deputy sheriff, yet when it is unfit from any cause for the sheriff to serve any process or to summon a jury, the court in which the case is pending may appoint some other person to perform the same. Such court shall take from any person so appointed, or from any person who has been appointed and is still acting as crier, a bond, with condition for the faithful discharge of his duties, in such penalty as it may deem sufficient; and the same proceedings may be had thereon as upon a bond given by a sheriff.

§ 15.1-791.61. *When officers not to take obligations.*—No officer shall, by color of his office, take any obligation of or for any person in his custody, otherwise than is directed by law.

§ 15.1-791.62. *Execution of process by officer; assistance; punishment for failure to give assistance.*—Every officer to whom any order, warrant, or process may be lawfully

directed, shall execute the same within his county or city or upon any bay, river or creek adjoining thereto. The word "county" as hereinbefore used shall embrace any city property located within the boundaries of such county, and the word "city" as hereinbefore used shall embrace all property belonging to the county within the territorial limits of such city. He may, in case of resistance made or apprehended summon so many of the people of his county or city, or require the commandant of any regiment therein to call out such portion of his regiment to aid him, as may be sufficient. If any person fail to obey such summons, or if any commandant fail to comply with such requisition, the officer shall report the fact to the court from which such order, warrant or process issued and the court may, in a summary way, after notice to such commandant or other person, adjudge him to be fined or imprisoned, or both, as for a contempt of the court's authority. If the order, warrant or process shall not have issued from a court, such commandant or other person shall be punished as for a misdemeanor and to that end the officer shall report him to each attorney for the Commonwealth prosecuting in any court having jurisdiction over the county or city in which such person was summoned.

§ 15.1-791.63. Return of process; bond; account of sales; failure of officer.—Every officer to whom any order, warrant or process may be lawfully directed, shall make true return thereon of the day and manner of executing the same, and subscribe his name to such return. When the service is by a deputy, such deputy shall subscribe to the return his own name as well as that of his principal. With such order, warrant or process there shall be returned any bond taken and an account of sales made under the same, specifying therein the several articles sold, the persons to whom sold, and the prices thereof. Such return shall be to the court from which such order, warrant or process emanates, or to which it is returnable, and in other cases, not specifically provided for, shall be to the circuit court of the county or city in or for which the officer was elected or appointed. When a sale is made under any such order, warrant or process and no particular time for such return is prescribed therein or by statute, the return shall be made within thirty days after the sale. Any officer failing to comply with this section shall forfeit twenty dollars and if he make a false return shall forfeit thereon one hundred dollars. And if upon the return day of any process issued by a clerk of a court of record, the process shall not have been returned, the clerk shall issue a rule against the officer to whom the process was directed, returnable to the first day of the next succeeding term of the court, to appear and show cause why he shall not be fined for such default.

§ 15.1-791.64. Where failure continued; further penalties.—A judgment in a prosecution for a failure to make such return, or to subscribe the same as aforesaid, shall be no bar to further proceedings, if the failure be continued; but there shall be a further forfeiture of twenty dollars by the officer for each month subsequent to the judgment that the failure may continue, until it appear that the return cannot be made, or, if it be the case of an execution or warrant of distress, until it appear that the amount thereof is paid to the party entitled. Moreover, the court to which, or to the clerk's office of which, such return ought to be made, upon the motion of any party injured, may fine such officer, his sureties, and his and their personal representative, or any deputy in default, a reasonable sum; and from time to time impose on him other reasonable fines, not exceeding, altogether, in the case of an execution or warrant of distress, the rate of five dollars for every hundred dollars therein mentioned for each month that the failure to make such return may have continued. Whenever any such forfeiture is incurred, or such fine imposed, as herein provided, upon the sureties of any such officer, and such sureties shall pay the same, the amount so paid, by such sureties shall, as between the sureties and the creditor, but not as between such officer and the creditor, in any subsequent proceeding against such sureties to enforce the payment of the judgment, decree or order upon which the execution or other process issued, for failing to return which the fine was imposed, be allowed as a credit upon such judgment, decree or order.

§ 15.1-791.65. Relief of officer in service of process, etc., sent to him from outside his

jurisdiction.—No sheriff or other officer shall be required to execute any order, notice, summons or other process in a civil case, except a writ of fieri facias, sent him from any court or other source beyond the limits of his county or city unless the fee for the service thereof and necessary postage accompany the same. If a sheriff or other officer fail to execute such process from any cause he shall return it and return therewith the amount of fee sent him, otherwise he shall be liable to the same penalty to be enforced in the same manner as now prescribed by law for failure to return process.

§ 15.1-791.66. *Process, etc., sent to office by mail.—Any sheriff or other officer may transmit by mail to the proper officer, with his return thereon, any order, warrant or process which came to his hands from beyond his county or city and proof that any order, warrant or process was put into the post office, duly addressed to any officer, and that the postage thereon was paid, shall be prima facie evidence of the receipt thereof by the officer to whom the same is addressed, by due course of mail, and this prima facie evidence may be furnished by the receipt taken, at the time the order, warrant or process is put into the post office, from the postmaster, or his deputy, and the certificate of a justice of the peace of the acknowledgment of the receipt before him. But an officer may protect himself from a forfeiture or fine upon such proof, by making oath that he did not himself receive the order, warrant or process, so addressed to him, and that he verily believes it was not received by any of his deputies.*

§ 15.1-791.67. *Receipts to be given by officers.—Every officer shall deliver to each person who pays him, or from whose property he makes taxes, levies, militia fines or officers' fees, a receipt for all that is so paid or made, with a statement showing how much thereof is for taxes, how much for levies, how much for militia fines and how much for officers' fees, and also the bills for such fees. Any officer failing herein shall forfeit to such person four dollars.*

§ 15.1-791.68. *Judgment against officer for money due from him.—If any officer or his deputy shall make a return upon any order, warrant or process by which it appears that he has received any sum of money by virtue of such warrant, order or process or, having received any sum of money by virtue of any warrant, order or process, he shall fail to make proper return thereof, the person entitled to such sum of money may, by motion to the court to which, or to the clerk's office of which, such order, warrant or process was returnable, recover against such officer and his sureties and against his and their personal representative the amount so received, with interest thereon at the rate of fifteen per centum per annum from the time such order, warrant or process was returnable till payment: and, upon such motion, the fact that such order, warrant or process has not been returned, as herein required, shall be prima facie proof that the whole amount required thereby to be made, principal, interest and costs, has been collected. When such collection or return is made by a deputy, there may also be a like motion and judgment against such deputy and his sureties and against his and their personal representatives.*

§ 15.1-791.69. *Judgment for officer or sureties against deputy, etc., where officer liable for misconduct of deputy.—If any deputy of a sheriff or other officer commit any default or misconduct in office for which his principal or the personal representative of such principal is liable, or for which a judgment or decree shall be recovered against either, such principal or his personal representative may, on motion, obtain a judgment against such deputy and his sureties, and their personal representatives, for the full amount for which such principal or his personal representative may also be so liable or for which such judgment or decree may have been rendered. But no judgment shall be rendered by virtue of this section for money for which any other judgment or decree has been previously rendered against such deputy or his sureties or their personal representatives.*

§ 15.1-791.70. *Same; where judgment against officer or sureties has been obtained*

and paid.—If any judgment or decree be obtained against a sheriff, or other officer, or his sureties, or their personal representatives, for or on account of the default or misconduct of any such deputy and shall be paid in whole or in part by any defendant therein, he or his personal representative may, on motion, obtain a judgment or decree against such deputy and his sureties and their personal representative for the amount so paid, with interest thereon from the time of such payment and five percent damages on such amount.

§ 15.1-791.71. Same; in what court motions may be made.—Any motion under either of the two preceding sections may be made in the circuit court of the county or city in which the default or misconduct of the deputy occurred or was committed.

§ 15.1-791.72. Sheriffs Standard Car Marking and Uniform Commission.—(a) There is hereby established the Sheriffs Standard Car Marking and Uniform Commission. It shall consist of three members, two of whom shall be elected by the Sheriffs Association and shall be elected sheriffs. One of the three members shall be appointed by the Governor and shall not be an elected sheriff.

(b) The Commission shall elect one of its members as chairman, who shall call meetings, at least once each year, and shall preside over same. Bylaws of the Commission shall be made by it. Members of the Commission shall receive no compensation for their services.

(c) The Commission shall prescribe a uniform of standard design for all sheriffs, and their deputies, and shall prescribe a standard color and design of car marking for motor vehicles used by them.

(d) On and after January one, nineteen hundred sixty-seven, the uniform, and motor vehicles prescribed by the Commission as set out in subsection (c), shall be used by all sheriffs, and their deputies, while in the performance of their duties, if the office of the sheriff prescribes that uniforms be worn and marked motor vehicles be utilized.

§ 15.1-791.72:1. The sheriff of the city of Richmond, elected prior to July one, nineteen hundred seventy-three, shall continue in office until an election is held and his successor duly qualifies for the office. The salary of such sheriff, his deputies and employees, shall not be paid under the fee system as heretofore provided but shall be set as provided in § 14.1-73. All fees collected shall be paid into the State treasury as required by law.

§ 15.1-791.72:2. Providing legal counsel for sheriffs.—If any sheriff or deputy sheriff shall be arrested or indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, and such charge is subsequently dismissed or there is rendered a verdict of not guilty, such sheriff or deputy sheriff may submit to the governing body of the jurisdiction wherein he was elected or appointed a statement of legal fees and expenses incurred in his defense of such charge. The governing body may authorize that such legal fees and expenses be paid from the treasury of such governing body.

Article 4

Treasurer

§ 15.1-791.73. Treasurer.—In every county and in each city there shall be elected by the qualified voters, a treasurer unless otherwise provided for by general law or special act. The treasurer shall exercise all the powers conferred and perform all the duties imposed upon treasurers. He shall be accountable to his governing body in all matters

affecting the locality and shall perform such duties, not inconsistent with his office, as the governing body shall direct. He shall be elected as provided by general law.

§ 15.1-791.74. *Appointment of deputies; their powers; how removed.*—The treasurer of any county or city, may at the time he qualifies as provided in § 15.1-791.8 or thereafter appoint one or more deputies, who may discharge any of the official duties of their principal during his continuance in office, unless it be some duty the performance of which by a deputy is expressly forbidden by law. The officer making any such appointment shall certify the same to the court in the clerk's office of which the oath of the principal of such deputy is filed and a record thereof shall be entered in the order book of such court. Any such deputy at the time his principal qualifies as provided in § 15.1-791.8 or thereafter, and before entering upon the duties of his office, shall take and prescribe the oath now providing for county and city officers. The oath shall be filed with the clerk of the court in whose office the oath of his principal is filed and such clerk shall properly label and file all such oaths in his office for preservation. Any such deputy may be removed from office by his principal.

§ 15.1-791.75. *Treasurer may give corporate or personal security; penalty; premium.*—The treasurer may give as surety on his bond some guaranty or security company doing business in the State and deemed sufficient by the court or clerk before whom he qualified and he may execute such bond on a form prescribed by the Attorney General, to be furnished by the Comptroller to the clerks of the several courts, or he may give such personal surety or security as may be deemed sufficient by the court before whom he qualifies; provided, that upon information, or upon motion of any taxpayer, after ten days' notice to such treasurer, the court may at any time require additional surety or sureties or security, for good cause shown.

The penalty of the bond shall be such as the court may require but not less than fifteen per centum of the amount to be received annually by the treasurer.

The premium on such bond, if the surety be a corporate surety, shall be paid in the proportion of one-half by the State and the remaining one-half by the county or city of which the principal is a treasurer.

§ 15.1-791.76. *When certain city and county treasurers not required to give additional bond.*—Whenever the treasurer for any city or county is elected or appointed finance officer under any regulation of the State Board of Education relating to the operation of jointly owned schools for cities and counties, and such duties do not substantially increase the amount of the revenue to be received annually by him, then no additional bond shall be required of him.

§ 15.1-791.76:1. *Premiums on such bonds.*—The premium on any additional bond required by the Commonwealth of Virginia of treasurer of cities shall be paid by the State. The premium on the bond other than such additional bond shall be paid by the city. No guaranty company doing business in this State shall charge a greater rate of premium on such bonds than it does on bonds of like character of employees and officials generally. If no guaranty company doing business in this State will agree to furnish such bond for such rate of premium, then such treasurer shall give such security as may be approved by the circuit court of his city in a penalty of not less than double the amount to be annually received by him.

This section shall apply to the payment of the premiums on the bonds of city treasurers for the term beginning January first, nineteen hundred and fifty-eight, and for the succeeding terms; and as to premiums paid on such bonds for such term or any part thereof prior to March eighth, nineteen hundred and fifty-eight, proper adjustment shall be made as between the State and particular city involved.

§ 15.1-791.76:2. *Blanket bonds.*—Notwithstanding any contrary provisions of law, the State Comptroller may obtain a scheduled position blanket surety bond conditioned for the faithful performance of duty for those city and county treasurers or directors of finance which agree to be included thereunder. Such bond shall provide the same amount of surety for each such treasurer or director of finance as required by any provision of law, and the premium thereon shall be paid by the Commonwealth and the respective political subdivisions in the same proportion as now provided by § 15.1-791.75.

§ 15.1-791.76:3. *Abolition of office of treasurer.*—In those counties and cities electing in a referendum to abolish the elected offices of treasurer and commissioner of revenue and replace such offices with a department of finance, then a treasurer shall not thereafter be elected.

Article 5

Commissioner of Revenue

§ 15.1-791.77. *Commissioner of revenue.*—In every county and in each city there shall be elected, by the qualified voters, a commissioner of revenue unless otherwise provided for by general law or special act. The commissioner of revenue shall exercise all the powers conferred and perform all the duties imposed upon such officer by general law and shall be accountable to the governing body in all matters affecting the locality and shall perform such duties, not inconsistent with his office, as the governing body shall direct. He shall be elected as provided by general law. The commissioner's of revenue office may be designated as the department of assessments, or if combined with the treasurer's under an optional form of government, may be designated as the Division of Assessments in such office.

§ 15.1-791.78. *Appointment of deputies; their powers; how removed.*—The commissioner of the revenue may at the time he qualifies as provided in § 15.1-791.8 or thereafter appoint one or more deputies, who may discharge any of the official duties of their principal during his continuance in office, unless it be some duty the performance of which by a deputy is expressly forbidden by law. The officer making any such appointment shall certify the same to the court in the clerk's office of which the oath of the principal of such deputy is filed and a record thereof shall be entered in the order book of such court. Any such deputy at the time his principal qualifies as provided in § 15.1-791.8 or thereafter, and before entering upon the duties of his office, shall take and prescribe the oath now provided for county and city officers. The oath shall be filed with the clerk of the court in whose office the oath of his principal is filed and such clerk shall properly label and file all such oaths in his office for preservation. Any such deputy may be removed from office by his principal.

§ 15.1-791.78:1. *Abolition of office of commissioner of revenue.*—In those counties and cities electing in a referendum to abolish the elected offices of treasurer and commissioner of revenue and replace such offices with a department of finance, then a commissioner of revenue shall not thereafter be elected.

Chapter 15.4

Other Required State Officers and Departments

Article 1

School Boards

§ 15.1-791.78. *Operation of Public Schools.*—The operation of free public schools in this State shall be in accordance with Title 22 of this Code, unless otherwise provided by general law or special act.

§ 15.1-791.79. *Department of Education.*—The school board, the division superintendent of schools and the officers and employees thereof shall comprise a department of education. The school board and the division superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law.

The chairman of the school board shall for the purpose of appearing before the governing body of his locality be considered head of the department of education, unless some other person in the department shall be designated by the school board for such purpose.

Article 2

Health Department

§ 15.1-791.80. *Department of Health.*—Every county and city of this State shall have a department of health unless otherwise provided by general law or special act.

§ 15.1-791.81. *Head of Department.*—The health officer shall be head of the department of health.

Article 3

Public Welfare Department

§ 15.1-791.82. *Department of Public Welfare.*—Every county and city of this State shall have a board of public welfare in accordance with Title 63.1 of this Code, unless otherwise provided by general law or special act. The local board of public welfare and its superintendent of public welfare shall be the local department of public welfare or social services.

§ 15.1-791.83. *Head of Department.*—The superintendent of public welfare or director of social services, as the case may be, shall be head of the department.

Chapter 15.5

Other Authorized Officers and Departments

of Local Government

Article 1

Department of Finance

§ 15.1-791.84:01. *Voluntary establishment of department of finance.*—The department of finance, if and when established, shall be under the supervision of a director. The department shall have such powers and duties in the fiscal affairs of the locality as may be granted to it or required of it by the governing body not in conflict with the constitutional and statutory powers and duties of elected treasurers and commissioners of revenue.

Provided, however, if the voters of a county or city elect in a referendum to abolish the offices of treasurer and commissioner of revenue then in such an event a department of finance must be established with the powers and duties hereafter set forth.

§ 15.1-791.84:02. *Mandatory establishment of department of finance.*—If the offices of treasurer and commissioner of revenue be abolished then the functions of such offices shall be consolidated within a department of finance, headed by a director, having the powers and duties set forth in § 15.1-791.84:03.

§ 15.1-791.84:03. *Director of finance; general duties.*—A. The director of finance shall be the head of the department of finance and as such have charge of the administration of the financial affairs of the locality, including the budget; the assessment of property for taxation; the collection of taxes, license fees and other revenues; the custody of all public funds belonging to or handled by the locality; supervision of the expenditures of the locality and its subdivisions; the disbursement of locality funds; the keeping and supervision of all accounts; and such other duties as the governing body may by ordinance or resolution require.

B. *Expenditures and accounts.*—No money shall be drawn from the treasury of the locality, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation ordinances. Accounts shall be kept for each item of appropriation made by the governing body. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligation charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement or order.

C. *Powers of commissioners of revenue.*—The director of finance shall exercise all the powers conferred and perform all the duties imposed by general law upon commissioners of the revenue, not inconsistent herewith, and shall be subject to the obligations and penalties imposed by general law.

D. *Real estate assessments.*—(1) Every general assessment of real estate in the locality, unless some other person be designated for this purpose by the governing body or unless the governing body shall create a separate division of assessments in the department of finance in accordance with § 15.1-791.84:04, shall be made by the director of finance; he shall collect and keep in his office data and devise methods and procedures to be followed in each such general assessment that will make for uniformity in assessments

throughout the locality.

(2) In addition to any other method provided by general law the director of finance may provide for the annual assessment and equalization of real estate if authorized by the governing body. The director of finance or his designated agent shall collect data, provide maps and charts, devise methods and procedures to be followed for such assessment that will make for uniformity in assessments throughout the locality.

This section shall not apply to real estate assessable under the law by the State Corporation Commission, and the director of finance or his designated agent shall not make any real estate assessments during the life of any general assessment board.

The governing body shall establish a continuing board of real estate review and equalization to review all assessments made under authority of this subsection and to which all appeals by any person aggrieved by any real estate assessment shall first apply for relief. The board so established shall consist of not less than three nor more than five members who shall be freeholders in the locality. The appointment, terms of office and compensation of the members of such board shall be prescribed by the governing body; such board shall have all the powers conferred upon boards of equalization by general law. All applications for review to such board shall be made not later than April first of the year for which extension of taxes on the assessment is to be made. Such board shall grant a hearing to any person making application at a regular advertised meeting of the board and shall rule on all applications within sixty days after the date of the hearing, and shall thereafter promptly certify its action thereon to the director of finance. Such board shall conduct hearings at such time or times as is convenient after publishing a notice in a newspaper having a general circulation in the locality, ten days prior to such hearing at which any person applying for review will be heard.

Any person aggrieved by any assessment or action of the real estate board of review and equalization may apply for relief to the circuit court in the manner provided by general law.

E. Approval of chief assessing officer.—Before the appointment of the chief assessing officer of the locality, whether he be the director of finance, or a supervisor of assessment in the department of finance, shall become effective, it shall be approved by the State Tax Commissioner and such officer shall be subject to the obligations and penalties imposed by general law upon commissioners of the revenue.

F. Powers of treasurer; deposit of moneys.—The director of finance shall also exercise all the powers conferred and perform all the duties imposed by general law upon treasurers, and shall be subject to all the obligations and penalties imposed by general law. All moneys received by any officer or employee of the locality for or in connection with the business of the locality shall be paid promptly into the hands of the director of finance; all such money shall be promptly deposited by the director of finance to the credit of the locality in such banks or trust companies as shall be selected by the governing body. No money shall be disbursed or paid out by the locality except upon checks signed by the chief administrative officer, or such other person as may be designated by the governing body, and countersigned by the director of the department of finance.

The governing body may designate one or more banks or trust companies as a receiving or collecting agency or agencies under the direction of the department of finance. All funds so collected or received shall be deposited to the credit of the locality in such banks or trust companies as shall be selected by the governing body.

Every bank or trust company serving as a depository or collecting agency for funds shall be required by the governing body to give adequate security therefore and to meet

such requirements as to interest thereon as the governing body may by ordinance or resolution establish. All interest on money so deposited shall accrue to the benefit of the locality.

G. *Claims against locality; accounts.*—The director of finance shall audit all claims against the locality for goods or services; it shall also be his duty to ascertain that such claims are in accordance with the purchase orders or contracts of employment from which same arise; to draw all checks in settlement of such claims; to keep a record of the revenues and expenditures of the locality; to keep such accounts and records of the affairs of the locality as shall be prescribed by the auditor of public accounts; and at the end of each month to prepare and submit to the governing body, and the chief administrative officer, statements showing the progress and status of the affairs of the locality in such form as shall be agreed upon by the auditor of public accounts and the governing body.

H. *Other duties.*—He shall perform such other duties as may be imposed upon him by the governing body.

§ 15.1-791.84:04. *Division of assessments.*—A division of assessments within the department of finance may be established by the governing body. The division of assessments, if and when established, shall be headed by a supervisor of assessments, who shall exercise all the powers conferred and performed all the duties imposed by paragraphs C and D of § 15.1-791.84:03 upon the director of finance.

In addition to the powers and duties hereinabove conferred, the governing body of any locality which has provided for a division of assessments headed by a supervisor of assessments may, in lieu of the method now prescribed by the law, provide for the annual assessment and equalization of assessments of real estate by such division. All real estate shall thereafter be assessed as of January first of each year. Any person aggrieved by any such assessment may apply for relief to the circuit court of the locality as provided by law. The provisions of this section shall not, however, apply to any real estate assessable under the law by the State Corporation Commission.

Article 2

Public Safety Department

§ 15.1-791.84. *Department of Public Safety.*—The department of Public Safety, if and when established, shall be under the supervision of a director. Such department may consist of the following divisions or any one or more of them:

(1) *Division of police, in charge of a chief of police and consisting of such other police officers and personnel as may be appointed.*

(2) *Division of fire protection, in charge of a fire chief and consisting of such firemen, and other personnel as may be appointed.*

(3) *Any other related divisions as determined and authorized by the local governing body.*

§ 15.1-791.85. *Police Department.*—The police department, if and when established, shall have the organization, powers and duties as provided in Chapter 3 of Title 15.1 of this Code.

§ 15.1-791.86. *Fire Department.*—The fire department, if and when established, shall

have the organization, powers and duties as provided in Chapter 2 of Title 27 of this Code.

Article 3

Public Works Department

§ 15.1-791.87. *Department of Public Works.*—The department of public works, if and when established, shall be under the supervision of a director. He shall have charge of the construction and maintenance of drains and all other public works and the construction and care of public buildings. He shall exercise all the powers conferred and perform all the duties as may be assigned to the department by the governing body.

Article 4

Public Utilities Department

§ 15.1-791.88. *Department of Public Utilities.*—The department of public utilities, if and when established, shall be under the supervision of a director. Such department may be in charge of construction, operation, maintenance and administration of all public utilities, owned, operated and controlled by the governing body or any sanitary district of any county. Such department may be responsible for the administration of the affairs of water systems, sewer systems, sewage disposal systems, gas, electricity and any other public utility functions not assigned or administered by other departments or agencies.

Article 5

Parks, Recreation and Training Services Department

15.1-791.89. *Department of Parks, Recreation and Training Services.*—The department of parks, recreation and training services, if and when established, shall be under the supervision of a director.

§ 15.1-791.90. *Duties.*—The department of parks, recreation and training services shall manage all public parks, museums, art galleries, zoos, educational farms and similar facilities authorized by the governing body. It may, if duly authorized, develop, present or otherwise make available to the public educational, athletic and entertainment affairs. It may sponsor extension and continuing education programs for the purpose of conducting noncredit educational programs and disseminating useful and practical information pursuant to the provisions of Title 3.1, chapter 8 (§ 3.1-40 et seq.) It may also sponsor, when applicable, a program of farm and home demonstration. Such program shall be headed by an extension agent, together with a home demonstration agent and such assistants and employees as may be appointed or employed. The extension agent and the home demonstration agent shall be selected from a list or lists of eligibles submitted by the Virginia Polytechnic Institute and State University. They shall perform such duties as may be imposed upon them by the director of the department.

Article 6

Purchasing Department

§ 15.1-791.91. *Purchasing Department.*—The department of purchasing, if and when established, shall be under the supervision of a director.

§ 15.1-791.92. *Duties of Director of Purchasing.*—The director of purchasing shall purchase or contract for, or supervise the purchase of or contract for, all supplies, materials, equipment and contractual services required by any department or agency of his local government, subject to the provisions set forth in this and the following five sections; shall draw up, subject to the approval of the chief administrative officer or the local governing body, as the case may be, and enforce standard specifications which shall apply to all supplies, materials and equipment purchased for the use of the local government; shall have charge of all central storerooms now operated or hereafter established by the local government; and shall transfer to or between departments and agencies or sell supplies, materials and equipment which are surplus, obsolete, or unused.

§ 15.1-791.93. *Definitions of terms.*—The terms “supplies,” “materials,” and “equipment” as used throughout this article shall be construed to mean any and all articles or things which shall be used by or furnished to any department, institution, office, board or other agency of the local government.

The term “contractual services” shall be construed to mean any and all telephone, telegraph, postal, electric light and power service and other similar services.

§ 15.1-791.94. *Rules and regulations to govern purchases.*—Except as otherwise provided in this article, any and all supplies, materials, equipment or contractual services needed by one or more departments or agencies of the local government shall be purchased or contracted for by the director of purchasing, in accordance with rules and regulations adopted pursuant to this section.

The director of purchasing, subject to the approval of the governing body, or chief administrative officer, as the case may be, shall adopt, promulgate, and from time to time amend, rules and regulations for the following purposes:

(1) Prescribing the manner in which supplies, materials, and equipment shall be purchased, delivered, stored, and distributed;

(2) Prescribing the dates for making requisition and estimates, the future period which they are to cover, the form in which they shall be submitted, the manner of their authentication, and their revision by the director of purchasing;

(3) Providing for the transfer to or between departments and agencies of supplies, materials, and equipment which are surplus with one department or agency but which may be needed by another or others, and for the disposal by sale, after receipt of competitive bids, of supplies, materials and equipment which are obsolete and unusable;

(4) Prescribing the amount of deposit or bond to be submitted with a bid on a contract and the amount of deposit or bond to be given for the faithful performance of a contract;

(5) Prescribing the manner in which claims for supplies, materials, equipment and contractual services delivered to any and all departments and agencies shall be submitted, examined, approved and paid; and

(6) Providing for such other matters as may be necessary to give effect to the foregoing rules and the provisions of this article.

§ 15.1-791.95. *Purchases and sales to be based on competitive bids.*—All purchases

of, and contracts for, supplies, materials, equipment and contractual services and all sales of such personal property which has become obsolete and unusable shall be based wherever feasible on competitive bids. If the amount of the expenditure or sale is estimated to exceed one thousand dollars, sealed bids shall, unless the governing body shall provide otherwise, be solicited by public notice inserted at least once in a newspaper of locality wide circulation and at least five calendar days before the final date of submitting bids. The director of purchasing shall also solicit sealed bids by sending requests by mail to prospective suppliers and by posting notice on a public bulletin board in his office.

Bids shall in all cases be based on such standard specification as may be adopted by the director of purchasing under the supervision of the governing body or chief administrative officer, as the case may be.

§ 15.1-791.96. Award or rejection of bids; records.—All open market orders or contracts made by the director of purchasing or by any department or agency of the local government shall be awarded to the lowest and best bidder, taking into consideration the qualities of the articles to be supplied, their conformity with the specifications, their suitability to the requirements of the local government, and the delivery. Any or all bids may be rejected. If all bids received on a pending contract are for the same unit price or total amount, the director of purchasing shall have authority to reject all bids and to purchase the required supplies, materials, equipment or contractual services in the open market, provided the price paid in the open market shall not exceed the bid price. Each bid, with the name of the bidder, shall be entered on a record and each record with the successful bid indicated thereon shall, after the award of the order or contract, be open to public inspection.

All contracts shall be approved as to form by the attorney for the Commonwealth or attorney for the locality, as the case may be, and a copy of each long-term contract shall be filed with the treasurer or other chief financial officer of the governing body.

§ 15.1-791.97. Certification of sufficient funds; orders and contracts in violation of article.—Except in an emergency, no order for delivery on a contract or open market order for supplies, materials, equipment or contractual services for any department or agency shall be awarded until the chief administrative or financial officer shall have certified that the unencumbered balance in the appropriation concerned, in excess of all unpaid obligations, is sufficient to defray the cost of such order. Whenever any department or agency of the local government shall purchase or contract for any supplies, materials, equipment or contractual services contrary to the provisions of this article or the rules and regulations made thereunder, such order or contract shall be void and of no effect. The head of such department or agency shall be personally liable for the costs of such order or contract and, if already paid for out of locality funds, the amount thereof may be recovered in the name of the local government in an appropriate action instituted therefor.

§ 15.1-791.98. Violation of § 15.1-791.97 a misdemeanor.—Any violation of the preceding section shall be a misdemeanor and shall be punishable as provided by § 18.2-12.

Article 7

Personnel Department

§ 15.1-791.99. Department of Personnel.—The department of personnel, if and when established, shall be under the supervision of a director. The director shall administer the personnel policies and programs of the locality as established by his governing body and chief administrative officer, if one be appointed.

Article 8

Clerk

§ 15.1-791.100. Clerk for governing bodies.—The governing body of every locality in this State shall appoint a qualified person to record the official actions of such governing body. The person so appointed shall be called clerk for the board of supervisors or council, city or town, as the case may be. In lieu of having the clerk of the circuit court serve as clerk to the governing body of a county or city such governing body may appoint another qualified person to be its clerk.

§ 15.1-791.101. Clerk to keep books, etc., of governing body.—The books, records and accounts of the governing body shall be deposited with their clerk and shall be open, without any charge, to the examination of all persons at all reasonable times.

§ 15.1-791.102. General duties of clerk.—Except as otherwise specifically authorized by law, it shall be the clerk's general duty:

(1) To record in a book to be provided for that purpose the proceedings of the governing body.

(2) To make regular entries of all their resolutions and decisions on all questions concerning the raising of money; and within five days after any order for a levy is made, to deliver a copy thereof to the commissioner of revenue of his locality or the director of finance, as the case may be.

(3) To record the vote of each supervisor or councilman on any question submitted to the board or council, as required.

(4) To record, in a book provided for the purpose, the reports of the treasurer of his receipts and disbursements.

(5) To preserve and file all accounts acted upon by the governing body, with their actions thereon; and he shall perform such special duties as are required of him by law.

The governing body shall by resolution prescribe the duties of such clerk which shall be in addition to his duties as prescribed by law.

Article 9

Planning Commission

§ 15.1-791.103. Planning Commission.—A planning commission shall come into being following the governing body's adoption of an ordinance establishing such commission; such commissions shall be organized and conduct its affairs in accordance with the provisions of Chapter 11 of this title. The commission shall be represented before the governing body by a director.

Article 10

Law Department

§ 15.1-791.104. Creation of department of law; authorized appointment and duties of department head.—Every governing body may create a department of law under the supervision of an attorney at law. Such attorney shall be appointed by the governing body to serve at the pleasure of the governing body. He shall serve at a salary to be fixed by the governing body. In the event of the appointment of such attorney, the attorney for the Commonwealth of any such locality shall be relieved of the duty in civil matters of advising the governing body and all boards, departments, agencies, officials and employees of the locality, of drafting or preparing ordinances, of defending or bringing actions in which the locality or any of its boards, departments, agencies, officials or employees thereof shall be a party, and in any other manner advising or representing the locality, its boards, departments, agencies, officials and employees, and all such duties shall be performed by the attorney in the locality's department of law. Nothing herein, however, shall relieve the attorney for the Commonwealth from any of the other duties imposed on him by law. The attorney so appointed shall be accountable to the governing body in the performance of his duties.

No person shall be appointed attorney under the provisions of this section unless at the time of his appointment he shall be admitted to practice before the Supreme Court of Virginia.

Article 11

Auditing Department

§ 15.1-791.105. Audit department authorized.—Every governing body may establish a department of auditing. Such department, if and when established, shall be under the supervision of a director appointed by the governing body and accountable to them in the performance of his duties. He shall be qualified by training and experience for the duties of his office.

§ 15.1-791.106. Duties of director.—It shall be the director's duty to examine and audit all accounts, books and records of the locality that reflects transactions involving financial activities and affairs of the locality, including those for which the locality has a responsibility as an agent, custodian or trustee, but he shall exclude such accounts as are audited by the Auditor of Public Accounts of the Commonwealth. It shall be his duty to make an audit of the books and records comprising the accounting system maintained in the locality that reflect the fiscal affairs of the locality. The audit shall be of sufficient scope for him to express an opinion as to whether the books and records and the financial statements prepared therefrom as contained in the annual report of the treasurer or director of finance present fairly the fiscal affairs of the locality in accordance with generally accepted principles of municipal accounting, or other applicable accounting principles, and applicable governing laws; the opinion may be given subject to any necessary qualifications for audits not made by him in the same year of the accounts and records of other departments and agencies beyond the providing of their transactions with the treasurer or department of finance. He shall report annually to the governing body within one hundred and twenty days after close of each fiscal year on his audit for that fiscal year and the report shall contain his opinion covering matters described above together with comments respecting exceptions and recommendations, if any, and, if deemed desirable, also respecting the fiscal affairs of the locality as reflected by the annual published report of the treasurer or director of finance. He shall make examinations and audits of the accounts, books and records of the departments and agencies subject to examination and audit at least once in every two consecutive years and upon completion of each such examination or audit shall file with the governing body a report thereof in writing and copies of the report shall be transmitted to the chief administrative officer and

to the department or agency covered thereby. If he shall at any time discover any unauthorized, illegal, irregular or unsound practice he shall forthwith lay such facts before the chief administrative officer and governing body. In performing his duties he shall have access at any and all times to all books, records and accounts of each department and agency subject to examination and audit by him. A copy of each report made to the governing body by the director shall always be available for public inspection in the office of the clerk during regular business hours.

Chapter 16.1

Powers of Counties, Cities and Towns

Article 1

General Powers

§ 15.1-832.1:1. *General powers of counties, cities and towns.—The governing body of every county, city and town may adopt such measures as they may deem expedient to secure and promote the safety, health, and general welfare of the inhabitants of such county, city and town, not inconsistent with the general laws of this Commonwealth.*

§ 15.1-832.1:2. *Raising money by taxes and assessments to defray charges and expenses; appropriation of money to towns.—The governing body of every county, city and town may direct the raising by taxes and assessments on property, persons and other subjects of taxation, which are not prohibited by law, such sums as may be necessary to defray their charges and expenses and all necessary charges incident to or arising from the execution of their lawful authority; and boards of supervisors may appropriate such sums as the board may desire to any town or towns within the boundaries of the county.*

§ 15.1-832.1:3. *Reserved.*

§ 15.1-832.1:4. *Appropriations.—The governing body of every county, city and town may make appropriations for the purposes for which it is empowered to levy taxes and make assessments, for the support of the local government, for the performance of its functions, and the accomplishment of all other lawful purposes and objectives, subject to such limitations as may be imposed by law.*

§ 15.1-832.1:5. *Borrowing money and issuing evidence of indebtedness.—The governing body of every county, city and town may, in the name of and for the use of the county, city or town, borrow money and issue evidence of indebtedness therefor, subject to such limitations as may be imposed by law.*

§ 15.1-832.1:6. *Control and management of affairs; books, records, accounts, etc., of agencies.—The governing body of every county, city and town shall provide for the control and management of the affairs of the county, city or town, and may prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, or other agencies of the local government as may be necessary to give full and true accounts of the affairs, resources and revenues of the county, city or town and the handling, use and disposal thereof.*

§ 15.1-832.1:7. *Rules of procedure.—The governing body of every county, city and town may adopt its own rules of procedure in the form of an ordinance or ordinances provided such ordinance or ordinances does not conflict with provisions of the Constitution or general law.*

§ 15.1-832.1:8. *Reserved.*

§ 15.1-832.1:9. *Protection of county, city and town property.—The governing body of every county, city and town shall have the care of the county, city and town property and the management of the business and concerns of the county, city and town, in all cases in which no other provisions shall be made.*

§ 15.1-832.1:10. *Employment of special counsel.*—The governing body of every county, city and town may employ, or authorize the employment of, counsel to assist the attorney for the Commonwealth, or its own attorney, in any suit against the county, city or town, its governing body or its members, officers or employees, or any boards or commissions and their members, officers or employees that serve the county, city or town, or in any matter affecting the county, city or town property.

All costs and expenses of proceedings so defended shall be a charge against the local government treasury, and shall be paid out of funds provided therefor by the governing body of such local government.

§ 15.1-832.1:11. *Reserved.*

§ 15.1-832.1:12. *Reserved.*

§ 15.1-832.1:13. *Detentive, correctional and penal institutions.*—The governing body of every county, city and town may provide and operate, within or without its boundaries, detentive, correctional and penal institutions; or may contract with others for supplying the services and facilities provided at such institutions.

§ 15.1-832.1:14. *Reserved.*

§ 15.1-832.1:15. *Use, management and disposal of property.*—The governing body of every county, city and town may construct, maintain and equip all buildings and other structures necessary or useful in executing its powers and duties, the performance of its functions and accomplishment of its purposes and objectives. Such governing bodies may purchase and maintain the necessary personal property to carry out its powers and duties, and may control and regulate the use and management of all its property, real and personal, within and without its boundaries; and may sell, lease, mortgage, pledge or dispose of such property, subject to such limitations as may be imposed by law.

§ 15.1-832.1:16. *Gifts, donations, bequests or grants.*—The governing body of every county, city and town may accept or refuse gifts, donations, bequests or grants from any source.

§ 15.1-832.1:17. *Political subdivisions may acquire property from United States.*—Notwithstanding the provisions of any charter, the governing body of any county, city, town or sanitary district, or any other political subdivision may authorize the acquisition and purchase from the United States of America, or any agency thereof, whether now existing or hereafter created, of any equipment, supplies, materials or other property, real or personal, in such manner as such governing body may determine.

It is the purpose of this section to enable any political subdivision of this Commonwealth to secure from time to time promptly the benefits of acquisition and purchases as authorized by this section. This section is remedial in nature and the powers hereby granted shall be liberally construed.

§ 15.1-832.1:18. *Investigations by boards of supervisors and councils.*—The governing body of every county, city and town shall have the right to make such investigations relating to their government's affairs as they may deem necessary, may summon and enforce the attendance of witnesses and the production of books and papers and may administer oaths in the same manner and with like effect and under the same penalties as general district court judges for contempt in exercising criminal or civil jurisdiction.

§ 15.1-832.1:19. *Chairman and mayor may administer oaths.*—Every chairman and mayor shall have power to administer an oath to any person concerning any matter

submitted to the board or council or connected with their powers or duties.

§ 15.1-832.1:20. Purchase of bonds and policies of insurance by local government and certain State department; self-insurance.—A. The governing body of every county, city and town is authorized to secure bonds and insurance and to pay for out of their treasury the premiums on surety bonds of county, city and town officials who are required to be bonded by law or ordinance and premiums for liability insurance for officers and employees and property insurance in amounts required by law or in amounts deemed appropriate in the judgment of the governing body when a specific amount of coverage is not mandated by law. Premiums may be paid for a period of more than one year when a discount for such payment may be obtained.

B. Notwithstanding the provisions of the preceding subsection, any department of the State operating a department or board in local government is authorized to obtain liability insurance for officers and employees of such local departments and boards.

C. The governing body of every county, city and town may provide self-insurance to cover the costs and expenses incident to liability, including those for settlement, suit or satisfaction of judgment, arising from the conduct of its officials and employees as set out in subsection A. in the discharge of their duties.

§ 15.1-832.1:21. Reserved.

§ 15.1-832.1:22. Reserved.

§ 15.1-832.1:23. Reserved.

§ 15.1-832.1:24. Petty cash funds.—Whenever the governing body of any county, city or town determines that more efficient administration would be promoted thereby, the governing body may by resolution establish one or more petty cash funds not exceeding five hundred dollars each for the payment of claims arising from commitments made pursuant to provisions of law.

Any person into whose hands any such fund is placed may pay such claims therefrom, without necessity of prior approval by the governing body, the chief administrative officer or the treasurer.

Each such person shall render an account of the same and make a settlement thereof in form and manner prescribed by the Auditor of Public Accounts and/or the governing body, as the case may be.

Each such person shall give bond with surety in the amount of one thousand dollars; provided that additional bond shall not be required of any person already bonded in the required amount.

§ 15.1-832.1:25. Reserved.

§ 15.1-832.1:26. Reproductions of records and documents and legal status thereof; destruction of originals.—The governing body of any county, city or town is authorized to provide for the photographing or microphotographing, or the recording by any other process which accurately reproduces or forms a durable medium for reproducing the original of all or any part of the papers, records, documents or other material kept by or in charge of any department, agency or institution of such county, city or town.

A reproduction thereof if substantially the same size as the original, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or

administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of the court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

Whenever photographs or microphotographs shall have been made and put in conveniently accessible files, and provision has been made for preserving, examining and using the same, the governing body of the county, city or town may notify the State Librarian that it intends to destroy the records and papers so photographed or microphotographed, or any part thereof. If within sixty days the State Librarian has not notified the governing body that such records or papers should be retained, the governing body may cause them to be destroyed. Such governing body may also, in its discretion, consult with the county, city or town librarian with reference to the advisability of destroying any such records, papers, documents or other material because of any historical significance or value.

With the approval of the judge of the circuit court of a county entered of record, the clerk, and the clerk of the district court may, if directed so to do by the county governing body, microphotograph records in their respective offices which are not required for current use. No record so microphotographed shall be destroyed but may be stored in a safe place. The microphotograph or a certified copy thereof shall be of the same force and effect as the original record.

§ 15.1-832.1:27. Governing bodies of counties, cities and towns may provide for continuity of government in case of enemy attack.—Notwithstanding any provision of general law or the provisions of any charter, the governing body of any county, city or town in this Commonwealth may, by ordinance, provide such method to assure continuity in its government as may be reasonable, in the event of an enemy attack or other disaster; provided that such ordinance shall be limited in its effect to not exceeding six months after any such attack or disaster and shall provide for a method for the resumption of normal governmental authority by the end of such six months period.

§ 15.1-832.1:28. Expenditures for promoting resources and advantages of county, city or town.—The governing body of every county, city and town may, in its discretion, expend revenues of the county, city or town for the purpose of promoting the resources and advantages of the county, city or town.

For the purposes set out in this section the governing body may make such appropriations to chambers of commerce or similar organizations or to employ a suitable person to secure and promote the economic development of the county, city or town.

§ 15.1-832.1:29. Reserved.

§ 15.1-832.1:30. Encouragement of use of certain local government facilities.—The governing body of every county, city or town owning an auditorium, civic center, coliseum, convention hall, stadium, theater, exhibition hall or combination thereof or other place of public assembly, may, in order to further the best interest of the public and lead to greater use of any such facilities, do all things necessary and proper to encourage the use thereof by arranging or engaging shows, plays, exhibitions, performances and all other entertainments of whatsoever nature. Such encouragement may, without limitations as to other permissible activities, include the expenditure of funds to promote such activities and to bring notice to the public of entertainments at such public facilities, engaging persons to bring entertainments thereto from which the local government may derive income, and the payment of funds to such persons in advance or out of proceeds derived therefrom for payment therewith; and may include entering into agreements with such other persons

guaranteeing minimum sums to be payable to such persons for future performances provided that at no time shall the aggregate amount of all outstanding guarantees be more than such sums as may be fixed by the governing body.

Notwithstanding any provision of any city or town charter, the council of any city or town may appropriate funds to a special or revolving account in order to engage, advertise and promote any such entertainment and to operate any of the foregoing facilities, and when such fund is created such person or persons as may be designated by ordinance of such governing body, after providing fidelity bond with corporate surety payable to the city or town in a penalty not less than the authorized amount of such special or revolving fund, may sign checks against such fund and expend cash therefrom for any of the foregoing purposes.

§ 15.1-832.1:31. Local governments may have a legal enumeration of their population.—The governing body of every county, city or town wishing to have a legal enumeration of their population, or any part thereof, may make application therefor to the judge of the circuit court of the county, city or town. When the application is made, the judge shall forthwith divide such county, city or town, or part thereof, into such districts, with well-defined boundaries, as may appear advisable and shall appoint for each of the districts one enumerator. Before entering on their duties such appointees shall take an oath for the faithful discharge of their duties. They shall report to the judge the result of their enumeration and a list of the persons enumerated by them within a reasonable time after their appointment, and a copy of the list of persons so enumerated by them shall be furnished by the enumerators to the clerk of the court. Upon evidence produced before him the judge may add to the list the name of any person improperly omitted and may strike from the list the name of any person improperly listed. If it shall appear advisable to the judge, he may order that the enumeration for any or all of the districts be retaken. The judge shall cause to be tabulated and consolidated the lists and return to the governing body the result or results thereof, in accordance with the application of the governing body. The judge shall allow each enumerator a reasonable fee for each day actually employed by him in making the enumeration, which fee shall be a legal charge upon the such governmental unit.

§ 15.1-832.1:32. Associations to promote welfare of political subdivisions; appropriations.—A. The governing bodies of two or more of the political subdivisions of the Commonwealth may, in their discretion, and in addition to powers prescribed in § 15.1-832.1:28, form and maintain associations for the purpose of promoting, through investigation, discussion and cooperative effort, the interest and welfare of the several political subdivisions of the Commonwealth, and to promote a closer relationship between the several political subdivisions of the Commonwealth. Any such association so formed shall be an instrumentality of the political subdivisions which are members thereof.

B. The governing body of every county, city and town which is a member, or hereafter becomes a member, of any organization or association including an organization or association having members outside of the Commonwealth of Virginia which has as its principal objective one or more of the purposes set forth in the following paragraph, is authorized to appropriate funds to such organization or to provide goods and services to such organization, all for the purpose of advancing the welfare and economic interests of such county, city or town and the citizens thereof.

Funds may be appropriated or goods and services may be provided, only to an organization which has as its objective one or more of the following purposes: identification of problems hindering the growth, development and economic functioning of the county, city or town; development of comprehensive plans for the growth and development of the county, city or town and the promotion of interjurisdictional cooperation; development of appropriate policies and cooperative mechanisms among the

participating political subdivisions for improving the administration of public services; development of concerted action among participating political subdivisions for their benefit; defense and strengthening of local government; and taking of such interests of the participating political subdivisions. Provided further, that no governing body of any county, city or town shall appropriate funds, unless specifically authorized by the General Assembly, to any organization or association having members outside the Commonwealth of Virginia 1. when such association or organization possesses the power of taxation or the right of condemnation, and 2. unless the county, city or town has the right to withdraw from such association or organization at any time.

C. The governing body of every county, city or town may from time to time require of any board, commission or authority, hereinafter referred to as recipient agency, to which it has power to appropriate public funds and has appropriated such funds in the past or has received a request for appropriations, such information, books and records of the recipient agency as the governing body deems necessary in order that it may be assured that an appropriation or proposed appropriation will not result in the dissipation of public funds. If the governing body determines that a particular administrative function or activity of the recipient organization duplicates the services provided by the governing body, it may in lieu of an appropriation of funds for that function or activity provide the recipient agency with the necessary goods and services.

§ 15.1-832.1:33. Reserved.

§ 15.1-832.1:34. Reserved.

§ 15.1-832.1:35. Joint exercise of powers by political subdivisions.—A. Any power or powers, privileges or authority exercised or capable of exercise by any political subdivision of this Commonwealth may be exercised and enjoyed jointly with any other political subdivision of this Commonwealth and with any political subdivision of another state.

B. Any two or more political subdivisions may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this section. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating political subdivisions shall be necessary before any such agreement may enter into force.

C. No agreement made pursuant to this section shall relieve any political subdivision of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, such performance may be offered in satisfaction of the obligation or responsibility.

D. Any political subdivision entering into an agreement pursuant to this section may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

§ 15.1-832.1:36. Reimbursement for certain expenses in lieu of compensation.—A member of the board of supervisors of any county or a councilman or mayor of any city shall have the option of accepting, in lieu of salary, reimbursement for actual expenses incurred in maintaining an office and secretarial assistance necessary for the proper performance of his duties. Such reimbursement shall be subtracted from the amount of salary due such official and the remaining sum shall be paid to him at his option; provided, however, such expenses shall not exceed such salary.

Article 2

Powers relating to Health

§ 15.1-832.2:1. County, city or town may provide for removal of trash, garbage, etc., weeds and other foreign growth.—The governing body of every county, city and town may provide:

A. That the owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such county, city or town; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the county, city or town, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the county, city or town as taxes and levies are collected;

B. That the owners of vacant property therein shall cut the grass, weeds and other foreign growth on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice, have such grass, weeds or other foreign growth cut by its agents or employees, in which event, the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county, city or town as taxes and levies are collected; provided, however, that no such ordinance adopted by any county shall have any force and effect within the corporate limits of any town; provided, further, that no such ordinance adopted by any county having a density of population of less than five hundred per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use; and

C. That every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

§ 15.1-832.2:2. Garbage and refuse pickup and disposal services.—A. The governing body of every county, city and town may collect and dispose of garbage and other refuse; may regulate and inspect incinerators, sanitary landfills and other places and facilities for the disposal of garbage and other refuse and the manner in which such incinerators, sanitary landfills, places and facilities are operated or maintained; and without liability to the owner thereof may prevent the use thereof for such purposes when they contribute or are likely to contribute to the contraction or spread of infectious, contagious or dangerous diseases.

B. The governing body of every county, city and town may provide and operate, within or without its boundaries, incinerators, sanitary landfills, facilities and appurtenances for the disposal of garbage and other refuse of its inhabitants; may contract with other jurisdictions to provide such services jointly; may contract with others for supplying such services; may prohibit the disposal of garbage and refuse in or at any place other than that provided for the purpose; may charge and collect compensation for such service; and provide penalties for the unauthorized use of such facilities.

C. The governing body of every county, city and town may impose license taxes upon and otherwise regulate the services rendered by any business engaged in the pickup and disposal of garbage, trash or refuse, wherein service will be provided to the residents of

any such county, city and town. Such regulation may include the delineation of service areas, the limitation of the number of persons engaged in such service in any such service area, and the regulation of rates of charge for any such service.

§ 15.1-832.2:3. Reserved.

§ 15.1-832.2:4. Reserved.

§ 15.1-832.2:4.1. *Water supplies.*—The governing body of every county, city and town may regulate and inspect public and private water supplies and the production, preparation, transmission and distribution of water, and the sanitation of establishments, systems, facilities and equipment in or by means of which water is produced, prepared, transmitted and distributed; may adopt such regulations as are deemed necessary to prevent the pollution of such water supplies; and without liability to the owner thereof may prevent the transmission or distribution of water when found to be polluted, adulterated, impure or dangerous.

§ 15.1-832.2:4.2. *Water supplies and facilities.*—The governing body of every county, city and town may provide and operate, within or without its boundaries within the Commonwealth or another state, water supplies and water production, preparation, distribution and transmission systems, facilities and appurtenances for the purpose of furnishing water for the use of its inhabitants; may contract with others for such purposes and services; may require the connection of premises with facilities provided for furnishing water; may charge and collect compensation for water thus furnished; and may provide penalties for the unauthorized use thereof.

No governing body after July one, nineteen hundred seventy-six, shall construct, provide or operate without its boundaries any water supply system prior to obtaining the consent of the State, county or municipality in which such system is to be located; provided, however, no consent shall be required for the operation of any such water supply system in existence on July one, nineteen hundred seventy-six, or in the process of construction or for which the site has been purchased or for the orderly expansion of such water supply system.

In any case in which the approval of a political subdivision's governing body of this Commonwealth is withheld the party seeking such approval may petition for the convening of a special court pursuant to §§ 15.1-832.2:6.1 through 15.1-832.2:6.7 of the Code of Virginia.

§ 15.1-832.2:5. *Construction of dams, etc., for purpose of providing public water supply.*—The governing body of every county, city and town is authorized to make expenditures from the county, city or town general fund in order to acquire land, participate in the construction of dams and perform all other necessary acts for the purpose of providing sources of public water supply for agricultural, residential, governmental and industrial development of the county, city or town; provided, however, such dam shall not be constructed nor any land acquired therefor when the dam would be located in another political subdivision without the approval of such political subdivision's governing body; provided, further, that no such approval shall be required where such dam is in the process of construction, or for which the site has been purchased, or for which plans for construction have been filed with any appropriate agency of the federal, State, or local government on or before July one, nineteen hundred seventy-six.

In any case in which the approval by such political subdivision's governing body is withheld the party seeking such approval may petition for the convening of a special court, pursuant to §§ 15.1-832.2:6.1 through 15.1-832.2:6.7 of the Code of Virginia.

§ 15.1-832.2:6. Counties, cities and towns may construct dams across navigable streams; permission from Chief of Engineers, Secretary of Army and State Attorney General. Any county, city or town authorized by its charter or by general law to construct a dam in connection with its public water supply system and which has secured permission from the Chief of Engineers and the Secretary of the Army and authorization of the Attorney General of Virginia with the consent and approval of the Governor, is hereby authorized and granted the right to construct such dam in and across the bed of any navigable river, stream or tributary in this State; provided, however, such dam shall not be constructed nor any land acquired therefor when the dam would be located in another political subdivision without the approval of such political subdivision's governing body; provided, further, that no such approval shall be required where such dam is in the process of construction, or for which the site has been purchased or for which plans for construction have been filed with any appropriate agency of the federal, State, or local government on or before July one, nineteen hundred seventy-six.

In any case in which the approval by such political subdivision's governing body is withheld the party seeking such approval may petition the Chief Justice of the Supreme Court of Virginia for the convening of a special court, pursuant to §§ 15.1-832.2:6.1 through 15.1-832.2:6.7 of the Code of Virginia.

§ 15.1-832.2:6.1. Constitution of the special court, vacancies occurring during trial.—
A. The special court to hear a case between jurisdictions involving a dam or water impoundment shall be composed of three judges of circuit courts remote from the jurisdictions of the parties involved. The judges shall be designated by the Chief Justice of the Supreme Court of Virginia. The special court shall sit without a jury.

B. If a vacancy occurs on the special court at any time prior to the final disposition of the case, the vacancy shall be filled by designation of another judge and the proceeding shall continue.

§ 15.1-832.2:6.2. Powers of special court and rules of decision; terms and conditions.—The court, in making its decision, shall balance the equities in the case, and shall enter an order setting forth what it deems fair and reasonable terms and conditions, and shall direct the land acquisition to be in conformity therewith. It shall have power:

A. To determine the metes and bounds of the land to be acquired, and may include a greater or smaller area than that described in the petition;

B. To require the payment by the acquiring party of a sum to be determined by the special court, payable on the effective date of acquisition, and to provide for compensation for the value of any improvements also acquired;

C. To limit the number of expert witnesses, as well as require each expert witness who will testify to file a statement of his qualifications;

D. To take other action as may aid in the disposition of the case.

The special court shall make an appropriate order which will control the subsequent conduct of the case unless modified before or at the trial or hearing to prevent manifest injustice.

§ 15.1-8332.2:6.3. Hearing and decision.—A. The special court shall hear the case upon the evidence introduced as evidence is introduced in civil cases.

B. The special court shall determine the necessity for and expediency of the acquisition of land or other proposed action and the best interests of the parties.

C. If a majority of the special court is of the opinion that the proposed action is not necessary or expedient, the petition shall be dismissed. If a majority of the court is satisfied of the necessity for and expediency of the proposed action, it shall determine the terms and conditions of the action and shall enter an order granting the petition. In all contested cases, the special court shall render a written opinion. The order granting the petition shall set forth in detail all such terms and conditions upon which the petition is granted.

D. In the event that the special court enters an order granting the petition, a copy of the order shall be certified to the Division of State Planning and Community Affairs.

§ 15.1-832.2:6.4. *Additional parties.*—Any county, city or town whose territory is affected by the proceedings or any person affected by the proceedings may appear and shall be made a party defendant to the case, and be represented by counsel.

§ 15.1-832.2:6.5. *Costs.*—The costs in the proceedings before the special court shall be paid by the party instituting the proceedings and shall be the same as in other civil cases; provided that the costs shall include the per diem and expenses of the court reporter, if any, and, in the discretion of the court, a reasonable allowance to the court for secretarial services in connection with the preparation of the written opinion. On appeal, the Supreme Court of Virginia shall determine by whom the appellate costs shall be paid.

§ 15.1-832.2:6.6. *Appeals; how heard.*—A. An appeal may be granted by the Supreme Court of Virginia or any judge thereof, to any party from the judgment of the special court and the appeal shall be heard and determined without reference to the principles of demurrer to evidence. The special court shall certify the facts in the case to the Supreme Court and the evidence shall be considered as on appeal in proceedings under Chapter 1.1, § 25-46.1 et seq. of the Code of Virginia. In any case, by consent of all parties of record, a motion to dismiss may be made at any time before final judgment on appeal.

B. If the judgment of the special court be reversed on appeal, or if the judgment be modified, the Supreme Court shall enter such order as the special court should have entered and such order shall be final. In the event that the Supreme Court enters such order, a copy of the order shall be certified to the Secretary of the Commonwealth.

§ 15.1-832.2:6.7. *Conflicting petitions for same territory; petition seeking territory lying in two or more counties; procedure.*—A. When proceedings for the acquisition of territory to a county, city or town are pending and a petition is filed seeking the acquisition of the same territory or a portion thereof to another county, city or town the case shall be heard by the special court in which the original proceedings are pending. The special court shall consolidate the cases and hear them together, and shall make such decision as is just, taking into consideration the interest of all parties to each case.

B. When the territory sought by a county, city or town lies in two or more counties, all such counties shall be made parties defendant to the case. The motion or petition shall be addressed to the circuit court of the county in which the larger part of the territory is located. The provisions of §§ 15.1-832.2:6.1 through 15.1-832.2:6.7 shall apply, mutatis mutandis, to any such proceedings.

§ 15.1-832.2:7. *Reserved.*

§ 15.1-832.2:8. *Reserved.*

§ 15.1-832.2:9. *Regulation of installation of pit privies or septic tanks.*—A. Notwithstanding any contrary provision of §§ 36-97, et. seq., the governing body of every county, city and town may require and regulate the installation and operation of pit privies

or septic tanks on property located therein, and may require any person desiring to install a pit privy or septic tank to secure a permit to do so and may prescribe reasonable fees for the issuance of such permits.

B. The governing body of every county, city and town may adopt such regulations as are deemed necessary to prevent the pollution of public and private water supplies, and the contraction or spread of infectious, contagious and dangerous diseases through the discharge, transmission, treatment or disposal of sewage; and without liability to the owner thereof may prevent the operation of pit privies, septic tanks, sewers, culverts, drains, etc., when they or any of them contribute to or are likely to contribute to the pollution of public or private water supplies or the contraction or spread of infectious, contagious or dangerous diseases.

§ 15.1-832.2:10. Reserved.

§ 15.1-832.2:11. Reserved.

§ 15.1-832.2:12. Sewage disposal services.—The governing body of every county, city and town may provide and operate, within or without its boundaries, sewers, drains, culverts and sewage transmission, treatment and disposal systems, facilities and appurtenances for the purpose of furnishing sewage disposal services for its inhabitants; may contract with others for supplying such services; may require the connection of premises with facilities provided for such purposes; may charge and collect compensation for such services; and provide penalties for the unauthorized use of such facilities.

§ 15.1-832.2:13. Regulation of keeping of animals and fowl.—The governing body of every county, city and town may, whenever in the judgment of its governing body the same is necessary for the preservation of public health, regulate by ordinance the keeping of animals or fowl, other than dogs and cats, within a certain distance of residences or other buildings or wells, springs, streams, creeks, or brooks, and provide that all or certain of such animals or fowl shall not be kept within certain areas.

§ 15.1-832.2:14. Ordinances regulating business of keeping animals for sale for medical research.—The governing body of every county, city and town may regulate any business which collects animals for sale to others for medical research, by prescribing how such animals shall be housed, cared for and buried. Such ordinance shall prescribe for the issuance of permits to operate such a business, grounds for revocation of such permits, and prescribe a license tax not inconsistent with any provisions of law. Provided, however, that in any county having an incorporated town within its boundary which has or shall hereafter adopt an ordinance under this section, then the provisions of the county ordinance shall not apply within the corporate limits of such town.

Any county, city or town may prescribe the punishment for violations of ordinances adopted under the provisions of this section.

§ 15.1-832.2:15. Awarding premiums for the killing of predatory animals or pests.—The governing body of every county, city and town may award a premium to be paid in amounts established by it for the killing of animals declared to be a predator or pest, provided such animals are not on an endangered species list.

§ 15.1-832.2:16. Hospitals, sanatoria, homes, clinics, etc.—A. The governing body of every county, city and town may provide and operate, within or without its boundaries, hospitals, sanatoria, homes, clinics, institutions and facilities for the care, treatment and maintenance of the sick, of children, the aged, destitute and indigent; may contract with others for supplying such services; and may charge and collect compensation for such care, treatment and maintenance.

B. The governing body of every county, city and town may regulate and inspect hospitals, sanatoria, convalescent homes, clinics, and other institutions, homes and facilities for the care, treatment and maintenance of the sick, of children, the aged, the mentally ill, destitute or indigent, and without liability to the owner thereof may prevent the use of any premises for such purposes when it is found that the maintenance, operation and use thereof contributes or is likely to contribute to the contraction or spread of infectious, contagious or dangerous diseases, or when the safety of persons housed therein is adversely affected by the manner in which they are maintained and operated.

§ 15.1-832.2:17. Reserved.

§ 15.1-832.2:18. Reserved.

§ 15.1-832.2:19. Reserved.

§ 15.1-832.2:20. Cemeteries and burials.—A. The governing body of every county, city and town may provide and operate, within or without its boundaries, cemeteries; may contract for the perpetual care of lots and burial spaces therein; and may charge compensation for lots and burial spaces and services in connection with interments and the maintenance and operation of such cemeteries.

B. The governing body of every county, city and town may regulate and inspect cemeteries and burials therein and prescribe records to be kept by the owners thereof.

§ 15.1-832.2:21. Reserved.

§ 15.1-832.2:22. Reserved.

§ 15.1-832.2:23. Swimming pools, lakes and other waters.—The governing body of every county, city and town may regulate and inspect the construction, operation, maintenance, and use of public swimming pools, lakes and other natural or artificial waters and private pools and lakes operated by clubs and associations; and without liability to the owner thereof, may prevent the use thereof when such waters are found to be polluted, adulterated, impure or dangerous or contribute or are likely to contribute to the contraction or spread of infectious, contagious or dangerous diseases.

Article 3

Powers relating to General Welfare

§ 15.1-832.3:1. Donations to charitable or nonprofit institutions and associations.—The governing body of any county, city and town of this Commonwealth is authorized to make appropriations of public funds and donations of personal property or of any real estate to any charitable or nonprofit institution or association such as, but not limited to, housing for the elderly, hospitals, voluntary fire-fighting associations, nonprofit lifesaving organizations, rescue squads, nonprofit recreational and historical associations, chambers of commerce, provided such institution or association is not controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association or a nondenominational Women's Christian Association. Nothing in this section shall be construed to prohibit any county, city or town from making contracts with any sectarian institution for the care of indigent, sick or injured persons.

§ 15.1-832.3:2. Reserved.

§ 15.1-832.3:3. *Reserved.*

§ 15.1-832.3:4. *Reserved.*

§ 15.1-832.3:5. *Reserved.*

§ 15.1-832.3:6. *Reserved.*

§ 15.1-832.3:7. *Allocation of funds or property to authorities created by governing bodies.—The governing body of any county, city or town in this State may give, lend or advance, in any manner that to it may seem proper, funds or other property, not otherwise specifically allocated or obligated, to any authority created by such governing body pursuant to law.*

§ 15.1-832.3:8. *Parks, playgrounds, swimming pools, stadia, armories, housing facilities and markets.—The governing body of any county, city or town, or the governing body of any local government having a sanitary district therein, may provide and operate parks, playgrounds, swimming pools, stadia, armories, housing facilities and markets and lay out, equip and improve them with all suitable devices, facilities, equipment, buildings and other structures; provide for their management and operation by an agency of the governing body, contract with others for the operation and management thereof upon such terms and conditions as shall be prescribed by the governing body and charge or authorize the charging of compensation for the use of or admission to such parks, playgrounds, swimming pools, stadia, armories, housing facilities and markets.*

The governing body of any county, city or town, or the governing body of any local government having a sanitary district therein, to carry out the above stated objectives may:

A. Fix and prescribe the rates of charge for use of such facilities and provide for collection of same;

B. Levy and collect an annual tax upon all the property in its jurisdiction subject to local taxation to pay in whole or in part the expenses and charges incident to maintaining and operating such facilities; and

C. Employ and fix compensation of any technical, clerical or other force deemed necessary for the construction, operation and maintenance of such facilities.

The governing body of any county, city or town, or sanitary district therein, may regulate by ordinance the use of such facilities or delegate such regulation to a department of such political subdivision and any regulation so issued shall have the legal force of an ordinance.

§ 15.1-832.3:9. *Reserved.*

§ 15.1-832.3:10. *Reserved.*

§ 15.1-832.3:11. *Reserved.*

§ 15.1-832.3:12. *Reserved.*

§ 15.1-832.3:13. *Reserved.*

§ 15.1-832.3:14. *Airports and facilities.—The governing body of any county, city or town, within or without its boundaries, may provide, operate and regulate the use of*

airports, structures, equipment and facilities appurtenant thereto; provide for their management and operation by an agency of such governing body; contract with others for the operation and management thereof upon such terms and conditions as shall be prescribed by the governing body; and charge or authorize the charging of compensation for the use of the airport or any of its appurtenances or facilities.

§ 15.1-832.3:15. Authority to equip and maintain television transmission and relay facilities.—A. Any county, city or town may equip and maintain television transmission and relay facilities in areas which are so remote from regular transmission points of large television stations that television reception is impossible without special equipment and in which adequate, economical and proper television is not available by private sources.

§ 15.1-832.3:16. Electric energy.—The governing body of any county, city or town, within or without its boundaries, may provide and operate plants, facilities, and appurtenances for the production, transmission and distribution of electric energy for the use of the governing body and its inhabitants; may contract with others for such purposes and services; may charge and collect compensation for electric energy thus furnished; and may provide penalties for the unauthorized use thereof.

§ 15.1-832.3:17. Natural or manufactured gas.—The governing body of any county, city or town, within or without its boundaries, may provide and operate plants, facilities, equipment and appurtenances for the production, transmission and distribution of natural or manufactured gas for the use of the governing body and its inhabitants; may contract with others for such purposes and services; may charge and collect compensation for gas thus furnished; and may provide penalties for the unauthorized use thereof.

§ 15.1-832.3:18. Pistols and revolvers; license tax on dealers.—The governing body of any county, city or town may impose a license tax of not more than twenty-five dollars on persons engaged in the business of selling pistols and revolvers to the public.

§ 15.1-832.3:19. Same; reports of sales.—The governing body of any county, city or town may require sellers of pistols and revolvers to furnish the clerk of the circuit court of the county or city, within ten days after sale of any such weapon, with the name and address of the purchaser, the date of purchase, and the number, make and calibre of the weapon sold. The clerk shall keep a record of the reports.

§ 15.1-832.3:20. Prohibiting shooting of firearms, air-operated or gas-operated weapons in certain areas.—The governing body of any county, city or town may regulate by ordinance the shooting of firearms or air-operated or gas-operated weapons in any areas of the county, city or town which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof.

15.12-832.3:21. Prohibiting hunting in certain areas.—The governing body of any county, city or town may by ordinance prohibit all hunting with firearms or other weapons in areas, which in the opinion of the governing body, are so heavily populated as to make such hunting dangerous to the inhabitants thereof. Any such ordinance shall clearly describe each area in which hunting is prohibited, and shall further provide that appropriate signs shall be erected, designating such boundaries thereof where practical to do so in the opinion of the governing body.

§ 15.1-832.3:22. Regulation of horse riding schools.—The governing body of any county, city or town may by ordinance provide for the licensing, inspection and regulation of horse riding schools for the purpose of preventing any violation of § 18.2-392 of the Code of Virginia or any local ordinance of similar import.

For the purposes of this section, "horse riding school" shall mean any establishment

operated for profit in connection with which one or more horses are let for hire to be ridden or driven, either with or without the furnishing of riding or driving instructions.

§ 15.1-832.3:23. Regulation of sale of animals procured from animal shelters.—The governing body of any county, city or town which supports, in whole or in part, an animal shelter may by ordinance provide that no person who acquires an animal from such shelter shall be able to sell such animal within a period of six months from the time the animal is acquired from the shelter. Violation of such an ordinance shall constitute a Class 4 misdemeanor.

§ 15.1-832.3:24. Cruelty to animals; running at large and keeping of animals.—The governing body of any county, city or town may provide by ordinance that it shall be unlawful to be cruel to animals as set forth in § 18.2-392; may regulate or prohibit by ordinance the running at large and the keeping of animals and provide for the impounding and confiscation of any such animal found at large or kept in violation of such ordinance.

§ 15.1-832.3:25. Authority to restrict keeping of inoperative motor vehicles, etc., on residential or commercial property; removal of such vehicles.—A. The governing body of any county, city or town may, by ordinance, provide that it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure, on any property zoned for residential or commercial or agricultural purposes any motor vehicle, trailer or semitrailer, as such are defined in § 46.1-1, whose condition is such that it is economically impractical to make them operative; provided, however, that the provisions of this section shall not apply to a licensed business which on June twenty-six, nineteen hundred seventy, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

B. The governing body of any county, city or town may, by ordinance, further provide: (1) that the owners of property zoned for residential or commercial or agricultural purposes shall, at such time or times as the governing body may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure; (2) that the governing body of such county, city or town through its own agents or employees may remove any such inoperative motor vehicles, trailers or semitrailers, whenever the owner of the premises, after reasonable notice, has failed to do so; (3) that in the event the governing body of such county, city or town, through its own agents or employees, removes any such motor vehicles, trailers or semitrailers, after having given such reasonable notice, such county, city or town may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle; (4) that the cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county, city or town as taxes and levies are collected; and (5) that every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to the county, city or town.

§ 15.1-832.3:26. Ordinances taxing and regulating “automobile graveyards” and “junkyards”.—A. The governing body of every county, city and town in this State may adopt ordinances imposing license taxes upon and otherwise regulating the maintenance and operation of places commonly known as automobile graveyards and junkyards and may prescribe fines and other punishment for violations of such ordinances.

As used in this section the terms “automobile graveyard” and “junkyard” shall have the meaning ascribed to them in § 33.1-348.

B. Any ordinance adopted by any county, city or town which was enacted in conformity with § 33.1-348 as it existed prior to July one, nineteen hundred seventy-five, is

hereby validated.

§ 15.1-832.3:27. *Ordinances imposing license taxes on owners of certain automobiles.—The governing body of any county, city or town in this State may adopt an ordinance imposing a license tax, in an amount not exceeding ten dollars annually, upon the owners of automobiles which do not display current license plates and which are not exempted from the requirements of displaying such license plates under the provisions of § 46.1-42 through 46.1-49 and 46.1-119 and 46.1-120; are not in a public dump, in an “automobile graveyard” as defined in § 33.1-348 or in the possession of a licensed junk dealer or licensed automobile dealer. Nothing in this section shall be applicable to any vehicle being held or stored by or at the direction of any governmental authority, to any vehicle owned by a member of the armed forces on active duty or to any vehicle regularly stored within a structure.*

§ 15.1-832.3:28. *Parking or storage of vehicles.—The governing body of any county, city or town may provide and operate places for, and limited to, the parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities; provide for their management and operation by an agency of the governing body; contract with others for the operation and management thereof upon such terms and conditions as shall be prescribed by the governing body; and charge or authorize the charging of compensation for the parking or storage of vehicles.*

§ 15.1-832.3:29. *Regulation of noise.—The governing body of any county, city or town may, by ordinance, regulate noise emissions emanating from a motorcycle as defined in paragraph 14 of § 46.1-1 of this Code which is not equipped with a muffler conforming to §§ 46.1-301 and 46.1-302, which such emissions may be hazardous to the health and well-being of its citizens.*

§ 15.1-832.3:30. *Regulating or prohibiting the making of fires.—The governing body of any county, city or town may regulate or prohibit the making of fires in streets, alleys and other public places and regulate the making of fires on private property.*

§ 15.1-832.3:31. *Reserved.*

§ 15.1-832.3:32. *Regulation of light, ventilation, sanitation and use and occupancy of buildings.—The governing body of any county, city or town may regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or repaired, and the sanitation of premises surrounding the same.*

§ 15.1-832.3:33. *Reserved.*

§ 15.1-832.3:34. *Reserved.*

§ 15.1-832.3:35. *Reserved.*

§ 15.1-832.3:36. *Reserved.*

§ 15.1-832.3:37. *Reserved.*

§ 15.1-832.3:38. *Streets and parking facilities.—The governing body of any county, city and town may:*

A. *Lay off streets, walks or alleys, alter, improve and light the same and have them kept in good order;*

B. Provide off-street automobile parking facilities and open the same to the public, with or without charge, and when any county, city or town constructs or has constructed any such facility it may lease space therein for private commercial purposes which are necessary for sound fiscal management of the parking facility or which space is not suitable for parking;

C. Lay off public grounds and provide all buildings proper for the county, city or town;

D. Permit the temporary use of streets for other than public purposes and to close such streets and alleys connected therewith for public use and travel during the period of such temporary use; provided no matter advertising any thing or business is displayed in or on the street in connection with such temporary use, and the person, firm, association, organization or corporation so permitted to use the street furnishes a public liability and property damage insurance contract insuring the liability of such person, firm, association, organization or corporation for personal injury or death and damages to property resulting from such temporary use is such amounts as shall be determined by the governing body of the county, city or town, in which contract the county, city or town shall be named as an additional insured; and provided further that when any street closed is an extension of the State Highway System adequate provision is made to detour through traffic.

§ 15.1-832.2:39. Reserved.

§ 15.1-832.3:40. Regulation of private roadways within multifamily residential developments.—The governing body of any county, city or town may regulate and control private roadways within multifamily residential developments to such extent as to allow police, fire and rescue vehicles access to such developments, as may be necessary in case of emergency.

§ 15.1-832.3:41. Adoption of ordinances to establish bicycle paths and regulate their use.—The governing body of any county, city or town may, by ordinance, provide for the establishment of bicycle trails or paths and the regulation of traffic on such trails or paths including prohibiting the use of such trails or paths by vehicles other than bicycles and by pedestrians. Such ordinances may provide that violations shall be a class 3 misdemeanor.

§ 15.1-832.3:42. Prohibiting loitering; curfew for minors.—The governing body of any county, city or town may prohibit loitering in, upon or around any public place whether or not on private property and may prohibit minors who are not attended by their parents from frequenting or being in public places whether or not on private property at such time as the governing body deems proper.

§ 15.1-832.3:43. Reserved.

§ 15.1-832.3:44. Reserved.

§ 15.1-832.3:45. Auctions; pawnshops; secondhand dealers; peddling; fraud and deceit in sales; weights and measures.—The governing body of any county, city or town may regulate the sale of property at auction; may regulate the conduct of and prescribe the number of pawnshops and dealers in secondhand goods, wares and merchandise; may regulate or prohibit peddling; may prevent fraud or deceit in the sale of property; may require weighing, measuring, gauging and inspection of goods, wares and merchandise offered for sale; and may provide for the sealing of weights and measures and the inspection and testing thereof.

§ 15.1-832.3:46. Abatement or removal of nuisances.—The governing body of any

county, city or town may compel the abatement or removal of all nuisances, including but not limited to the removal of weeds from private property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level, fencing or protection by other means, of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; and the razing or repair of all unsafe, dangerous or unsanitary buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. If after such reasonable notice as the governing body may prescribe the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to abate or obviate the condition or nuisance, the county, city or town, as the case may be, may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of State or local taxes.

§ 15.1-832.3:47. Reserved.

§ 15.1-832.3:48. Reserved.

§ 15.1-832.3:49. Reserved.

§ 15.1-832.3:50. Reserved.

§ 15.1-832.3:51. Licenses and permits; fees; bonds or insurance.—Whenever in the judgment of the governing body of any county, city or town it is advisable in the exercise of any of its powers or in the enforcement of any ordinance, it may provide for the issuance of licenses or permits in connection therewith; fix a fee to be charged the licensee or permittee and require from the licensee or permittee a bond or insurance contract of such character and in such amount and upon such terms and conditions as the governing body may determine.

§ 15.1-832.3:52. Posting of bond not prerequisite to exercise of right by local governments.—Whenever the law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, any county, city or town without giving such bond, may exercise such right, provided all other conditions precedent are complied with, and no action shall be delayed or refused because the county, city or town has not filed or executed the bond that might otherwise be required, and the county, city or town shall be bound to the same extent that it would have been bound had the bond been given.

§ 15.1-832.3:53. Local offices of consumer affairs; establishment; powers and duties.—The governing body of any county, city or town may, by ordinance, establish a local office of consumer affairs which shall have only such powers as may be necessary to perform the following duties:

A. To serve as a central coordinating agency and clearinghouse for receiving and investigating complaints from citizens of the county, city or town of illegal, fraudulent, deceptive or dangerous practices, and referring such complaints to the local departments of agencies charged with enforcement of consumer laws. The processing of complaints involving statutes or regulations administered by State agencies shall be coordinated, where applicable, with the State Office of Consumer Affairs;

B. To attempt to resolve complaints received pursuant to subsection A. hereof by means of voluntary mediation or arbitration;

C. To develop programs of community consumer education and information; and

D. To maintain records of consumer complaints and their eventual disposition, provided that records disclosing the business interests of any person, trade secrets, or the names of customers shall be held confidential except to the extent that disclosures of such matters may be necessary for the enforcement of laws. A copy of all periodic reports compiled by any local office of consumer affairs shall be filed with the State Office of Consumer Affairs.

§ 15.1-832.3:54. Same; expenses.—The governing body of any county, city or town may, by ordinance, provide for payment of whatever expenses it deems necessary to enable the local office of consumer affairs to carry out the duties assigned in § 15.1-832.3:53 of this Code.

§ 15.1-832.3:55. Ordinances providing fee for passing bad checks to local governing bodies.—The governing body of any county, city or town may provide by ordinance a fee, not exceeding the amount of ten dollars, for the uttering, publishing or passing of any check or draft for payment of taxes or any other sums due, which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

§ 15.1-832.3:56. Referenda on question of application of Sunday Closing Law.—The provisions of § 18.2-341 shall have no force or effect within any county or city in the Commonwealth which has by ordinance expressed the sense of its citizens that such laws are not necessary. No such ordinance shall become effective in any county or city until a referendum is held on the question in such county or city and approved by a majority of those voting in such election.

A. A petition, signed by five per centum of the qualified voters of such county or city shall be filed with the circuit court of general civil jurisdiction of any such county or city or the judge thereof in vacation, asking that a referendum be held on the question: "Shall the various work, sales and business activities presently prohibited on Sunday by § 18.2-341 of the Code of Virginia (commonly known as the Sunday Closing Law) be allowed in (name of such county or city)?"

B. Following the filing of such petition, the court or judge shall, by order of record, require the regular election officials of such county or city to open the polls and take the sense of the qualified voters on the question. Such election shall be on a day designated by order of such court, but shall not be later than the next general election unless such general election is within sixty days of the date of the entry of such order.

C. The clerk of such circuit court of such county or city shall publish notice of such election in a newspaper of general circulation in such county or city once a week for three consecutive weeks prior to such election.

D. The regular election officers of such county or city shall open the polls at the various voting places in such county or city on the date specified in such order and conduct such election in the manner provided by law. The election shall be by ballot which shall be prepared by the electoral board of the county or city and on which shall be prepared by the electoral board of the county or city and on which shall be printed the following:

"Shall the various work, sales and business activities presently prohibited on Sunday by § 18.2-341 of the Code of Virginia (commonly known as the Sunday Closing Law) be allowed in (name of such county or city)?"

Yes

No

In the blank shall be inserted the name of the county or city in which such election is held. Any voter desiring to vote "Yes" shall mark a check mark or a cross (X or plus mark) or a line (-) in the square provided for such purpose immediately preceding the word "Yes", leaving the square immediately preceding the word "No" unmarked. Any voter desiring to vote "No" shall mark a check mark or a cross (X or plus mark) or a line (-) in the square provided for such purpose immediately preceding "No", leaving the square immediately preceding the word "Yes" unmarked.

The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to the governing body of such county or city.

C. Provided, however, no such election shall be held more often than once every two years in the even calendar year.

§ 15.1-832.3:57. Ordinance to regulate certain vendors.—The governing body of any county, city or town may by ordinance provide for the regulation of persons not otherwise licensed by the State under Title 38.1, offering any item for sale within the county, city or town when such persons go from one place of human habitation to another offering an item, other than newspapers and fresh farm products, for sale. The purpose of such ordinance shall be to reasonably control the activities of door-to-door vendors for the safety and well-being of the people residing in the county, city or town. Provided, however, such governing bodies may in such ordinance exempt such activities when they are conducted on behalf of a nonprofit charitable, civic or religious organization and may provide for other reasonable exemptions in such ordinance.

§ 15.1-832.3:58. Permit fee may be required.—The governing body of any county, city or town adopting an ordinance authorized by the preceding section may collect a fee in an amount not to exceed ten dollars, from each person granted a permit to sell door to door. Such fee shall be paid into the general fund of the county, city or town.

§ 15.1-832.3:59. Regulations of private security business and activities.—The governing body of a county, city or town may by ordinance, impose a reasonable registration fee upon and otherwise regulate the services rendered by any business or individual engaged in the private security business. Such regulations may include, but not be limited to, job training requirements, mandatory bonding or insurance, investigation of personal background of applicants, experience standards, provisions detailing sanctions such as revocation of licenses or registration for criminal violations or activities, and standardization of the markings or other identifying insignias on wearing apparel, badges and vehicles; provided, however, that nothing in this section shall apply to employees of a firm, corporation or school of higher education who perform services such as those described herein and whose services are not held out to the general public for hire.

§ 15.1-832.3:60. Participation by local government in certain leasing programs.—The governing body of any county, city or town may participate in a program under Section B (Housing Assistance Payments Program) of the United States Housing Act of 1937, as amended, on behalf of eligible families or eligible persons leasing privately owned housing directly from owners or private leaseholders. The governing body of any such county, city or town may also appropriate its own money for the same purposes for which federal funds may be employed under the provisions of such federal legislation as well as for the purpose of increasing the payments to eligible families or eligible persons beyond federally approved levels when the fair market rent of the rental unit is greater than that established by the United States Department of Housing and Urban Development.

If any power granted in the foregoing paragraph is held invalid, the other remaining power shall not be affected thereby. If the application of the power granted in the foregoing paragraph to any persons is held invalid, the application of the power to other persons shall not be affected thereby. Nothing in the foregoing powers granted local governments shall include the authority to pledge the full faith and credit of such local government in violation of Section 10 of Article XI of the Virginia Constitution.

§ 15.1-832.3:60.1. Participation by local government in certain federal community development activities.—The governing body of any county, city or town may participate in a program under Title I (Community Development) of the United States Housing and Community Development Act of 1974. Any such county, city or town may undertake the community development activities specified in Title I of that act, unless such activities are prohibited by the Constitution of Virginia. Any county, city or town may appropriate its own moneys for the same purposes for which federal funds may be employed under the provisions of such federal legislation unless prohibited by the Constitution of Virginia.

§ 15.1-832.3:61. Systems of public transportation for certain counties or cities.—Notwithstanding any other provision of law, the governing body of any county or city not a member of a transportation district, upon finding a need for a system of public transportation and the inability of the governing body to reach a reasonable agreement for membership with an existing transportation district, may create, operate, maintain or contract for a system of public transportation to be operated in such county or city for the safety, comfort and convenience of the public. The governing body of any such county or city providing a system of public transportation or desiring to provide the same may contract with any authority providing public transportation in contiguous localities for transportation services or the interchange of passengers for the purpose of providing continuous service between political subdivisions.

§ 15.1-832.3:62. Local transportation systems.—Notwithstanding any other provision of law to the contrary, any county, or city which is a member of any transportation district may, with the concurrence of the transportation district commission that there is a need for a shared ride taxi system and the unavailability of adequate existing public transportation or public transportation proposed to be available within a reasonable period of time, construct, purchase, operate, maintain or contract for a shared ride taxi system to be operated in such county or city for the health, safety, welfare, comfort and convenience of the public. Such system may be financed from general revenues or funds received from the United States government, from the Commonwealth of Virginia or any other source. Such system or the equipment and property needed for such system may also be constructed or purchased from proceeds of bonds which may be issued pursuant to the Public Finance Act. Rates may be charged for the use of the system in such amount as the governing body of the county or city deems reasonable, and different rates may be charged to different reasonable classification of users.

The need for a shared ride taxi system and the unavailability of adequate existing or proposed public transportation may be based on the lack of such system or on the lack of such system at such user rates as will promote the health, safety, welfare, comfort and convenience of the public. Contracts may be made with existing or proposed shared ride taxi systems, both publicly and privately owned, for the subsidy of all users or groups of users.

In the administration of this section private carriers are preferred over public ownership or operation, therefore, before any such county, city or town undertakes to establish and operate its own transportation system which uses taxis or other similar vehicles, it shall first make a bona fide attempt to enter into contracts with existing privately owned taxi businesses. If such county, city or town cannot reach a reasonable agreement within an equitable period of time, then it may proceed by ordinance, to

establish and operate its own system.

Any such county or city shall have all powers necessary or convenient to carry out any of the foregoing powers.

As used herein, "shared ride taxi system" is defined as a transportation system which employs taxicab-type vehicles or other motor vehicles which can carry no more than six passengers, and which attempts to arrange for use of such vehicles by more than one passenger per trip.

§ 15.1-832.3:63. Authority to require removal, repair, etc., of wharves, piers, pilings, bulkheads, or abandoned, obstructing or hazardous property.—The governing body of any county, city or town may by ordinance provide:

A. That the owners of property therein shall at such time or times as the governing body may prescribe, remove, repair or secure any wharf, pier, piling, bulkhead or any other structure or vessel which might endanger the public health or safety of other persons, or which might constitute an obstruction or hazard to the lawful use of the waters within or adjoining such county, city or town, and if such property is deemed to be abandoned, the governing body may designate and empower an official to ascertain the lawful owner of such property and to have the owner repair, remove or secure such property.

B. That the governing body of such county, city or town, through its own agents or employees, may remove, repair or secure any wharf, pier, piling, bulkhead, or other structure or vessel which might endanger the public health or safety of other persons or which might constitute a hazard or obstruction to the lawful use of the waters within such county, city or town, wherein the owner of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair or secure such wharf, pier, piling, bulkhead or other structure or vessel;

C. That in the event the governing body of such county, city or town, through its own agents or employees removes, repairs or secures any wharf, pier, piling, bulkhead or other structure or vessel after complying with the notice provisions of this section, the cost or expense thereof shall be chargeable to and paid by the owners of such property and to the extent applicable may be collected by the county, city or town as taxes and levies are collected.

D. That if the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, the governing body of such county, city or town through its own agents or employees, may repair such wharf, pier, piling, bulkhead or other structure or boat or remove such property after giving notice by publication once each week for two weeks in a newspaper of general circulation in the area where such property is located.

E. That every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against such property, and such lien shall be recorded in the judgment lien docket book in the circuit court of such county, city or town. Such lien may be released to a personal judgment against the owner.

Article 4

Powers relating to Safety

§ 15.1-832.4:1. Authority to require removal, repair, etc., of buildings and other structures.—The governing body of any county, city or town may, by ordinance, provide:

A. That the owners of property therein, shall at such time or times as the governing body may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of such county, city or town;

B. That the governing body of such county, city or town through its own agents or employees may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of such county, city or town, wherein the owner of such property after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure such building, wall or other structure;

C. That in the event the governing body of such county, city or town, through its own agents or employees removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, the cost or expense thereof shall be chargeable to and paid by the owners of such property and may be collected by the county, city or town as taxes and levies are collected;

D. That every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

§ 15.1-832.4:2. Ordinances requiring fencing of swimming pools.—For the purposes of this section the following terms shall have the meanings respectively assigned to them:

“Swimming pool” shall include any outdoor man-made structure constructed from material other than natural earth or soil designed or used to hold water for the purpose of providing a swimming or bathing place for any person or any such structure for the purpose of impounding water therein to a depth of more than two feet; and

“Fence” shall mean a close type vertical barrier not less than four feet in height above ground surface. A woven steel wire, chain link, picket or solid board type fence or a fence of similar construction which will prevent the smallest of children from getting through shall be constructed as within this definition.

The governing body of any county, city or town may adopt an ordinance making it unlawful for any person to construct, maintain, use, possess or control any pool on any property in such county, city or town, without having completely around such swimming pool a fence as hereinabove defined. Such ordinance also may provide that every gate in such fence shall be capable of being securely fastened at a height of not less than four feet above ground level; that it shall be unlawful for any such gate to be allowed to remain unfastened while the pool is not in use; and that such fence shall be constructed so as to come within two inches of the ground at the bottom and shall be at least five feet from the edge of the pool at any point.

Any such ordinance may be made applicable to swimming pools constructed before, as well as those constructed after, the adoption thereof; but no such ordinance shall apply to any swimming pool operated by or in conjunction with any hotel located on a government reservation.

§ 15.1-832.4:3. Regulation, etc., of assemblies or movement of persons or vehicles under certain circumstances.—The governing body of any county, city or town is authorized to empower the chief law-enforcement officer to regulate, restrict or prohibit any assembly of persons or the movement therein of persons or vehicles when there exists

an imminent threat of any civil commotion or disturbance in the nature of a riot in such county, city or town or any part thereof which constitutes a clear and present danger; notwithstanding any contrary provisions in any city or town charter or under the general law.

§ 15.1-832.4:4. Construction of dams, levees, seawalls, etc.; certain proceedings prohibited.—A. Any county, city or town may construct a dam, levee, seawall or other structure or device, or perform dredging operations hereinafter referred to as “works”, the purpose of which is to prevent the flooding or inundation of such county, city or town, or part thereof. The design, construction, performance, maintenance and operation of any of such works is hereby declared to be a proper governmental function for a public purpose.

B. The General Assembly hereby withdraws the right of any person, firm, corporation, association or political subdivision to bring, and prohibits the bringing of, any action at law or suit in equity against any county, city or town because of, or arising out of, the design, maintenance, performance, operation or existence of such works but nothing herein shall prevent any such action or suit based upon a written contract, but this provision shall not be construed to authorize the taking of private property without just compensation therefore and provided further that the flooding or inundation of any lands of any other person by the construction of a dam or levee to impound or control fresh water shall be a taking of such land within the meaning of the foregoing provision.

Article 5

Powers relating to Education

§ 15.1-832.5:1. Conveyance of property and appropriation of funds to State for certain educational purposes.—The governing body of any county, city or town may, subject to written advice from the Governor that the gift is acceptable, convey to the Commonwealth by deed of gift any land, either heretofore or hereafter acquired, which, in the discretion of such governing body, is not required for the purposes of such county, city, or town, provided such land is to be used for establishment, operation or maintenance of a branch of a State-supported college or university. For the purpose of acquiring such land the governing body may appropriate a portion of the general funds of such county, city or town.

The governing body of any county, city or town may appropriate a portion of the public funds thereof for capital outlays in connection with, and the operation of maintenance of, any State-supported college or university or branch thereof.

§ 15.1-832.5:2. Establishment and operation of educational television stations.—The governing body of any county, city or town, or the governing bodies of any counties, cities and towns jointly, may provide for the establishment, ownership, maintenance and operation of educational television stations within or without the county, city or town or counties, cities and towns. The operation of any such station which may be established shall be under the directions of the school board of the county, city or town establishing such station; or if the same be established jointly, by members of the school boards of the respective counties, cities or towns as the governing bodies thereof may agree.

The facilities of any such station may be made available to any educational institution upon such terms as may be agreed upon by the operating board of such station and the governing body of such institution.

§ 15.1-832.5:3. Licensing, etc., and regulation of community antenna television

systems.—The words “community antenna television system” as used in this section shall mean any facility which is operated to perform for hire, either in whole or in part, the service of receiving, amplifying, modifying or originating television, radio or other electrical signals for the purpose of transmitting or distributing such signals by wire, cable or other means to subscribing members of the public, except that such definition shall not include (1) any system which serves fewer than twenty subscribers of (2) any system which serves only the residents of one or more contiguous apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of such dwellings.

The governing body of any county, city or town may license, franchise or issue certificates of public convenience and necessity to one or more community antenna television systems, and impose a tax thereon; may regulate such systems, including the establishment of fees and rates, and assignment of channels for public use and operate such channels assigned for public use, or provide for such regulation and operation by such agents as the governing body may direct. In exercising the power, granted in this section, the governing body shall conform to minimum standards with respect to the licensing, franchising or the granting of certificates of convenience and necessity for community antenna television systems and to the use of channels set aside for general and educational use which shall be adopted by the Virginia Public Telecommunications Council created under Chapter 16 (§ 22-231 et seq.) of Title 22 of the Code of Virginia; such minimum standards being for the purpose of assuring the capability of developing a statewide general educational telecommunications network or networks; provided, however, that the owner or operator of any community antenna television system shall not be required to pay the cost of interconnecting such community antenna television systems between political subdivisions.

§ 15.1-832.5:4. Operation and maintenance of living historical farm museums.—A. The General Assembly finds that there is a public interest in encouraging the development of living historical farm museums to preserve for posterity living examples of earlier farm operation and farm life in Virginia. Such living historical farm museums lead to respect for the past, the education of the young and also serve as tourist attractions in the Commonwealth.

B. A “living historical farm museum”, for the purposes of this section, shall be a nonprofit corporation or association dedicating no less than five acres for the sole purpose of portraying by restoration, preservation or reconstruction of farm operation and farm charging admittance fees adequate to cover costs of operation and maintenance.

C. The governing body of any city, county or town may provide, by appropriate ordinance, that whenever a person, corporation, or other association dedicates five or more acres to a nonprofit corporation or association dedicated solely for the purpose of organizing, operating, and maintaining a living historical farm museum, such person, corporation or other association may be authorized to build and maintain such structures for the living historical farm museum as will be used in the operation, maintenance and support of such museum, subject, however, to any provisions of any zoning or planning ordinance of such county, city or town.

§ 15.1-832.5:5. Regulation of parking of vehicles within boundaries of State-supported institutions.—The governing body of any county, city or town may, upon request of the governing body of any State-supported institution lying wholly or partially within the county, city or town regulate the parking of motor vehicles and all other vehicles on the roads, streets, alleys, grounds and other areas within such portions of the boundaries of such institution as lie within the county, city or town.

The governing body of any county, city or town adopting an ordinance pursuant to

this section may provide in such ordinance that regulations made pursuant to this section shall be enforced by persons appointed under the provisions of § 19.1-28. No penalty for the violation of any ordinance carrying into effect the powers hereby granted shall exceed a fine of twenty dollars. Any request from the governing body of any such institution to the governing body of the county, city or town shall be in writing signed by the presiding officers of the governing body of such institution and shall be accompanied by a certified copy of a resolution of such governing body authorizing such request to be made.

The general district court for the county or the city or the town wherein any ordinance is in effect under the authority of this section shall have jurisdiction to try cases arising thereunder to the same extent as criminal cases arising in the county, city or town. All fines paid in such cases shall be disposed of by the court as prescribed by § 14.1-44.

The provisions of this section shall not be deemed to affect the application of §§ 46.1-551 and 46.1-552.

§ 15.1-832.5:6. Authority to acquire and preserve places and things of historical interest.—The governing body of any county, city or town may acquire by purchase or gift sites, landmarks, structures and records of historical interest and value to the State and may restore and preserve the same, or may convey the same to a nonstock corporation chartered under Virginia law for the purposes of acquiring and preserving such places and things; and may appropriate money to any such corporation.

Chapter 16.2

Powers of Counties

Article 1

General Grant of Powers

§ 15.1-832.7:1. *Signing records by chairman, when chairman has died, removed, etc.—The chairman of any board of supervisors shall countersign all county warrants unless otherwise provided by general law. When the chairman of any board of supervisors who should have signed any records of the board shall have died, removed from the county, completed his term of office or for any other reason become incapacitated to perform the duties of his office, without having signed such records, the board shall have such records read at a regular meeting and if no error therein is shown shall direct its then chairman to sign such record; and it shall enter on its records the fact of such reading and signing and a reference to such last order shall be noted at the place where such signing is done and such records, when so signed, shall be as valid as if they had been signed by the chairman who was in office at the time when such order or orders were made or such action or actions were taken.*

§ 15.1-832.7:2. *Powers and duties at annual meeting.—The board of supervisors of each county shall at the regular meeting in the month of July in each year or as soon thereafter as practicable, audit the accounts of the county, settle with the county treasurer his accounts for the year, settle with the sheriff his accounts upon the collection of fines or other moneys accruing and belonging to the county and generally settle with any other officer who may have an account with the county and take such steps as may be necessary to secure a full and satisfactory exhibit and settlement of the affairs of the county.*

§ 15.1-832.7:3. *Board to receive, audit and approve claims; warrants; alternate procedure.—Under the standard form of county government the board of supervisors shall receive and audit all claims against the county, except those required to be received and audited by the county school board, and shall, by resolution or recorded vote, approve and order warrants issued in settlement of those claims that are found to be valid; provided that in such counties which have appointed a chief administrative officer, such officer may sign and issue warrants under such conditions as the board of supervisors may prescribe. Every warrant issued pursuant to the provisions of this section shall bear the date on which the board of supervisors or chief administrative officer orders it to be issued and shall be made payable on demand, signed by the clerk of the board of supervisors or his deputy, countersigned by the chairman or acting chairman of the board of supervisors, or chief administrative officer, and recorded in the form and manner prescribed by the Auditor of Public Accounts; and the warrant may be converted to a negotiable check by the treasurer, or appropriately designated deputy treasurer, by affixing his signature thereto in conformity with the provisions of § 58-951 and by designating thereon the bank by which it is to be paid.*

Notwithstanding the preceding requirement the governing body of the county may provide, by resolution, for the drawing of special warrants on the county treasurer, payable out of county funds, in payment of compensation, when such compensation has been earned or is due for (1) all employees and officers under written contract, and all officers elected or appointed for a term of office and their deputies and employees, and (2) upon receipt of certified time sheets or other evidence of services performed, the payment of all

other employees whose rates of pay have been established by such governing body or its properly designated agent, and (3) for payment on contracts for construction projects according to the terms of such contracts. All such special warrants so authorized shall be signed by the clerk of such governing body and countersigned by the chairman of such governing body. Any special warrant may be converted into a negotiable check in the manner herein provided. All such payrolls and contracts so paid shall be reviewed and approved by the governing body at its next regular meeting.

The board may, in its discretion, destroy the papers constituting any or all claims allowed and paid, at any time after five years from the date of payment thereof.

§ 15.1-832.7:4. Limitations on issuance of warrants.—No board of supervisors shall order any warrant issued for any purpose other than the payment of a claim received, audited and approved as required by § 15.1-832.7:3.

No clerk, deputy clerk, chairman or acting chairman of any board of supervisors, or chief administrative officer if he be authorized to sign, shall sign or countersign any warrant not ordered issued by the board of supervisors pursuant to the provisions of § 15.1-832.7:3.

No board of supervisors shall expend in any year for any purpose an amount greater than the amount available for such purpose during the year nor shall any board of supervisors order issued against any fund at any time any warrant or warrants in excess of the amount available in such fund and in the treasurer's possession at the time such warrant is issued taking into account all previously issued and outstanding warrants payable from such fund.

No interest shall be paid on any county warrant.

Any clerk, deputy clerk or member of any board of supervisors who shall violate or become a party to the violation of any of the provisions of this section shall be guilty of a misdemeanor, and in addition thereto shall be subject to removal from office.

§ 15.1-832.7:5. Procedure for allowance of claims.—No account shall be allowed by the board of supervisors unless the same shall be made out in separate items and the nature of each item specifically stated, and, when no specific fees are allowed by law, the time actually and necessarily devoted to the performance of any service charged in such account shall be verified by affidavit, to be filed therewith. The attorney for the Commonwealth shall represent the county before the board, and shall resist the allowance of any claim which is unjust or not before the board in proper form, and upon proper proof, or which for any other reason ought not to be allowed. And when any claim has been allowed by the board against the county, which, in the opinion of such attorney, is improper or unjust, or from which he shall be required to appeal by any six freeholders of the county, he shall appeal from the decision of the board to the circuit court of the county, causing a written notice of such appeal to be served on the clerk of the board and the party in whose favor the claim is allowed within thirty days after the making of such decision. Whenever any claim is allowed by the board which is illegal, the attorney for the Commonwealth, in the name of the county, shall institute proper proceedings in the circuit court of his county within two years from the entry of the order allowing the same, if such amount has already been paid.

§ 15.1-832.7:6. Construction of § 15.1-832.7:5—Nothing in the preceding section (§ 15.1-832.7:5) shall be construed to prevent any such board from disallowing any account, in whole or in part, when so rendered and verified, nor from requiring any other or further evidence of the truth and propriety thereof as they may think proper.

§ 15.1-832.7:7. Appeal from disallowance of claim.—When a claim of any person against a county is disallowed in whole or in part by the board of supervisors, if such person be present, he may appeal from the decision of the board to the circuit court of the county within thirty days from the date of the decision; if he be not present, the clerk of the board shall serve a written notice of the disallowance on him or his agent, and in that case he may appeal to the court from the decision within thirty days after service of such notice; but in no case shall the appeal be taken after the lapse of six months from the date of the decision, nor shall an appeal be allowed in any case unless the amount disallowed exceeds ten dollars. Such appeal may be taken by causing a written notice thereof to be served on the clerk of the board and executing a bond to such county, with sufficient surety to be approved by the clerk, with condition for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

§ 15.1-832.7:8. When disallowance of claim final; exception; when no execution to be issued.—The determination of the board of supervisors of any county disallowing a claim, in whole or in part, shall be final and conclusive and a perpetual bar to any action in any court founded on such claim, unless an appeal be taken from the decision and determination of such board or unless such board shall consent and agree to the institution of an action by such claimant against the county; but, when the board of supervisors shall refuse or neglect to act upon any claim duly presented to them, this section shall not be so construed as to prevent the institution of an action by such claimant. No execution shall be issued upon any judgment recovered against a county, board of supervisors, or against any officer of the county, when the judgment should be paid by the county, but the same shall be provided for by the board of supervisors in the next county levy and paid by the treasurer as other county charges.

§ 15.1-832.7:9. No action against a county until claim presented to board.—No action shall be maintained by any person against a county upon any claim or demand until such person shall have first presented his claim to the board of supervisors of such county for allowance.

§ 15.1-832.7:10. Amounts allowed endorsed on claim; copies of record and accounts to be furnished.—The clerk shall endorse upon every account on which any sum shall be audited and allowed by the board the amount so audited and allowed and the charges for which the same was allowed; every such endorsement, if found to be in order, shall be subscribed by the chairman or acting chairman of the board; and the clerk shall deliver to any person who may demand it a certified copy of any record in his office, or of any account therein, on receiving from such person the fees allowed to the clerk of the circuit court for similar services.

§ 15.1-832.7:11. Audit of accounts of certain county officers, boards and commissions.—Whenever, upon a petition filed in the circuit court of any county in this State by at least fifty freeholders of the county, it is believed by the judge of the court that the public interests will be promoted by an audit or examination of the whole or any part or parts of the financial transactions of any county or district officer, board or commission of the county, the judge may appoint one or more certified public accountants to make and report to the court the result of such audit or examination and the court shall fix the compensation therefor and certify the same to the board of supervisors of the county, which shall forthwith make provision for the compensation of the accountant or accountants.

§ 15.1-832.7:12. Settlement of claims against treasurer or former treasurer of county.—The boards of supervisors may, with the advice and consent of the Commonwealth's attorney of the county, adjust and settle upon equitable principles, without regard to strict legal rules, any judgment, the collection of which is doubtful,

which may exist in favor of the county against any treasurer or ex-treasurer of the county and his sureties. But before such adjustment or settlement shall in any wise affect the rights of the county, it shall be submitted to the judge of the circuit court of the county, accompanied by a written statement signed by the chairman of the board of supervisors of the county of the facts and reasons which, in the opinion of the board, render such adjustment and settlement just and proper. When the court shall approve and endorse the same, it shall enter an order in its records of such approval, whereupon it shall become valid and binding.

But notwithstanding the foregoing provisions of this section, or any provisions of any other statute or act to the contrary, when any such judgment or claim shall have been standing for seven years or more and the original principal of the debt or obligation out of which the same grew has been paid, the board, with the consent and approval of the Commonwealth's attorney of the county, may accept in compromise of such judgment or claim, such amount or amounts as such board may deem proper, and under such circumstances such board may adopt and enter of record in its minute book a resolution reciting such compromise and the terms thereof and authorizing the Commonwealth's attorney to accept such settlement on behalf of the county and, upon the payment of the amount so agreed to be accepted, to execute a receipt therefor, in full settlement of such claim, suit or judgment and to dismiss the suit or mark the judgment satisfied of record.

§ 15.1-832.7:13. *Loans in anticipation of revenue.*—For the purpose of meeting casual deficits in the revenue, or creating a debt in anticipation of the collection of the revenue of the county, the board is hereby authorized to borrow not earlier than January first of any year a sum of money not to exceed one half of the amount reasonably anticipated to be produced by the county levy laid in such county for the year in which the loan is negotiated; provided, however, that the board of supervisors of any county in which the taxes on real estate, personal property and machinery and tools are levied and imposed on a fiscal year basis of July first to June thirtieth pursuant to § 58-851.6, is hereby authorized to borrow not earlier than the eighth day of July of any fiscal year an amount not to exceed one half of the amount reasonably anticipated to be produced by the county levy laid in such county for the fiscal year in which the loan is negotiated.

In the event that the levy has not been laid at the time that a county desires to borrow, it may borrow one third of the previous year's revenues from taxes on real estate, personal property and machinery and tools. At such time as a levy is laid, the total borrowing may be in a sum not to exceed one half of the amount reasonably anticipated to be produced by the levy laid for the year in which the loan is negotiated. If the county collects taxes on real estate, personal property and machinery and tools on a fiscal year basis, then the amount which can be borrowed after the levy is laid is one half of the levy laid for the fiscal year in which the loan is negotiated.

§ 15.1-832.7:14. *Loans in anticipation of federal and State funds.*—Notwithstanding any provisions of law to the contrary, any county is empowered to borrow in advance of grants and reimbursements due the county from the federal and State governments for the purpose of meeting appropriations made for the then current fiscal year. "Grants" and "reimbursements" as used herein shall mean grants which the county has been formally advised in writing it will receive and reimbursements are moneys which either the federal and State government are obligated to pay the county on account of expenditures made in anticipation of receiving such payment from the federal or State government. The board of supervisors may borrow the full amount of the grant or reimbursement that the federal or State government is obligated to pay at the time the loan is issued. The loan shall be repaid within thirty days of the time the grant or reimbursement is received but, in any event, the loan shall be repaid within one year from the date of its issue.

§ 15.1-832.7:15. *Terms of such loans; extensions; additional loans.*—Such temporary

loans shall be evidenced by notes or bonds, negotiable or nonnegotiable as the board may determine; shall bear interest at a rate not exceeding six per centum per annum; and shall be repaid not later than December fifteenth of the year in which they are borrowed; provided, however, that in any county in which the board of supervisors has provided that taxes on real estate, personal property and machinery and tools are to be levied and imposed on a fiscal year basis of July first to June thirtieth pursuant to § 58-851.6, such loans shall be repaid not later than June twenty-third of the fiscal year in which they are borrowed. No extension of any such loan shall be valid. No additional loan under this and the preceding section shall be made until all temporary loans of preceding years shall have been paid.

§ 15.1-832.7:16. Magisterial districts established.—The several magisterial districts in the different counties of this State, with the boundary lines and names thereof respectively as constituted and known on the day before this Code section takes effect, are declared to be the magisterial districts in such counties respectively and shall so continue unless and until the same shall be changed as provided in this title.

§ 15.1-832.7:17. Boundaries of magisterial districts.—The several magisterial districts in the different counties of the State, with the boundary lines and names thereof respectively shall be as the governing body of such counties may establish. The districts shall be composed of contiguous and compact territory and if used as election districts shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. Whenever in the opinion of the governing body it is necessary, or whenever the boundaries of such county have been altered, the governing body shall, as may be necessary, redistrict the county in magisterial districts, change the boundaries of existing districts, change the name of any district, or increase or diminish the number of districts.

Whenever redistricting of magisterial or election districts is required as a result of annexation, the governing body of such county shall, within a reasonable time from the effective date of such annexation, not to exceed ninety days, commence the redistricting process which shall be completed within a reasonable time thereafter, not to exceed twelve months.

The governing body of a county may by ordinance provide that the magisterial districts of the county shall remain the same, but that representation on the governing body shall be by election districts, in which event all sections of this Code providing for election or appointment on the basis of magisterial districts shall be construed to provide for election or appointment on the basis of election districts; such election districts shall also constitute school districts as prescribed by § 22-61 of this Code.

§§ 15.1-832.7:18 through 15.1-832.7:25. Reserved.

Article 2

Powers Relating to Health

§§ 15.1-832.7:26 through 15.1-832.7:50. Reserved.

Article 3

Powers Relating to General Welfare

§ 15.1-832.7:51. *Allocation of county funds to sanitary districts.—The governing body of any county in this State may advance funds, not otherwise specifically allocated or obligated, from the general fund to a sanitary district to assist the sanitary district to initiate the project for which it was created.*

§ 15.1-832.7:52. *Counties may adopt ordinances regulating tracking of mud and debris upon their highways.—The governing body of any county whose roads are not a part of the State secondary highway system may, by ordinance, regulate the tracking of mud and debris upon the highways owned and maintained by such county.*

§ 15.1-832.7:53. *Prohibiting sale on highways of plants, shrubs or trees.—Any county may prohibit the sale or the offering for sale of any plants, shrubs or trees or any part or parts thereof upon any public highway or right of way of any public highway located within such county; but nothing contained herein shall apply to any business in which real property is owned, leased or occupied in any way adjacent to such highway or right of way by such business. No penalty for the violation of any ordinance carrying into effect the powers hereby conferred shall exceed the fine of fifty dollars.*

§§ 15.1-832.7:54 through 15.1-832.7:75. *Reserved.*

Article 4

Powers Relating to Safety

§§ 15.1-832.7:76 through 15.1-832.7:89. *Reserved.*

Article 5

Powers Relating to Education

§§ 15.1-832.7:90 through 15.1-832.7:100. *Reserved.*

Chapter 16.3

Powers of Cities

Article 1

General Grant of Powers

§ 15.1-832.9:1. *Imposition and apportionment of assessments; delegation of authority.—A city may impose on abutting landowners the assessments for local improvements provided for in Article 2 (§ 15.1-239 et seq.) of Chapter 7 of Title 15.1 of this Code, subject to the limitations prescribed by Article X, § 3. of the Constitution; and all of the provisions of said article with respect to the imposition and apportionment of such assessments, notices, objections, appeals, and liens and judgments with respect thereto and the enforcement thereof, and docketing of instruments and documents, pertaining to such assessments shall be applicable thereto. A city may delegate to its chief administrative or other appropriate officer the authority to perform the powers, duties and functions of the council, committee, officer or board conferred and imposed by the provisions of said Article 2 of Chapter 7 of Title 15.1 of this Code.*

§ 15.1-832.9:2. *Acquisition of rights of abutting owners in sewers, culverts or drains.—A city may acquire in any manner authorized by general law or in its charter any interest or right of any abutting landowner in or to any sewer, culvert or drain or in or to the use thereof.*

§ 15.1-832.9:3. *Reserved.*

§ 15.1-832.9:4. *Special service districts in consolidated cities.—(a) The city council of any city which results from the consolidation of two or more counties, cities or towns shall have the power to maintain service districts within the city to provide additional or more complete services of government than are desired in the city as a whole. Service districts shall be created by order of the circuit court of the city upon the petition of fifty qualified voters of the proposed district, which order shall prescribe the metes and bounds of the district. Upon the filing of a petition, the court shall fix a date for a hearing on the question of the proposed service district, which hearing shall embrace a consideration of whether the property embraced within the proposed district will be benefited by the establishment thereof. Notice of such hearing shall be given by publication once a week for three consecutive weeks in some newspaper of general circulation within the city, and the hearing shall not be held sooner than ten days after completion of such publication. Any person interested may answer the petition and make defense thereto. If upon such hearing the court is of the opinion that any property embraced within the limits of such proposed district will not be benefited by the establishment thereof, then such property shall not be embraced therein. Upon the petition of the city council and of not less than fifty qualified voters of the territory proposed to be added, or if such territory contains less than one hundred qualified voters, or fifty per centum of the qualified voters of such territory, after notice and hearing as provided above, any service district may be extended and enlarged by order of the circuit court of the city which order shall prescribe the metes and bounds of the territory so added.*

(b) After the entry of such order creating a service district, the city council shall have the following powers and duties with respect to the service districts:

(1) To construct, maintain and operate such facilities and equipment as may be

necessary or desirable to provide additional governmental services, including but not limited to water supply, sewerage, garbage removal and disposal, heat, light, fire-fighting equipment and power and gas systems and sidewalks, for the use and benefit of the public in such service district.

(2) To acquire by gift, condemnation, purchase, lease or otherwise, and to maintain and operate any such facilities and equipment as may be necessary and desirable to provide such additional governmental services in such district, and to acquire by gift, condemnation, purchase, lease, or otherwise, rights, title, interest, or easements therefor in and to real estate in such district.

(3) To contract with any person, firm, or corporation or municipality to provide such additional governmental services in such district and to construct, establish, maintain and operate any such facilities and equipment as may be necessary and desirable in connection therewith.

(4) To require owners or tenants of any property in the district to connect with any such system or systems, and to contract with the owners or tenants for such connections. The owners or tenants shall have the right of appeal to the circuit court within ten days from action by the city council.

(5) To levy and collect an annual tax upon any property in such service district subject to local taxation to pay, either in whole or in part, the expenses and charges for providing such additional governmental services in such district and for constructing, maintaining and operating such facilities and equipment as may be necessary and desirable in connection therewith; provided, however, that such annual tax shall not be levied for or used to pay for schools, police or general government services but only for such additional services of government as are not then being offered throughout the entire city, and provided further that the proceeds from such annual tax shall be so segregated as to enable the same to be expended in the district in which raised.

(6) To employ and fix the compensation of any technical, clerical or other force and help which from time to time, in their judgment may be necessary or desirable to provide such additional governmental services in such district or for the construction, operation or maintenance of any such facilities and equipment as may be necessary or desirable in connection therewith.

(7) To negotiate and contract with any person, firm, corporation or municipality with regard to the connections of any such system or systems with any other system or systems now in operation or hereafter established, and with regard to any other matter necessary and proper for the construction or operation and maintenance of any such system within the district.

§§ 15.1-832.9:5 through 15.1-832.9:25. Reserved.

Article 2

Powers Relating to Health

§§ 15.1-832.9:26 through 15.1-832.9:50. Reserved.

Article 3

Powers Relating to General Welfare

§ 15.1-832.9:51. *Streets, sidewalks and public ways generally.*—A city may lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, plant and maintain shade trees on, improve, maintain, repair, clean and light streets, including limited access or express highways, roads, alleys, bridges, viaducts, subways and underpasses, and make, improve and convert to bicycle paths, sidewalks and walkways upon streets and improve and pave alleys within the municipal corporation. A city shall have the same power and authority over any street, alley or other public way or place dedicated or conveyed to the municipal corporation or dedicated or devoted to public use as over other streets, alleys and other public ways and places.

§ 15.1-832.9:52. *Temporary closing of streets in certain circumstances.*—The chief administrative officer of any city or if there be none, then the mayor thereof, may temporarily close any street in such city when in his judgment the public safety so requires. Such temporary closing by the chief administrative officer or mayor shall not extend past the time of the next meeting of the governing body of such city.

§ 15.1-832.9:53. *Streets, highways, etc., without the city.*—A city may construct, improve and maintain, or aid in the construction, improvement and maintenance of streets, roads, highways, bridges and underpasses without the city in order to facilitate public travel and traffic into and out of the city or any property owned by the city situated without the city.

§ 15.1-832.9:54. *Regulation of traffic.*—A city may regulate and control the operation of motor and other vehicles and the movement of vehicular and pedestrian travel and traffic on streets, highways, roads, alleys, bridges, viaducts, subways, underpasses and other public ways and places, provided such regulations shall not be inconsistent with the provisions of Article 2 (§ 46.1-180 et seq.) of Chapter 4 of Title 46.1 of this Code, or any amendments or revision thereof or provisions of law which are successor thereto.

§ 15.1-832.9:55. *Use for transportation and utilities; removal and alteration of facilities and equipment; permits and charges.*—A city may provide for the issuance of permits, under such terms and conditions as the city may impose, for the use of streets, highways, roads, alleys, bridges, viaducts, subways and underpasses and other public ways and places by railroads, buses, taxicabs and other vehicles for hire; may prescribe the location in, under or over and provide for the issuance of permits for the use of such public ways and places for the installation, maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, viaducts, subways, vaults, areas and cellars; may require tracks, poles, wires, cables, pipes, conduits, bridges, viaducts, subways and underpasses to be altered, removed or relocated either permanently or temporarily; may charge and collect compensation for the privileges so granted; and may prohibit such use of said public ways and places except as otherwise provided by law. No such use shall be made of the streets, highways, roads, alleys, bridges, viaducts, subways and underpasses without the consent of the city.

§ 15.1-832.9:56. *Obstructions or encroachments.*—A city may prevent any unlawful obstruction of or encroachment over, under or in any street, highway, road, alley, bridge, viaduct, subway, underpass or other public way or place; may provide penalties for maintaining any such unlawful obstruction or encroachment; may remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the cost in any manner provided by law for the collection of State or local taxes; may require the owner or owners, occupant or occupants of the property so obstructing or encroaching to remove the same; pending such removal, may charge the owner or owners of the property so obstructing or encroaching

compensation for the use of such portion of the street, highway, road, alley, bridge, viaduct, subway, underpass or other public way or place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching, and, if such removal shall not be made within the time ordered impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; may authorize encroachments upon such public ways and places subject to such terms and conditions as the city may prescribe, by the owner or owners, occupant or occupants shall be liable for negligence on account of such encroachment; and may institute and prosecute a suit or action in ejectment or other appropriate proceedings to recover possession of any such public way or place or any other property of the city unlawfully occupied or encroached upon.

§ 15.1-832.9:57. *Franchises.*—A city may grant franchises to use public property and may exercise the powers granted in Article 2 (§ 15.1-307 et seq.) of Chapter 9 of Title 15.1 of this Code, to the extent and in the manner therein prescribed, subject to the provision of Article VII, § 9 of the Constitution.

§ 15.1-832.9:58. *Regulation of services and rates charged by person using streets, etc.*—A city may regulate the services rendered to the public and rates charged therefor by any person, firm, association, organization or corporation using the streets, highways, roads, alleys, bridges, viaducts, subways, underpasses or other public ways or places for the rendition of such services, which are not subject to regulation by the State Corporation Commission.

§ 15.1-832.9:59. *Limited access streets.*—Cities shall have the same power and authority with respect to the planning, designation, acquisition, opening, construction, reconstruction, improvement, maintenance, discontinuance and regulation of the use of limited access streets; the designation of existing streets as limited access streets, and the extinguishment of easements and rights in connection therewith; the regulation and restriction of access to such streets; the construction of service roads in connection therewith; and all other authority with respect to such streets and incidental thereto, as the State Highway Commission has under the provisions of Article 4 (§ 33.1-57 et seq.) of Chapter 1 of Title 33.1 of the Code of Virginia, or as the Commission may be hereafter granted by amendment thereof or otherwise. The term “limited access street” as used in this section shall mean a street especially designed for through traffic over which abutters have no easement or right of light, air or access to by reason of the fact that their property abuts upon such limited access street.

§ 15.1-832.9:60. *State highway systems excepted.*—Nothing contained in this chapter shall have application to any highway, road, street or other public way which constitutes a part of any of the State highway systems.

§§ 15.1-832.9:61 through 15.1-832.9:75. *Reserved.*

Article 4

Powers Relating to Safety

§§ 15.1-832.9:76 through 15.1-832.9:89. *Reserved.*

Article 5

Powers Relating to Education

§§ 15.1-832.9:90 through 15.1-832.9:100. Reserved.

Chapter 16.4

Powers of Towns

Article 1

General Grant of Powers

§ 15.1-832.11:1. *Imposition and apportionment of assessments; delegation of authority.—A town may impose on abutting landowners the assessments for local improvements provided for in Article 2 (§ 15.1-239 et seq.) of Chapter 7 of Title 15.1 of this Code, subject to the limitations prescribed by Article X, § 3, of the Constitution; and all of the provisions of said article with respect to the imposition and apportionment of such assessments, notices, objections, appeals, and liens and judgments with respect thereto and the enforcement thereof, and docketing of instruments and documents, pertaining to such assessments shall be applicable thereto. a town may delegate to its chief administrative or other appropriate officer the authority to perform the powers, duties and functions of the council, committee, officer or board conferred and imposed by the provisions of said Article 2 of Chapter 7 of Title 15.1 of this Code.*

§ 15.1-832.11:2. *Acquisition of rights of abutting owners in sewers, culverts or drains.—A town may acquire in any manner authorized by general law or in its charter any interest or right of any abutting landowner in or to any sewer, culvert or drain or in or to the use thereof.*

§§ 15.1-832.11:3 through 15.1-832.11:25. *Reserved.*

Article 2

Powers Relating to Health

§§ 15.1-832.11:26 through 15.1-832.11:50. *Reserved.*

Article 3

Powers Relating to General Welfare

§ 15.1-832.11:51. *Streets, sidewalk and public ways generally.—A town may lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, plant and maintain shade trees on, improve, maintain, repair, clean and light streets, including limited access or express highways, roads, alleys, bridges, viaducts, subways and underpasses, and make, improve and convert to bicycle paths, sidewalks and walkways upon streets and improve and pave alleys within the town. A town shall have the same power and authority over any street, alley or other public way or place dedicated or conveyed to the town or dedicated or devoted to public use as over other streets, alleys and other public ways and places.*

§ 15.1-832.11:52. *Streets, highways, etc., without the town.—A town may construct, improve and maintain, or aid in the construction, improvement and maintenance of streets,*

roads, highways, bridges and underpasses without the town in order to facilitate public travel and traffic into and out of the town or any property owned by the town situated without the town.

§ 15.1-832.11:53. *Regulation of traffic.*—A town may regulate and control the operation of motor and other vehicles and the movement of vehicular and pedestrian travel and traffic on streets, highways, roads, alleys, bridges, viaducts, subways, underpasses and other public ways and places, provided such regulations shall not be inconsistent with the provisions of Article 2 (§ 46.1-180 et seq.) of Chapter 4 of Title 46.1 of this Code, or any amendments or revision thereof or provisions of law which are successor thereto.

§ 15.1-832.11:54. *Use for transportation and utilities; removal and alteration of facilities and equipment; permits and charges.*—A town may provide for the issuance of permits, under such terms and conditions as the town may impose, for the use of streets, highways, roads, alleys, bridges, viaducts, subways and underpasses and other public ways and places by railroads, buses, taxicabs and other vehicles for hire; may prescribe the location in, under or over and provide for the issuance of permits for the use of such public ways and places for the installation, maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, viaducts, subways, vaults, areas and cellars; may require tracks, poles, wires, cables, pipes, conduits, bridges, viaducts, subways and underpasses to be altered, removed or relocated either permanently or temporarily; may charge and collect compensation for the privileges so granted; and may prohibit such use of said public ways and places except as otherwise provided by law. No such use shall be made of the streets, highways, roads, alleys, bridges, viaducts, subways and underpasses without the consent of the town.

§ 15.1-832.11:55. *Obstructions or encroachments.*—A town may prevent any unlawful obstruction of or encroachment over, under or in any street, highway, road, alley, bridge, viaduct, subway, underpass or other public way or place; may provide penalties for maintaining any such unlawful obstruction or encroachment; may remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the cost in any manner provided by law for the collection of State or local taxes; may require the owner or owners, occupant or occupants of the property so obstructing or encroaching to remove the same; pending such removal, may charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, highway, road, alley, bridge, viaduct, subway, underpass or other public way or place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching, and, if such removal shall not be made within the time ordered impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; may authorize encroachments upon such public ways and places subject to such terms and conditions as the town may prescribe, but the owner or owners, occupant or occupants shall be liable for negligence on account of such encroachment; and may institute and prosecute a suit or action in ejectment or other appropriate proceedings to recover possession of any such public way or place or any other property of the town unlawfully occupied or encroached upon.

§ 15.1-832.11:56. *Franchises.*—A town may grant franchises to use public property and may exercise the powers granted in Article 2 (§ 15.1-307 et seq.) of Chapter 9 of Title 15.1 of this Code, to the extent and in the manner therein prescribed, subject to the provision of Article VII, § 9 of the Constitution.

§ 15.1-832.11:57. *Regulation of services and rates charged by person using streets, etc.*—A town may regulate the services rendered to the public and rates charged therefor by any person, firm, association, organization or corporation using the streets, highways,

roads, alleys, bridges, viaducts, subways, underpasses or other public ways or places for the rendition of such services, which are not subject to regulation by the State Corporation Commission.

§ 15.1-832.11:58. *Limited access streets.*—Towns shall have the same power and authority with respect to the planning, designation, acquisition, opening, construction, reconstruction, improvement, maintenance, discontinuance and regulation of the use of limited access streets; the designation of existing streets as limited access streets, and the extinguishment of easements and rights in connection therewith; the regulation and restriction of access to such streets; the construction of service roads in connection therewith; and all other authority with respect to such streets and incidental thereto, as the State Highway Commission has under the provisions of Article 4 (§ 33.1-57 et seq.) of Chapter 1 of Title 33.1 of the Code of Virginia, or as the Commission may be hereafter granted by amendment thereof or otherwise. The term “limited access street” as used in this section shall mean a street especially designed for through traffic over which abutters have no easement or right of light, air or access to by reason of the fact that their property abuts upon such limited access street.

§ 15.1-832.11:59. *Authority to acquire, lease or sell land for development of business and industry.*—The governing body of any town may acquire by gift or purchase, but not by condemnation, land within the town or within three miles thereof for the development thereon of business and industry. No such land shall be so acquired unless and until the council has held a public hearing thereon concerning such proposed acquisition. Any land so acquired may be leased or sold at public or private sale to any person, firm or corporation who will locate thereon any business or manufacturing establishment. This section shall constitute the authority for any town to exercise the powers herein conferred notwithstanding any charter provision to the contrary.

§ 15.1-832.11:60. *State highway systems excepted.* Nothing contained in this chapter shall have application to any highway, road, street or other public way which constitutes a part of any of the State highway systems.

§§ 15.1-832.11:61 through 15.1-832-11:75. *Reserved.*

Article 4

Powers Relating to Safety

§§ 15.1-832.11:76 through 15.1-832.11:89. *Reserved.*

Article 5

Powers Relating to Education

§§ 15.1-832.11:90 through 15.1-832.11:100. *Reserved.*

Chapter 17

Municipal Charters

§ 15.1-833. Required procedure for obtaining new charter or amendment.—No charter shall be granted to a municipal corporation *by the General Assembly* and no charter of a municipal corporation shall be amended *by the General Assembly* except as provided in this chapter, ~~unless the municipal corporation seeks one or more of the powers provided in Chapter 18 (§ 15.1-837 et seq.) of Title-15.1.~~

§ 15.1-834. Charter elections; subsequent procedure.—The municipal corporation shall provide for holding an election to be conducted as provided in § ~~24-141~~ (§ 24.1-165) of this Code to determine if the qualified voters of the municipal corporation desire that it request the General Assembly to grant to the municipal corporation a new charter or to amend its existing charter. ~~Such election shall be held within the thirty days following the action of the municipal corporation with respect thereto.~~ At least ten days prior to the holding of such election the text of an informative summary of the new charter or amendment desired shall be published in newspaper of general circulation in the municipal corporation.

If a majority of the qualified voters voting in such election vote in favor of such request the municipal corporation shall transmit two *certified* copies of a ~~bill to grant~~ *the results of such election together with the publisher's affidavit and the new charter or to amend* the amendments to the existing charter, to one or more members of the General Assembly representing such municipality for introduction as a bill in the *succeeding session of the General Assembly*.

If a bill incorporating such charter or amendments, as the case may be, is not introduced at the succeeding session of the General Assembly, the approval of the voters for such charter or amendments shall thereafter be null and void. If, at such session, members of the General Assembly fail to enact or pass by indefinitely and do not carry over such a bill incorporating such charter or amendments, such charter or amendments shall again be presented to the voters for their approval or submitted to a public hearing pursuant to § 15.1-835 before reintroduction in the General Assembly.

§ 15.1-835. Public hearing in lieu of election.—In lieu of the election provided for in § 15.1-834, a municipal corporation desiring the General Assembly to grant to it a new charter or to amend its existing charter, ~~or to grant such power~~, as the case may be, may hold a public hearing with respect thereto, at which citizens shall have an opportunity to be heard to determine if the citizens of the municipal corporation desire that the municipal corporation request the General Assembly to grant to it a new charter, or to amend its existing charter. At least ten days' notice of the time and place of such hearing and the text or an informative summary of the new charter or amendment desired shall be published in a newspaper of general circulation in the municipal corporation. Such public

hearing may be adjourned from time to time, and upon the completion thereof, the municipal corporation may request, in the manner provided in § 15.1-834, the General Assembly to grant the new charter or amend the existing charter and the provisions of said section be applicable thereto.

If a bill incorporating such charter or amendments, as the case may be, is not introduced at the succeeding session of the General Assembly, the authority of the municipal corporation to request such charter or amendments by reason of such public hearing shall thereafter be null and void. If at such session members of the General Assembly fail to enact and do not carry over or pass by indefinitely a bill incorporating such charter or amendments, such charter or amendments may again be submitted to a public hearing in lieu of an election as provided hereinabove before reintroduction in the General Assembly.

§ 15.1-836. Legislation granting or amending charter evidence of compliance with requirements.—The passage of any legislation granting or amending any charter of a municipal corporation shall ipso facto be conclusive evidence that the requirements of this chapter have been complied with.

§ 15.1-836.1. *Charters not to contain metes and bounds; incorporated by reference.—The boundaries of municipal corporations shall be and remain as now established unless changed as provided in this title. No charter of any municipal corporation shall contain the metes and bounds of such municipal corporation, but the boundaries thereof shall be incorporated therein by reference to the recordation in the clerk's office of the court where deeds are admitted to record of the final decree or order of the court establishing such boundaries or the act of the General Assembly by which they are defined. The part of the charter of a municipal corporation defining its boundaries hereafter amended shall not contain the metes and bounds of the municipal corporation, but the boundaries thereof shall be incorporated therein by reference to the recordation of such final decree or order or to such General Assembly act.*

Chapter 21

Incorporation of Towns by Judicial Proceeding

§ 15.1-966. Petition for incorporation of a thickly settled community.—Whenever it is desired to incorporate any ~~unincorporated town or~~ thickly settled community as a town, a petition signed by one hundred duly qualified voters of such ~~unincorporated town or~~ thickly settled community shall be presented to the circuit court of the county in which such ~~town or~~ community, or the greater part thereof, is situated, ~~or to the judge thereof in vacation, setting forth the metes and bounds of such town or community~~ and praying that such ~~town or~~ community may be incorporated as a town. *There shall be attached to such petition, and made a part thereof: A. a plat showing the boundaries of such community prepared by a registered surveyor in such form that it may be recorded in the clerk's office of the court where deeds are admitted to record and, B. the proposed charter.* A copy of such petition shall be served upon the Commonwealth's attorney and each member of the governing body of the county or counties wherein the area sought to be incorporated lies, and the governing body at its option may become a party to the proceedings. Such petition shall be accompanied by satisfactory proof that it, along with notice attached of the time and place that the petition would be presented, has been published in full in some newspaper published in the county, ~~if any,~~ once a week for four successive weeks and posted at the front door of the courthouse of the county for four weeks; if no newspaper be published in the county in which the ~~town~~ *thickly settled community*, or the greater part thereof, is located, then five copies of the petition and notice shall be posted within the limits of the ~~town or~~ community to be incorporated for four weeks and a copy posted at the front door of the courthouse of the county; ~~provided, that no new petition for incorporation into a city shall be presented after January sixteen, nineteen hundred seventy five nor shall any order of incorporation into a city for such petition be entered prior to July one, nineteen hundred seventy six~~

§ 15.1-967. Proof required and order for incorporation. The court shall be satisfied that:

- (1) It will be to the interest of the inhabitants within the proposed town;
- (2) The prayer of the petition is reasonable;
- (3) The general good of the community will be promoted;
- (4) The number of inhabitants of the proposed town exceeds one thousand;
- (5) The area of land designated to be embraced within the town is not excessive;
- (6) The population density of the county in which such

community is located does not exceed two hundred persons per square mile according to the last preceding United States census, or other census directed by the court;

(7) That the services required by the community cannot be provided by the establishment of a sanitary district, or under other arrangements provided by law, or through extension of existing services provided by the county in which such community is located
-; and

(8) *The proposed charter is in order.*

Such court ~~;- or the judge thereof in vacation~~ shall by an order reciting the substance of the petition and the due publication thereof, that it is to the best interests of the inhabitants of the locality, that the general good of the community will be promoted by the incorporation of the town, that the services sought by incorporation cannot be provided by the establishment of a sanitary district or other arrangements provided by law, or through extension of existing services provided by the county and that the number of inhabitants exceed one thousand, and that the county does not have a population density in excess of two hundred persons per square mile, order and decree and enter upon its common-law order book that such town be, and the same is hereby, incorporated as a town by the name and style of "The Town of (naming it)." ~~and designating in such order the metes and bounds thereof~~ Such order shall grant the town a charter in the form provided for in the following section and may provide in such charter for any additional powers granted to such town provided such additional powers are not in conflict with the provisions of the Constitution of the Commonwealth of Virginia or its general law. Such charter shall not recite powers and duties provided for in the Constitution or general law of the Commonwealth of Virginia. Thereafter the inhabitants within such bounds shall be a body, politic and corporate, with all the powers, privileges and duties conferred upon and appertaining to towns under the general law. A copy of such order shall be certified by the court ~~or judge~~ to the Secretary of the Commonwealth by whom it shall be certified to all proper officers of the State. No town shall be incorporated pursuant to this section hereafter unless it contains at least the population required by this section as amended. ~~No town created under the provisions of this section subsequent to January one, nineteen hundred seventy two, and no city formed from such town shall consolidate with any county or portion thereof under the provisions of article 4 (§ 15.1-1130 et seq.) chapter 26 of Title 15.1 of the Code of Virginia.~~

§ 15.1-967.1. *Form of town charter.*—A. *The charter to be granted by the court shall be in the following form. Certified copies of such charter shall be sent promptly by the clerk of the circuit court to the Secretary of the Commonwealth and to the clerk of the town. Such charter form is:*

Charter of the town of

Article 1

Incorporation and Boundaries

§ 1.1. *The inhabitants of the territory comprised within the present limits of the town of(insert name of town) as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the town of(insert name of town).*

§ 1.2. *The territory embraced within such town is that territory in the county of(insert name of county,) Virginia, as set forth by plat recorded in the clerk's office of the Circuit Court of(insert name of county), County, Virginia, in(insert name and number of book and page number) which is incorporated herein by reference.*

Article 2

Powers

§ 2.1. *The town shall have all powers, now existing or hereafter enacted, that are granted or authorized to towns.*

Article 3

Council and Mayor

§ 3.1. (a). *The town shall be governed by a town council composed of(insert number) councilmen including a mayor. The councilmen and mayor shall serve for terms of(insert two or four as desired) years, or until their successors are duly elected and qualified.*

(b). *The councilmen and mayor shall be elected and qualify for office as provided by general law. The councilmen and mayor in office at the time of any subsequent change in general law shall continue until the expiration of the terms for which they were elected or until their successors are duly elected and qualified, whichever may be later. A change in general law may abbreviate, if need be, the terms of councilmen and the mayor initially elected following such change.*

Article 4

Miscellaneous

§ 4.1.

B. The number of councilmen, including a mayor, shall always be an odd number. Such total number to be inserted in Section 3.1 above.

§ 15.1-969. How first election ordered and held.—The order so incorporating the town shall order the first election of town officers and shall designate the time and place where such election shall be held in the town and the electoral board of the county within which such town, or the greater part thereof, is situated shall, not less than fifteen days before such election, appoint one registrar and three judges of election ~~who shall also act as commissioners of election~~. Such officers of election shall comply with the requirements of §-

24.56, Title 24.1, and the conduct of the election shall conform in all respects to the requirements of the general law regarding the holding of elections in a town so far as applicable. The election shall be held and the vote counted, returned, canvassed and certified as regular elections are held, returned, canvassed and certified, but officers elected at the election shall only hold office until the next regular election of town officers to be held as provided for by general law. And if for any cause no election shall be held on the day fixed in the order the court, ~~or the judge thereof in vacation~~, may, by an order entered in its common law order book, fix another day for the election, which shall be held after like proceedings and notice as herein above required. Any election heretofore or hereafter held in conformity to the provisions of this section, though not held on the day named in the order of incorporation but held in a day named in a subsequent order of the court, ~~or the judge thereof in vacation~~, shall be as valid and shall have the same force and effect as if the election had been held on the day named in the order of incorporation.

§ 15.1-970. Further powers of court; admission of parties defendant.—If the court shall be in doubt as to whether it will be to the best interest of the inhabitants of that locality and that the general good of the community will be promoted by the incorporation of the proposed town, it may require a petition signed by a majority of the voters qualified to vote at the preceding November regular election, residing within the limits of the proposed town, asking for incorporation as a prerequisite to granting the prayer of the petition for incorporation; provided that in every case the court may dispose of the matter as in its discretion may appear best. The board of supervisors of the county or any resident of the county of which the proposed corporation will embrace a part may, on motion, have themselves made parties defendant to any such petition and, in the discretion of the court, shall be liable for any taxable legal costs involved in the making of such contest.

The court may hear evidence and, in its discretion, for good cause shown, may change the boundaries named in the petition and fix such ~~metes and bounds~~ *boundaries, and order a new survey prepared*, for the proposed corporation as it may deem best for the public good.

§ 15.1-971. How appeals granted and heard.—An appeal may be granted by the Supreme Court ~~of Appeals~~, or any judge thereof, to either party, from the judgment of the court and the appeal shall be heard and determined without reference to the principles of demurrer to evidence - the evidence to be considered as on appeal in chancery cases. Costs in the circuit court shall be awarded as the Supreme Court ~~of Appeals~~ shall determine. The costs in the Supreme Court ~~of Appeals~~ reference to the principles of demurrer to evidence - the evidence to be considered as on appeal in chancery cases. Costs in the circuit court shall be awarded as the Supreme Court ~~of Appeals~~ shall determine. The costs in the Supreme Court ~~of Appeals~~ shall be awarded to the party substantially prevailing.

Title 22

Chapter 5.1

School Trustee Electoral Boards

§ 22-44.1. *School trustee electoral boards.—Unless otherwise provided by law, in each county there shall be a board, to be known as the school trustee electoral board, which shall be composed of three resident qualified voters, but upon the request of the local governing body, any school trustee electoral board will be composed of one member from each election district of such county, who are not county or State officers, to be appointed by the circuit court of each county within thirty days after the first day of July, nineteen hundred fifty, and every four years thereafter. The members of the trustee electoral board shall each receive a per diem of fifty dollars for each day or part thereof, of actual service to be paid out of the funds made available to the school board. Any vacancy occurring within the terms of the appointees shall be filled by the circuit court within thirty days thereafter. No person employed by, or paid from, public school funds in whole or in part shall be eligible to serve on such trustee electoral board.*

§ 22-44.2. *How county school board appointed; assignment of duties.—Except as otherwise provided by law, the county school board shall consist of the same number of members from each election district in the county as there are members of the board of supervisors from each such district in the county, each school board member to be appointed by the school trustee electoral board. In addition to the members selected by districts, the governing body may authorize the school trustee electoral board to appoint two additional members from the county at large.*

§ 22-44.3. *Notice by electoral board of meeting for appointment.—Before any appointment is made by the school trustee electoral board it shall give notice, by publication for two successive weeks, in a newspaper having general circulation in such county of the time and place of any meeting for the purpose of appointing the members of the county school board. Such notice shall be given whether the appointment is of a member or members of the county school board for the full term of office as provided by law, or of a member to fill a vacancy occurring in the membership of the county school board.*

One of the members of the electoral board shall be chosen to act as clerk and shall keep minutes of the electoral board meetings. Such minutes shall be filed with the clerk of the circuit court.

§ 22-44.4. *Terms of members of school boards.—The terms of members of school boards appointed by the school trustee electoral board shall be as provided in § 22-64; the provisions of such section applying mutatis mutandis.*

§ 22-44.5. *Vacancies in school board.—Vacancies occurring in the membership of the county school board of any county shall be filled for the unexpired term, by the appointing authority of such county.*

§ 22-44.6. *Oath of school trustees.—All of such school trustees shall qualify before the clerk of the applicable circuit court, by taking the oath prescribed for State officers.*

§ 22-44.7. *Powers and duties of boards selected under chapter.—The county school boards selected as provided in this chapter shall exercise all the powers and perform all*

the duties imposed upon school boards by general law.

§ 22-44.8. Board may be selected as provided hereinafter.—Notwithstanding the foregoing provisions of this chapter, county school boards may be selected in the manner provided hereinafter.

§ 22-44.9. Appointment by county governing body; terms; vacancies.—If, in a referendum as hereinafter provided for, it shall be determined that the members of the county school board shall be appointed by the governing body of such county, such governing body shall, by majority vote, thereafter appoint all members of the school board. Members in office at the time of the referendum shall complete their terms and their successors shall be appointed by the governing body. Appointments of school board members shall be made at public meetings. The terms of office of the members of the county school board shall continue to be as provided in § 22-64. Vacancies in the office of members of the county school board, occurring other than by expiration of a term, shall be filled by appointment by the governing body for the unexpired terms.

§ 22-44.10. Referendum on changing method of selection of members.—Upon a petition filed with the circuit court of the county meeting the requirements of § 24.1-165.1 asking that a referendum be held on the question of changing the method of selection of members of the county school board, the court shall, by order entered of record in accordance with § 24.1-165, require the regular election officials on the day fixed in such order, to open the polls and take the sense of the qualified voters of the county on the question submitted as herein provided. The clerk of the circuit court of the county shall cause a notice of such referendum to be published in some newspaper published or having a general circulation in the county, once a week for three successive weeks prior to such referendum, and post a copy of such notice during the same time at the front door of the courthouse of the county.

The regular election officials of the county at the time designated in the order shall open the polls at the various voting places in the county and conduct the referendum in such manner as is provided by law for other elections, insofar as the same is applicable. The voting shall be by secret ballot, and the ballots shall be prepared by the electoral board and distributed to the various election precincts as in other elections. The ballots used shall be printed as follows:

“Shall the present method of selecting the members of the county school board be changed from appointment by the School Trustee Electoral Board to appointment by the governing body of the county?

Yes

No”

The squares to be printed on such ballots shall not be less than one-quarter nor more than one-half inch in size. Any person voting at any such referendum shall place a check () or a cross (X or +) mark or a line (-) in the squares before the appropriate word indicating how he desires to vote on the question submitted.

The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the circuit court and the court shall enter of record the results of such referendum.

§ 22-44.11. Abolition of school trustee electoral board.—Following the referendum held as herein provided, the school trustee electoral board of the county shall be abolished if the majority of the votes cast shall be for the proposition; if the majority of the votes

cast shall be against the proposition, then the school trustee electoral board shall be retained.

§ 22-44.12. Limitation on time of holding subsequent referendum.—Following any referendum held as herein provided, no referendum shall be held on the same question for at least four years from the date of holding such referendum, regardless of the results of such election.

§ 22-45.1. Regular meetings, election of chairman and clerk.—The school board shall hold an organizational meeting each year at the first of the month following their selection or at a similar time in years in which no members are selected. The board shall fix the time for holding regular meetings for the ensuing year. It may adjourn from day to day, or time to time, before the time fixed for the next regular meeting until the business before it is completed.

At the organizational meeting the board shall select one of its members chairman and on recommendation of the division superintendent, appoint a clerk of the school board and shall fix his compensation. The school board may appoint the division superintendent to serve as clerk. The chairman and clerk shall be selected annually.

§ 22-59. Meaning of “board”.—Whenever the word “board” is used in this title, with reference to county schools, it shall be construed to mean the county local school board unless a different provision is made elsewhere or a different meaning is apparent from the context.

§ 22-61.1. How school board appointed.—Notwithstanding any contrary provision of law, general or special, the school board shall consist of at least the same number of members from each district as there are members of the governing body. Additional members may be appointed but must total an uneven number. Each school board member shall be appointed by a majority vote of the governing body.

Provided however, those members serving on the school board on the effective date of this act shall continue in office until the expiration of their term or until local elections are held for their respective governing bodies following the reapportionment in nineteen hundred eighty-one, whichever may be sooner.

§ 22-63. School board constitutes body corporate; powers generally.—The members so appointed shall constitute the county school board, and every such board is declared a body corporate, under the style of the county School Board of the county or city or town of as the case may be, and may, in its corporate capacity, sue or be sued, contract or be contracted with and, in general, is vested with all the powers, and charged with all the duties, obligations and responsibilities imposed upon such board as such by law.

§ 22-64. Terms of members of school board.—~~The members~~ Each member of the county school board shall be appointed within ~~sixty~~ thirty days prior to July one, nineteen hundred forty four following the organizational meeting of the governing body for a term coterminous with the term of office of the governing body. If the members of the governing body are elected on a staggered basis members of the school board shall be appointed on a staggered basis to coincide as nearly as possible with the terms of office of members of the governing body. Such school board members shall assume their respective offices at the first of the month following their appointment. School board members in office shall continue therein until their successors qualify and assume office. ~~such appointment shall be for terms as follows: If there be three members, one shall be appointed~~

for a term of two years, one for a term of three years, and one for a term of four years; if there be four members, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years; if there be more than four members, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years, and the remaining members shall be appointed for the longest terms possible, not exceeding four years, which will result in having the terms of the least possible number of members expire in any one year. Within sixty days prior to the first day of July in each and every year thereafter, the school trustee electoral board of each county, shall appoint for terms of four years beginning the first day of July next following their appointment, successors to the members of the county school boards of their respective counties, whose terms of office expire on the thirtieth day of June in each such year.

However in any county having five or more school districts, and in which it is found by the school trustee electoral board that it is not to the best interest of the schools for the terms of the school board members from two certain districts to expire simultaneously and such terms have been so expiring, then the school trustee electoral board may, on the next occasion thereafter for appointing successors to the school board members from such two districts, appoint the member from one of such districts for a term of one year and the other for a term of four years with appointments thereafter to be made as provided in the first paragraph hereof.

§ 22-65. Vacancies in school board.—Vacancies occurring in the membership of the county school board of any county shall be filled for the unexpired term, by the school trustee electoral board of such county appointing authority.

§ 22-66. Oath of school board members. All of such school trustees board members shall qualify before the county clerk of the circuit court, by taking the oath prescribed for State officers.

§ 22-67.3. Salary of members generally.—Members of the school board may be paid a salary in an amount not to exceed that paid members of the governing body of their locality and the chair: man of the school board may be paid an additional sum not to exceed that paid the presiding officer of the governing body.

§ 22-68. Members must be residents.—Each member of the county board at the time of his election appointment shall be a bona fide resident of the magisterial election district or town from which he is elected appointed, and if he shall cease to be a resident of such district or town, his position on the county school board shall be deemed vacant; except in counties where magisterial districts have been abolished, in which case he may be appointed at large, but. Any member at large must be a bona fide resident of that county school division and upon his ceasing to be a resident of that county school division his position on the county school board shall be deemed vacant.

§ 22-70.1. How questions determined.—All questions submitted to the board for decision shall be determined by a majority of the members voting on any such question

unless another method of determination be required by general law; but in any case in which there shall be a tie vote upon any question when all the members are not present, the question shall be passed by until the next meeting or a time fixed by the board when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote on any question after complying with the hereinabove procedure, the question shall be deemed to have been defeated. A tie vote at any meeting at which all members are present shall be deemed to defeat the question.

§ 22-72. Powers and duties.—The school board shall have the following powers and duties:

(1) Enforcement of school laws.—To see that the school laws are properly explained, enforced and observed.

(2) Rules for conduct and discipline.—To make local regulations for the conduct of the schools and for the proper discipline of the students, which shall include their conduct going to and returning from school, but such local rules and regulations shall be in harmony with the general rules of the State Board and the statutes of this State.

(3) Information as to conduct.—To secure, by visitation or otherwise, as full information as possible about the conduct of the schools.

(4) Conducting *schools* according to law.—To take care that ~~they~~ *the schools* are conducted according to law and with the utmost efficiency.

(5) Employment, control and payment of teachers and officers.—To employ teachers on recommendation of the division superintendent and to dismiss them when delinquent, inefficient or in anywise unworthy of the position; to suspend them in accordance with § 22-217.8:1 for good and just cause when the safety or welfare of the school system or the students therein is threatened or when a teacher has been charged by summons, warrant, indictment or information with the commission of a crime of moral turpitude; to provide for the payment of teachers and other officers monthly or biweekly, as may be determined by the board, but such payment shall be made on the last day of such pay period, or as soon thereafter as possible.

(6) School buildings and equipment.—To provide for the erecting, furnishing, and equipping of necessary school buildings and appurtenances and the maintenance thereof.

(6a) Insurance.—To provide for the necessary insurance on school properties against loss by fire or against such other losses as deemed necessary.

(6b) *Transportation of pupils.*—*To provide for the transportation of pupils as deemed necessary in the board's sole judgment except as provided in § 22-10.11. Pupils may be transported by public transit vehicles.*

(7) ~~Drinking water.~~ — ~~To provide for all public schools an adequate and safe supply of drinking water and see that the same is~~

~~periodically tested and approved by or under the direction of the State Board of Health, either on the premises or from specimens sent to such board.~~

(8) Textbooks, etc. for eligible children.—School boards shall provide, free of charge, such textbooks and workbooks required for courses of instruction for each child attending public schools whose parent or guardian is financially unable to furnish them. Children who are receiving public assistance in the form of aid to dependent children, general relief, supplemental security income or foster care shall be deemed eligible for the purposes of this subsection. In ~~systems divisions~~ providing free textbooks, the cost of furnishing such textbooks and workbooks may be paid from school operating funds or the textbook fund or such other funds as are available; in ~~systems divisions~~ operating rental textbook systems, school boards shall waive rental fees, or in their discretion, may reimburse the rental textbook fund from school operating funds.

(9) Costs and expenses.—In general, to incur costs and expenses *considered necessary to the operation of schools*, but only the costs and expenses of such items as are provided for in its estimates submitted to the tax levying body ~~without~~ *unless the consent of the tax levying body is obtained to incur additional costs and expenses.*

(10) Consolidation of schools.—To provide for the consolidation of schools whenever such ~~procedure~~ *action* will contribute to the efficiency of the school ~~system~~ *division*.

(10a) *Legal actions.*— School boards shall, prior to instituting any legal action or proceeding against any other governmental agency in Virginia, or expending any funds therefor, first secure the authorization of the governing bodies of the counties or cities represented by such school boards except as to legal actions or proceedings arising between the school boards and the governing bodies of the respective counties or cities represented by such school boards.

(11) Other duties.—To perform such other duties as shall be prescribed by the State Board or as are imposed by law.

§ 22-78.1. *Accounting procedures.*—*Notwithstanding the language of § 2.1-167, the Auditor of Public Accounts, after consultation with appropriate personnel of the State Board of Education, shall devise and have placed in force a modern, effective and uniform system of bookkeeping and accounting for the use of all county, city and town school boards. An alternative uniform system, to the extent that it may be required, shall be devised and made available by the Auditor of Public Accounts to those localities utilizing a centralized system of bookkeeping and accounting.*

The system or systems so devised and the procedures necessary for financial administration, such as incurring obligations and the issue of warrants or warrant checks; and the rules necessary for their implementation shall be issued by the Auditor of Public Accounts in the form of regulations.

§ 22-96. *By-laws and regulations.*— ~~It~~ *The school board shall make by-laws and regulations for its own government and for the management of its official business, so far as they do not conflict*

with the provisions of the law.

§ 22-99.1. School division may contract with another division for performance of educational functions.—Any school division with the approval of its local governing body may contract with another school division, acting with the approval of its local governing body, to establish, operate, maintain and manage its public schools, or any one or more of such school division's functions. Such contract shall contain mutually agreed upon terms and conditions not in conflict with any general provision of law and shall be executed by the appropriate governing bodies and school boards.

§ 22-99.2. Provisions of chapter control.—Except as provided in Chapter 5.1 of this title, notwithstanding any contrary provisions of law, general or special, the provisions of this chapter shall be controlling in the event of conflict.

Title 24.1.

§ 24.1-17.1. Effect of reapportionment on appointments and terms of school board and planning commission members.—Upon reapportionment of the representation of any county, city or town with or without a change in the boundaries of the district from which a member of the school board or planning commission may have been appointed, any member of a school board or planning commission duly qualified and appointed in accordance with the laws of the Commonwealth of Virginia prior to the date the reapportionment is effective may upon and after said date continue to serve as appointed for the remainder of the then unexpired term, regardless of loss of residency within a particular district due to reapportionment.

The appointment of and ensuing service of term by any school board or planning commission member since March sixteen, nineteen hundred seventy-one, consistent with the provisions of this section and in all other respects with the general laws of the Commonwealth are hereby declared to be valid.

Article 5

Terms of Local Officers

§ 24.1-88. Election and term of county supervisors.— ~~(a) In each magisterial district or election district there~~ *There shall be chosen by the qualified voters thereof in every county at the general election in November, in the year nineteen hundred and seventy-one and every four years thereafter, one-five or more supervisors who shall hold office for the term of four years , except as may be provided by law for those counties having the optional forms of government under the provisions of articles 1 through 4 (§ 15.1-669 through § 15.1-695) of chapter 14 of Title 15.1 and except as hereinafter provided and who shall be the governing body thereof. The supervisors shall be elected from districts as provided for in § 15.1-37.4.*

~~(b) (i) Notwithstanding the provisions of subsection (a) of this section or any other law to the contrary, the governing body of any county may by resolution provide that the county board of supervisors be elected biennially for four year terms. In lieu of a resolution by the board of supervisors, upon a petition filed with the circuit court of the county or the judge thereof in vacation signed by ten per centum of the qualified voters of the county as of January-one of the year the petition is filed requesting that a referendum be held on the following question:~~

~~“Shall the members of the county board of supervisors be elected biennially for four year terms?” the court or the judge thereof in vacation shall by order entered of record require the regular election officials on a day fixed in such order to open a poll-~~

~~and take the sense of the qualified voters of the county on the question submitted as herein provided. The referendum shall be held not more than ninety days nor less than sixty days from the filing of the resolution, but not within thirty days of any general election, but it may be held on a day fixed for a general election provided such day falls within the time limit herein prescribed. The clerk of the county shall cause a notice of such referendum to be published in some newspaper having general circulation in the county once a week for four consecutive weeks and shall post a copy of such notice at the door of the courthouse of the county. The ballot shall be printed to read as follows:-~~

~~“Shall the members of the county board of supervisors elected biennially for four year terms?”~~

~~// Yes~~

~~// No”~~

~~The ballots shall be counted, returns made and canvassed as in other elections and the result certified as provided in Sec. 24.1-165. Such referendum shall be held only in the year preceding the year in which a general election for supervisors is to be held, and no further such referendum may be held in the same county for a period of four years.-~~

~~(ii) If a majority of the voters voting in such election voted for biennial election of the members of the board of supervisors for four year terms, or if the governing body shall have so provided by resolution, then the members of the board of supervisors shall be elected as follows:-~~

~~The terms of their successors elected at the next general election for supervisors shall be as follows: If the number of supervisors elected in the county is an even number, half of the successful candidates shall be elected for terms of four years and half of the successful candidates shall be elected for terms of two years; if the number of supervisors in the county is an odd number, the smallest number of candidates which creates a majority of the elected supervisors shall be elected for terms of four years and all other successful candidates shall be elected for terms of two years. Assignment of the individual terms of members shall be determined by lot by the electoral board of the county at the meeting of the board as required by § 24.1-146 on the second day following the election and immediately upon certification of the results of the election. In all elections thereafter all successful candidates shall be elected for terms of four years.-~~

~~In any county where the chairman of the board is elected from the county at large, the provisions of this section shall not affect such office. The chairman of the board shall be elected for a term of four years in nineteen hundred seventy five and every four years thereafter.-~~

~~(iii) In the event the representation in the board of supervisors among the magisterial districts or election districts is reapportioned,~~

~~or the number of districts is increased or diminished or the boundaries of the districts are changed, the members of the boards of supervisors shall be elected as provided in subsection (b) (ii) of this section at the next general election wherein the supervisors are to be elected following such reapportionment, change in number of districts or change in boundaries.~~

§ 24.1-94. Changing terms of office in certain charters.—A. Notwithstanding the term of office, (if such term of office be less than four years), provided for in the charter of any city or town in this State for its mayor (if the mayor be elected by the voters) and councilmen the voters of any such city or town may increase the terms of office of their mayor and council members to four-year terms as provided for in this section.

A petition meeting the requirements of § 24.1-165.1 may be filed with the circuit court serving such city or town calling for a referendum on the question, “Shall the (insert if applicable, ‘mayor and’) members of council be elected to four-year terms?”

The question on the ballot shall be printed to read as follows:

“Shall the (insert if applicable, ‘mayor and’) members of council be elected to four-year terms?”

Yes

No”

Upon the filing of the petition, the court shall by order entered of record require the regular election officials on a day fixed in such order to open a poll and take the sense of the qualified voters of the city or town on the question submitted as herein provided. The referendum shall be held on the day fixed in the order in accordance with § 24.1-165. The clerk of the city or town shall cause a notice of such referendum to be published in a newspaper having general circulation in the city or town once a week for four consecutive weeks and shall post a copy of such notice at the door of the courthouse serving the city or town.

The ballots shall be counted, returns made and canvassed as in other elections and the result certified as provided in § 24.1-165. Such referendum shall be held only in the year preceding the year in which a general election for mayor and/or councilmen is to be held, and no further such referendum may be held in the same city or town for a period of four years.

If a majority of the voters voting in such election voted for election of the mayor and/or members of council for four-year terms, then such members shall be elected as provided in subsection B.1 or B.2 as may be applicable.

B.1 If the mayor and/or members of the council are serving two-year terms then at the next general election, following voter approval for an increase in such terms, such mayor and/or councilmen and their successors shall be elected for four-year terms; provided, however, if the terms of such council members have also been staggered as provided for in § 24.1-94.1 then the initial term of council members following the referendum provided for in this section shall be subject to the provisions of § 24.1-94.1.

B.2 If the mayor and/or members of the council have been serving one or three-year terms, or if the mayor or councilmen have been elected in odd-numbered years for two year terms, then such regularly scheduled next general election shall not be held and the mayor and/or councilmen in office shall continue therein for an additional year after which

time their successors, and all mayors and councilmen thereafter, shall be elected for four-year terms; provided, however, if the terms of such council members have also been staggered as provided for in § 24.1-94.1 then the initial term of council members following the referendum provided for in this section shall be subject to the provisions of § 24.1-94.1.

§ 24.1-94.1. *Staggered term of certain governing bodies.*—Notwithstanding any other law to the contrary, in any county or any city or town which elects councilmen for four-year terms, there may be filed a petition meeting the requirements of § 24.1-165.1 with the circuit court serving such county, city or town requesting that a referendum be held to provide that members of the governing body be elected biennially for four-year terms.

The question on the ballot shall be printed to read as follows:

“Shall the members of the governing body be elected biennially for four-year terms?”

Yes

No”

Upon filing of the petition the court shall by order entered of record require the regular election officials on a day fixed in such order to open a poll and take the sense of the qualified voters of the county, city or town on the question submitted as herein provided. The referendum shall be held on the day fixed in the order in accordance with § 24.1-165. The clerk of the county, city or town shall cause a notice of such referendum to be published in a newspaper having general circulation in the county, city or town once a week for four consecutive weeks and shall post a copy of such notice at the door of the courthouse serving the county, city or town. The ballot shall be printed to read as follows:

“Shall the members of the governing body be elected biennially for four-year terms?”

Yes

No”

The ballots shall be counted, returns made and canvassed as in other elections and the result certified as provided in § 24.1-165. Such referendum shall be held only in the year preceding the year in which a general election for supervisors or councilmen is to be held, and no further such referendum may be held in the same county, city or town for a period of four years.

If a majority of the voters voting in such election voted for biennial election of the members of the governing body for four-year terms, then such members shall be elected as follows:

The terms of their successors elected at the next general election shall be as follows: The smallest number of candidates which creates a majority shall be elected for terms of four years and all other successful candidates shall be elected for terms of two years. Assignment of the individual terms of members shall be determined by lot by the electoral board of the county, city or town at the meeting of the board as required by § 24.1-146 on the second day following the election and immediately upon certification of the results of the election. In all elections thereafter all successful candidates shall be elected for terms of four years.

In the event the representation in the governing body among the election districts or wards is reapportioned, or the number of districts or wards is increased or diminished or the boundaries of the districts or wards are changed, the members of such governing body

shall be elected as provided in the fifth paragraph of this section at the next general election wherein the members of the governing body are to be elected following such reapportionment, change in number of districts or wards or change in boundaries.

§ 24.1-94.2. Combining certain referendums.—The Referendums provided for in §§ 24.1-94 and 24.1-94.1 may be held at the same time, and shall be so ordered by the court if the court be presented the necessary resolutions or petitions at the same time; provided, however, if the majority of the votes cast in the referendum provided for in § 24.1-94 are marked “No” then the referendum provided for in § 24.1-94.1 shall be null and void.

§ 24.1-165. How certain special elections and referendums may be called and held and results ascertained and certified.—Notwithstanding any other provision of any law or of the charter of any city or town to the contrary, no referendum shall be placed on the ballot, unless specifically authorized by statute, ~~or municipal charter provisions of Newport News and Virginia Beach existing January one, nineteen hundred seventy five, or~~ in the case of a referendum to authorize the issuance of bonds of a city or town, by statute or by the charter of such city or town. Whenever any question or proposition is to be submitted to the electors of any county, city or town, or any referendum is ordered, the election on such question, proposition or referendum, whether it be at a regular or special election, shall be held as provided herein. Any order calling a special election shall be entered and the election held within a reasonable period of time subsequent to the receipt of the request for such special election if such request is found to be in proper order. No such special election shall be held unless it shall have been ordered at least sixty days prior to the date for which it is called. No such special election shall be held within the sixty days prior to a general or primary election.

A copy of any court order calling a special election shall be sent to the State Board of Elections as soon as practicable by the clerk of the court in which the order was issued.

The ballot shall be prepared by the appropriate electoral board and distributed to the appropriate election districts or precincts, and at the time for such regular election, or on the day fixed for such special election, the regular election officers shall open a poll and take the sense of the qualified voters of the county, city, town, ward, district, zone, or other local subdivision, as the case may be, on the question, proposition or referendum so submitted to such electors. All such elections shall be held and conducted in the manner prescribed by law for other elections, provided, however, that the ballots for use at any such election shall be printed to read as follows, either:

“Questions (here state briefly the question or proposition submitted to the electors)

- For
- Against”

or

“Questions (here state briefly the question or proposition submitted to the electors)

- Yes
- No"

Whichever is designated by the State Board of Elections as more appropriate for the question.

The squares to be printed on such ballots shall not be less than one-quarter nor more than one-half inch in size, and the voting shall be by a positive affirmative method, which shall be by each elector voting at any such election, placing a check (&) mark, or a cross (X or +) mark, or a line (-) in the square or squares immediately before the appropriate word or words, indicating how he desires to vote on the question or proposition so submitted.

The ballots shall be counted and returns made and canvassed as in other elections, and the results certified by the secretary of the appropriate electoral board to the State Board of Elections and to the court or judge or other authority calling or authorizing such election, as the case may be, who shall make such order or certification as may be proper to accomplish the purpose of such election or referendum.

In the event the court is presented with petitions requesting elections be held as provided for by the provisions of §§ 15.1-130.49:6, 15.1-668.18 and 22-44.10, or as provided for by the provisions of any two of such sections, the court shall order such elections to be held on the same day.

§ 24.1-165.1. Petitions for certain special elections and referendums; alternate procedure.—Any petition filed pursuant to the provisions of §§ 15.1-130.45, 15.1-130.49:2, 15.1-130.49:6, 15.1-668.18, 22-44.10, 24.1-94 and 24.1-94.1 shall be signed by a number of qualified voters of the locality equal to ten percentum of the number of votes cast in the locality in the preceding presidential election. Such signatures are to be obtained within a period of six months from the date the first signature is obtained on such petition and each signature shall show the date it is affixed.

Title 58

Chapter 17

§ 58-839. When boards of supervisors to fix and order county and district levies.—The board of supervisors or other governing body of each county shall , at their regular meeting in the month of ~~January in each year, or as soon thereafter as practicable not later than a regular or called meeting in June,~~ fix the amount of the county and district levies for the current year, shall order the levy on all property within the county segregated by law for local taxation, and shall order the levy on the real estate and tangible personal property of public service corporations based upon the assessment fixed by the State Corporation Commission, and certified by it to the board of supervisors or other governing body, both with respect to location and valuation; any such governing body may provide that if any taxpayer owns tangible personal property of such small value that the local levies thereon for the year result in a tax of less than one dollar, such property may be omitted from the personal property book and no assessment made thereon.

~~The making of a general county levy or the imposition of other taxes or the collection of such levy or taxes shall not constitute an appropriation nor an obligation or duty to appropriate any funds by the board of supervisors or other governing body of any county for any purpose, expenditure or contemplated expenditure. The laying or making of a levy in an amount sufficient to cover or pay all estimated and contemplated expenditures for the fiscal year shall not be construed as imposing any obligation or duty on the board of supervisors or other governing body to appropriate any amount whatsoever. No part of the funds raised by the general county levies or taxes shall be considered available, allocated or expended for any purpose until there has been an appropriation of funds for that expenditure or purpose by the board of supervisors or other governing body either annually, semiannually, quarterly, or monthly. There shall be no mandatory duty upon the board of supervisors or other governing body of any county to appropriate any funds raised by general county levies or taxes except to pay the principal and interest on bonds and other legal obligations of the county or district and to pay obligations of the county or its agencies and departments arising under contracts executed or approved by the board of supervisors or other governing body, unless otherwise specifically provided by statute. Any funds collected and not expended in any fiscal year shall be carried over to the succeeding fiscal years and shall be available for appropriation for any governmental purposes in those years.~~

58-844. Cities and towns to make city and town levies.—The council of every city and town shall annually cause to be made up and entered on their journals an account of all sums lawfully chargeable on the city or town which ought to be paid within one year and order a city or town levy of so much as in their opinion is

necessary to be raised in that way in addition to what may be received for licenses and from other sources; any such governing body may provide that if any taxpayer owns tangible personal property of such small value that the local levies thereon for the year result in a tax of less than one dollar, such property may be omitted from the personal property book and no assessment made thereon. The levy so ordered may be upon the persons in the city or town above the age of eighteen years, not pensioned by this State for military services, and upon any property therein subject to local taxation and not expressly segregated to the State for purposes of State taxation only.

~~The making of a general city or town levy or imposition of other taxes or the collection of such levy or taxes shall not constitute an appropriation nor an obligation or duty to appropriate any funds by the council of any city or town for any purpose, expenditure, or contemplated expenditure. The laying or making of a levy in an amount sufficient to cover or pay all estimated and contemplated expenditures for the fiscal year shall not be construed as imposing any obligation or duty on the council to appropriate any amount whatsoever. No part of the funds raised by the general city or town levies or taxes shall be considered available, allocated, or expended for any purpose until there has been an appropriation of funds for that expenditure or purpose by the council either annually, semiannually, quarterly, or monthly. There shall be no mandatory duty upon the council of any city or town to appropriate any funds raised by general city or town levies or taxes except to pay the principal and interest on bonds and other legal obligations of the city or town and to pay obligations of the city or town or its agencies and departments arising under contracts executed or approved by the council, unless otherwise specifically provided by statute. Any funds collected and not expended in any fiscal year shall be carried over to the succeeding fiscal years and shall be available for appropriation for any governmental purposes in those years. This section shall be applicable to all cities and towns in the State and the provisions of any charter of any city or town inconsistent or in conflict with this section shall be inoperative to the extent of such inconsistency or conflict.~~